

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



September 8, 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) #85

Dear Ms. Nelson,

On July 15, 2011, Southern Californian Edison (SCE) submitted a variance request for the use of additional guard pole sites and wire setup sites on the Segment 8 Transmission Line (T/L) West (Phase 4) of the Tehachapi Renewable Transmission Project (TRTP), in the Cities of Rowland Heights, La Habra Heights, and Hacienda Heights, Los Angeles County and areas of unincorporated Los Angeles County, California. Additional biological information was submitted on August 26th and September 7th, 2011. **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 the use of additional guard pole sites and wire setup sites (WSS) on the Segment 8 Transmission Line (T/L) West (Phase 4) of the TRTP, in the Cities of Rowland Heights, La Habra Heights, and Hacienda Heights, Los Angeles County and area of incorporated Los Angeles County, California. Subsequent to approval of the NTPR (NTP #24 dated January 12, 2011) by the CPUC, project site conditions have been further evaluated and Wilson Construction (SCE's contractor) is requesting a variance to add:

- Two guard structure sites totaling 0.11 acres to the north and south of Fullerton Road, located south of Structure MA1-T3 in unincorporated Los Angeles County. The additional guard structure sites are needed for work associated with the Fullerton Road Shoofly. Specifically, these guard structure sites are needed to guard Fullerton Road while conductor is being removed and strung. The disturbance activity needed to utilize the two additional guard structure sites is drive and crush.
- One Wire Setup Site (WSS 8-4.25a) totaling 1.02 acres, between Structures M51-T2 and M51-T3, in the City of Rowland Heights, County of Los Angeles. The additional WSS is needed to setup a conductor puller and stage associated equipment and material to pull conductor at the Fullerton Road Shoofly. The additional WSS is needed to supplement WSS 8-4.25 and WSS 8-4.26, both of which are located to the east at Structures MA1-T4 and M51-T4. The disturbance activity needed to utilize the proposed WSS is drive and crush.
- Three Wire Setup Sites totaling 3.28 acres. These include WSS 8-4.22a at Structure M50-T1, WSS 8-4.19a at Structures M450T4 and M6-T2, and WSS 8-4.18a at Structure M7-T2. WSS 8-4.22a is approximately 2.07 acres and is located in the City of La Habra Heights, County of Los Angeles. WSS 8-4.19a is approximately 0.71 acres and is located in the City of Hacienda Heights, County of Los Angeles. WSS 8-4.18a is approximately 0.5 acre and is located in unincorporated Los Angeles County. The additional WSSs are needed to setup conductor pullers and stage associated equipment and

materials to pull conductor. The disturbance activity needed to utilize the proposed WSS is drive and crush, and possibly light brush clearing.

- **Biological Resources:** SCE submitted a biological report by ICF International dated July 12, 2011, titled *Biological Survey Report for the Proposed Guard Structure Sites at Fullerton Road, Wire Setup Sites at M51-T2 and M52-T3, and Wire Setup Sites at M50-T1, M45-T4, and M7-T2 for TRTP, Segment 8 West (Phase IV), Los Angeles County, California*. The report documents the biological conditions for the proposed guard structure sites and wire setup sites (Variance Project Component) and a 500-foot buffer (Biological Study Area [BSA]). Biological resources within the Variance Project Component and 500-foot buffer were evaluated during general preconstruction surveys and bat habitat assessment preconstruction surveys associated with the BSA (ICF 2011bw, 2011by, 2011dv, 2011dw, 2011dx, 2011dy). Biological resources in the area also were evaluated during several focused surveys, including rare plant (AMEC 2009o, ICF 2010at), tree inventory (ICF 2010av), riparian bird (AMEC 2009n, ICF 2010ss), coastal California gnatcatcher (*Polioptila californica*) (AMEC 2009m; ICF 2010ww), and burrowing owl (*Athene cunicularia*) (AMEC 2008b, 2009a, 2009j; ICF 2010xx). Additional clearance sweeps were performed at the two guard structures sites north and south of Fullerton Road and at the WSS 8-25a area on May 13 and 18, 2011. In addition, 2011 protocol focused coastal California gnatcatcher, focused riparian bird, and focused rare plant surveys are ongoing. A literature review was also performed as part of the biological review for Segment 8 West (Phase 4).

Summary of Biological Resources at Two Guard Structure Sites North and South of Fullerton Road

The Variance Project Component was mapped as California annual grassland and disturbed/developed vegetation. The 500-foot buffer was mapped as California annual grassland, California walnut woodland, coast live oak woodland, coastal sage scrub, nonnative woodland, ruderal grassland, ruderal woodland, southern sycamore alder riparian woodland, southern willow scrub, and disturbed/developed vegetation. California walnuts (*Juglans californica*, special-status plant) and coast live oaks (*Quercus agrifolia*, regulated trees) were identified within the 500-foot buffer. Yellow warbler (*Dendroica petechia*) and yellow-breasted chat (*Icteria virens*) were observed within the 500-foot buffer. Coastal California gnatcatcher critical habitat overlaps the BSA; a coastal California gnatcatcher was observed outside of suitable habitat within the 500-foot buffer. Potential solitary and colonial bat roost habitat occurs within the 500-foot buffer. A San Diego desert woodrat (*Neotoma lepida intermedia*) midden was identified within the 500-foot buffer. Active bird nests are located within the 500-foot buffer. The jurisdictional features located within the 500-foot buffer include 8-24-W-1, 8-25-S-1, and 8-56-S-300, and will not be impacted.

Summary of Biological Resources at WSS 8-42a

The Variance Project Component was mapped as ruderal grassland and disturbed/developed vegetation. The 500-foot buffer was mapped as California walnut woodland, coast live oak woodland, coastal sage scrub, mixed chaparral, nonnative woodland, ruderal grassland, and disturbed/developed. California walnut (special-status plant), toyon (*Heteromeles arbutifolia*), and blue elderberry (*Sambucus cerulea*) (regulated trees) were identified within the 500-foot buffer. Coastal California gnatcatcher critical habitat overlaps the BSA; however, no coastal California gnatcatcher have been observed within the BSA. Potential burrowing owl features were identified within the BSA. An inactive raptor nest was identified within the 500-foot buffer. Jurisdictional features 8-54-S-300 and 8-54-S-301 are located within the 500-foot buffer and will be avoided.

Summary of Biological Resources at WSS 8-4.22a

The Variance Project Component was mapped as California walnut woodland, coast live oak woodland, coastal sage scrub, mixed chaparral, and disturbed/developed vegetation. The 500-foot buffer was mapped as California annual grassland, California walnut woodland, coast live oak woodland, coast live oak woodland-burned, coastal sage scrub, mixed chaparral, nonnative woodland, ruderal grassland, and disturbed/developed. California walnut (special-status plant), blue elderberry, toyon, coast live oak (regulated trees) were identified within the BSA. Coastal California gnatcatcher critical habitat overlaps the

BSA; however, no coastal California gnatcatcher have been observed within the BSA. Jurisdictional features 8-21-S-2, 8-21-S-3, and 8-22-S-1, overlap the 500-foot buffer and will not be impacted by the Variance Project Component.

Summary of Biological Resources at WSS 8-4.19a

The Variance Project Component was mapped as coastal sage scrub, ruderal grassland, and disturbed/developed. The 500-foot buffer was mapped as California live oak woodland, coastal sage scrub, mixed chaparral, and disturbed/developed vegetation. Coast live oak were identified within the 500-foot buffer. The BSA overlaps coastal California gnatcatcher occupied and critical habitat; however, no coastal California gnatcatchers have been observed within the BSA. San Diego desert woodrat potential middens were identified within the 500-foot buffer. Potential solitary bat roost habitat occurs within the 500-foot buffer. No jurisdictional features have been identified within the BSA.

Summary of Biological Resources at WSS 8-4.18a

The Variance Project Component was mapped as ruderal grassland and disturbed/developed. The 500-foot buffer was mapped as agriculture, ruderal grassland, and disturbed/developed vegetation. Potential burrowing owl features were identified within the BSA. Coastal California gnatcatcher critical habitat overlaps the 500-foot buffer; however, no coastal California gnatcatcher have been observed within the BSA. Least Bell's vireo (*Vireo bellii pusillus*) and yellow-breasted chat were incidentally observed within ruderal grassland located in the 500-foot buffer. The 2011 riparian bird focused surveys identified least Bell's vireo within the 500-foot buffer. A red-tailed hawk (*Buteo jamaicensis*) nest is located in the 500-foot buffer, and the ground disturbance buffer overlaps the Variance Project Component. The jurisdictional feature located within the 500-foot buffer (8-11-S-1) will not be impacted by the Variance Project Component.

United States Army Corps of Engineers (USACE) regulated Waters of the U.S., California State Water Resources Control Board (SWRCB) regulated Waters of the State, and California Department of Fish and Game (CDFG) regulated streambed and riparian areas were identified in the *Jurisdictional Delineation Report for the TRTP: Segments 7 and 8* (ICF 2010h). The Variance Project Component has been fully surveyed, and the 500-foot buffer has been partially surveyed. No jurisdictional features will be impacted by the Variance Project Component, and the features located within the 500-foot buffer will be flagged as ESAs and avoided. If potential jurisdictional features are identified during sweeps or during construction monitoring, they will be flagged as ESAs and avoided. Jurisdictional features will be avoided where possible, and permit amendments will be required for the features that cannot be avoided; these features will be avoided until the amendment has been issued.

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

Cultural and Paleontological Resources: SCE submitted a memorandum dated July 7, 2011 from Matthew Wetherbee, MSc, RPA, SCE Archaeologist, regarding the TRTP Cultural Resources Guidelines for Segment 8 Phase IV Variance Request for Guard Structure Sites at Fullerton Road, WSS at M51-T2 and M51-T3, and WSS at M50-T1, M45-T4, and M7-T2. The memorandum states that no cultural or paleontological resources will be affected by the proposed guard structure sites and wire setup sites (WSS) in support of the TRTP, Segment 8 Phase IV. The two guard structures at Fullerton Road, WSS 8-4.25a, WSS 8-4.18a, and portions of WSS 8-4.19a and WSS 8-4.22a, were included in the previous surveys for the TRTP and no cultural resources were identified (Pacific Legacy 2007, 2010). Approximately five percent of WSS 8-4.19a is located outside of the previously surveyed area for TRTP and is on the side of the existing access road in a completely disturbed area. This area is likely to consist of previously disturbed subsurface stratigraphic horizons that are unlikely to yield subsurface cultural or paleontological materials. Furthermore, no ground disturbance is proposed for this area. Additionally, approximately 10 percent of WSS 8-4.22a lies outside of the previously surveyed area for TRTP within an undisturbed area and required

a cultural resources survey (PCR 2011). SCE submitted the *Cultural Resources Survey in Support of Variance Request for Pull Site at M50-T1, Segment 8 Phase IV, TRTP, Los Angeles County, California* dated July 7, 2011. No previously recorded cultural resources or eligible/listed NRHP historic properties are located within the Project area. During the field survey, no cultural or paleontological resources, or historic properties were encountered.

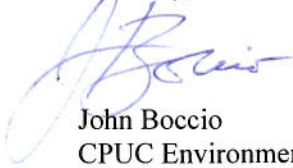
Previous paleontological assessments conducted for the TRTP indicate that the proposed work areas are located within the Pliocene Fernando Formation and the Miocene Puente Formation, which have a high sensitivity for yielding paleontological resources (Gust and Scott 2009; Aron 2010). However, no ground disturbance is proposed for these areas and construction will utilize these areas through drive and crush method.

No additional impacts to cultural or paleontological resources are anticipated with the implementation of this Variance and the conditions noted below.

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

- All conditions required by Notice to Proceed (NTP) #24 shall apply to the subject area and activities.
- Copies of all relevant permits, compliance plans, NTP #24, 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