STATE OF CALIFORNIA Edmund G. Brown Jr., Governor

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

March 2, 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: Variance Request (VR) #40

Dear Ms. Nelson,

On March 1, 2011, Southern Californian Edison (SCE) submitted a variance request to allow the use of an existing access road (referred to as Mudpit Road) as an alternate access to Construct 29 on the Segment 5 Transmission Line (T/L) of the Tehachapi Renewable Transmission Project (TRTP) in Kern County. **This Variance Request is approved by CPUC based on the following factors:**

- SCE submitted the following information:

  SCE submitted a request for a Variance to allow the use of an existing access road as an alternate access to Construct 29 on Segment 5 T/L of the TRTP in Kern County. Subsequent to the approval of the NTPR (NTP #15 – NTPR dated August 16, 2010) by the CPUC, project site conditions have been further evaluated and an additional access road to Construct 29 will need to be utilized for purposes of constructability. The additional access road proposed in this Variance will be used for construction of the Segment 5, 500 kV transmission line.

  The current alignment of the approved access road to Construct 29 enters a low area which becomes impassable during rain. The proposed access road is an adjacent existing spur road and will provide continuous access to Construct 29. The current approved access road will be restored as part of the TRTP Segment 2 work. The proposed access road is approximately 15 feet wide and 300 feet long. The approved access road to be removed from Segment 5 use is approximately 15 feet wide and 284 feet long.

- **Biological Resources**: SCE submitted a report titled *Biological Survey Report for the Proposed Mudpit Road Alternative Access Road Variance, Segment 5 Transmission Line, TRTP, Los Angeles County, California* by ICF International dated January 21, 2011. The Variance Project Component and a 500-foot buffer (Biological Study Area [BSA]) were analyzed. Biological resources within the BSA were evaluated during surveys within and adjacent to the Variance Project Component including focused species and pre-construction biological surveys. A literature review was also performed as part of the biological review for Segment 5. The alternative access road is already developed, and use of the existing road will not require any vegetation clearing or grubbing.

  The Variance Project Component was mapped as Mojave mixed woody scrub. Six vegetation communities were mapped within the BSA and include Mojave mixed woody scrub, Mojavean juniper woodland scrub, southern cottonwood willow riparian forest, southern willow scrub, California annual grassland, and disturbed/developed. The BSA was burned during the Crown Fire in July 2010, and the vegetation communities within the BSA are now partly or completely damaged. Special-status plant species identified within the BSA include Peirson's morning-glory (*Calystegia peirsonii*), short-joint beavertail (*Opuntia*

basilaris var. *brachyclada*), California juniper (*Juniperus californica*), and Southern California black walnut (*Juglans californica*). All of these are located outside of the Variance Project Component.

Several wildlife special-status species were identified within the BSA, but outside the Variance Project Component including southwestern pond turtle (*Emys marmorata pallida*), two-striped garter snake (*Thamnophis hammondii*), tri-colored blackbird (*Agelaius tricolor*), yellow warbler (*Dendroica petechia*), and yellow-breasted chat (*Icteria virens*). Previous focused burrowing owl (*Athene cunicularia*) surveys in 2010 for Segment 5 (ICF 2010cq1) were negative for burrowing owls or signs of the species within the Variance BSA. No burrowing owls or signs of the species were detected during the 2010 ICF preconstruction surveys. Preconstruction surveys for bats (ICF 2010be, 2010bq) were negative. Although no potential roost habitat was identified, specific mitigation measures (MM 33a-c) would be implemented if any suitable habitat is observed in the vicinity. Three jurisdictional features, 5-18-S-1, 5-18-S-2, and 5-23-S-10, are located outside the Variance Project Component, but within the BSA. No additional impacts to biological resources are anticipated.

- **Cultural and Paleontological Resources**: SCE submitted a memorandum with the Variance Request stating that no cultural resources will be affected by use of the spur road located between Elizabeth Lake Road and CT-29 on Segment 5 as part of this Variance Request. The proposed spur road was investigated for archaeological and paleontological resources by Ecorps Consulting, Inc. (Ahmet, Mason et al. 2006), Pacific Legacy Inc. (2007, 2008) and Cogstone Resources Management (Gust and Scott 2008, 2009). The results of these studies indicate that one cultural resource, CA-LAN-3735, is located 30 feet southwest of the spur road. Cultural clearance for a Temporary Extra Work Space (TEWS) for this spur road to avoid the mud puddle was previously granted in December 2010. Any ground disturbing maintenance of the dirt road, such as grading, must be monitored by a qualified archaeologist. In the event that cultural resources are encountered during any future earth disturbing activities, all work must halt at that location until the resources can be properly evaluated by a qualified archaeologist. No additional impacts to cultural or paleontological resources are anticipated.

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

- Per SCE's Cultural Clearance Report for this Variance, any ground disturbing maintenance of the dirt road, such as grading, must be monitored by a qualified archaeologist.
- All conditions required by Notice to Proceed (NTP) #15 shall apply to the subject area and activities.
- Copies of all relevant permits, compliance plans, NTP #15, 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