

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

October 15, 2010

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

RE: Tehachapi Renewable Transmission Project (TRTP), Segments 4-11: Variance Request (VR) #11

Dear Ms. Nelson,

On September 17, 2010, Southern Californian Edison (SCE) submitted a variance request regarding focused biological surveys outside of SCE's right-of-way in the Tonner Canyon and Tonner Canyon Creek areas on City of Industry land due to landowner access restrictions, Segment 8, Phase I. The Final EIR for TRTP specifies focused biological surveys within project disturbance areas, including roads, and its survey buffer where suitable habitat is present. Access roads outside of the TRTP right-of-way in this location may require improvements, but access wasn't granted by the landowner for the focused biological surveys. Additional information was submitted to the CPUC on October 1, 2010. **This Variance Request is approved by CPUC for the proposed activities based on the following factors:**

- SCE submitted the following information:

SCE submitted a variance request for focused biological surveys outside of SCE's right-of-way in the Tonner Canyon and Tonner Canyon Creek areas on City of Industry land in Segment 8 T/L, Chino Hills (Phase I), due to landowner access restrictions. The Final EIR for TRTP specifies focused biological surveys within project disturbance areas, including roads, and its survey buffer where suitable habitat is present in compliance with Mitigation Measures B-5 (breeding birds), B-7 (listed plants), B-8 (California red-legged frog), B-9 (arroyo toad), B-10 (desert tortoise), B-15 (listed riparian birds), B-16 (California gnatcatcher), B-18 (Swainson's hawk), B-23 (special-status plants), B-24 (southwestern pond turtle), B-25 (two-striped and south coast garter snake), B-26 (coast range newt), B-29 (burrowing owl), B-33 (bats), and B-37 (ringtail).

Reason for Request

The FEIR Mitigation Measures include a survey buffer that may extend outside the Project right-of-way. Landowner concerns of biological surveys outside of SCE's right-of-way have prohibited qualified biologists from site access in order to fully implement the requirements of the Mitigation Measures.

The 2010 focused surveys that were impacted by this restriction within the City of Industry property were for coastal California gnatcatcher, burrowing owl, southwestern pond turtle, garter snakes, riparian birds (yellow-billed cuckoo, least Bell's vireo and southwestern willow flycatcher), and listed/special-status plants.

Riparian Birds

Biologists were largely unable to use binoculars to survey areas outside their permitted access area for birds because access roads outside of the right-of-way were not permissible for use and existing topography (i.e., cliffs and valleys) of the landscape did not allow for visual detections. However, acoustic detections of riparian birds beyond the permitted access areas could occur, especially for territorial highly vocal singing males (such as least Bell's vireo). It is not known precisely the range

and distance of these detections, as it would vary within the breeding season and among species. SCE was not able to identify any special-status bird species outside the permitted access area.

Coastal California Gnatcatcher

The specific areas that were not surveyed for California gnatcatcher included patches of coastal sage scrub habitat that were outside the Tonner Canyon Survey Area M where the survey area overlaps the right-of-way and 500-foot buffer. These patches of coastal sage scrub that were not surveyed are identified on the maps in the 2010 Coastal California Gnatcatcher Focused Survey Report.

Burrowing Owl

Only a habitat assessment (Phase 1) for burrowing owl was conducted for the entire area within the City of Industry property in 2010. With access limitations to survey only the right-of-way and then the right-of-way plus a 500-foot buffer, the burrow survey/burrow mapping (Phase 2) was only able to be completed for a portion of the suitable habitat identified in Phase 1. Specifically, a Phase 2 survey was completed for suitable habitat that was within the right-of-way plus a 500-foot buffer. No burrows were detected; therefore a Phase 3 survey was not conducted. The area where the Phase 2 burrow survey was conducted is depicted in the 2010 Burrowing Owl Focused Survey Report.

Special-Status Herpetofauna

Two survey areas were affected within the City of Industry property for special-status herpetofauna: Tonner Creek Survey Area and Tonner Creek Upstream of Segment 8 Survey Area. Three visual surveys were completed for Tonner Creek Survey Area. However, as a result of access limitations, the fourth and final visual survey was only able to survey a portion of the Tonner Creek Survey Area. The fourth survey consisted of the Tonner Creek Survey Area that was within the right-of-way and 500-foot buffer. The Tonner Creek Upstream of Segment 8 Survey Area was added in May 2010 as more up-to-date access road engineering data became available. Only one survey was conducted within the survey area that was within the right-of-way and a 500-foot buffer. No additional surveys were conducted in the survey period.

Listed and Special-Status Plants

The focused surveys for listed and special-status plants were conducted in three seasonal passes that occurred between mid-April and late-August, 2010. The first pass for focused plant surveys was conducted within the entire Tonner Canyon/Canyon Hills Survey Area which included Tonner Canyon Road. There were no restrictions on access during the first pass. The second pass and third pass surveys were limited to the portion of the survey area that occurred within the SCE right-of-way and the 500-foot buffer only.

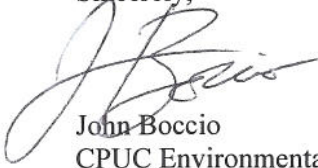
- **Biological Resources:** No additional impacts to biological resources are anticipated with the implementation of the conditions below.

Cultural Resources: No additional impacts to cultural resources are anticipated.

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

- If access road improvements are necessary in areas where limited survey access was granted, a botanist shall accompany crews during construction activities.
- Any incidental special-status species sightings or acoustic identifications (birds) from access roads and areas where limited survey access was granted, shall be reported to the CPUC and the appropriate resources agencies immediately.
- All conditions required by NTP #11 shall apply to the subject area and activities.
- Copies of all relevant permits, compliance plans, NTP #11, and this Variance shall be available on site for the duration of construction activities where applicable.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Boccio", written in a cursive style.

John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen