

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 20, 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 #43

Dear Ms. Benz,

On September 18, 2012, Southern California Edison (SCE) submitted a revised variance request to the California Public Utilities Commission (CPUC) for minor changes to temporary disturbance areas for conductor stringing 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 #43, which approves the pull site revisions, 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 changes to temporary disturbance areas for conductor stringing. Excerpts from the SCE Variance Request, received on September 5, 2012 and revised on September 18, 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 CPUC, a constructability review was completed including review of conductor reel lengths, tower heights, major road crossings, existing transmission line crossings, access points and NTP approved guard pole/reel sites and several changes to temporary disturbance areas for conductor stringing were identified as being needed as well as numerous locations were identified as not being required for construction, as described below and shown in the attached figures: *[in SCE's NTPR]*.

#	Site	Change in Project Component Boundary	Ownership
1	CRD-GS16	Shift of the guard structure closer to the access road, west of tower 2012ALAD	Private
2	Splice Site No 2	Expansion of splice site location and addition of an existing access route which will be cleared and graded to establish a driving path, west of tower 2010	Private
3	CRD-GS12	Shift of the guard structure closer to the access road, west of tower 2010	Private
4	CRD-GS11	Shift of the guard structure closer to the access road, west of tower 2010	Private
5	CRD-GS10	Shift of the guard structure closer to the access road, west of tower 2008	Private
6	CRD-GS8	Shift of the guard structure closer to the access road, east of tower 2007	Private
7	CRD-GS7	Shift of the guard structure closer to the access road, east of tower 2007	Private
8	CRD-GS5	Shift of the guard structure closer to the access road, west of tower 2007	Private
9	Splice Site No 1	Expansion of splice site west of tower 2005	Private
10	CRD-GS4	Rotation of guard structure west of tower 2005	Private
11	CRD-GS3	Rotation of guard structure west of tower 2005	Private
12	Wire Site No 2	Expansion of the wire site, adjacent to tower site 2003	Private
13	Wire Site No 3	Expansion of the wire site, adjacent to tower site 2003	Private
14	Splice Site No 51	Revision of splice site boundary, west of tower site 2420X	Private
15	Wire Site No 65	Shift of wire site boundary east of tower site 2519	Private
16	Wire Site No 66	Shift of wire site boundary west of tower site 2519	Private
17	CRD-GS22	Shift of the guard structure closer to the access road, east of tower 2100	Private
18	Splice Site No 3	Revision of splice site boundary and addition of a standard 14-foot-wide access road, west of tower site 2020	Private
19	CRD-GS20	Shift of the guard structure closer to the access road, west of tower 2020	Private
20	Pull Site No 4/pull Site No 5	Expansion of pull site to the northwest and southeast adjacent to tower site 2015	Private
21	Splice Site No 5	Revision of splice site boundary and the addition of an existing access road, which will be cleared and graded to establish a driving path, east of tower site 2108ALT	Private
22	CRD FO-59	Shift of fiber optic site closer to the tower disturbance area, adjacent to tower site 2505	Private

#	Site	Change in Project Component Boundary	Ownership
23	Splice Site No 6	Shift of splice site location between tower sites 2116 and 2117	Private
24	Splice Site No 46	Revision of splice site location between tower sites 2457 and 2458 and addition of an existing access road, which will be cleared to establish a clear driving path	Private
25	Wire Site No 59/pull Site No 60/splice Site No 45	Revision to wire/pull/splice site and addition of snub site location, east of tower site 2452	Private
26	CRD-GS43	Shift of the guard structure closer to the access road, east of tower 2103	Private
27	CRD-GS38	Shift of the guard structure closer to the access road, west of tower 2127	Private
28	Splice Site No 8	Revision of splice site location and addition of a standard 14-foot-wide access road between tower sites 2126 and 2127	Private
29	Splice Site No 44	Expansion of splice site location west of tower site 2448	Private
30	Wire Site No 55/pull Site No 56/splice Site No 43 and associated access road	Revision of wire/pull/splice site boundary, addition of a snub site location and standard 14-foot-wide access road, east of tower site 2439	Private
31	CRD-GS50	Shift of the guard structure closer to the access road, east of tower 2202	Private
32	Splice Site No 10	Revision to splice site location and addition of a standard 14-foot-wide access road, between tower sites 2136 and 2137	Private
33	CRD-GS54	Shift of the guard structure closer to the access road, east of tower 2208	Private
34	Wire Site No 27/pull Site No 28/splice Site No 17 and associated access road	Shift of the pull site to the west and improvements to the associated access road, east of tower 2239	Private
35	Wire site No 8 Access Road	Addition of a standard 14-foot-wide access/stub road from the main access road to Wire Site No 8	Private

CPUC Evaluation of Variance Request

In accordance with the MMRP, 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. Based on field validation, previous biological surveys and SCE's biological memorandum, the pull site disturbance modifications on private land would result in a net decrease of critical (-0.02 acre) and a net increase of modeled (0.7 acre) Coachella Valley fringe-toed lizard habitat; a net increase in modeled (0.7 acre) and occupied (0.0007 acre) Coachella Valley milk-vetch habitat; a net increase in critical (0.6 acre) and modeled (1.3 acres) desert tortoise habitat; and a net increase in modeled (0.7 acre) flat-tailed horned lizard habitat. All of the modification sites fall within areas previously surveyed for the project; however, biological pre-construction surveys would still be required prior to use and results would be submitted to the CPUC's Environmental Monitor (EM) for validation.

As described in the mitigation compliance conditions below, all disturbance areas shall be clearly delineated and marked prior to any ground disturbance associated with the modified pull site disturbance areas. All other areas have already been clearly flagged. Additionally, SCE shall provide updated maps showing the new disturbance limits to the CPUC EMs and all monitors in the field prior to construction in the revised areas at the affected pull sites.

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 disturbance areas to the CPUC EMs and all monitors in the field prior to construction activities at the associated pull 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. The Final Historic Properties Management Plan (HPMP) for the DPV2 Project was accepted on October 20, 2011. No cultural resources were identified within or immediately adjacent to 32 of the 35 proposed pull site revisions on private land. However, cultural resources sites were identified within or immediately adjacent to three of the 35 proposed pull site revisions on private land. Therefore, in accordance with the Final HPMP, the following cultural resources management measures are required during construction activities for the proposed pull site revisions:

HPMP Management Measures for Cultural Resources Sites Identified within the Proposed Pull Site Revisions on Private Land (n=4)

Resource Designation	NRHP* Eligibility Determinations	Management Measure
P-33-018186 / CA-RIV-9338	Not Evaluated	Construction to use bucket truck from existing road to eliminate ground disturbance, monitor avoidance or move structure to opposite side of road
P-33-001814 / CA-RIV-1814	Listed	An archaeological monitor and Native American monitor are recommended during construction
P-33-014168	Not Evaluated	Monitor avoidance; other measures as necessary

* NRHP = National Register of Historic Places

In the event of an unanticipated discovery of cultural materials within the revised pull site locations, the find shall be managed in compliance with the following procedures provided in *Section 4.4 - Plan of Discovery of Cultural Resources* of the approved HPMP as itemized below:

- All work within 200 feet of the discovery will be halted and the onsite Archaeological Field Monitor will evaluate the discovery.
- The Environmental Monitor will notify the Lead Archaeological Monitor, Consultant Project Manager (CPM), Work Package Archaeologist(s) (WPA), or SCE Archaeologist (in that order) immediately.
- Activities within 200 feet of the discovery will not resume until the discovery has been assessed by a member of the Cultural Resources Team.

Paleontological Resources. Based on the Paleontological Monitoring and Treatment Plan (Plan), submitted to the CPUC on April 20, 2011, the potential to encounter paleontological resources near the 35 proposed pull site revisions on private land is low. Therefore, in accordance with the Plan, low sensitivity units must be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.

Noise/Sensitive Receptors. Although most of the minor changes to pull site disturbance areas along the transmission line alignment would not be in the vicinity of sensitive receptors, there are existing residences nearby to several of the sites. However, the modified disturbance areas would have similar noise-generating activities to those that will occur at the tower sites already and the movement of the

disturbance area within the right-of-way would not change the level of noise. 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. SCE shall provide updated maps showing the 35 revised pull sites to the CPUC EMs and all monitors in the field prior to use.
4. Prior to use, SCE shall stake the limits of the revised pull site disturbance areas to prevent off-road impacts. Any access roads that require improvements must be staked to the disturbance limits and validated by the CPUC Environmental Monitor prior to construction.
5. 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.
6. 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 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.
7. Surveys for CVFTL and FTHL shall be conducted during the appropriate seasons (May 1 through the end of summer) and conditions for species identification. The duration of the surveys shall coincide with the duration of construction activities in potential habitat for these species (particularly on the Coachella Valley Preserve) that occurs during the summer season. For any areas of suitable habitat, this measure shall apply. Construction shall not occur on the Preserve or in other potential habitat areas outside of the detection period for FTHL. A Qualified Biologist will conduct preconstruction clearance surveys immediately prior to the initiation of ground disturbing activities during the active season, between April and October (inclusive of both months), in modeled/blow sand habitat and be present during all construction activities in these areas. The name and qualifications of the Qualified Biologist will be submitted to the BLM, Service, and CDFG for approval at least 30 days prior to project construction in modeled/blow sand habitat.
8. To the extent possible, all construction activities within modeled/blow sand habitat will be conducted during the active season, between April and October (inclusive of both months). Construction activities in modeled/blow sand habitat may be extended beyond the active season if exclusionary fencing is installed during the active season.

9. 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.
10. 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.
11. In accordance with the Final Historic Properties Management Plan (HPMP), the following cultural resources management measures are required during construction activities for the proposed pull site revisions:

Resource Designation	Management Measure
P-33-018186 / CA-RIV-9338	Construction to use bucket truck from existing road to eliminate ground disturbance, monitor avoidance or move structure to opposite side of road
P-33-001814 / CA-RIV-1814	An archaeological monitor and Native American monitor are recommended during construction
P-33-014168	Monitor avoidance; other measures as necessary

12. In the event of an unanticipated discovery of cultural materials within the 35 revised pull site disturbance areas, the find shall be managed in compliance with the following procedures provided in Section 4.4 - Plan of Discovery of Cultural Resources of the approved HPMP as itemized below:
 - All work within 200 feet of the discovery shall be halted and the onsite Archaeological Field Monitor shall evaluate the discovery.
 - The Environmental Monitor shall notify the Lead Archaeological Monitor, Consultant Project Manager (CPM), Work Package Archaeologist(s) (WPA), or SCE Archaeologist (in that order) immediately.
 - Activities within 200 feet of the discovery shall not resume until the discovery has been assessed by a member of the Cultural Resources Team.
13. In accordance with the Paleontological Monitoring and Treatment Plan, low sensitivity units in the 35 revised pull site disturbance areas shall be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.
14. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
15. 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.

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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
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