

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



September 11, 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 #40

Dear Ms. Benz,

On August 22, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for use of an additional stub road to Tower 2242 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 #40, which approves the subject stub road, is granted by CPUC for the proposed activities based on the factors described below.

**SCE Variance Request.** SCE has requested a variance under NTPs #2 and #9 along the Red Bluff-Devers segment for an alternative stub road needed for safely moving equipment and vehicles to Tower 2242. Excerpts from the SCE Variance Request, received on August 22, 2012, are presented below (indented):

On September 9, 2011, the California Public Utilities Commission (CPUC) issued NTP #2 for installation of exclusionary fencing around several tower disturbance areas in compliance with the project's Federal Endangered Species Act Section 7 Biological Opinion (BO) conservation measure #27.

Currently there are two existing access/stub roads going through the disturbance area at tower site 2242. The westerly road is the approved stub road identified in NTP #2, Installation of Exclusionary Fencing and NTP #9, Devers-Red Bluff Transmission Line. However, during installation of the exclusionary fencing and gate at tower site 2242, the contractor installed the gate at the eastern access route, not identified in NTP #2.

Therefore, SCE requests a revision to NTP #2 and NTP #9 for use of the previously disturbed eastern access/stub road, as identified on the attached figure [in SCE's NTPR]. The stub road is on private land.

### **CPUC Evaluation of Variance Request**

In accordance with the MMRCP, 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 alternative stub road associated with Tower 2242 would be located within the previously-surveyed buffers for these towers. No improvements to the stub road are required for this variance request. This area is within modeled habitat for the desert tortoise, Coachella Valley Fringe-toed lizard, and flat-tailed horned lizard, so SCE shall ensure compliance with all mitigation measures regarding these species, as incorporated in the mitigation compliance conditions below.

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 stub road to the CPUC EMs and all monitors in the field prior to construction activities at the associated tower site. 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 identified alternative stub road at Tower 2242. In addition, the existing road and access area have been previously disturbed and 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 road to Tower 2242 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 revised stub road located on privately-owned land. Use of the alternative road 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. In compliance with conditions of the USFWS BO, a Field Contact Representative (FCR) shall be designated and will be onsite for all ground-disturbing activities in desert tortoise habitat. The FCR will have the authority to halt all work activities that are not in compliance with the Project's conservation measures and Incidental Take Statement requirements.
4. Pre-construction desert tortoise clearance surveys shall be conducted by a CPUC, CDFG, and USFWS approved Authorized Biologist immediately prior to construction activities within a 100 percent coverage area of all desert tortoise habitat (modeled, critical, and/or occupied) that will be subject to project disturbance. Surveys, tortoise handling protocols, burrow excavations, and relocation procedures shall follow conditions specified in the Final EIR/EIS Mitigation Measures and conditions of the USFWS BO.
5. SCE shall conduct pre-construction surveys for sensitive wildlife in accordance with specific conditions provided in Final EIS/EIR Mitigation Measures and conditions of the USFWS BO. The location of sensitive species identified during the pre-construction surveys shall be provided to the BLM and CPUC on updated project maps.
6. SCE shall conduct pre-construction surveys for special-status reptiles within 48 hours prior to initiation of construction activities. If special-status reptiles are identified in the Project area during construction, all activities adjacent to the identified location shall be halted and the animal will be allowed to move away from the construction site. If the individual is not moving, a qualified biologist will relocate it to nearby suitable habitat (in the shade of a shrub) outside of the construction area.
7. SCE shall provide updated maps showing the alternative stub road to the CPUC EMs and all monitors in the field prior to use.
8. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.

9. 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  
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