

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



April 20, 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) #55

Dear Ms. Nelson,

On April 13, 2011, Southern Californian Edison (SCE) submitted a variance request to allow for modifications to the locations, and associated access roads and disturbance areas, of Towers M73-T3A and M73-T3B on the Segment 4 Transmission Line (T/L) of the Tehachapi Renewable Transmission Project in Kern County, California. **This Variance Request is approved by CPUC based on the following factors:**

- SCE submitted the following information:

SCE requests a Variance to allow for modifications to the locations, and associated access roads and disturbance areas, of Towers M73-T3A and M73-T3B on Segment 4 Transmission Line (T/L) of the Tehachapi Renewable Transmission Project (TRTP) in Kern County, California. Subsequent to the approval of the NTPR (NTP #16 dated September 13, 2010) by the CPUC, project site conditions have been further evaluated. Modifications are needed to the locations, and associated access roads and disturbance areas for Towers M73-T3A and M73-T3B.

The NTPR identifies the Towers M73-T3A and M73-T3B locations along the southwestern side of the new Whirlwind Substation, which is part of TRTP. The planned tower locations need to be moved due to substation design changes that occurred subsequent to receipt of the NTP for the Segment 4 T/L. Specifically, the engineered Stormwater drainage features at Whirlwind Substation were changed due to permit conditions. As a result, the planned locations of Towers M73-T3A and M73-T3B must be relocated approximately 250 feet to the southeast. The associated wire setup sites would also be relocated.

The tower locations changes would also result in the need for additional access roads, which are described below.

- The primary access route would occur along the existing unpaved road that extends west from the intersection of Rosamond Boulevard and 170<sup>th</sup> Street West, and then southeasterly along an existing unpaved road within the SCE right-of-way (ROW). Both roads would need minimum improvement, as appropriate. Construction vehicles and equipment would travel over the temporary bridge at this intersection, which was installed as part of the construction activities for Whirlwind Substation.
- An alternate access route would occur through Whirlwind Substation to the tower locations. Construction vehicles and equipment would travel over the temporary bridge at this intersection of Rosamond Boulevard and 170<sup>th</sup> Street West, southwest along existing General Petroleum Road into the substation, and continue through the substation to rejoin General Petroleum Road at an existing gate in the perimeter fence at the southwest side of the substation. The

approximate 100 foot portion of General Petroleum Road from the gate to the existing ROW road would need minimum improvement, as appropriate.

- An access road would be added that leads from the approved ROW access road to the new location for Tower M73-T3A. This road would be permanent heavy improvement.

**Biological Resources:** SCE submitted a report from ICF International dated April 11, 2011 titled *Biological Survey Report and Biological Preconstruction Survey for the Proposed M73-T3AB Disturbance Areas and Alternative Access for Rosamond Boulevard/General Petroleum Road Bypass Variance for Segment 4, TRTP, Kern County, California*. The report documents the results of previous and current biological surveys for the Segment 4 proposed M73-T3AB disturbance areas and alternative access roads (Variance Project Component). The Variance Project Component includes three locations and a 500-foot buffer (Biological Study Area [BSA]) surrounding each location. Biological resources within the BSA were evaluated during surveys associated with Segment 4 T/L and Segment 9 (Whirlwind Substation) that occurred within and adjacent to the BSA, including focused species surveys for special-status plants (AMEC 2009c; ICF 2010nn, 2010zz, 2010ag, 2010ap), tree inventories (ICF 2010be, 2010cg), desert tortoise (*Gopherus agassizii*) (AMEC 2009e, 2009ac; ICF 2010s; ICF and ECORP 2010a, 2010b), Swainson's hawk (*Buteo swainsoni*) (AMEC 2009ag, 2009ah, 2009ai; ICF and Bloom 2010a, 2010b), Mojave ground squirrel (*Spermophilus mohavensis*) (AMEC 2009d, 2009af), and burrowing owl (*Athene cunicularia*) (AMEC 2009f, 2009ad, ICF 2010ab, 2010ac, 2010am, 2010cq; Bloom 2009b), and preconstruction surveys completed previously and as part of this report. A literature review was also performed as part of the biological review for Segment 4 and 9 (Whirlwind Substation; ICF 2010ad, 2010al).

Vegetation communities observed in the Variance Project Component include: disturbed/developed and Mojave creosote bush scrub. The vegetation communities observed within the BSA include Mojave creosote bush scrub, Mojave juniper woodland scrub, Mojave mixed woody scrub, Joshua tree woodland, rabbitbrush scrub, ruderal grassland, and developed/disturbed (ICF 2010nn, 2010ag, 2010ap). With the exceptions of a small area of Joshua tree woodland that occurs south of Rosamond Boulevard, no special-status plants or regulated trees were identified within the BSA during the 2010 focused surveys (ICF 2010nn, 2010ag, 2010ap, 2010be, 2010cg).

Biological resources observed and/or present within the BSA include the following: several loggerhead shrike (ICF 2011j, 2011r), one ferruginous hawk (ICF 2011j, 2011r), one northern harrier (ICF 2011j, 2011r), one Swainson's hawk was observed flying through the Whirlwind Substation (ICF 2011j), one silvery legless lizard (ICF 2011j), burrowing owl and occupied burrowing owl burrows (AMEC 2009f, 2009ad; ICF 2010ab, 2010ac, 2010am, 2010an, 2010bz, 2010cq, 2010ct, 2010cz, 2010p; ICF 2011p, 2011s, 2011u), desert kit fox and desert kit fox dens (AMEC 2009f, 2009ad), and two active desert kit fox/burrowing owl complexes (ICF 2010aq, 2010by, 2010cy, 2011j, 2011r). One active red tailed hawk nest occurs within the BSA, and a 230-foot nesting buffer has been established that crosses the Variance Project Component (FRED #0047). Preconstruction surveys will continue to check for nesting birds.

Two jurisdictional features (4-5-S-1 and 4-5-S-3) were identified within the BSA and will be staked and flagged as an Environmentally Sensitive Area (ESA) for avoidance (ICF 2010l).

The Variance site location is covered under the California Endangered Species Act Incidental Take Permit (ITP) for desert tortoise, Mohave ground squirrel, and Swainson's hawk habitat. CDFG provided concurrence for the changes requested in this Variance on April 19, 2011. The Variance site location is also covered under the U.S. Fish and Wildlife Service (USFWS) Biological Opinion for desert tortoise habitat; however, to date USFWS concurrence has not been provided.

No additional impacts to biological resources are anticipated with the implementation of the conditions noted below.

**Cultural and Paleontological Resources:** SCE submitted a memorandum with the Variance Request from Matthew Wetherbee, MSc, RPA, Archaeologist, dated April 8, 2011, stating that no cultural resources will be impacted by the requested tower and pull-site relocation, and use of existing dirt roads at Whirlwind Substation as part of this M73-T3AB Tower Relocation Variance Request for the TRTP on Segment 4. A record search and a cultural and paleontological survey (Ahmet et al. 2006; Pacific Legacy 2007, 2008, 2010; Gust and Scott 2009) have been previously conducted for most of the elements within this Variance. Only the western portion of Tower M73-T3A and pull-site were not previously surveyed for the TRTP. As such, the un-surveyed area of this Variance was surveyed (Pacific Legacy 2011a) and no cultural resources were found. However, five cultural resources exist near the 3,800 foot long east-west portion of Rosamond Boulevard, a wide, graded and well-used dirt road west of 170<sup>th</sup> Street West. All five resources are historic debris scatters. Four of these resources are located in the vicinity of the dirt road and will be avoided. One resource, site CA-KER-7183H, is bisected by the dirt road, but will not be affected by construction activities. This site contains no visible material within the road prism and the road will only be used for access during construction. This site will be flagged for avoidance along the sides of the dirt road and no grading will be allowed across the site within the road prism. This management approach is consistent with Alternative 3 of the Management Plan for TRTP Segments 4, 5 and 10, which in part, states that capping of roads on cultural resources will not occur when capping *will not* add any level of protection to a cultural resources (Pacific Legacy 2011b:3). It is anticipated that no impacts to cultural resources will occur because of construction work that is proposed as part of this Variance, and no additional cultural resource work or monitoring is recommended.

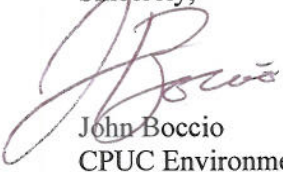
Paleontological assessments previously conducted for the area indicate that the area of the proposed variance is located within sediments that have the potential for yielding paleontological resources (Gust and Scott 2009). Because of this, paleontological monitoring is recommended if any ground disturbing excavation is conducted that exceeds a depth of two feet.

No additional impacts to cultural or paleontological resources are anticipated with the implementation of FEIR/S mitigation measures and the conditions below.

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

- Because the Variance site location is covered under the U.S. Fish and Wildlife Service (USFWS) Biological Opinion for desert tortoise habitat, USFWS concurrence for changes requested in this Variance shall be provided to the CPUC prior to the start of construction.
- Cultural resources site CA-KER-7183H shall be flagged for avoidance along the sides of the dirt road prior to construction and no grading will be allowed across the site within the road prism.
- Because the Variance site location is within sediments that have the potential for yielding paleontological resources, paleontological monitoring shall occur if any ground disturbing excavation is conducted that exceeds a depth of two feet.
- All conditions required by NTP #16 shall apply to the subject area and activities.
- Copies of all relevant permits, compliance plans, NTP #16, and this Variance shall be available on site for the duration of construction activities where applicable.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Boccio".

John Boccio  
CPUC Environmental Project Manager

cc: V. Strong, Aspen