

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



August 4, 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) #78

Dear Ms. Nelson,

On August 3, 2011, Southern Californian Edison (SCE) submitted a variance request regarding preconstruction and protocol-level focused biological surveys outside of SCE's right-of-way (ROW) in identified areas of landowner concern for the Aera Energy property between Structures M53-T3 and M56-T2 on Segment 8 (Phase 1 and Phase 4) of the Tehachapi Renewable Transmission Project (TRTP), in unincorporated 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 for preconstruction and protocol-level focused biological surveys outside of SCE's ROW in identified areas of landowner concern for the Aera Energy property between Structures M53-T3 and M56-T2 on Segment 8 (Phase 1 and 4) of the TRTP, in unincorporated Los Angeles County, California.

The FEIR Mitigation Measures include a survey buffer that may extend outside of the Project ROW. Landowner concerns of biological surveys outside of SCE's ROW have prohibited qualified biologists from site access as of July 22, 2011 in order to fully implement the requirements of the FEIR Mitigation Measures and/or permit conditions.

Communication with the landowner has been conducted to obtain access to conduct non-invasive biological surveys on the property. However, access beyond SCE's ROW was not granted by the landowner. As a result, SCE has been excluded from completion of surveys within the survey areas required in the Mitigation Measure and/or permit (ITP) conditions. All required surveys were completed prior to the property owner restricting access except the preconstruction survey within seven days prior to the start of construction and weekly focused surveys during the breeding season, as required by the ITP Take Minimization Measures 8.4.3.2 and 8.4.3.4.

Focused surveys in 2009, 2010, and 2011 for listed and special-status species were not impacted by the access restriction.

SCE requested approval from CDFG on August 2, 2011 for a Variance for ITP Take Minimization Measure 8.4.3.2 and 8.4.3.4 to conduct required preconstruction surveys and weekly focused surveys for riparian birds during the breeding season within the SCE ROW only and excluding the 500 foot buffer area as it pertains to the Aera Energy property.

Due to concerns associated with accessing the Aera Energy property, SCE proposes to conduct required preconstruction and focused surveys (in 2012 as needed) within the SCE ROW only.

Biological Resources: In the Variance Request letter dated July 29, 2011 from SCE Biologist, Maija Benjamins, it states that SCE has conducted focused surveys for southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), and western yellow-billed cuckoo (*Coccyzus americanus*) on the Aera Energy property at Brea Canyon Creek located just east of the 57 Freeway in 2010 and 2011. The survey area included Brea Canyon Creek at the intersection of TRTP Segment 8 within 500-feet of project work areas. Focused surveys were conducted between April 19 and July 27, 2010 within the Aera Energy property. Only one sighting of a transitory male least Bell's vireo occurred in the Brea Canyon riparian area of the property in 2010. In 2011, nine focused surveys were conducted between April and July 9, 2011. No least Bell's vireos were detected on the property in 2011. Access restrictions at this location did not impede the completion of the required number of surveys in 2011.

Focused surveys for coastal California gnatcatcher (*Polioptila californica*) in 2011 were completed on June 23, 2011 prior to access restrictions. No coastal California gnatcatchers were detected. Access restrictions at this location did not impede the completion of the required number of surveys in 2011.

Focused surveys for southwestern pond turtle (*Clemmys marmorata pallida*) were conducted on the Aera Energy property at the Brea Canyon survey area located just east of the 57 Freeway in 2010 and 2011. The survey area included Brea Canyon Creek at the intersection of TRTP Segment 8 within 500-feet of project work areas. Focused surveys were conducted between April and May 2010 within the survey area. Western pond turtle was incidentally observed in Brea Canyon while conducting focused surveys for special-status garter snakes species in 2010. The focused survey was also conducted on July 6, 2011. No active western pond turtle nests were detected. However, evidence of western pond turtles was detected in the Brea Canyon survey area during the preconstruction survey in 2011. Western pond turtle egg shell fragments were observed at the wire setup site at Brea Canyon Survey Area 2. The egg fragments did not appear to be located within or immediately adjacent to a nest site, indicating that it was likely carried to the location by a predator. Access restrictions at this location did not impede the completion of the required number of surveys in 2011.

Focused surveys for two-striped garter snake (*Thamnophis hammondi*) and south coast garter snake (*Thamnophis sirtalis infernalis*) were conducted at the Brea Canyon Survey Area and Tonner Creek Survey Area in 2009 and 2010. These survey areas included within 500-feet of project work areas. The focused surveys were conducted on April 29 and July 31, 2009. In 2010, the focused surveys were conducted on April 27 and May 30, 2010. No focused surveys were conducted in 2011. No two-striped garter snakes or south coast garter snakes were observed in 2009 or 2010.

Surveys for listed and special-status plants were conducted on Segment 8 from mid-April through mid-August 2010. In 2011, surveys for listed and special-status plants were conducted on Segment 8 from May and will continue in August 2011. Special-status mariposa lily (*Calochortus*) species were detected on the Aera Energy property in 2010 and 2011. Access restrictions at this location did not impede the completion of the required number of surveys in 2011 (i.e., surveys for mariposa lily were completed). Future surveys will be limited to the SCE ROW and will exclude the required 500-foot buffer area on Aera Energy property.

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

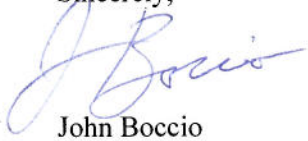
The conditions noted below shall be met by SCE and its contractors:

- Prior to construction commencing in the area covered under this Variance, SCE shall obtain approval from CDFG for a Variance for Incidental Take Permit Minimization Measures 8.4.3.2 and 8.4.3.4 to conduct

required preconstruction surveys and weekly focused surveys for riparian birds during the breeding season within the SCE ROW only and excluding the 500 foot buffer area as it pertains to the Aera Energy property.

- If access is subsequently granted by the property owner, SCE shall conduct focused surveys and preconstruction surveys in accordance with the established protocols at the subject location.
- All conditions required by Notice to Proceed (NTP) #11 and NTP #24 shall apply to the subject area and activities.
- Copies of all relevant permits, compliance plans, NTP #11 and NTP #24, and this Variance shall be available on site for the duration of construction activities where applicable.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Boccio".

John Boccio
CPUC Environmental Project Manager

cc: V. Strong, Aspen