

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 5, 2012

Ms. Suzan Benz
Environmental Project Manager
Devers-Palo Verde No. 2 Transmission Project
6 Point Drive, 1st Floor
Brea, CA 92821-6320

RE: SCE Devers-Palo Verde No. 2 Transmission Line Project – Variance Request #39

Dear Ms. Benz,

On August 16, 2012, Southern California Edison (SCE) submitted a revised variance request to the California Public Utilities Commission (CPUC) for use of additional access routes and revisions to stub roads needed for safely moving equipment and vehicles to Towers 2103, 2122 and 2260 for transmission line construction needs along the Red Bluff-Devers segment of the Devers-Palo Verde No. 2 (DPV2) Transmission Project.

The CPUC voted on January 25, 2007 to approve the SCE DPV2 Transmission Line Project ([Decision D.07-01-040](#)). On May 14, 2008, SCE filed a Petition for Modification (PFM) of the existing Certificate for Public Convenience and Necessity (CPCN) approved per Decision D.07-01-040. SCE requested that the CPUC authorize SCE to construct DPV2 facilities in only the California portion of DPV2 and the Midpoint Substation (now called the Colorado River Substation) near Blythe, California. The CPUC approved SCE's PFM on November 20, 2009 in [Decision D.09-11-007](#).

After the CPUC's 2009 Decision regarding the PFM, several large solar power projects were proposed in the Blythe and Desert Center areas. SCE filed Permit to Construct applications addressing expansion of the Colorado River Substation and construction of a new Red Bluff Substation. These components were not covered in the original DPV2 Final EIR/EIS, because the solar power projects had not yet been proposed, and supplemental environmental review has been conducted. The Colorado River Substation Expansion and the Red Bluff Substation were both approved by the CPUC on July 14, 2011 in Decisions D.11-07-011 and D.11-07-020, respectively.

The BLM issued a Record of Decision approving the Project on July 19, 2011 and approved exclusionary fencing activities on August 23, 2011. The Project also crosses lands under jurisdiction of the U.S. Department of Agriculture Forest Service on the San Bernardino National Forest within an existing Forest Service-issued easement. The Forest Service will issue a revised easement signed by the Forest Supervisor. The area requested under this variance does not fall under Forest Service jurisdiction.

The CPUC also adopted a Mitigation, Monitoring, Compliance and Reporting Program (MMCRP) to ensure compliance with all mitigation measures imposed on the DPV2 Project during implementation. The MMCRP also acknowledges that minor project refinements as a result of final engineering are anticipated and common practice for construction efforts of this scale and that a Variance Request would be required for these activities. This letter documents the CPUC's thorough evaluation of all activities covered in this variance. The CPUC has concluded that the activities under this variance are located within the geographic boundary of the study area of the Final EIR/EIS and Supplemental EIR, and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a

previously identified significant impact based on the criteria used in the environmental documents; conflict with any mitigation measure or applicable law or policy; or trigger an additional permit requirement.

Variance #39, which approves the subject access and stub roads is granted by CPUC for the proposed activities based on the factors described below.

SCE Variance Request. SCE has requested a variance under NTP #9 along the Red Bluff-Devers segment for additional access routes and revisions to stub roads identified by the contractors needed for safely moving equipment and vehicles to several towers. Excerpts from the SCE Variance Request, received on August 14, 2012 and revised on August 16, 2012, are presented below (indented):

Subsequent to approval of the Devers to Red Bluff Transmission Line NTPR (NTP #9 dated December 2, 2011) by the California Public Utilities Commission (CPUC), project road conditions have been evaluated and changes to various access roads and stub roads are needed for drivability and safety purposes. The specific requested changes are described below and illustrated in the enclosed figures *[in SCE's NTPR]*.

Additional Access Roads/Routes:

Access to Tower 2103. The addition of a turn area at the intersection of two access routes southeast of the tower disturbance area, would improve access to Tower 2103 by providing a wider turning radius to accommodate larger construction vehicles and equipment (see enclosed figure). The current approved road widths in this area are too narrow and currently not viable for movement of large equipment.

At the alternative access route through tower site 2101 at the intersection of Varner Road and the approved access road/ROW there is a 66Kv power pole on the inside of the turn (south side of Varner) and smaller wooden pole on the outside of the turn (south side of Varner) that restrict large vehicle/equipment access and turning here. A turn with large equipment from Varner Road to the south onto the main access road is difficult when traveling east on Varner Road and impossible if traveling west on Varner Road. A majority of the vehicles (concrete trucks, etc.) that will be servicing tower sites 2101 through 2103 will be coming from the west (Varner Road) and need to turn off on the unnamed access road to the west of this intersection and proceed south to the ROW, thus requiring the requesting turning radius on the main access road back to the north. Also, construction equipment/vehicles will require access to Wire Site No. 6/Splice Site No. 4 on the unnamed access road (north of the ROW), adjacent to the turn radius location, for wire stringing activities at this location, creating a situation where more vehicles will need to utilize the requested turn area and the ROW in general at this location. In addition to the logistical issues detailed above, there is a safety aspect to approving the Varner Road turning radius as well. Approval of the turn radius provides a form of secondary ingress/egress to towers 2101, 2102, and 2103 in the event of an emergency. If the access road is blocked for whatever reason (crane parking, etc.) or there is a vehicular accident on Varner Road, there is no viable secondary exit/access from these towers directly south of Varner Road, without going all the way down the ROW, creating a potentially dangerous situation.

This portion of the access road and additional turn radius is within privately owned land.

Access to Tower 2112. The addition of an existing access road off Varner Road would provide safer access to Tower 2112 (see enclosed figure *[in SCE's NTPR]*). Potential safety and traffic impacts at the intersection of Palm Drive and Varner Road to the northwest would be reduced. This portion of the access road is within privately owned land.

Revisions to Stub Roads

Stub Road Access to Tower 2260. The proposed stub road change would provide safer access for water trucks and heavy equipment during tower construction at Tower 2260 (see enclosed figure *[in SCE's NTPR]*). The current approved stub road, the DPV1 stub road, is located in steep terrain and may not be able to accommodate heavy equipment. This stub road is within privately owned land.

CPUC Evaluation of Variance Request

In accordance with the MIMCRP, the subject variance request was reviewed by CPUC to confirm that no new impacts or increase in impact severity would result from the requested variance activities. The following

discussion summarizes this analysis for biological resources, cultural resources, paleontological resources, noise/sensitive receptors, and other issue areas. A list of mitigation compliance conditions is presented below to define additional information and clarifications regarding mitigation requirements.

Biological Resources. The changes to access roads and stub roads associated with Towers 2103, 2112, and 2260 would be located within the previously-surveyed buffers for these towers. The addition of the turn area at Tower 2103 would result in an increase of 0.02 acre of temporary disturbance. This area is not within critical, modeled, or occupied habitat for any special-status species; however, prior to use SCE should stake the limits of the turn area to prevent off-road impacts. The proposed stub road change at Tower 2260 would result in an increase of 0.015 acre of permanent disturbance. This area is within modeled desert tortoise habitat. Use of an existing access road to Tower 2112 and the proposed stub road change would not result in increased ground disturbance or impacts to any special-status species habitat; however, SCE should ensure that all mitigation measures regarding the flat-tailed horned lizard are complied with. There would be no impacts to jurisdictional waters.

These disturbance impacts have been incorporated into the compensatory mitigation acreages addressed in SCE's Habitat Acquisition Proposal developed by Wildlands, Inc. and approved by the regulatory agencies in April 2012. Habitat restoration activities for temporary disturbance areas are described in the DPV2 Habitat Restoration and Compensation Plan, which is in the process of being revised and finalized (CH2M HILL, 2012b).

As conditioned below, SCE shall provide updated maps showing the revised access and stub roads to the CPUC EMs and all monitors in the field prior to construction activities at the associated tower sites. All mitigation measures, APMs, and conditions of the Biological Opinion (BO), should be implemented along the access and stub roads. This includes, but is not limited to, providing a qualified USFWS, CPUC, and BLM approved tortoise biologist, pre-construction clearance sweeps, and maintaining speed limits.

Cultural Resources. Based on background research and a site visit, there is no potential to encounter cultural resources at the three additional stub roads (access to Tower 2103, 2112, and 2260) proposed for drivability and safety purposes. In addition, the existing roads and areas are previously disturbed. All vehicles will remain on existing roads. Therefore, there are no specific cultural resources conditions applicable to this variance.

Paleontological Resources. Based on the Paleontological Monitoring and Treatment Plan, submitted to the CPUC on April 20, 2011, the potential to encounter paleontological resources within the identified additional stub roads (access to Tower 2103, 2112, and 2260) is low. In addition, minimal ground disturbing activities will take place within the identified areas. Therefore, there are no specific paleontological resources conditions applicable to this variance.

Noise/Sensitive Receptors. There are no sensitive receptors in the vicinity of the new turning radius or the revised stub roads, all of which are located on privately-owned land. Use of the new/revised roads would have similar noise-generating activities to those that will occur along the existing access and stub roads and at the tower sites. Appropriate noise and land use mitigation measures would apply. The overall scope and duration of construction activities has not changed as a result of the variance.

Other Issue Areas. No concerns noted under this variance.

Mitigation Compliance Conditions of Variance Approval.

The mitigation compliance conditions presented below shall be met by SCE and its contractors:

1. All applicable project mitigation measures, APMs, conditions of the Biological Opinion, compliance plans, permit conditions and NTP conditions shall be implemented. Some measures have on-

going/time-sensitive requirements and shall be implemented prior to and during construction where applicable.

2. Copies of all relevant permits, compliance plans, and this Variance approval shall be available on site for the duration of construction activities.
3. Prior to its use, SCE shall stake the limits of the turn area at Tower 2103 to prevent off-road impacts.
4. SCE shall comply with all mitigation measures regarding the flat-tailed horned lizard along the revised stub road associated with Tower 2112.
5. SCE shall provide updated maps showing the new and revised access and stub roads to the CPUC EMs and all monitors in the field prior to use.
6. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
7. All crew members shall be Safe Worker and Environmental Awareness Program (SWEAP) trained prior to working on the project. A log shall be maintained on-site with the names of all crew personnel trained. For any crew members with limited English, a translator shall be on-site to ensure understanding of the training program. In place of a translator, the SWEAP training brochure can be provided in Spanish or other languages as appropriate. All participants will receive a hard-hat sticker for ease of compliance verification.

Please contact me if you have any questions or concerns.

Sincerely,

Billie Blanchard

Billie Blanchard
CPUC Environmental Project Manager
DPV2 Transmission Project

cc: Kelly Pell, Southern California Edison
Patty Nevins, Southern California Edison
Vida Strong, Aspen Environmental Group
Hedy Koczwarra, Aspen Environmental Group
Jamison Miner, Aspen Environmental Group
Rosina Goodman, Aspen Environmental Group
Ryann Loomis, Aspen Environmental Group