

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 28, 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 #44

Dear Ms. Benz,

On September 24, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for revisions to a stub road to Tower 1147 to avoid a cultural resource for transmission line construction needs along the Devers-Valley 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 #44, 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 NTP #10 along the Devers-Valley segment for a revised stub road needed to avoid a known cultural resource to Tower 1147. Excerpts from the SCE Variance Request, received on September 24, 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), SCE determined that a known cultural resource near Tower 1147 was inaccurately plotted. To avoid this resource the stub road to Tower 1147 will need to be reconfigured (as shown in the attached figure) shifting a small portion of the stub road to the southeast, avoiding the resource. The reconfigured stub road to Tower 1147 will allow vehicles and construction equipment to safely access the tower disturbance area without disturbing the resource as required per the Historic Properties Management Plan (HPMP). The reconfigured portion of the stub road will remain within Southern California Edison (SCE) Right-of-Way.

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, 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 1147 would be located within the previously-surveyed buffers for the tower and access/stub roads. According to SCE's NTPR, no jurisdictional waters or special-status species habitats were identified within the stub road adjustments under this variance.

The variance will result in a net decrease in temporary impacts (0.05 acres). 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 stake and 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. The Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project was accepted on October 20, 2011. One known cultural resource (P-33-015105; prehistoric bedrock milling site) was identified within the stub road to Tower 1147. To avoid this resource, SCE reconfigured the stub road by shifting a small portion of the road to the southeast. The reconfigured stub road to Tower 1147 will allow construction traffic to access the tower site without disturbing the resource. In addition, it is recommended that the Management Measures for P-33-015105 (ESA fencing and monitor avoidance) put forth in the Final HPMP, be followed as well.

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 revised stub road to Tower 1147 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. Although there are 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. SCE shall accurately stake the revised disturbance limits of the stub road to Tower 1147 for CPUC validation prior to construction.
4. SCE shall provide updated maps showing the revised stub road to the CPUC EMs and all monitors in the field prior to use.
5. In accordance with the Final HPMP, SCE shall follow Management Measures for P-33-015105 (ESA fencing and monitor avoidance).
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 Koczwara, Aspen Environmental Group
Jamison Miner, Aspen Environmental Group
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