

PUBLIC UTILITIES COMMISSION

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September 30, 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 #2

Dear Mr. Diaz,

On September 24, 2021, Southern California Edison (SCE) submitted a request for Minor Project Refinement (MPR) #2 for new work areas at five tower sites to facilitate the safe installation of optical ground wire (OPGW) along the Lugo-Mohave transmission line, walking paths, and for two water sources. The additional work areas are located entirely within the SCE Lugo-Mohave Transmission Line right-of-way in San Bernardino County. The water sources are existing wells or water hydrants located in Essex, CA and Apple Valley, CA. The additional work areas 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 #2 for five new work areas, walking paths, and two water sources 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 proposes the addition of new work areas at 5 tower sites to facilitate the safe installation of optical ground wire (OPGW) along the Lugo-Mohave transmission line. The work includes modifications to strengthen the existing transmission structures where new OPGW splice structures will be installed, as well as helicopter and ground based assisted wire-pull activities. These activities are described in the Final Mitigated Negative Declaration (CPUC, 2019) and are consistent with the work to be performed in the new work areas.

The expansion of existing structure work areas is proposed at 5 structures, including M22-T2, M24-T5, M66-T2, M69-T1, and M128-T1. The expansion of a wire stringing site is proposed at M128-T1 (located on California State Lands surrounded by the Mohave National Preserve). Walking paths between the tower pull sites are proposed for 1 structure site, M128-T1. The additional work areas include a total temporary disturbance area of 0.90-acre. The proposed work areas are located entirely within the SCE Lugo-Mohave Transmission Line Right-of-Way, are contiguous with previously approved temporary disturbance areas, and are requested in the interest of worker safety.

The new work areas may be used to stage material, equipment, and personnel during pulling and tensioning activities, as well as during structural modification of the existing splice towers, which will include ground wire peak modifications, body modifications, and/or bent steel repairs. Construction personnel will walk along the designated footpaths to safely pull the OHGW/OPGW during installation. Prior to using the new work areas and walking paths, the areas will be cleared by approved environmental monitors who will identify sensitive resources that could potentially be impacted by construction, so that appropriate safeguards can be put in place, prior to the commencement of work activities. Impacts to vegetation will be avoided as practical.

Proposed Water Source and Staging Area

The water sources are existing wells or water hydrants located in Essex, CA and Apple Valley, CA. Water trucks will park in the concrete surfaced areas to fill water transportation vehicles. Water will be stored in water trucks in approved yards and parking areas or will be hauled directly to work sites for use as dust control. Only occasional short-term filling of water trucks will occur at the water sources, while allowing access to local land uses. No ground disturbance will occur at the water source locations.

CPUC Evaluation of MPR Request

In accordance with the MMRP, 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 29, 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 000021, 000042, 000057, 000062, 000133). 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 Site Work Areas (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), *Larrea tridentata* Shrubland (creosote bush scrub), *Atriplex polycarpa* Shrubland (allscale scrub), *Yucca schidigera* Shrubland (Mojave yucca scrub), *Senegalia greggii - Hyptis emoryi - Justicia californica* Shrubland (catclaw acacia - desert lavender - chuparosa scrub), or active agriculture, 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 DETO habitat as determined by vegetation types and ground cover. Protocol-level DETO surveys were previously conducted across the Project, including these work areas. Based on previous Project-specific surveys, there are multiple recorded occurrences of DETO sign in the vicinity of M66-T2_SWA_Expansion and M69-T1_SWA_Expansion. A potential DETO burrow was observed 270 feet north of M66-T2_SWA_Expansion (FRED Species Event 000599). Several DETO burrows were observed in the vicinity of M69-T1_SWA_Expansion, with the closest being 175 feet north (FRED Species Events 000178, 000179, 000181, 000668000671, 000672, 000673, 000674), along with one DETO carcass identified 350 feet to the northwest (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 DETO 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: One observation of Mohave fringe-toed lizard was recorded 200 feet northwest of M69-T1_SWA_Expansion (FRED Species Event 000596). Although only Mohave fringe-toed lizard was observed, many special-status terrestrial herpetofauna 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 proposed work areas, a biological monitor will be present to assist with the location of equipment to avoid crushing this species.

Desert Bighorn Sheep: Suitable habitat for desert bighorn sheep is present on the Project and this species is known to occur. However, no desert bighorn sheep have been previously observed in the vicinity of the proposed work areas. With monitoring, no impacts are anticipated.

Burrowing Owl (BUOW): The entire Project is within the overall range of the BUOW and BUOW habitat is widespread across its footprint, including on/near the proposed work areas. No burrowing owls, burrows, or sign have been observed in or near the proposed work areas during previous surveys for the Project. 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 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. Golden eagle nest buffers (FRED Nest Events 000159, 000160, 000166, 000167, 000169, 000172, 000173, 000175, 000176, 000213) overlap M24-T5_SWA_Expansion (see **Golden Eagle** discussion below). Non-breeding season nest observations are currently underway to confirm status of these nests. No other active nest buffers intersect the proposed work areas at this time.

An inactive common raven nest (*Corvus corax*) (FRED Nest Event 0000234) is located near M66T2_SWA_Expansion. An inactive red-tailed hawk nest (*Buteo jamaicensis*) (FRED Nest Event 0000127) (previously unknown stick nest [FRED Nest Event 0000104]) is located near M69-T1_SWA_Expansion. Loggerhead shrike (FRED Species Event 000280, 000665, 000722) has also been observed near M69-T1_SWA_Expansion, along with prairie falcon (*Falco mexicanus*) (FRED Species Event 000504, 000583, 000718).

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 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 a review of USFWS data and both 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 M24-T5_SWA_Expansion, the closest golden eagle nest record was 0.4-mile southwest in the Lucerne Valley (FRED Nest Event 0001770). However, focused protocol surveys conducted in April 2021 confirmed that no nest is present in that location and the nest is considered inactive. A cluster of historic golden eagle nest records are located south of transmission structure M24-T5 in the Granite Mountains and Lucerne Valley (FRED Nest Events 000159, 000160, 000166, 000167, 000169, 000172, 000173, 000175, 000176, 000213), the buffers of which overlap the proposed expansion area. Non-breeding season nest observations are currently underway to confirm status of these nests.

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 mile of the splicing and wire-pull activities. If the proposed work activities are planned during the golden eagle breeding season, a 1-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 and American badger are assumed to be potentially present regionally. American badgers were observed 700 feet east and 810 feet southwest of M69-T1_SWA_Expansion (FRED Species Event 000001, 000259). Suitable habitat for the ringtail is present in the region but is limited in extent to riparian areas and some desert mountains. M24-T5_SWA_Expansion is located within two miles of Lucerne Lake. Lucerne Lake is an unvegetated lake bed 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 small mammals are found during the preconstruction survey or construction activities, potential impacts will be addressed according to the Desert Kit Fox, American Badger, and Ringtail Avoidance and Mitigation Plan and mitigation measures.

Special-Status Plants: Project-specific protocol rare plant surveys were conducted in survey areas including all of the proposed work areas. No special-status plants were observed within the proposed

work areas. 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 that 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. Any cacti and yucca found during the preconstruction survey or construction activities 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.

Jurisdictional Waters: No wetlands or other jurisdictional waters are present within the proposed work areas associated with M22-T2, M24T5, or M69-T1 or in the surrounding vicinity.

The work area associated with M66-T2 has been separated into north and south components (M66-T2_SWA_Expansion_A and M66-T2_SWA_Expansion_B) to avoid the mapped jurisdictional feature that bisects the area. The north and south components will only be accessed from the north and south, respectively; therefore, the jurisdictional feature will be avoided. In addition, the disturbance limits will be clearly staked at the boundaries of the feature.

The proposed wire stringing expansion area associated with M128-T1 also has been separated into east and west components (M128-T1_WSS_Expansion_A and M128-T1_WSS_Expansion_B) to avoid the mapped jurisdictional feature that overlaps the area. The work area components will be accessed away from the feature and disturbance limits will be clearly staked at the boundaries of the feature. Therefore, the jurisdictional feature will be avoided.

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 area. The proposed work areas are located within the area of potential effect (APE) for the Project. Work area M22-T2_SWA_Expansion is located within a historic site, which is not eligible for the National Register of Historic Places. As such no monitoring is required at this location. M66-T2_SWA_Expansion is located within a prehistoric unevaluated / historic ineligible site where tribal monitoring is required during construction. No impacts to cultural resources are expected in the other work areas, as no previously recorded cultural resources are located within or in proximity to the proposed 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 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: Since excavation is not proposed within the scope of work to be conducted in the new work areas, no impacts to paleontological resources are expected. If earth disturbance is required with impacts greater than 5' in depth, further analysis by an approved paleontological monitor will be required to assess impacts in "unknown areas" (M69_T1_SWA_Expansion) and full-time monitoring of excavation in highly sensitive areas will be required per the Project's Paleontological Resources Monitoring Plan for sites in high sensitivity areas (M66-T2_SWA_Expansion).

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 (revised Plan approved September 25, 2021), 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.

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Sincerely,

Eric Chiang

Eric Chiang
CPUC Environmental Project Manager

cc: V. Strong, Aspen