

PUBLIC UTILITIES COMMISSION

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October 21, 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 #4

Dear Mr. Diaz,

On October 13, 2021, Southern California Edison (SCE) submitted a request for Minor Project Refinement (MPR) #4 for the addition/modification of work areas and work associated with modification of an existing distribution line. The additional work areas are located within an existing easement for Deep Creek Road in San Bernardino County. 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 #5 for the addition/modification of work areas and work associated with modification of an existing distribution line 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):

OVERVIEW AND DESCRIPTION

Southern California Edison (SCE) is proposing the addition/modification of work areas and description of additional work, including modification of an existing distribution line, to be conducted as part of the Eldorado-Lugo-Mohave (ELM) Series Capacitor Project (project). The structures between which the distribution line will be replaced (2360959E and 4593744E) were included in the original project data. This Minor Project Refinement (MPR) proposes the addition of a 0.02-acre work area associated with 4593744E and a 0.03-acre work area associated with 2360959E (proposed work areas), and clarification of the work to be performed.

SCE provided the associated Assessor's Parcel Numbers (APN) and property owners, although the work areas are located within an existing easement. SCE provided a Figure showing the existing structures, proposed work areas, and other pertinent features.

SCE is proposing to lower an existing distribution line underneath the existing ELM transmission line for required distance compliance between the conductors. The current distribution line is within a non-compliant proximity to the ELM transmission line. Workers may position pickup trucks, backhoes, and bucket trucks in the existing work area associated with pole 2360959E. A new work area is proposed at pole 4593744E; however, work will be performed using foot traffic only at this location. The distribution line replacement will involve overhead work; no ground disturbance (e.g., clearing, grading, excavation) will be required unless anchor installation/repair is required, which at this time is not expected. Crews would use project access roads and work areas, and then drive and crush to access pole 2360959E. Pole 4593744E will be accessed via foot traffic only. Existing access routes will be used to access the sites and native vegetation will be avoided to the extent feasible.

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 October 13, 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 in the study area for previous habitat assessments and focused/protocol surveys. A desktop analysis of publicly available data (e.g., California Natural Diversity Database [CNDDDB]) was conducted and relevant project data (e.g., data from focused/protocol surveys) were reviewed to determine the potential for special-status species to occur, and to assess the potential impacts to biological resources. Preconstruction survey data documented in the Field Reporting Environmental Database (FRED) were also used for general reference regarding the potential for special-status species to occur in the region. No preconstruction surveys have yet been conducted for this site; however, a reconnaissance site visit was conducted by an agency approved biologist on June 10, 2021.

Site Description: The proposed work areas are located on the east side of Deep Creek Road, with one approximately 100 feet north of its intersection with the ELM right-of way (ROW) and the other within the ROW, abutted to an approved OPGW work area (Figure 1). The northern proposed work area is positioned adjacent to the road shoulder, which is developed/disturbed. The additional work areas include 0.02-acre and 0.03-acre of California buckwheat (*Eriogonum fasciculatum*) scrub, respectively, although only foot traffic is required at these locations. Other perennial species observed included lycium

(Lycium sp.), rabbitbrush (*Chrysothamnus nauseosus*), cheesebrush (*Hymenoclea salsola*), joint fir (*Ephedra* sp.), and silver cholla (*Cylindropuntia echinocarpa*). Joshua tree (*Yucca brevifolia*) are in the vicinity but not expected to be within the work area. Invasive species observed in the vicinity included mustards and invasive grasses. Soils are silty sand with intermixed gravel.

Desert Tortoise (DETO): The proposed work areas are located within suitable desert tortoise habitat as determined by vegetation types and ground cover. One potential desert tortoise burrow was observed approximately 0.5-mile west of the work areas during a previous survey; however, no desert tortoise sign was observed within the proposed work areas during the recent site visit. A preconstruction survey will be conducted prior to the initiation of construction activities. If any desert tortoises are found during the preconstruction survey or construction activities, potential impacts will be addressed with the implementation of the mitigation measures.

Special-Status Terrestrial Herpetofauna: No special-status terrestrial herpetofauna were observed within the proposed work areas; however, many species (e.g., desert rosy boa [*Charina trivirgata*], Mohave fringe-toed lizard [*Uma scoparia*]) have the potential to occur throughout the Project area. A preconstruction survey will be conducted prior to the initiation of construction activities. 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 and biological monitoring.

Burrowing Owl (BUOW): The entire Project is within the overall range of the burrowing owl and burrowing owl habitat is widespread across its footprint. No burrowing owls were directly observed in any previous surveys for the project, and no potential signs of burrowing owl were observed in proximity to the proposed work areas during any previous surveys. A preconstruction survey will be conducted prior to the initiation of construction activities. If burrowing owls are found during the preconstruction survey or construction activities, potential impacts will be addressed according to the Burrowing Owl Management and Passive Relocation Plan (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. A preconstruction survey for nesting birds will be conducted prior to the initiation of construction activities at the 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).

Listed Riparian Birds: No suitable habitat for riparian birds (least Bell's vireo [*Vireo bellii pusillus*] or southwestern willow flycatchers [*Empidonax trailii extimus*]) occurs within 500 feet of the proposed work areas.

Golden Eagle (GOEA): Based on aerial habitat assessments and protocol surveys conducted for the Project, no suitable nesting habitat for golden eagles is located within 2 miles.

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 (*Taxidea taxus*), desert kit fox (*Vulpes macrotis*), and/or desert bighorn sheep (*Ovis canadensis*) 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. Suitable habitat for the

ringtail (*Bassariscus astutus*) is present in the region but is limited in extent to riparian areas and some desert mountains. The proposed work areas are approximately 0.3-mile east of the Mojave River which consists of minimal to no riparian habitat; however, ringtail may have potential to occur temporarily through utilization of the river corridor for movement through the region. San Diego black-tailed jackrabbit (*Lepus californicus bennettii*) was observed on-site during a recent site survey. Given the location of the proposed work areas are along a roadside, it is unlikely that special-status mammals will be present. If any special-status mammals are found during the preconstruction survey or construction activities, potential impacts will be addressed according to the appropriate mitigation measures.

Special-Status Plants: The proposed work areas are dominated by California buckwheat scrub. A protocol rare plant survey was previously conducted in this part of the project area. No special-status plants were observed in the area. A preconstruction survey will be conducted prior to the initiation of construction activities in the proposed work area. If any special-status plants or skeletons thereof are found during the preconstruction survey or construction activities, potential impacts will be addressed as described in the Special-status Plant Salvage and Relocation Plan.

Cacti, Yucca, and Trees: Silver cholla and Joshua trees are also present in the vicinity but are not expected to be affected by the proposed work. Although no impacts are anticipated, unavoidable impacts to cacti and yucca will be addressed in accordance with the Cacti and Yucca Salvage Plan.

Jurisdictional Waters: The proposed work areas are located approximately 0.3-mile east of the Mojave River. The work areas occur along the Deep Creek Road shoulder in upland habitat and outside any documented water resources that may be considered jurisdictional and regulated by various local, state, and/or federal agencies. In addition, no wetlands or other waters have been documented during previous site visits within the work areas. Therefore, no impacts to jurisdictional water resources are 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 area. The proposed work areas are located within the Area of Potential Effects (APE) for the project. No impacts to cultural resources are expected as this new area does not have any previously recorded cultural resources, nor any within proximity to the proposed work areas. Since there are no expected ground disturbing activities scheduled, there is little potential for unanticipated discovery of previously unrecorded cultural resources. If cultural resources are encountered unexpectedly, then standard work stoppage and contact a qualified archaeologist. Procedures should take place per the existing permit mitigation requirements and project's Cultural Resources Management Plan (CRMP).

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 area show an "unknown sensitivity." Since ground disturbance is not being proposed within the scope of work, there will be no expected impacts to paleontological resources. If any earth disturbance is

required to perform the work with impacts great than 5 feet in depth, further analysis by a paleontological expert monitoring will be required.

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, which includes Deep Creek Road in San Bernardino County. 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.

Sincerely,

Eric Chiang

Eric Chiang
CPUC Environmental Project Manager

cc: V. Strong, Aspen