PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

December 10, 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 #55

Dear Ms. Benz,

On November 28, 2012, Southern California Edison (SCE) submitted a revised variance request to the California Public Utilities Commission (CPUC) for 17 pull site modifications (Package III-B) for transmission line construction needs along the Devers-Red Bluff 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 #55, which approves the subject 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 Devers-Red Bluff segment for 17 pull site modifications required for conductor stringing. Excerpts from the SCE Variance Request, received on November 28, 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 Variance Request]*.

#	Site	Adjacent Tower	Change in Project Component Boundary	Ownership
1	Splice Site No 12 and associated access	2209	Expansion of site and access using existing dirt road	Private
2	Splice Site No 14 and associated access	2219	Expansion of site west and installation of an access road	Private
3	Splice Site No 15	2225X	Shift site west	Private
4	Secondary Location Wire Site No 18 Extension	2226X	Extend wire site north to connect to tower disturbance area	Private
5	Pull Site No 24 Extension	2229	Extend pull site west to connect to tower disturbance area	Private
6	Splice Site No 18 and associated access	2246X	Expand and shift site east. Addition of access to site via existing dirt road.	Private
7	Splice Site No 20	2254X	Expand and shift site east.	Private
8	Splice Site No 22	2264	Expansion of site east and west	Private
9	Splice Site No 28	2324	Expansion of site east and west	Private
10	Wire Site No. 40	2326X	Adjustment of site boundaries to avoid archeological site located within the currently approved configuration.	Private
11	Splice Site No 29	2331	Expansion of site north and south	Private
12	Pull site No 42	2332	Expansion of site south to tower disturbance area	Private
13	Wire Site No 43 / Pull Site No 41 / Splice Site No 31	2342	Shift site to the east to avoid archeologically sensitive area located within the currently approved configuration.	Private
14	Splice Site No 32 and associated access	2347	Expansion of site east and west	Private
15	Splice Site No 34	2356ALT	Expansion of site east and west	Private
16	Wire Site No 47/Pull Site No 48/Splice Site No 35	2404	Expansion of site north	Private
17	Splice Site No 36	2408	Expansion of site north, east and west	Private

CPUC Evaluation of Variance Request

In accordance with the MMCRP, the subject variance request was reviewed by CPUC to confirm that the proposed request was within the geographical context of the Final EIR/S and 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. As described in SCE's biological review memos (dated November 1 and 21, 2012), implementation of the proposed Devers-Red Bluff pull site revisions would result in additional impacts to modeled desert tortoise habitat, critical desert tortoise habitat, jurisdictional waters, and special-status vegetation communities. Because there are sites located in desert tortoise habitat, 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. No jurisdictional waters would be impacted.

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).

As conditioned below, SCE shall provide updated construction and biological resources constraints maps showing the revised pull sites to the CPUC EMs and all monitors in the field prior to construction activities at the subject sites. All mitigation measures, APMs, and conditions of the Biological Opinion (BO), shall be implemented. This includes, but is not limited to, providing a qualified USFWS, CPUC, and BLM approved tortoise biologist and pre-construction clearance sweeps.

Cultural Resources. The Final Historic Properties Management Plan (HPMP) for the Devers-Palo Verde No. 2 Project was accepted on October 20, 2011. No cultural resources were identified within or immediately adjacent to 15 of the 17 proposed pull site revisions. However, two cultural resources sites were identified immediately adjacent to two of the 17 proposed pull site revisions. Therefore, in accordance with the Final HPMP, the following mitigation compliance procedures are required during construction activities for the proposed pull site revisions:

Proposed Mitigation for Cultural Resources Sites Identified within the Proposed Pull Site Revisions (n=1)		
Resource Designation	**NRHP* Eligibility Determinations**	**Mitigation Compliance Procedure**
P-33-13579	Not Evaluated	ESA fencing and monitor avoidance
P-33-13600	Not Evaluated	No Grading signs and monitor avoidance

* NRHP = National Register of Historic Places

In the event of an unanticipated discovery of cultural materials, 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 California Public Utilities Commission on April 20, 2011, there is no potential to encounter paleontological resources near Tower 2326; no NTP conditions are recommended at this

tower. However, the potential to encounter paleontological resources within the remaining 16 proposed pull site revisions varies from low to high. Therefore, in accordance with the Plan, high sensitivity units will be monitored full-time during excavations in sediment of high paleontological sensitivity. Moderate sensitivity units will require spot-check monitoring and low sensitivity units will be monitored intermittently, to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist. Excavation for pull and splice sites will be monitored at the following tower locations:

Paleontological Construction Monitoring				
Full-time Monitoring	**Spot-Check Monitoring**	**Part-time Monitoring**		
2229	2254X	2209	2219	2225X
	2264	2226X	2246X	2324
	2356ALT	2331	2332	2342
		2347	2404	2408

In the 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).

Noise/Sensitive Receptors. There are few sensitive receptors in the vicinity of the revised pull sites located on privately-owned land. Use of the revised sites 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.

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 surveys shall be conducted, as applicable, and all disturbance areas shall be clearly delineated and marked prior to any ground disturbance associated with the use of the proposed pull sites and results would be submitted to the CPUC's EM for validation.
4. 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.
5. SCE shall provide updated construction and biological resources constraints maps showing the new and revised disturbance areas to the CPUC EMs and all monitors in the field prior to use. Updated maps can be provided prior to construction by tower location (s).

6. In accordance with the Paleontological Monitoring and Treatment Plan, SCE shall monitor high sensitivity units full-time during excavations in sediment of high paleontological sensitivity (Tower 2229). Moderate sensitivity units will require spot-check monitoring (Towers 2254X; 2264; and 2356ALT) and low sensitivity units will be monitored intermittently (Towers 2209; 2219; 2225X; 2226X; 2246X; 2324; 2331; 2332; 2342; 2347; 2404; and 2408), to verify the low sensitivity classification, as determined by the Paleontological Resource Specialist.
7. In the 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 Paleontological Monitoring and Treatment Plan shall be followed (1-Notification, 2-Avoidance and Continued Construction Activities, and 3-Determining Significance of a Discovered Paleontological Resource).
8. In accordance with the final Historic Properties Management Plan, SCE shall install ESA fencing and monitor avoidance of P-33-13579 and shall install "No Grading" signs and monitor avoidance of P-33-13600.
9. In the event of an unanticipated discovery of cultural materials, 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 Historic Properties Management Plan 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.
10. The CPUC EM shall be notified immediately of any unanticipated cultural, paleontological, or biological resource discoveries.
11. 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
Sylvia Granados, Southern California Edison
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