

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



June 17, 2011

Susan J. Nelson, AIA
Regulatory Affairs
Southern California Edison
2244 Walnut Grove Avenue, Quad 3D, GO1
Rosemead, CA 91770

RE: Tehachapi Renewable Transmission Project (TRTP), Segments 4-11: Modification to NTP #24.

Dear Ms. Nelson,

On June 15, 2011, Southern Californian Edison (SCE) submitted a variance request (Modification to NTP #24) to construct a new permanent access road to Structures M3-T3A and M48-T1 on the Segment 8 Transmission Line (T/L) West (Phase 4) of the Tehachapi Renewable Transmission Project (TRTP), in the City of Hacienda Heights, Los Angeles County, California. Additional information was submitted on June 17th. **This Variance Request is approved by CPUC based on the following factors:**

- SCE submitted the following information:

SCE submitted a request for a Variance for the construction of a new permanent access road to Structures M3-T3A and M48-T1 on the Segment 8 Transmission Line (T/L) West (Phase 4) of the TRTP, in the City of Hacienda Heights, Los Angeles County, California. Subsequent to approval of the NTPR (NTP #24 dated January 12, 2011) by the CPUC, final design was completed and the new permanent access road to Structure M3-T3A and M48-T1 was modified. Additionally, for access road and crane pad construction, a proposed temporary crane pad, proposed temporary crane pad disturbance, proposed permanent grading limit, and contractor work limit, were included. The new permanent access road is approximately 950 feet long, has a grading limit that ranges between approximately 25 feet and 120 feet wide, and has a total disturbance area of approximately 2.3 acres.

- **Biological Resources:** SCE submitted a biological report by ICF International dated June 13, 2011, titled *Biological Survey Report for the M3-T3A and M48-T2 Road Modification for TRTP, Segment 8 West (Phase IV), Los Angeles County, California*. The report documents the biological conditions for road modifications associated with M3-T3A and M48-T2, as well as a temporary crane pad, temporary crane pad disturbance area, permanent grading limit, and contractor work limit for road and crane pad construction (Variance Project Component) and a 500-foot buffer (Biological Study Area [BSA]). The biological resources within the Variance Project Component site and 500-foot buffer were evaluated during general preconstruction surveys, bat habitat assessment (ICF 2011by, 2011bt), bat preconstruction survey (ICF 2011bt), focused burrowing owl (*Athene cunicularia*) surveys (AMEC 2008b, 2009a, 2009j; ICF 2010xx, ICF 2011bx), coastal California gnatcatcher (*Polioptila californica*) surveys (AMEC 2009m, ICF 2010ww), focused rare plant surveys (AMEC 2009o, ICF 2010at), and tree inventory (ICF 2010av). An additional clearance sweep was performed on the Variance Project Component on April 28, 2011. All construction monitoring observations of biological resources are recorded in the FRED system. In addition, 2011 protocol focused coastal California gnatcatcher surveys are ongoing. A literature review was also performed as part of the biological review for Segment 8 West (Phase 4) (ICF 2010dw).

The Variance Project Component is predominately ruderal grassland, with some disturbed/developed and a small area (0.001 acre) of coastal sage scrub. Vegetation communities observed within the BSA include: coastal sage scrub, nonnative woodland, California walnut woodland, California annual grassland, ruderal grassland, and disturbed/developed. No special-status plants or regulated trees were identified within the BSA (AMEC 2009o; ICF 2010at, 2010av). California walnut (*Juglans californica*) was identified within the BSA during 2010 special-status plant surveys (ICF 2010at).

While no coastal California gnatcatchers were observed within the BSA during focused surveys (AMEC 2009m, ICF 2010ww), the BSA overlaps USFWS gnatcatcher critical habitat and supports suitable habitat (coastal sage scrub). The BSA overlaps an area of coastal sage scrub that is considered currently occupied by coastal California gnatcatcher according to the parameters for the Biological Opinion (coastal sage scrub within 300 feet of a coastal California gnatcatcher observation, or within a coastal sage scrub polygon that is within 300 feet of an observation). For this area, the coastal sage scrub polygon is considered occupied due to a 2005 CNDDDB coastal California gnatcatcher observation located outside the 500-foot buffer. Focused coastal California gnatcatcher surveys are ongoing in 2011, but none have been detected in the area to date.

Phase I and II surveys for burrowing owl were conducted in 2010 along Segment 8 West according to CBOC (1993) protocol (ICF 2010xx) and determined that burrowing owl features exist in the BSA (ICF 2010xx). No burrowing owl or sign were observed within the BSA during 2010 focused surveys (ICF 2010xx) or subsequent burrowing of preconstruction surveys (ICF 2011bx, 2011cr).

Potential special-status solitary bat roosting sites were confirmed within the Variance Project Component and BSA (ICF 2011by, 2011bt). Also, San Diego desert woodrat (*Neotoma lepida intermedia*) middens were detected with the Variance Project Component and BSA (ICF 2011bw, 2011bs).

One active common raven nest (FRED Nest 001067) was identified within the BSA. Both the current ground buffer (50 feet) and helicopter nest buffer (100 feet) associated with this nest overlap the Variance Project Component.

United States Army Corps of Engineers (USACE) regulated Waters of the U.S., California State Water Resources Control Board (SWRCB) regulated Waters of the State, and California Department of Fish and Game (CDFG) regulated streambed and riparian areas were identified in the Jurisdictional Delineation Report for the TRTP: Segments 7 and 8 (ICF 2010h). Jurisdictional drainage features (8-18-S-1, 8-18-S-2, 8-18-S-3, and 8-19a-S-1) are present within the BSA (ICF 2010h) and will be avoided. The preconstruction survey conducted within the entire BSA did not identify additional potential jurisdictional features (ICF 2011bs, 2011bw). If potential jurisdictional features are identified during sweeps or during construction monitoring, they will be flagged as environmentally sensitive areas (ESAs) and avoided.

No additional impacts to biological resources are anticipated with the implementation of this Modification.

Cultural and Paleontological Resources: SCE submitted a memorandum dated June 3, 2011 from Matthew Wetherbee, MSc, RPA, SCE Archaeologist, regarding the TRTP Cultural and Paleontological Resources Guidelines for Segment 8 T/L Phase 4 (West) Variance Request for Road Modification M3-T3A and M48-T1. The memorandum states that no cultural or paleontological resources will be impacted by the proposed road modifications and disturbance areas for Structures M3-T3A and M48-T1. The proposed access road and disturbance areas were included in the previous surveys for the TRTP and no cultural resources were identified (Pacific Legacy 2007, 2010).

Previous paleontological assessments conducted for the TRTP indicate that the proposed access road and disturbance areas are located within the Miocene Puente Formation, which has a high sensitivity for yielding paleontological resources (Gust and Scott 2009; Aron 2010). In accordance with the

Paleontological Resources Management Plan (Gust and Scott 2009), paleontological resources monitoring is required during any ground disturbing activities for the proposed access road and disturbance areas for Structures M3-T3A and M48-T1 on Segment 8 Phase 4 (West).

Work will not extend beyond the proposed access road and disturbance areas for Structure M3-T3A and M48-T1. No additional impacts to cultural or paleontological resources are anticipated with the implementation of this Modification.

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

- Due to the high sensitivity for yielding paleontological resources, and in accordance with the Paleontological Resources Management Plan (Gust and Scott 2009), paleontological resources monitoring shall be conducted during any ground disturbing activities for the proposed access road and disturbance areas for Structures M3-T3A and M48-T1 on Segment 8 Phase 4 (West).
- All conditions required by Notice to Proceed (NTP) #24 shall apply to the subject area and activities.
- Copies of all relevant permits, compliance plans, NTP #24, and this Variance shall be available on site for the duration of construction activities where applicable.

Sincerely,



John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen