

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



June 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) #66

Dear Ms. Nelson,

On May 26, 2011, Southern Californian Edison (SCE) submitted a variance request to realign an access road along Elizabeth Lake Road on 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 realign an access road along Elizabeth Lake Road 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 an approved access road needs to be realigned for constructability purposes.

The CPUC approved access road to Construct 29 along the north side of Elizabeth Lake Road needs to be realigned to correspond to the actual existing roadway in this area. The road would be shifted to the south and west. The realigned route measures approximately 300 feet long; the currently mapped road is approximately 284 feet long. The realigned route would follow an existing, heavily disturbed road that would require only minimum improvement such as light blading to smooth ruts present.

- **Biological Resources:** SCE submitted a biological report by ICF International dated May 23, 2011, regarding the Proposed Segment 5 Road Realignment near Elizabeth Lake Road Variance. The report documents the biological conditions and resources at the proposed road realignment (Variance Project Component) and a 500-foot buffer (Biological Study Area [BSA]). A biological review for Segment 5 was conducted in August 2010 (ICF 2010yy), and included the BSA. Previous surveys for vegetation, special-status plants, burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), California red-legged frog (*Rana draytonii*), southwestern pond turtle (*Clemmys marmorata*), and two-striped garter snake (*Thamnophis hammondi*) included the BSA (AMEC 2009a, 2009c, 2009f, 2009g, 2009h, 2009i, 2009ah; ICF 2010nn, 2010ag, 2010ah, 2010cq1, 2011bv; ICF and Bloom 2010a; ICF and BonTerra 2010a, 2010b, 2010f). General preconstruction surveys and clearance sweeps were performed in the area on September 10, 15, and 22, 2010 (ICF 2010bt), and November 5 and 9, 2010 (ICF 2010cq2). Construction activities associated with Segment 5 are ongoing in the vicinity of the Variance Project Component.

The Variance Project Component is located primarily within disturbed/developed areas. Small permanent impacts to Mojavean mixed woody scrub (0.004 acres) and Mojavean juniper woodland and scrub (0.01 acres) will occur. Southern cottonwood willow riparian forest is present within the BSA along jurisdictional

feature 5-18-S-2 (Amargosa Creek) (ICF 2010nn, 2011bv). Peirson's morning glory (*Calystegia peirsonii*) (CNPS List 4.2) was detected south of Elizabeth Lake Road within the 500-foot buffer during focused surveys. Updated (2011) surveys for rare plants are currently underway.

No burrowing owl burrows or burrowing owls were identified within the BSA. Protocol-level focused Swainson's hawk surveys were negative along Segment 5 during 2009 and 2010 (AMEC 2009ah; ICF and Bloom 2010a). Updated (2011) focused surveys are currently underway. Focused surveys conducted for least Bell's vireo and southwestern willow flycatcher were negative along Segment 5 (AMEC 2009i; ICF 2010ah). Focused surveys conducted for California red-legged frog in 2009 and 2010 were negative (AMEC 2009h; ICF and BonTerra 2010f). The conditions of the area surveyed indicate that the creek provides only marginal habitat and does not provide viable breeding habitat. Southwestern pond turtles were detected during the 2010 focused survey within southern cottonwood willow riparian forest in Amargosa Creek west of the BSA (ICF and BonTerra 2010b). One two-striped garter snake was observed within Mojavean juniper woodland scrub west of the Variance Project Component within the BSA (ICF and BonTerra 2010a). No special-status wildlife species were observed within the BSA during daily sweeps. In addition, no nesting birds were identified within the Variance Project Component; however, nesting birds were identified within the BSA.

Most of the Variance Project Component and BSA were surveyed during the original jurisdictional delineation for Segments 4, 5, and 10 (ICF 2010l). Two jurisdictional features, 5-18-S-2 (Amargosa Creek) and 5-23-S-10, were identified within the BSA of the Variance Project Component. Permits have been issued for a temporary wet crossing (swamp mats) at 5-18-S-2, located north of the Variance Project Component. The road realignment will not result in any additional impacts to this feature, and no permit amendments would be required. Any additional potentially jurisdictional features identified during preconstruction surveys, clearance sweeps, or construction monitoring will be flagged and avoided as environmentally sensitive areas.

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

Cultural and Paleontological Resources: SCE submitted a memorandum dated April 24, 2011, with the Variance Request stating that no cultural resources will be impacted by the requested access road leading to CT-29 as part of the Variance Request. 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 a portion of this access road. A portion of the requested access road, primarily the western end where the road turns north toward Amargosa Creek, was not previously surveyed for the TRTP. As such, previously unsurveyed areas of the Segment 5 CT-29 Access Road, plus an additional 50 foot buffer, were surveyed for this Variance and no cultural resources were found (Pacific Legacy 2011). One previously recorded cultural resource, CA-LAN-3655/H, exists west of the north-south portion of the access road. This resource, a combination prehistoric/historic site, was recorded west and outside of the current CT-29 Access Road. The current survey identified no visible cultural material within the road prism, the road berm, or immediately west of the road. Nevertheless, site CA-LAN-3655/H has been flagged for avoidance along the west side of the dirt road. It is anticipated that no impacts to cultural resources will occur from use of the Segment 5, CT-29 Access Road. However, 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). Paleontological monitoring is recommended if any ground disturbing excavation exceeds a depth of two feet. 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:

- Paleontological monitoring shall be conducted if construction activities on the road disturb sediment to a depth greater than two feet.

- 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,

A handwritten signature in black ink, appearing to read "J. Boccio". The signature is fluid and cursive, with the first letter of each name being significantly larger and more stylized.

John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen