

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

September 2, 2010

Susan J. Nelson, AIA
Project Manager
Southern California Edison
2244 Walnut Grove Ave.
Rosemead, CA 91770

RE: Tehachapi Renewable Transmission Project (Segments 4-11), Notice to Proceed (NTP # 14)

Dear Ms. Nelson,

On August 25, 2010, Southern Californian Edison (SCE) submitted a Notice to Proceed Request (NTPR) seeking authorization from the California Public Utilities Commission (CPUC) to construct a portion of the Segment 4 transmission line (T/L) structures to allow for stringing of conductors that cross the LADWP 1000 kV line during an outage time period of October 11 through October 14, 2010, located in Los Angeles County, California. In addition, SCE has requested to install three lattice steel structures into the existing Midway-Vincent #3 transmission line between Whirlwind Substation and Antelope Substation. Additional information, including a biological survey report, was submitted August 30th.

The SCE Tehachapi Renewable Transmission Project (Project) was evaluated in accordance with the California Environmental Quality Act and a Certification of Public Convenience and Necessity (CPCN) was granted by CPUC Decision 09-12-044, (Application #07-06-031), SCH #2007081156 on December 17, 2009. **NTP # 14 is granted by CPUC for the proposed activities based on the following factors:**

- SCE submitted the following information:

The Los Angeles Department of Water and Power (LADWP) has a scheduled outage of their 1000 kV DC transmission for the time period of October 11, 2010 through October 14, 2010. In order to prevent a year-long construction delay, SCE plans to construct the Segment 4 transmission line structures to allow for stringing of transmission line that cross the LADWP 1000 kV line during the outage time period specified by LADWP.

The structures that require construction prior to and during the outage period include Const 34 and Const 35. The scope of work includes road construction; site clearing and grading; excavation and installation of 8 drilled pier foundations; haul, assembly, and erection of 2 lattice steel towers; and installation of overhead conductors and associated work between Const 34 and Const 35, crossing the LADWP 1000 kV DC line.

Additionally, SCE plans to install three lattice steel structures into the existing Midway-Vincent #3 transmission line at structures M88-T1B, M86-T2A, and M86-T2B between Whirlwind Substation and Antelope Substation. The scope of work includes access road construction; site clearing and grading; excavation and installation of 12 drilled pier foundations; haul, assembly, and erection of three lattice steel towers; and connection of the existing overhead conductors to the new structures and associated work.

- **Biological Resources:** The USFWS Biological Opinion (BO) was issued on July 31, 2010. The CDFG 2081 Incidental Take Permit is expected to be issued in September 2010. The 2081 is required for Segment 4 for Swainson's hawk, desert tortoise, and Mohave ground squirrel.

SCE submitted a report titled *SCE TRTP Component, Segment 4 Transmission Line Biological Review* prepared by ICF International dated August 2010. The report summarizes results of prior surveys conducted for the TRTP Study Corridor, and discusses the literature review and focused field surveys conducted for Segment 4 T/L. The Biological Survey Area (BSA) for Segment 4 T/L was defined as the entire ROW plus a 500-foot buffer. Focused surveys were conducted in 2009 for rare plants, burrowing owl (*Athene cunicularia*), desert tortoise (*Gopherus agassizii*), Swainson's hawk (*Buteo swainsoni*), and Mohave ground squirrel (*Spermophilus mohavensis*) along Segment 4 and adjacent to the Segment 9 Whirlwind and Antelope Substations. Focused surveys along Segment 4 in 2010 were conducted for rare plants, burrowing owl, desert tortoise, and Swainson's hawk.

Segment 4 T/L is composed mostly of California annual grassland and agricultural lands. The remaining vegetation communities include disturbed/developed, California annual grassland – wildflower field, agriculture – wildflower field, Mohave creosote bush scrub, ruderal grassland, rabbitbrush scrub, Joshua tree woodland, desert saltbrush scrub, Mohave desert wash scrub, bunch grassland, and Mojavean juniper woodland and scrub. Segment 4 T/L is not located within federally designated Critical Habitat for any species and does not overlap state-protected or regulated habitats. One California Native Plant Society (CNPS) List 4.2 perennial herbaceous species, Peirson's morning-glory (*Calystegia peirsonii*), was recorded along Segment 4 T/L during the 2010 focused surveys. Two populations of Peirson's morning glory had previously been mapped along the Project Component (AMEC 2009c).

Based on the literature search and previous surveys of the project area and surrounding areas, there is suitable habitat for special-status species. These special-status species include: California androsace (*Androsace elongate* ssp. *acuta*), Lemmon's syntrichopappus (*Syntrichopappus lemmonii*), Mojave Indian paintbrush (*Castilleja plagiotoma*), Peirson's morning-glory, pygmy poppy (*Canbya candida*), desert tortoise, California horned lizard (*Phrynosoma coronatum frontale*), San Diego horned lizard (*Phrynosoma coronatum blainvillii*), golden eagle (*Aquila chrysaetos*) (nesting and wintering), Ferruginous hawk (*Buteo regalis*) (wintering), Swainson's hawk, merlin (*Falco columbarius*) (wintering), prairie falcon (*Falco mexicanus*) (nesting), white-tailed kite (*Elanus leucurus*) (nesting), long-eared owl (*Asio otus*) (nesting), short-eared owl (*Asio flammeus*) (nesting), western burrowing owl, LeConte's thrasher (*Toxostoma lecontei*), loggerhead shrike (*Lanius ludovicianus*), mountain plover (*Charadrius montanus*), tri-colored blackbird (*Agelaius tricolor*) (nesting colony), Vermilion flycatcher (*Pyrocephalus rubinus*) (nesting), Mohave ground squirrel, American badger (*Taxidea taxus*), pallid bat (*Antrozous pallidus*), spotted bat (*Euderma maculatum*), Townsend's big-eared bat (*Corynorhinus townsendii*), western mastiff bat (*Eumops perotis*), and Tehachapi pocket mouse (*Perognathus alticolus inexpectatus*).

Cultural Resources. SCE has submitted the following Cultural Resources Survey Reports for Segment 4 (review status of each report is noted in parenthesis following the report name):

- *Supplemental Archaeological Investigation and National Register of Historic Places and California Register of Historical Resources Eligibility Evaluation of Archaeological Site CA-KER-7214H SCE TRTP, Segment 9, Kern County, CA (also affects Whirlwind Substation)* (AE memorandum dated 8-24-10 concurs with SCE final report.)
- *TRTP Segments 4, 5, and 10 – Proposed Capping of Cultural Resources (Draft 7/05/2010)* (Under review.)
- *Supplemental Archaeological Survey Report #1, TRTP Segment 4, Kern and Los Angeles Counties, CA* (Comments provided in AE memorandum dated 8-13-10.)
- *Supplemental Archaeological Survey Report #2, TRTP Segment 4, Kern and Los Angeles Counties, CA* (To be submitted.)

A paleontological sensitivity review was conducted in 2010 (Paleo Solutions 2010). In accordance with the final version of the PRMP and the paleontological sensitivity report,

paleontological resource monitoring is recommended during any earth moving activities associated with the Segment 4 T/L.

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

- All sensitive resource buffers shall be flagged prior to construction/site occupation. Resource flagging shall be field verified by the CPUC EM prior to site use.
- All construction areas and access roads identified in the NTPR submitted by SCE shall be flagged prior to construction. Flagging of construction areas and access roads shall be field verified by the CPUC EM prior to site use.
- A biological pre-construction survey, including maps of identified resources, shall be submitted to and approved by the CPUC prior to site occupation/disturbance. All threatened or endangered species observations from the 2010 protocol level surveys shall be included on these project maps. Confirmation of agency notification of listed species observations in the project areas shall be submitted to the CPUC prior to site occupation.
- Biological survey sweeps are required to occur immediately preceding and during project area set up and occupation as part of required biological monitoring activities. Sweeps for nesting birds shall include a 500 foot buffer. If active nests are found, a biological monitor shall establish a required 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. The biological monitor shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer until the nesting cycle is complete or the nest fails. The biological monitor shall be responsible for documenting the results of the surveys and the ongoing monitoring. The buffer may be adjusted with the approval of CDFG and USFWS, and with prior knowledge of the CPUC. If special-status plant or animal species or bird nests are observed within the project area, CDFG and the CPUC EM shall be notified immediately (within 24 hours). After complete sweeps have been submitted and approved by the CPUC EM, site occupation can occur; however, if occupation does not occur within seven calendar days of survey, biological clearance sweeps shall be re-conducted prior to site occupation, including nesting bird surveys during the breeding season.
- No construction or site occupation shall occur in the project areas described in this NTP until the CDFG 2081 Incidental Take Permit is issued and all applicable conditions for Swainson's hawk, desert tortoise, and Mohave ground squirrel are implemented.
- The Segment 4 T/L disturbance areas shall be included in the project Habitat Restoration and Revegetation Plan required by MM B-1a, subject to review and approval by CPUC.
- If helicopters will be used for work on Segment 4 T/L, a biological report shall be submitted to the CPUC regarding potential impacts to sensitive species.
- Prior to commencement of construction activities, all crew personnel including haul truck and concrete truck drivers shall be appropriately trained on environmental issues including protocols for air quality, hazardous materials, biological resources, known and unanticipated cultural materials, as well as SWPPP BMP's. A log shall be maintained on site with the names of all crew personnel trained.
- Prior to site occupation and/or construction, SCE shall have all applicable cultural resources reports reviewed and approved by the participating agencies. Conditions noted within the subject reports shall be implemented.

- In accordance with the final version of the PRMP and the paleontological sensitivity report, paleontological resource monitoring shall be conducted during any earth moving activities associated with the Segment 4 T/L.
- If unanticipated biological, cultural or paleontological resources are detected, the CPUC EM shall be notified immediately.
- The Phase I ESA for Segment 4 T/L shall be reviewed and approved by the CPUC prior to the commencement of construction activities.
- Refueling and fueling locations shall be a minimum of 100-feet away from existing drainages. If construction debris or spills enter into environmentally sensitive areas, the jurisdictional agencies and the CPUC EM shall be notified immediately.
- Copies of all relevant permits, compliance plans, and this Notice to Proceed shall be available on site for the duration of construction activities.
- 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 to construction technique or mitigation implementation to a lesser level are required, a Variance Request shall be submitted for CPUC review and approval.

Sincerely,



John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen