

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
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March 25, 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) #45

Dear Ms. Nelson,

On March 22, 2011, Southern Californian Edison (SCE) submitted a variance request to allow the use of additional disturbance areas for soil stockpiling near Constructs 39, 57, and 61 on the Segment 5 Transmission Line (T/L) of the Tehachapi Renewable Transmission Project (TRTP) in Los Angeles County, California. **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 additional disturbance areas for soil stockpiling near Constructs 39, 57, and 61 on Segment 5 T/L of the TRTP in Los Angeles County. Subsequent to the approval of the NTPR (NTP #15 dated September 10, 2010) by the CPUC, project site conditions have been further evaluated and additional temporary disturbance areas for soil stockpiling will need to be utilized for purposes of constructability. The additional disturbance areas proposed in this Variance will be used for construction of the Segment 5, 500 kV transmission line.

Several sites within the Project area will require significant soil stabilization activities. During these activities, soil will be removed from the site and soil stabilization materials will be installed. The removed soil will then be added back to the site as the engineered slopes are built. These disturbance areas are being requested to stockpile the soil while it is temporarily displaced during these stabilization activities. Additionally, the disturbance areas will be used to stockpile soil from nearby foundation excavations and the soil utilized as fill during future grading activities. The proposed approximate locations and acreages for these disturbance areas are as follows:

Nearest Construct: 39; Area (acres): 1.82; Location: City of Palmdale, Los Angeles County
Nearest Construct: 57; Area (acres): 0.61; Location: Unincorporated Los Angeles County
Nearest Construct: 61; Area (acres): 0.96; Location: Unincorporated Los Angeles County
Total Area: 3.39 acres

The areas near Constructs 39 and 57 would be new disturbance areas. For the area near Construct 61, approximately 0.83 acres of the proposed 0.96-acre area would be new disturbance (i.e. 0.13 acres was approved for disturbance under the Segment 5 NTP).

This Variance would avoid repetitious transport of the soil spoils from these sites to offsite material storage yards and back again when needed, thereby reducing emissions.

Biological Resources: SCE submitted a biological report by ICF International dated March 17, 2011, regarding the proposed Segment 5 Soil Stockpile Sites Variance. Preconstruction biological surveys were performed in September 2010 for areas near Constructs 39, 57, and 61 on Segment 5 T/L.

Near Construct 39

General preconstruction surveys were submitted to the CPUC and CDFG the week of November 10, 2010. The soil stockpiling area near Construct 39 is within California annual grassland-wildflower field habitat. Several Peirson's morning glory (*Calystegia peirsonii*) (CNPS List 4.2) populations, as well as some isolated individuals, were detected within and adjacent to the soil stockpiling area and 500-foot buffer during the 2009 and 2010 focused surveys (AMEC 2009c; ICF 2010ag). Several potential burrowing owl (*Athene cunicularia*) features are also present within the 500-foot buffer (ICF 2010ac). One stream (5-23-S-1) is present within the 500-foot buffer, but will not be impacted by soil stockpiling (ICF 2010l). Although not present within the soil stockpiling area, one prairie falcon was observed in flight northeast of Construct 39 within the 500-foot buffer of the soil stockpiling area on January 7, 2011 during construction monitoring (ICF 2011j), and an active red-tailed hawk (*Buteo jamaicensis*) nest was located on Construct 39 during construction monitoring on March 4, 2011 (FRED Nest Event #308).

Near Construct 57

General preconstruction surveys were submitted to the CPUC and CDFG the week of October 14, 2010. The soil stockpiling area near Construct 57 is within burned California annual grassland and burned Mojavean juniper woodland scrub. One potential burrowing owl feature is within the soil stockpiling area (ICF 2010ac). Additional sensitive biological resources identified outside of the soil stockpiling area, but within the 500-foot buffer include one population of adobe yampah (*Perideridia pringlei*) (CNPS List 1B.2) (AMEC 2009c), and additional burrowing owl features (ICF 2010ac). Two streams (5-32-S-1 and 5-32-S-2) are present within the 500-foot buffer, but will not be impacted by soil stockpiling (ICF 2010l). Additionally, sensitive biological resources identified outside of the soil stockpiling area, but within the 500-foot buffer during construction monitoring include two desert woodrat nests identified on November 17, 2010 (ICF 2010ll), one legless lizard (*Anniella pulchra*) identified November 16, 2010 (ICF 2010ll), and two loggerhead shrikes (*Lanius ludovicianus*) observed January 6 and 16, 2011 (ICF 2011j).

Near Construct 61

General preconstruction surveys were submitted to the CPUC and CDFG the week of September 10, 2010. Focused surveys for burrowing owls and bats were submitted to the CPUC and CDFG the week of September 16, 2010. The soil stockpiling area is within ruderal grassland and disturbed/developed areas. Two short-joint beavertail cacti (*Opuntia basilaris* var. *brachyclada*) (CNPS List 1B.2) (AMEC 2009c) were identified. Six juniper trees that could be used for foliage roosting by solitary lasiurine species, such as western yellow bat (*Lasiurus xanthinus*) and western red bat (*Lasiurus blossevillii*), were identified near the soil stockpiling area at towers M20-T2 and M74-T5 (ICF 2010be). The juniper trees will not be impacted by the soil stockpiling. One active red-tailed hawk nest was identified on January 21, 2011, during construction monitoring within the 500-foot buffer, but will not be impacted by soil stockpiling (ICF 2011j).

The Department of the Army Nationwide Permit Authorization authorizes maintenance grading of the existing access road at the crossing with drainage 5-32-S-2. This crossing is within the 500-foot buffer of the soil stockpiling area near Construct 57. Sites near Construct 39 and Construct 61 appear to have been partially surveyed for jurisdictional impacts during previous delineations. The portions of sites near Construct 39 and Construct 61, plus a 300-foot buffer, which have not been previously surveyed will be surveyed to confirm that no jurisdictional features are present. Any features discovered will be flagged as ESAs and avoided until a permit amendment has been issued, if required.

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

- **Cultural and Paleontological Resources:** SCE submitted a memorandum with the Variance Request regarding the cultural clearance for three soil stockpiles on Segment 5 near Constructs 39, 57 and 61, which states that no cultural resources will be impacted by use of the three proposed soil stockpile areas. A record search and both cultural and paleontological surveys of the three proposed soil stockpile areas has been conducted for this portion of the TRTP on Segment 5 T/L (Ahmet et al. 2006; Pacific Legacy 2007, 2008, 2010; Gust and Scott 2009). Two of the soil stockpile areas (Constructs 57 and 61) were previously surveyed for cultural resources as part of TRTP. The soil stockpile area near Construct 39 is partially outside the current TRTP alignment and was surveyed as part of the current variance request (Pacific Legacy 2011). This survey yielded no cultural resources. No cultural resources were identified at the soil stockpile areas near Constructs 39 and 57. Because of this, no additional cultural resource work or monitoring is recommended at these locations. Prehistoric cultural resource CA-LAN-3734 is located partly within the soil stockpile area near Construct 61. Because site CA-LAN-3734 is partially located within the proposed soil stockpile area at Construct 61, cultural resource monitoring is recommended when soil stockpiling occurs here. Site CA-LAN-3734 was previously tested for TRTP Segment 2 and recommended not eligible for the California Register of Historic Resources (CRHR). This site evaluation is currently under agency review for its eligibility for the National Register of Historic Places (NRHP) in support of TRTP Segments 4-11 (the Project) under the provisions outlined in the Programmatic Agreement (PA) for the Project. Until such time that the reviewing agencies concur with the eligibility recommendations, the portion of the proposed soil stockpile area at Construct 61 outside the recorded archaeological site area can be used, provided that the portion of the soil stockpile area within the archaeological site and a 100 foot buffer is flagged for avoidance. Once the agencies provide concurrence on the eligibility of site CA-LAN-3734, then the entire proposed soil stockpile area at Construct 61 may be used. No additional impacts to cultural or paleontological resources are anticipated with the implementation of this Variance.

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

- The portions of sites near Construct 39 and Construct 61, plus a 300-foot buffer, which have not been previously surveyed for jurisdictional water features, shall be surveyed to confirm that no jurisdictional water features are present. Any features discovered will be flagged as ESAs and avoided until a permit amendment has been issued, if required.
- Because site CA-LAN-3734 is partially located within the proposed soil stockpile area at Construct 61, cultural resource monitoring is recommended when soil stockpiling occurs here. Until such time that the reviewing agencies concur with the eligibility recommendations, the portion of the proposed soil stockpile area at Construct 61 outside the recorded archaeological site area can be used, provided that the portion of the soil stockpile area within the archaeological site and a 100 foot buffer is flagged for avoidance.
- 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