

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



November 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 #53

Dear Ms. Benz,

On October 30, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) for installation of rip rap improvements due to summer storm damage along the Colorado River Substation (CRS) access road on private lands for 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 #53, which approves the subject CRS access road improvements, is granted by CPUC for the proposed activities based on the factors described below. BLM has already approved SCE's CRS access road rip rap installation/improvements that would occur on BLM-administered land as maintenance work to the existing access road due to storm damage.

SCE Variance Request. SCE has requested a variance for rip rap installation along the CRS access road. Excerpts from the SCE Variance Request, received on October 30, 2012 are presented below (indented):

Reason for Variance. To authorize the repair of storm damage on the CRS access road and the construction of improvements required to prevent future damage on the road during storms. The access road repair improvements will permanently impact an additional 0.15 acre of BLM land and 0.11 acre of private land; and temporarily impact 0.27 acre of BLM land and 0.27 acre of private land during construction.

Action Requested. As a result of the summer storm damage experienced at CRS, SCE would like to install rip rap improvements along the CRS access road to prevent further damage this storm season. The attached maps show the locations and extent of the disturbance areas associated with the repair improvements. Also attached [*in SCE's Variance Request*] are typical cross sections of the associated improvements.

The total repair improvement footprint is 1.7632 acres, however the majority of this area will be contained within the previously field validated and approved disturbance area along the access road. Only 0.23 acre of riprap will be installed outside of the previously approved workspace and 0.53 acre will be required for additional temporary workspace along the road. Attached [*in SCE's Variance Request*] please find the cultural and biological resource assessments of potential impacts as a result of the construction.

SCE would like to begin construction of the improvements as soon as possible, before fall storms begin.

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 entire length of the CRS access road has been previously surveyed. A total of 0.01 acre of permanent and 0.51 acre of temporary impacts would occur as a result of construction of the proposed CRS access road improvements on private lands. Total impacts to potential species' habitats would be as follow:

- Desert tortoise: approximately 0.52 acre (0.01 acre of permanent disturbance and 0.51 acre of temporary disturbance).
- Mojave fringe-toed lizard: approximately 0.28 acre (0.01 acre of permanent disturbance and 0.27 acre of temporary disturbance).
- Couch's spadefoot toad: approximately 0.28 acre (0.01 acre of permanent disturbance and 0.27 acre of temporary disturbance).
- Desert kit fox: approximately 0.52 acre (0.01 acre of permanent disturbance and 0.51 acre of temporary disturbance).

Any 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).

Since staking was removed upon completion of the paving of the road, SCE shall restake the disturbance limits prior to rip rap installation. All mitigation measures, APMs, and conditions of the Biological Opinion (BO), should be implemented. 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. Two cultural resources were identified within or immediately adjacent to the proposed rip rap improvements along the CRS access road on private land. As stated in the HPMP, all cultural resources within the Area of Potential Effect (APE) of proposed construction-related activities will be identified and protected as Environmentally Sensitive Areas (ESAs). Therefore, in accordance with the Final HPMP, ESA flagging/fencing and monitoring will be required at sites P-33-17799 (CA-RIV-9230) and P-33-14153.

Paleontological Resources. Based on the Paleontological Monitoring and Treatment Plan, submitted to the CPUC on April 20, 2011, the potential to encounter paleontological resources near the proposed rip rap improvements along the CRS access road 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. There are no sensitive receptors in the vicinity of the CRS access road improvements. Installation of rip rap would have similar noise-generating activities to those that will occur along the existing access road and at the substation site. Construction activities were addressed in the DPV2 Final EIR/EIS. 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. Pre-construction desert tortoise clearance surveys shall be conducted by an 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 temporary and permanent disturbance.
4. SCE shall restake the disturbance limits prior to rip rap installation.
5. SCE shall provide updated maps showing the revised access road disturbance area to the CPUC EMs and all monitors in the field prior to rip rap installation.

6. In accordance with the Paleontological Monitoring and Treatment Plan, low sensitivity units along the CRS access road shall be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.
7. In accordance with the Final Historic Properties Management Plan, ESA flagging/fencing and monitoring shall be required at sites P-33-17799 (CA-RIV-9230) and P-33-14153.
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
Sheree James, Southern California Edison
Vida Strong, Aspen Environmental Group
Hedy Koczwara, Aspen Environmental Group
Jamison Miner, Aspen Environmental Group
Rosina Goodman, Aspen Environmental Group
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