

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 9, 2011

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 (DPV2) Transmission Line Project - Notice to Proceed (NTP #2)

Dear Ms. Benz:

On August 5, 2011, Southern California Edison (SCE) requested authorization from the California Public Utilities Commission (CPUC) to commence with installation of exclusionary fencing in compliance with the project's Federal Endangered Species Act Section 7 Biological Opinion (BO) conservation measure #27, which requires that exclusionary fencing shall be installed during the Coachella Valley fringe-toed (CVFTL) and flat-tailed horned lizard (FTHL) active season, if construction will occur November through March within modeled habitat areas. Therefore, this NTP #2 is applicable for all activities associated with the installation of exclusionary fencing at 41 tower locations work areas (encompassing the tower pad temporary construction area) and their associated stub roads along the Colorado River-to-Devers transmission line segment of the Devers-Palo Verde No. 2 Transmission Line 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. 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 Notice to Proceed (NTP) does not fall under Forest Service jurisdiction.

The Devers-Palo Verde No. 2 Transmission Project will be constructed in eight work packages, as defined on the CPUC's project website (<http://www.cpuc.ca.gov/Environment/info/aspen/dpv2/dpv2.htm>). It is anticipated that, even within the eight work packages, SCE will submit multiple separate requests for

NTPs during the construction process. This is a typical process for transmission line projects. Given that the DPV2 Project has been approved by the CPUC and BLM, as described above, this segmented construction review process allows SCE to proceed with individual project components where compliance with all applicable mitigation measures and conditions can be documented.

This letter and the attached Compliance Status Table document the CPUC's thorough evaluation of all activities covered in this NTP. The evaluation process ensures that all mitigation measures and Biological Opinion Conditions applicable to the location and activities covered in the NTP are implemented, as required in the CPUC's Decision and in BLM's Record of Decision (where applicable).

NTP #2 for the use of exclusionary fencing is granted by CPUC based on the factors described below.

SCE NTP Request

The CPUC has carefully reviewed the NTP request (NTPR) submitted by SCE, and verified that it incorporates compliance with all applicable mitigation measures. Excerpts from the SCE NTP request dated May 20, 2011 are presented below (indented).

This information has been incorporated into the following:

This Notice to Proceed Request (NTPR) describes the installation of CVFTL and FTHL exclusionary fencing at 41 work areas along the Colorado River Substation to Devers Substation transmission line (Colorado River-to-Devers) segment of the Devers-Palo Verde No. 2 500kV Transmission Line (DPV2) Project. The 41 work areas are located within areas identified by the Coachella Valley Association of Governments (CVAG) for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) as modeled habitat for CVFTL and FTHL. There are additional project areas within modeled habitat where fencing is not proposed as project construction is not anticipated at these sites during the inactive season.

The DPV2 Project Final Environmental Impact Report and Final Environmental Impact Statement (FEIR/FEIS), supplemented in the Project Refinements No. 1 and Project Refinements No. 2 (collectively, the Refinements Documents) submitted to the CPUC on June 24, 2010 and October 8, 2010, respectively describes the DPV2 Project components and construction activities which will occur along the transmission line. Biological resources associated with each work area are described and illustrated in the Exclusionary Fence Biological Review (Attachment A, sent under separate cover) and the Exclusionary Fence Cultural Resources Report (Attachment B, sent under separate cover).

All applicable FEIR/FEIS Applicant Proposed Measures (APMs), Mitigation Measures (MMs), and the California Department of Fish and Game Code Section 2080.1 Consistency Determination measures and BO conservation measures have been identified, and will be implemented or completed prior to commencement of the construction associated with this NTPR (see Table 1). No required local permits are anticipated for the associated scope of work described herein. Monitoring and reporting on implementation of APMs, MMs, and BO conservation measures will be conducted in accordance with the DPV2 Mitigation Monitoring Compliance and Reporting Plan (MMCRP) issued by the CPUC. Additionally, required preconstruction surveys for biological resources will be conducted prior to the start of fence installation.

2.0 SITE LOCATION AND CONDITIONS

The DPV2 Project spans approximately 153 miles from the proposed Colorado River Substation approximately 10 miles southwest of Blythe, California, through Devers Substation near Palm Springs, California, to Valley Substation in Menifee, California. The 41 work areas identified below are along the Colorado River-Devers transmission line segment of the project, surrounding towers and spur roads identified within CVFTL and FTHL modeled habitat.

Activities associated with the installation of exclusionary fencing would occur within SCE's right-of-way (ROW) parallel to the existing 500 kV Devers-Palo Verde No. 1 (DPV1) Transmission Line. Areas within the ROW where the associated activities would occur traverse multiple jurisdictions including private land within

unincorporated Riverside County, state and federal land, as shown in Table 2 and the attached figures below.

3.1 Project Elements/Construction Activities

Following is a list of elements and activities that will possibly be present or active throughout the construction of the exclusionary fencing and will not be located or conducted outside of identified disturbance areas:

Project Elements:

- Exclusionary fencing
- Construction equipment and vehicles
- Installation of best management practices (BMPs) in accordance with the project's Storm Water Pollution Prevention Plans (SWPPPs)

Construction Activities:

- Trenching for placement of exclusionary fencing per attached plans.
- Portable Equipment trailers and toilets
- Staking disturbance areas
- Construction equipment and vehicles
- Watering (use of water from an offsite water source with utilization of water trucks)

3.2 Site Work

Planned work, which will consist of trenching, placement of exclusionary fencing, backfill, and compaction, will be performed by a qualified subcontractor. Ingress and egress into the work area following installation of the fencing will be through "gate" locations at the existing access road-new stub road interface. These locations will not be trenched to bury the fencing 24" below grade however fencing material will be laid on grade and stabilized with sandbags when closed during non-construction times to prevent lizards from easily entering the exclusion area at grade level.

It is planned that the subcontractor will use a skid steer equipped with a trenching attachment to excavate the 24-inch deep trench required to embed the fencing. The fencing will be backfilled and compacted with a compactor and the skid steer. A water truck will be onsite for dust control during the fence installation process and to provide a source of water for compaction of the excavated spoils. A self-contained portable restroom will be placed and secured on the equipment trailer for onsite workers.

3.2.1 Site Preparation

Site work for the installation of exclusionary fencing will include excavating a 24 inch deep trench. The fencing will be installed 24-inches below grade and 24 inches above grade on the perimeter of the above listed locations. Installation of exclusionary fencing will not include clearing of vegetation of the entire defined disturbance areas but only within the required work area associated with trenching. Ground disturbance will be limited to the trenching required for fence installation and overland vehicle (trucks, trailers, compactor and skid steer) travel from existing access roads to the work areas. The sites will be stabilized according to the Stormwater Pollution Prevention Plan (SWPPP) requirements.

Excavated spoils will be replaced in the trench and compacted prior to stopping work at the end of each day. Should spoils not be replaced in the trench at the end of the workday, SWPPP requirements for stockpiling will be implemented. Rock/cobble in the trenchline and immediate vicinity will be moved inward toward the center of the disturbance area to facilitate trenching and fencing installation. In areas where the spur roads will require grading (which will occur during construction of the transmission line) outside of the spur road location, the exclusionary fencing will encompass the future road and disturbance needed for grading.

Once the exclusionary fencing is installed, the work areas will be considered "active" and SCE will implement protective measures to ensure lizards are excluded. This would include periodic surveys to inspect and

maintain the fence and having qualified biologists relocate any wildlife species found inside the exclusionary fence (active work areas) to a location outside the fenced areas.

3.2.2 Access Routes

Installation of the exclusionary fencing will occur within the existing SCE ROW, with access along existing access roads. New roads and planned improvements to existing roads are not required for this activity. Spur roads, which are access points from the existing access roads to the tower locations, will also be fenced.

3.2.3 Water Source

A water truck will be onsite for dust control during the fence installation process and to provide a source of water for compaction of the excavated spoils. Prior to construction, the water source will be identified for review and approval.

3.3 Activity Schedule

Installation of the exclusionary fence is anticipated to commence on or around August 15, 2011, with an expected completion date of October 31, 2011. Fence installation will be conducted during the active season for CVFTL and FTHL, as required in the project's Biological Opinion and Consistency Determination.

CPUC Evaluation of Pre-Construction Mitigation Implementation

All applicable project mitigation measures, APMs, compliance plans, and permit conditions shall be implemented. Some measures have on-going/time-sensitive requirements and are required to be implemented prior to and during construction where applicable. For biological and cultural resources, those additional conditions are discussed and defined in this section. The attached Compliance Status Table provides pre-construction compliance information for the other issue areas addressed by the DPV2 EIR/EIS.

Please see also the attached Compliance Status Table documenting pre-construction requirements identified in the Final EIR/EIS. Note that entries shaded in yellow must be completed prior to the start of construction. Entries shaded in green are to be conducted during construction and entries shaded in red are to be conducted post construction.

Following the discussion of biological, cultural, land use, and paleontological resources, a list of bulleted conditions is presented to define additional information and clarifications regarding outstanding requirements. In some cases, these items exceed the requirements of the Mitigation Measures and Applicant Proposed Measures, and are based on specific site conditions. In these cases, the conditions will not also appear in the Compliance Status Table.

Biological Resources

This section presents a background for biological resources that occur at or near the 41 tower locations considered for Coachella Valley fringe-toed lizard (*Uma inornata*) (CVFTL) and flat-tailed horned lizard (*Phrynosoma mcallii*) (FTHL) exclusionary fence installation. This summary of biological issues is based on information provided in the *Exclusionary Fencing Biological Review* (August, 2011) and a field verification study conducted on September 1, 2011 by Aspen Environmental Group (Aspen).

Activities associated with the installation of the exclusionary fencing would occur within SCE's right-of-way parallel to the existing 500kV DPV1 Transmission Line and habitats within the 41 tower locations currently display various levels of disturbance.

The USFWS Biological Opinion (BO) was issued on January 11, 2011. CDFG issued a 2080.1 Consistency Determination for the DPV2 Project on April 27, 2011. In order to comply with Condition #27 of the BO,

exclusionary fencing shall be installed during the active season (between April and October) in modeled/blowsand habitat for CVFTL and FTHL if construction activities are scheduled to occur beyond the active season.

In accordance with the USFWS BO, a Qualified Biologist will conduct pre-construction clearance surveys preceding initiation of any ground disturbing activities and will be present throughout all exclusionary fence installation activities. Additionally, SCE will implement all other applicable conditions of the BO, Final EIR/EIS mitigation measures, and APMs for special-status species that could occur in the project area.

Only one federally or State listed plant species, Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*) (CVMV) was identified during the most recent botanical surveys (2011) at tower locations #2015, 2016, 2018, 2020, and 2110 and suitable habitat for this species was documented at several additional tower locations. Additionally, CVMV modeled habitat occurs at tower locations #2012ALAD, 2013, 2015-2020, 2100-2102, 2110, 2113, 2122, 2133, and 2134. No other federally or State listed or CNPS List 1 or 2 plant species were observed at any of the 41 sites. In accordance with conditions provided in the project BO, a Qualified Biologist conducted preconstruction focused surveys in the winter preceding initiation of ground disturbing activities and will be present throughout construction activities in CVMV modeled or occupied habitat.

Special-status wildlife observed at or near tower locations during the most recent (2010) surveys included FTHL, yellow warbler (*Dendroica petechia brewsteri*), prairie falcon (*Falco mexicanus*), and loggerhead shrike (*Lanius ludovicianus*). Each of these is a CDFG Species of Special Concern and the FTHL is also a BLM Sensitive Species. Although not identified during the most recent surveys, Coachella Valley round-tailed ground squirrel (*Xerospermophilus tereticaudus chlorus*) (CVRTGS) has a moderate to high potential to occur at several tower locations. SCE will implement all applicable Mitigation Measures and APMs provided in the Final EIR/EIS to avoid and/or minimize impacts to special-status wildlife species. These include, but are not limited to, pre-construction clearance sweeps and biological monitoring throughout all fence installation activities.

No federally or State listed wildlife species were documented during the most recent surveys; however, a desert tortoise (*Gopherus agassizii*) burrow was identified at tower location #2013 during 2011 reconnaissance surveys. Tower locations #2242 and 2243 are located in desert tortoise modeled habitat, although these sites were determined to not possess suitable habitat for this species. Several additional tower locations support a low potential for desert tortoise to occur. CVFTL was not detected at any of the 41 tower locations during the most recent surveys; however, tower locations 2012ALAD, 2013, 2015-2020, 2100-2102, 2110, 2240, and 2242 are located within modeled habitat and tower locations 2125-2137 and 2200-2208 are located within critical habitat for this species. SCE has determined that most of these locations support no potential or a low potential for CVFTL to occur; however, tower locations 2013, 2015, 2113, 2207, 2240, and 2241 support a moderate to high potential for CVFTL. Anticipated impacts for each of these species have been incorporated within formal Section 7 consultation between SCE and the USFWS and will be offset/mitigated through implementation of conditions provided specifically for FTHL, desert tortoise, and CVFTL in the BO. Additionally, SCE will implement all applicable Mitigation Measures provided in the Final EIR/EIS.

The *Exclusionary Fencing Biological Review* (August, 2011) states that potentially jurisdictional waters were not identified at any of the 41 sites during jurisdictional delineation studies. However, Aspen identified one (1) drainage that could potentially be eligible for CDFG jurisdiction within the surveyed 100-foot buffer at Site #2102. This ephemeral drainage appears to flow from southeast to northwest when water is present and occurs in the southwest corner of the 100-foot buffer. The approximately 4-

foot wide drainage possesses an established bed and bank through the buffer area; however, these features diminish as the drainage approaches the existing access road to the south. Unless otherwise determined to be non-eligible as jurisdictional waters through coordination with CDFG, SCE shall avoid impacts to the potentially CDFG jurisdictional drainage within the 100-foot buffer at Site #2102. Per directives identified by the U.S. Army Corps of Engineers (USACE) regarding internally drained basins, such as those that occur in the region, this drainage does not appear to meet Section 401 and 404 requirements to be considered jurisdictional under the USACE and/or Regional Water Quality Control Board (RWQCB).

Vegetation Management. No vegetation shall be cleared in the defined disturbance areas with the exception of the work areas required for fence trenching activities. Ground disturbance shall be limited to the areas required for trenching for fence installation and overland vehicle (e.g. trucks, trailers, compactor, and skid steer) travel from existing access roads to the work areas.

SCE is currently developing a Habitat Restoration/Compensation Plan (HRCP) to address restoration of all areas disturbed by project construction. The restoration component of this plan is intended to target areas where onsite restoration is planned for mitigation of temporary impacts to vegetation communities. As such, SCE will be allowed to commence ground-disturbing activities associated with exclusionary fence installation at the 41 tower locations prior to final approval of the HRCP; however, such activities shall only be initiated within modeled/critical/occupied habitat for CVMV, desert tortoise, CVFTL, and FTHL upon SCE demonstrating compliance with Mitigation Measures and conditions provided in the Final EIR/EIS and BO, respectively, regarding the purchase of offsite mitigation lands for each of these species. Documentation that identifies compliance with applicable Mitigation Measures and conditions shall be provided to the CPUC, CDFG, USFWS, and BLM prior to ground-disturbing activities at these locations. Additionally, SCE shall implement Condition #16 of the BO, which requires providing a record of the perimeter of the post-construction project footprint to the BLM, CDFG, and USFWS in a GIS-compatible format to verify the extent of project disturbance.

A Weed Control Plan under Mitigation Measure B-2a is currently being prepared by SCE to control the introduction and spread of non-native and invasive plant species in the project area or into adjacent undisturbed habitats during the project activity period. Ground-disturbing activities at the 41 tower locations may commence prior to the final approval of this plan by the CPUC and BLM provided SCE has completed preliminary baseline invasive and noxious weed inventories and implements standard weed control measures throughout the duration of exclusionary fence installation activities.

Construction activities shall be conducted in a manner that avoids sand compaction at all tower locations where exclusionary fencing will be installed.

Cultural Resources

The CPUC's cultural resources consultant reviewed the *Exclusionary Fencing Work Plan and Plan of Discovery for Cultural Resources for Southern California Edison Company's Proposed Devers-Palo Verde No. 2 Transmission Line Project*. Based on background research, no known cultural resources were identified within the 41 tower locations proposed for exclusionary fencing installation. In the absence of a Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project, an Exclusionary Fencing Work Plan and Plan of Discovery for Cultural Resources (Plan) has been prepared and finalized. An archaeological and Native American monitor shall be present during all ground disturbing activities associated with the installation of exclusionary fencing. In the event that a cultural resource discovery is made during site development, the find shall be managed in compliance with the following procedures set forth in the Plan:

- Construction is halted within 200' of the discovery, and the Designated Cultural Resources Specialist (DCRS) is notified. A CRM will inspect the area for additional resources and notifies the DCRS. As applicable, the DCRS will then coordinate with the Construction Supervisor to relocate the planned boring location to an area where no cultural resources are located.
- If the discovery qualifies as an isolate that requires no avoidance (with the exception of human remains), the discovery will be documented and reported in the Material Construction Yards Cultural Resources Monitoring report, or within the final monitoring report for the entire project.
- The DCRS/CRS notifies the BLM and CPUC of the find within 24 hours. Construction work may resume in the area when the BLM and CPUC receive notification of the discovery and approve the accompanying required information.
- If the discovery is determined to be exceptional, the discovery area will be flagged off and secured; no ground-disturbing activities will be allowed within the discovery area until all parties have consulted under the provisions provided in the HPMP (currently being drafted).

Paleontological Resources

Based on the Paleontological Monitoring and Treatment Plan (Plan), submitted to the California Public Utilities Commission on April 20, 2011, the potential to encounter paleontological resources within the 41 tower locations proposed for exclusionary fencing installation is low. Therefore, in accordance with the Plan, low sensitivity units will be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist. In the unlikely event that a paleontological resource discovery is made during site development, all construction activities in the area of the discovery must cease, and the Discovery of Fossils protocol, as specified in the Plan will be followed (1-Notification, 2-Avoidance and Continued Construction Activities, and 3-Determining Significance of a Discovered Paleontological Resource).

Land Use and Sensitive Receptors

The 41 work areas would be located on private, State and federal lands along the Colorado River to Devers transmission line segment, as shown in SCE's NTPR Table 2. Most of the 41 work areas would be located in rural areas and not adjacent to any sensitive receptors, however, a few of the work areas would be in close proximity to scattered rural residences north of Palm Desert. The work areas are located at the proposed tower sites and installation of the 24-inch tall fencing would consist of trenching, placement of fencing, backfill, and compaction, which would create similar types of noises as will occur with construction of the transmission line towers and line itself.

Water and Soil Resources

The fencing will be installed 24-inches below grade and 24 inches above grade on the perimeter of the 41 works areas. At the ingress/egress gates, fencing material will be laid on grade and stabilized with sandbags when closed during non-construction times to prevent lizards from easily entering the exclusion area at grade level. Trenching, exposed soils and fencing structures would result in the potential for increased erosion and alteration of surface water flow. However, the sites will be stabilized according to the Stormwater Pollution Prevention Plan (SWPPP) requirements as well as APMs mitigation included in the DPV2 Final EIR/EIS (e.g., APMs G-12, G-13, G-14, W-1, W-3, W-7 and MM H-1a). Excavated spoils will be replaced in the trench and compacted prior to stopping work at the end of

each day. Should spoils not be replaced in the trench at the end of the workday, SWPPP requirements for stockpiling will be implemented.

Conditions of NTP Approval

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

1. All applicable project mitigation measures, APMs, compliance plans, and permit conditions shall be implemented. Some measures have on-going/time-sensitive requirements and shall be implemented prior to and during construction where applicable. Please see the attached table of pre-construction requirements. Note that entries shaded in yellow shall be completed prior to the start of construction. Green entries shall be conducted during construction and red entries shall be conducted post-construction. Bulleted items can be found below which provide additional information and clarifications to outstanding requirements.
2. Copies of all relevant permits, compliance plans, and this Notice to Proceed shall be available on site for the duration of construction activities.
3. For tower locations requiring exclusionary fencing installation on BLM lands, BLM authorization shall be provided to CPUC.
4. Verification of noticing mailings including address lists, postings and newspaper postings, as required under Mitigation Measures L-1a, WR-1a, and WR-1b shall be submitted to the CPUC prior to construction.
5. All crew members shall be trained through a Worker Environmental Awareness Program (WEAP) prior to working on the project. A log shall be maintained onsite with the names of all crew personnel trained. For any crew members with limited English, a translator shall be onsite to ensure understanding of the training program. In place of a translator, the WEAP 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.
6. Prior to the initiation of any ground disturbing activities, all work area boundaries associated with temporary and permanent disturbance shall be clearly staked, flagged, or marked. All workers shall strictly limit access and vehicles to the designated work limits. Removal of any perennial, native vegetation in work areas shall be avoided to the maximum extent practicable. Access to work areas in undisturbed habitat shall be achieved by crushing, instead of removal, to the maximum extent practicable.
7. In compliance with conditions of the BO, a field contact representative (FCR) has been designated (Mark Cochran; phone 520-960-4058). Mr. Cochran shall be on site for all ground-disturbing activities during installation of exclusionary fencing and 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.
8. SCE shall prepare a Noxious Weed Control Plan that will specify the location of existing weed populations, measures to control introduction and spread of noxious weeds in the project area, worker training, specifications, and inspection procedures for construction materials and equipment used in the project area. Ground disturbing activities at the exclusionary fence locations may commence prior to final approval of this plan by the CPUC and BLM provided SCE demonstrates documentation of baseline noxious weed inventories and implements standard weed control measures, as identified in Mitigation Measure B-2b.

9. If activities associated with exclusionary fence installation occur prior to the establishment at wash stations at project construction yards, the contractor will be required to show proof of vehicle and equipment washing from a commercial wash station prior to conducting ground disturbing activities.
10. Coachella Valley milk-vetch locations identified during 2011 pre-construction surveys at tower locations #2015, 2016, 2018, 2020, and 2110 shall be avoided.
11. SCE shall conduct pre-construction surveys for listed and sensitive plants within fourteen (14) days prior to construction activities at all tower locations and within 100 feet of ground disturbing activities. If listed and/or sensitive plants are identified and cannot be avoided, SCE shall be responsible for the translocation of plants and/or collection of seeds from existing populations that would be impacted and the planting/reseeding of these plants in adjacent suitable habitat that would not be affected by construction activities. Prior to installation activities, the CPUC EM shall review and approve the survey results, and avoidance and disturbance flagging.
12. SCE shall conduct biological monitoring in all areas of disturbance during construction activities, including access roads. The biological monitor shall look for sensitive wildlife that may be located within or immediately adjacent to construction areas. If sensitive species are found, the biological monitor shall relocate in accordance to the appropriate Final EIR/EIR Mitigation Measures, APMs, and conditions of the BO.
13. A Qualified Biologist will conduct pre-construction clearance surveys for Coachella Valley fringe-toed lizard and flat-tailed horned lizard prior to the initiation of ground disturbing activities during the active season (April – October), in modeled/blowsand habitat and be present during all construction activities in these areas.
14. If fringe-toed or horned lizards are found, the Qualified Biologist will capture and relocate any individuals to the nearest suitable habitat in modeled/blowsand habitat outside of the DPV2 ROW.
15. In compliance with conditions of the BO, pre-construction desert tortoise clearance surveys shall be conducted by a CPUC, CDFG, USFWS, and BLM Authorized Biologist immediately prior to construction activities within a 100 percent coverage area of all desert tortoise habitat (modeled, critical, and/or occupied habitat) that will be subject to temporary and permanent project disturbance. For activities associated with the installation of exclusionary fencing, this includes tower locations #2013 (presence of burrow), and #2242 and 2243 (modeled habitat). Surveys, tortoise handling, burrow excavation, and relocation will follow procedures outlined in the BO.
16. During construction, parked vehicles will be inspected prior to being moved. The Authorized Biologist shall be notified immediately if a tortoise is found beneath a vehicle. The vehicle will not be moved until the tortoise moved on its own accord or the Authorized Biologist relocated the tortoise out of harm's way.
17. A trash collection system will be established to ensure that all food and other trash that could attract tortoise predators is disposed of in self-closing, sealable containers with lids that latch to prevent wind, common ravens, and mammals from opening containers. All trash receptacles will be regularly inspected and emptied to prevent spillage and maintain sanitary conditions, and removed from the project footprint when construction activities are complete.
18. Road-killed animals or other carcasses detected in the DPV2 right-of-way access road during construction activities will be picked up and disposed of immediately per directives presented in the BO. For special-status species road-kill, the Qualified Biologist or FCR will contact CDFG and the USFWS within one (1) working day of receipt of carcass for guidance on disposal or storage of carcass.

19. Prior to any ground-disturbing activities associated with exclusionary fence installation at tower locations within modeled/critical/occupied habitat for desert tortoise and/or CVFTL, SCE shall provide documentation that ensures funding to complete required mitigation, including acquisition of lands, monitoring, and reporting activities for impacts to CVMV, desert tortoise, CVFTL, and/or FTHL habitat. SCE shall provide to the CPUC, CDFG, USFWS, and BLM no later than thirty (30) days prior to commencing ground-disturbing activities at applicable tower locations, an irrevocable letter of credit or other form of security approved by CDFG's Office of the General Counsel.
20. SCE shall conduct pre-construction surveys for sensitive wildlife in any area subject to project disturbance. The location of sensitive species identified during the pre-construction surveys shall be provided on project maps.
21. "Survey sweeps", including those for nesting birds, will occur for biological resources immediately preceding and during active construction as part of required biological monitoring activities. Appropriate buffers shall be established as defined below.
22. In compliance with Mitigation Measure B-5a, pre-construction surveys for breeding birds shall be conducted by a CPUC/BLM approved biologist at least ten (10) days prior to construction (during nesting season) in areas within 500 feet of construction limits. If federally or State listed birds with active nests are identified, a qualified biological monitor shall establish a 500-foot buffer around the nest and no activities will be allowed within the buffer until the young have fledged from the nest or the nest fails. A 300-foot buffer shall be implemented in the event that raptors or other species protected under the Migratory Bird Treaty Act (MBTA) are located. The biological monitor shall conduct regular monitoring of any identified nest to determine success/failure and to ensure that construction activities do not occur within established buffers until the nesting cycle is complete or the nest fails. There may be a reduction of these buffer zones depending on site-specific conditions or the existing ambient level of activity. SCE shall coordinate with CDFG and USFWS to determine the appropriate buffer zone.
23. In compliance with Mitigation Measure B-9e, SCE shall conduct pre-construction burrowing owl surveys in suitable habitat prior to any ground disturbing activities. The purpose of pre-construction burrowing owl surveys will be to determine the presence of burrowing owls and to ensure avoidance/clearance of these areas.
24. Per Condition #13 of the BO, all auger holes, trenches, pits, or other steep-sided excavations that pose a hazard to wildlife will be securely fenced or covered when unattended to prevent accidental death or injury. At the start and end of each work day, and just before backfilling, all excavations will be inspected for trapped animals. If found, trapped animals will be removed by the Authorized or Qualified Biologist.
25. All project personnel will strictly adhere to project specific posted speed limits.
26. For any construction activities that occur within the Coachella Valley Preserve boundaries, SCE will cooperate with the Preserve in closing (gating) existing access roads.
27. In the absence of a Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project, an Exclusionary Fencing Work Plan and Plan of Discovery for Cultural Resources has been prepared and finalized. An archaeological and Native American monitor shall be present during all ground disturbing activities associated with the installation of exclusionary fencing. In the event that a cultural resource discovery is made during site development, the find shall be managed in compliance with the procedures set forth in the Plan of Discovery.

28. In accordance with the Paleontological Monitoring and Treatment Plan, work areas with low sensitivity shall be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist. In the unlikely event that a paleontological resource discovery is made during site development, all construction activities in the area of the discovery shall cease, and the Discovery of Fossils protocol, as specified in the Plan shall be followed (1-Notification, 2-Avoidance and Continued Construction Activities, and 3-Determining Significance of a Discovered Paleontological Resource).
29. The CPUC Environmental Monitor (EM) shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
30. If the application of water is needed to abate dust in construction areas and on dirt roads, SCE shall use the least amount needed to meet safety and air quality standards and prevent the formation of puddles, which could attract wildlife to construction sites.
31. SCE shall obtain required haul and ingress/egress and permits for any temporary lane closures from the County of Riverside or other jurisdictions as necessary. Copies of permits shall be submitted to the CPUC. If temporary lane closures are needed, SCE shall coordinate in advance with emergency service providers and shall provide documentation to the CPUC.
32. In regard to the Hazardous Substance Control and Emergency Response Plan, to fully satisfy the intent of Mitigation Measure P-1b, documentation of training for personnel who would be working near or handling hazardous materials shall be submitted to the CPUC for review after completion of these training activities. Only trained personnel shall be allowed to work near or to handle hazardous materials.
33. In accordance with Mitigation Measure P-1a, prior to project construction, documents prepared by the construction contractors should be submitted to the CPUC along with an acknowledgment that the SCE Certified Industrial Hygienist has reviewed and approved the documents to complete the submittals required for these measures. Documents that the construction contractor would be responsible for would include a hazardous materials inventory that will be used to prepare and/or modify the Hazardous Material Business Plan, documents providing SCE with the names and telephone numbers of persons responsible for the hazardous waste management, an Emergency Response Procedures document that follows SCE's emergency response procedures for the Project.
34. No movement or staging of construction vehicles or equipment shall be allowed outside of the approved areas. If additional temporary workspace areas or access routes, or changes in technique and mitigation implementation to a lesser level are required, a Variance Request, as defined in the Mitigation Monitoring, Compliance and Reporting Plan for this project shall be submitted for CPUC review.
35. No clearing or disturbance to vegetation shall occur outside of approved work areas.
36. If construction debris or spills enter into environmentally sensitive areas, appropriate jurisdictional agencies and the CPUC EM shall be notified immediately.

Please contact me if you have any questions or concerns.

Sincerely,

Billie Blanchard

Billie Blanchard

CPUC Environmental Project Manager

DPV2 Project Notice to Proceed #2

September 9, 2011

Page 12

Devers-Palo Verde No. 2 Transmission Project

cc: Mary Jo Borak, CPUC Supervisor
John Kalish, BLM Palm Spring South Coast Field Office
Vida Strong, Aspen Environmental Group
Jamie Miner, Aspen Environmental Group
Hedy Koczwarra, Aspen Environmental Group
Ryana Parker, Southern California Edison Company
Sheree James, Southern California Edison Company

Enclosures:

Compliance Table

Permit Table