STATE OF CALIFORNIA Edmund G. Brown Jr., Governor

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

March 10, 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) #43

Dear Ms. Nelson,

On March 3, 2011, Southern Californian Edison (SCE) submitted a variance request to allow use of an alternate access road to Tower M2-T2 and its associated structure work area. The alternate access road is an existing, private, paved driveway off Schaefer Avenue on Segment 8 Transmission Line East (Phase 2) of the Tehachapi Renewable Transmission Project in the City of Ontario, San Bernardino County, California. On March 10th, SCE provided additional information. **This Variance Request is approved by CPUC based on the following factors:**

- SCE submitted the following information:

  SCE requests a Variance to allow use of an alternate access road to Tower M2-T2 and its associated structure work area. The alternate access road is an existing private, paved (asphalt) driveway off Schaefer Avenue that leads to the right-of-way (ROW) on Segment 8 Transmission Line (T/L) East (Phase 2) of the Tehachapi Renewable Transmission Project in the City of Ontario, San Bernardino County. SCE currently has rights to use this existing access road. This alternate access extends approximately 250 feet south of Schaefer Avenue. The alternate access road is needed to access Tower M2-T2 and the associated structure work area because the approved access road is less suitable for use as it is not paved and is not wide enough to support the larger construction vehicles/equipment. Moreover, the property owner has requested that SCE use this road rather than the approved access road. No improvements will be made to this alternate, existing, paved road.

- **Biological Resources**: SCE submitted a letter from ICF International to SCE dated March 8, 2011 regarding the *Proposed Segment 8 Phase II Tower M2-T2 Access Road*. The letter documents the biological conditions at the proposed Variance location (Project Component). The Project Component includes the use of an existing paved road for Wire Setup Site (WSS) and tower access. The Project Component is mapped disturbed/developed (ICF 2010ee). The burrowing owl focused surveys for the Project Component in 2010 were negative for potential burrowing owl features, active burrows, and burrowing owls including sign (e.g., feathers, excrement, tracks, prey remains, and pellets) within the Project Component and 500-foot buffer (ICF 2010xx). A peregrine falcon was incidentally observed in flight on December 7, 2010, within the 500-foot buffer. General and burrowing owl preconstruction surveys conducted for this area were submitted to the CPUC and CDFG the week of December 13, 2010. The last clearance sweep for M2-T2 was conducted on February 22, 2011. No special status species were identified during the clearance sweep. An active American crow (*Corvus brachyrhynchos*) nest was observed within a eucalyptus tree on an active dairy site. The 300-foot buffer for the active American crow nest was reduced to a 50-foot buffer with CDFG approval on February 24, 2011. This 50-foot buffer crosses the Project Component. The M2-T2 site has had active construction, and daily morning sweeps are being conducted. Additionally, monitoring has

occurred as needed during construction activities. Monitoring of the active crow's nest is conducted during the daily construction monitoring. Within the active nest buffer, the access road can be used for ingress and egress only (no stopping or idling within the buffer). Construction or improvement of the access road cannot occur within the active nest buffer until the qualified biologist has determined the nest is no longer active. No additional impacts to biological resources are anticipated.

- **Cultural and Paleontological Resources**: SCE submitted a memorandum with the Variance Request from Matthew Wetherbee, Archaeologist, MSc, RPA, dated February 23, 2011, stating that no cultural resources will be impacted by the use of the alternate existing paved access road to Tower M2-T2 on Segment 8 East (Phase 2) of the Tehachapi Renewable Transmission Project. The alternate access road travels south from Schaefer Avenue for approximately 250 feet to the tower site location. The southern half (approximately 117 feet) of the existing access road was included in the previous surveys for the TRTP right-of-way corridor and no cultural resources were identified (Pacific Legacy 2007; Panich et al. 2010). The northern half (approximately 133 feet) of the existing paved access road lies outside of the TRTP right-of-way, but within a completely built environment, including one private residential paved driveway. These areas are likely to consist of previously disturbed subsurface stratigraphic horizons that are unlikely to yield subsurface cultural material. Furthermore, no improvements will occur to the existing paved access road. Based on a review of the archaeological database, aerial photographs of the alternate existing access road, the use of the paved access road will have no significant impact on cultural resources and has a low probability of impacting preciously unrecorded cultural resources. Work will not extend beyond the existing prism of the access road. No additional impacts to cultural or paleontological resources are anticipated.

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

- All conditions required by NTP #13 shall apply to the subject area and activities.
- Copies of all relevant permits, compliance plans, NTP #13, 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