

PUBLIC UTILITIES COMMISSION

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September 8, 2021

Thomas Diaz
Regulatory Affairs
Southern California Edison
8631 Rush St, General Office 4 – 235E (2nd Floor)
Rosemead, CA, 91770

RE: ELM Series Capacitor Project: Minor Project Refinement #1

Dear Mr. Diaz,

On August 26, 2021, Southern California Edison (SCE) submitted a request for Minor Project Refinement (MPR) #1 for five new access points and/or work areas to support construction activities. The additional work areas are located entirely within the SCE Lugo-Mohave Transmission Line right-of-way in San Bernardino County. The additional work area would support transmission line activities approved under the California Public Utilities Commission (CPUC) Notices to Proceed (NTP) #3 and #4 for the Eldorado-Lugo-Mohave Upgrade Project in the County of San Bernardino, California.

The CPUC voted on August 27, 2020, to approve SCE's Eldorado-Lugo-Mohave Upgrade Project (Decision D.20-08032) and a Notice of Determination was submitted to the State Clearinghouse (SCH# 2019089033). The CPUC also adopted a Mitigation, Monitoring, Compliance and Reporting Plan (MMCRP) to ensure compliance with all mitigation measures imposed on the Eldorado-Lugo-Mohave Upgrade Project during implementation. The MMCRP also acknowledges that temporary changes to the project, such as final project design and engineering or need for addition workspace, are anticipated and common practice for construction efforts of this scale and that an MPR request would be required for these activities. This letter documents the CPUC's thorough evaluation of all activities covered in this MPR, and that no new impacts or increase in impact severity would result from the requested MPR activities.

MPRs are reviewed for consistency with CEQA requirements and confirmed that they are located within the geographic boundary of the project study area. MPRs do not create new or substantially more severe significant impacts, or conflict with any mitigation measure or applicable law or policy. Also, they do not trigger other permit requirements unless the appropriate agency has approved the change, and clearly and strictly comply with the intent of the mitigation measure or applicable law or policy.

MPR #1 for five new access points and/or work areas to support construction activities (approved under NTPs #3 and #4) is granted by CPUC based on the factors described below.

SCE MPR Request. Excerpts from the SCE MPR request are presented below (indented):

SCE is proposing the addition of 5 new work areas for the completion of previously approved and permitted work associated with the project, including splicing of Optical Ground Wire (OPGW) lines to serve as operational components of the ELM transmission line. Additional access points and/or work areas are proposed for 5 existing structure sites, including M22-T2, M27-T3, M29-T3, M31-T1, M69-T1. The proposed work areas are contiguous with previously-approved temporary disturbance areas (e.g. structure work areas [SWA]). The additional work areas include a total area of 0.288-acre. All 5 work areas are located entirely within the SCE Lugo-Mohave Transmission Line Right-of-Way.

For this work, a one-or two-person crew will access these locations to test the fibers after the OPGW has been installed. The crew will use the designated SWA at each of these locations, plus the additional work areas proposed by this Minor Project Refinement (MPR). Splicing operations require no ground disturbance. Rather, the crew will perform the work in a splicing vehicle parked on site and via access of the tower leg. The splicing vehicle typically drives into the approved work area and stays stationary while splicing work is performed (typically within the back of the vehicle) over a period of several hours. Upon completion, the splicing truck leaves the project area using the same entrance point. Splicing crews would use project access roads and work areas, and then drive and crush to access job sites where the work areas are not located on existing disturbed areas. Required equipment will avoid as much vegetation as practicable and utilize any existing routes that are available.

An alternative analysis included a “no perform” option, which is not be possible since splicing of the ELM fiber optic line must be completed for operation of the circuit and associated equipment. Splice locations were chosen based on most operationally efficient locations; thus, alternative locations for proposed splice locations are not possible.

Based on close examination and analysis of the proposed work areas and scope of work, no environmental constraints that warrant further review or would preclude approval of the work areas were identified. With preconstruction clearance surveys and implementation of the project mitigation measures and permit conditions, no additional significant impacts to biological, archaeological, paleontological resources, or jurisdictional waters are anticipated.

CPUC Evaluation of MPR Request

In accordance with the MMCRP, the subject MPR request was reviewed by CPUC to confirm that no new impacts or increase in impact severity would result from the requested MPR activities and that the subject request was within the geographic boundary of the Project study area. Additionally, the CPUC Environmental Monitor (EM) conducted a site visit of the requested work area on September 2, 2021. The following discussion summarizes this analysis for agriculture, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, land use, noise, paleontological resources, traffic and transportation, visual resources, water resources, and wildland fire. A list of bulleted conditions is presented to define additional information and clarifications regarding mitigation requirements. In some cases, these items exceed the requirements of the Mitigation Measures (MMs) and Applicant Proposed Measures (APMs) and are based on specific site conditions and/or are proposed conditions by SCE.

Air Quality: During proposed construction, SCE shall implement the Fugitive Dust Control Plan approved by the CPUC on November 17, 2020. In addition, APMs AIR-2 through AIR -5 requires that off-road diesel construction equipment use engines compliant with Tier 4 standards, idling would be restricted to less than five minutes, engines to be in good working order, and that worker ridesharing is encouraged. No additional impacts to air quality will occur with the implementation of this MPR.

Biological Resources: The proposed work areas are located within the study area for previous habitat assessments and focused/protocol surveys, as well as recent preconstruction surveys for the project (FRED Survey Form 000042, 000062, 000106, and 000130). A desktop analysis of publicly available data (e.g., CNDDDB) and relevant project data (e.g., data from focused/protocol surveys and FRED) were reviewed to determine the potential for special-status species to occur in the proposed work areas, and to assess the potential impacts to biological resources.

Site Description: The proposed work areas are extensions of previously approved SWAs associated with existing project structures where splicing will occur. The areas are dominated by *Larrea tridentata*-*Ambrosia dumosa* Shrubland (creosote bush - white burr sage scrub), *Eriogonum fasciculatum* Shrubland (California buckwheat scrub), *Larrea tridentata* Shrubland (creosote bush scrub), or *Atriplex polycarpa*

Shrubland (allscale scrub), with some portions of the proposed work areas including the existing developed/disturbed areas associated with the existing stub roads and Operations and Maintenance (O&M) clearance areas.

Desert Tortoise (DETO): The proposed work areas are located within suitable desert tortoise habitat as determined by vegetation types and ground cover. Protocol-level desert tortoise surveys were previously conducted across work areas that included these work areas. Based on previous project-specific surveys, there are multiple recorded occurrences of desert tortoise sign in the vicinity of the proposed work areas. These records include one potential desert tortoise burrow 1-mile southwest of M27-T3 (Insignia, 2016), six potential desert tortoise burrows within a mile of M69-T1 (the closest being 350 feet southeast) (FRED Species Event 000178, 000179, 000181, 000578, 000594, 000595), one desert tortoise carcass 350' northwest of M69-T1 (FRED Species Event 000566, Mortality Event 000050).

A preconstruction survey will be conducted prior to the initiation of construction activities in the proposed work areas. If any desert tortoises are found during the preconstruction survey or construction activities, potential impacts will be addressed through implementation of appropriate mitigation measures and biological monitoring.

Special-Status Terrestrial Herpetofauna: Several observations of Mohave fringe-toed lizard were recorded with the closest being 200 feet northwest of the proposed work areas associated with M69-T1 (FRED Species Event 000596). Although only Mohave fringe-toed lizard was observed, many species have the potential to occur throughout the Project area. A preconstruction survey will be conducted prior to the initiation of construction activities in the additional work areas. If any special-status terrestrial herpetofauna are found during the preconstruction survey or construction activities, potential impacts will be addressed through implementation of the mitigation measures. If Mohave fringe-toed lizard are present in the splicing work area, a biological monitor will be present to assist with the location of equipment to avoid crushing this species.

Burrowing Owl (BUOW): The entire Project is within the overall range of the burrowing owl and burrowing owl habitat is widespread across its footprint, including on/near the proposed work areas. No burrowing owls were directly observed in any previous survey for the Project; however, potential signs of burrowing owls were observed in proximity to some proposed work areas during previous surveys. Burrowing owl-focused surveys were conducted for work areas that included M22-T2, M29-T3, M31-T1, and M69-T1. Incidental observations during Insignia's special-status plant surveys in the spring of 2016 included four burrowing owl burrows with two burrowing owl individuals 0.5-mile northwest of the proposed work area for M69-T1 and 25 feet north of the site access road.

Although an active burrowing owl burrow with two adult burrowing owls was discovered near the proposed work area and site access road in 2016, no active burrows currently exist. A preconstruction survey will be conducted prior to the initiation of construction activities in the proposed work areas. If any burrowing owl are found during the preconstruction survey or construction activities, potential impacts will be addressed according to the Burrowing Owl Management and Passive Relocation Plan.

Nesting Birds: Suitable substrates for nesting birds protected by the California Fish and Game Code and Migratory Bird Treaty Act, including trees, shrubs, man-made structures, and the ground surface, can be found throughout the Project area. No active nest buffers intersect the proposed work areas at this time. Special-status birds including burrowing owl (incidental observation during Insignia's special-status plant surveys in the spring of 2016), loggerhead shrike (*Lanius ludovicianus*) (FRED Species Event 000275, 000277, 000279, 000280, 000584), prairie falcon (*Falco mexicanus*) (FRED Species Event 000295, 000583), and Swainson's hawk (*Buteo swainsoni*) (FRED Species Event 000311, 000328), were observed near transmission structures M69-T1. Observations for loggerhead shrike, prairie falcon, and Swainson's hawk related to flyovers, perching, and/or foraging were made near the Ludlow Series Capacitor project site.

Insignia's 2016 burrowing owl observation included two individuals and four active burrows 0.5-mile northwest of the proposed work area for M69-T1 and 25 feet north of the site access road.

A preconstruction survey for nesting birds will be conducted prior to the initiation of construction activities during the avian breeding season (Jan 1 – Aug 31). If active nests are identified, avoidance buffers will be established in accordance with the Project Nesting Bird Management Plan (NBMP). With implementation of the NBMP, no impacts are anticipated.

Listed Riparian Birds: No suitable habitat for riparian birds (least Bell's vireo or southwestern willow flycatchers) occurs within 500 feet of the proposed work areas. Therefore, no impacts are anticipated.

Golden Eagle (GOEA): Based on aerial habitat assessments and protocol surveys conducted for the Project, suitable nesting habitat and many historical nest records for golden eagles are located within 2 miles of the proposed work areas. At M22-T2, the closest golden eagle nest records were 0.4-mile southwest in the Lucerne Valley and 1.6 miles northeast on Chimney Rock. A cluster of historic golden eagle nest records were 0.8-mile east and 1-mile northeast of the additional work area associated with M27-T3 on White Horse Mountain and Lucerne Valley. At M29-T3, the closest golden eagle nest record was 0.5 southwest, but there were many records within 1.0 mile on White Horse Mountain. There were multiple golden eagle nest records within 2.0 miles of M31-T1 on White Horse Mountain, with the nearest being 1.6 miles away. At M69-T1, the closest golden eagle nest record was respectively 3.5 east miles and 1.8 miles northwest on Sleepy Beauty of the Cady Mountains.

Work activities are not proposed to occur during the golden eagle breeding season. Therefore, no active golden eagle nests are expected to be located within 1.0 mile of the splicing activities. If the proposed work activities are planned during the golden eagle breeding season, a 1.0-mile buffer will be implemented for all active golden eagle nests unless buffer reductions are implemented in coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW).

Special-Status Bats: No rocky outcrops or trees potentially providing suitable roosting habitat for bat species will be affected by the proposed work. Therefore, no impacts are anticipated.

Special-Status Small Mammals: Special-status small mammals such as the American badger, desert kit fox, and/or desert bighorn sheep can occur in many parts of the Project area, as suitable habitat is widespread. Based on the existing data reviewed, Project-specific survey records, and habitat conditions observed during surveys, the desert kit fox, desert bighorn sheep, and American badger are assumed to be potentially present regionally. One American badger was observed 700 feet east of the proposed M69-T1 work area during a preconstruction survey (FRED Species Event 000259). One adult desert kit fox was observed crossing the site access road 0.4-mile southwest of the proposed M69-T1 work area during a clearance sweep (FRED Species Event 000216). Suitable habitat for the ringtail is present in the region but is limited in extent to riparian areas and some desert mountains. M27-T3, M29-T3, and M31-T1 are within one mile of Lucerne Lake. Lucerne Lake is an unvegetated lakebed with high saline levels and periodic inundation and the associated portion of Argos wash does not consist of any riparian habitat; however, ringtail may have potential to occur temporarily through utilization of the associated corridors for movement through the region. If any special-status mammals are found during the preconstruction survey or construction activities, potential impacts will be addressed according to applicable mitigation measures.

Special-Status Plants: Project-specific protocol rare plant surveys were conducted in survey areas including all of the proposed work areas. The pink funnel lily (*Androstaphium breviflorum*) was observed near M69-T1. There were 10 recorded occurrences within a mile of this site, with the closest being 800 feet southwest of M69-T1 additional work area, but within the Ludlow Series Capacitor work area and 10

feet north of the site access road. White-margined penstemon (*Penstemon albomarginatus*) has potential to occur in the same area. While CNDDDB occurrences are recorded, this species has not been observed during project surveys.

The work is scheduled to occur outside the growing season for most special-status annuals, and due to drought conditions, many annuals and event perennial herbs are not currently present. Given these conditions and considering the activities involve drive and crush, no impacts to special-status plants are anticipated.

In general, if special-status plants are observed, potential impacts to special-status plants will be addressed in accordance with the Special-Status Plant Salvage and Relocation Plan.

Cacti, Yucca, and Trees: A preconstruction survey will be conducted prior to the initiation of construction activities in the proposed work areas. If any cacti and yucca are found during the preconstruction surveys or construction activities, they will be avoided to the extent feasible. Unavoidable impacts to cacti and yucca will be addressed in accordance with the Cacti and Yucca Salvage Plan. FRED Tree Event [FRED Tree Event 000899, Golden Cholla] at M29-T3 will likely have been avoided or transplanted as part of the construction activities (e.g., wire stringing) conducted prior to the splicing work addresses by this MPR. The Tree Event is not located in the proposed work area.

Jurisdictional Waters: No wetlands or other jurisdictional waters are present within the proposed work areas associated with M22-T2, M27-T3, or M31-T1.

The proposed work area associated with M29-T3 is immediately adjacent to a mapped jurisdictional feature defined as an unvegetated ephemeral streambed with a sand bottom; however, this channel becomes impounded by the road berm surrounding transmission structure M29-T3. The proposed work area will be accessed from the opposite side; therefore, the jurisdictional feature will be avoided.

The proposed work area associated with M69-T1 is 0.4-mile southeast of a mapped jurisdictional feature within the Newberry and Ludlow Capacitor construction area. It is a small unvegetated ephemeral streambed with a sand bottom; however, it is not in close proximity of the proposed work area. Therefore, no impact to this jurisdictional feature is anticipated.

Cultural Resources: A desktop analysis was conducted to determine the presence of and potential impacts to cultural resources within and directly surrounding the proposed work areas.

The proposed work areas are located within the APE for the project. No impacts to cultural resources are expected, as no previously recorded cultural resources are located within or in proximity to the proposed work areas. Since no ground disturbing activities are expected, there is little potential for unanticipated discovery of previously unrecorded cultural resources. If cultural resources are encountered unexpectedly, a standard work stoppage will be implemented, and a qualified archaeologist contacted. The discovery would then be addressed in accordance with the project's Cultural Resources Management Plan.

Hazards and Hazardous Materials: As required by MM HH-1, SCE prepared a Hazardous Materials and Waste Management Plan which was approved by the CPUC on October 30, 2020. Hazardous materials used and stored on site for the duration of construction activities will be managed according to the Plan. No additional impacts from hazards or hazardous materials will occur with the implementation of this MPR.

Noise: As required by MM N-2, construction notification fliers were distributed to inform property and business owners of the location and duration of construction. The flier includes provisions for public

noticing including mailers, newspaper advertisements, public venue notices, and includes the establishment of a public liaison and toll-free information hotline. Monthly logs of public complaints are provided to the CPUC. No additional impacts to land use will occur with the implementation of this MPR.

Paleontological Resources: Analysis of paleontological resources within and directly surrounding the Project areas show no sensitive resources. Since ground disturbance is not being proposed within the scope of work, there will be no expected impacts to paleontological resources.

If earth disturbance is required to perform the work with impacts greater than 5' in depth, further analysis by a paleontological expert may be required to assess impacts in "unknown areas" (M22-T2, M27-T3) and monitoring for excavation greater than 5' in depth may be prescribed per the Project's Paleontological Resources Monitoring Plan for sites in more sensitive areas (M29-T3, M31-T1, M69-T1).

Traffic and Transportation: Consistent with MM T-1, Traffic Control Plans have been developed and approved by State and local agencies responsible for public roads. The Construction Transportation Plan describes timing of commutes, methods of reducing crew-related traffic, and other methods for reducing construction-generated additional traffic on regional and local roadways. As required by MM T-3, a Helicopter Use Plan was prepared and approved by the CPUC on November 17, 2020, which identifies flight paths that avoid sensitive receptors. No additional impacts to traffic and transportation will occur with the implementation of this MPR.

Visual Resources: The proposed additional work areas described in this MPR are no different than what was described in NTPs #3 and #4. No additional impacts to visual resources will occur with the implementation of this MPR.

Water Resources: As required by MM HWQ-2, SCE developed and submitted an Erosion Control Plan to the CPUC and BLM. The Erosion Control Plan was incorporated into the SWPPP, which is kept onsite and readily available on request. The Erosion Control Plan was approved by the CPUC on August 24, 2020. Any changes necessitated by this MPR will be incorporated into the SWPPP document. No additional impacts to water resources are anticipated with the implementation of this MPR.

Wildland Fire: SCE prepared a Fire Management Plan to satisfy the conditions of MM WF-1 and the Plan was approved by the CPUC on November 17, 2020. The Fire Plan was also approved by BLM and State and local fire agencies. No additional impacts to wildland fire will occur with the implementation of this MPR.

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

- SCE shall notify the CPUC and provide Collector data for the proposed work areas covered in this MPR prior to the start of construction activities.
- All applicable Project MMs, APMs, compliance plans, and permit conditions shall be implemented. Some measures have on-going/time-sensitive requirements and shall be implemented prior to and during construction where applicable.
- Copies of all relevant permits, compliance plans, and this MPR shall be available on site for the duration of construction activities. All permits and plans shall be made available to the CPUC EM upon request.
- All crew members shall be WEAP trained prior to working on the Project. A log shall be maintained on-site with the names of all crew personnel trained. The WEAP training brochure can be provided in Spanish or other languages if appropriate. All participants will receive a hard-hat sticker for ease of compliance verification.
- No movement or staging of construction vehicles or equipment shall be allowed outside of the approved areas. If additional temporary workspace areas or access routes, or changes in technique and

mitigation implementation to a lesser level are required, an MPR request shall be submitted for CPUC review.

- A preconstruction biological survey shall be conducted prior to initiating work in each proposed work area if those sites are no longer active.

Sincerely,

A handwritten signature in black ink that reads "Eric Chiang". The signature is written in a cursive, flowing style.

Eric Chiang
CPUC Environmental Project Manager

cc: V. Strong, Aspen