

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 12, 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 #41

Dear Ms. Benz,

On August 10, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for continued use of access routes for safely moving equipment and vehicles to Towers 1118, 1119, 1122 and Helicopter Landing Zone (HLZ) H9-DV for transmission line construction needs along the Devers-Valley segment of the Devers-Palo Verde No. 2 (DPV2) Transmission Project. These access routes had been previously approved as Temporary Extra Workspace (TEWS) areas and under this Variance, SCE would like to continue the use of the subject access routes for construction.

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 #41, which approves the continued use of the subject access 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 #10 along the Devers-Valley segment for continued use of access routes identified by the contractors needed for safely moving equipment and vehicles to several towers and HLZ H9-DV. Excerpts from the SCE Variance Request, received on August 10, 2012 are presented below (indented):

Subsequent to approval of the Devers to Valley Transmission Line NTPR (NTP #10 dated December 2, 2011) by the California Public Utilities Commission (CPUC), project road conditions have been evaluated and changes to various access roads are needed for drivability and safety purposes. The specific requested changes are described below and illustrated in the attached figures. *[in SCE's NTPR]*.

Additional Access Roads/Routes:

Access to Helicopter Landing Zone (HLZ) H9-DV. The addition of this existing access road will extend existing approved access road between tower 1117 and DV-GS73 to provide access for HLZ H9-DV. Note this access road is included in the Temporary Extra Work Space (TEWS) #7 approved on 8/3/2012.

Access to Towers 1118 and 1119. The addition of this existing access road east of existing approved access road to towers 1118 and 1119 is needed because the approved access roads are not usable due to active agricultural operations. Note these access roads are included in the TEWS #5 approved on 7/17/2012.

Access to Tower 1122. The addition of this access road to the west of the existing approved access is needed because a portion of the approved access road is impassable due to agricultural irrigation drainage operations. Note this access road is included TEWS #6 approved on 8/3/2012.

CPUC Evaluation of Variance Request

In accordance with the MMCRP, 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, agricultural resources, 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 subject access roads associated with Towers 1118, 1119, and 1122 and HLZ H9-DV would be located within the previously-surveyed buffers for these towers and access roads, and are currently in use under TEWS approvals. The areas are not within critical, modeled, or occupied habitat for any special-status species. Because the subject access roads have been used under TEWS approvals, roadway limit staking has been installed, daily sweeps are conducted, and the roadway alignments are depicted on project maps. Maintenance of staking and daily sweeps shall be an ongoing requirement. In addition, other mitigation requirements such as maintaining speed limits shall be implemented.

The associated 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).

Cultural Resources. Based on background research and a site visit, there is no potential to encounter cultural resources at the additional access routes to Towers 1118, 1119, 1122 and Helicopter Landing Zone (HLZ) H9-DV 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 access routes to Towers 1118, 1119, 1122 and Helicopter Landing Zone (HLZ) H9-DV 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 subject access roads, all of which are located on privately-owned land and are currently in use under TEWS approvals. Use of the new/revised roads would have similar noise-generating activities to those that will occur along the existing access 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.

Agricultural Resources. HLZ H9–DV and its associated revised access road are located on land currently under agricultural cultivation. Under Mitigation Measure AG-1a (Establish agreement and coordinate construction activities with agricultural landowners) in the DPV2 Final EIR/EIS, SCE will coordinate operations with agricultural owners within the context of existing agreements and/or new agreements in order to minimize construction impacts. Coordination with the agricultural owner to minimize damage to operations could result in avoiding construction/use of HLZ H9-DV and its associated access road during peak planting, growing, and harvest seasons. Mitigation Measure AG-1a will also ensure that any areas damaged or disturbed by construction, including the subject access road, are restored to a condition mutually agreed upon by the landowner and SCE. The measure further states that restoration could include activities, such as soil preparation, regrading, and reseeding. With implementation of Mitigation Measure AG-1a and other measures in the Final EIR/EIS, there are no concerns about the temporary loss of agricultural lands for construction and use of the subject access road to HLZ H9-DV.

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. SCE shall maintain staking of the limits of the approved access roads to prevent off-road impacts, and vehicles and equipment must stay within the existing road width.
4. The subject access roads shall continue to be included in the biological monitor's daily sweep.

5. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
6. 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
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