PUBLIC UTILITIES COMMISSION
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January 11, 2022

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 #6

Dear Mr. Diaz,

On December 21, 2021, Southern California Edison (SCE) submitted a request for Minor Project Refinement (MPR) #6 for a new work area needed for grounding an existing wire mesh fence to reduce shock hazards. The additional work area is located north of M31-T2 (near Haynes Road), in an unincorporated area north of Lucerne Valley 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 #6 for the new work area for grounding to reduce shock hazards 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**
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> Mitigation Measure (MM) UT-3 from the Initial Study/Mitigated Negative Declaration (IS/MND) for the Eldorado-Lugo- Mohave (ELM) Series Capacitor Project (project) requires Southern California Edison (SCE) to determine and report to the California Public Utilities Commission (CPUC) and Bureau of Land Management (BLM) the location of metallic or conducting objects that may present a shock hazard to the public due to induced voltages or currents and, prior to the in-service date of the project's series capacitors, install the necessary grounding or

other appropriate measures to protect the public from hazardous shocks or arcing. SCE conducted an induction study and identified a property where modifications to an existing wire mesh fence are required to reduce the induction potential in the interest of public safety. This Minor Project Refinement (MPR) proposes that the additional work area and scope-of-work be added to facilitate the fence modifications.

The proposed work area will encompass an approximately 1,300-foot segment of existing fence located along the north edge of SCE's existing transmission right-of-way (ROW) from an unnamed road approximately 425 feet east of M31-T1 to M31-T2 (near Haynes Road), in an unincorporated area north of Lucerne Valley in San Bernardino County, California. The proposed work area will include the approximately 1,300-foot segment of fence, plus a 25-foot buffer to the south and 15-foot buffer to the north, east, and west sides of the fence. Workers will park on the existing access road in the ROW and access the fence on foot.

The existing fence is approximately 4 feet high, comprised of steel "T-posts" and wire mesh and/or barbed wire for some sections (see Attachment 1). The proposed activities will include the following: 1) Break existing wired fencing into segments at three locations as shown on Attachment 2 by adding new posts and remove fencing between posts to create an air gap of 4 inches - the actual location of the breaks can be adjusted to meet field conditions provided fence segment does not exceed 620 feet; 2) 2-1/2" Fence posts shall be installed to match the existing fence post height - footing shall be 18 inches wide, 30 inches deep and shall encapsulate both fence posts.

These gaps effectively separate the fence into 3 segments separated such that no induced charge can be conducted or stored between/among them. The existing fence posts will be removed using a "post puller," if needed**,** although some minor hand digging using shovels may be required. Concrete will be mixed in a portable concrete mixer or wheelbarrow on site and by use of a hole auger and shovel to dig 18" diameter hole 30" deep on site. No vegetation removal or grading, or excavation beyond minor shovel work is required.

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 December 27, 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.

Environmental Analysis

A desktop environmental analysis was performed to determine the potential for impacts to sensitive resources to occur during implementation of the proposed activities within the proposed work area. The analysis relied upon information from publicly available datasets and data collected for the project during the licensing/permitting and construction phases of the project. In addition, a site visit attended by the responsible construction personnel and an agency-approved biologist (Glenn Goodlett) was conducted on July 1, 2021. The objective was to understand the scope-of-work and to conduct a reconnaissance survey for biological resources, jurisdictional waters, and other potential environmental constraints.

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 area is located in the biological study area for the Project. A desktop analysis of publicly available data (e.g., California Natural Diversity Database [CNDDB]) 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 in the proposed work area, and to assess the potential impacts to biological resources. Data documented in the Field Reporting Environmental Database (FRED) were also used for general reference regarding the potential for special-status species to occur. A reconnaissance site visit was conducted by an agency-approved biologist on July 1, 2021. A preconstruction clearance survey will be conducted prior to the start of work, pending approval of this MPR.

Site Description: The proposed work area described above includes 1.23 acres, including 0.77 acres Allscale Scrub and 0.46 acres of barren/open space. The area is dominated by Saltbush (*Atriplex polycarpa*) and, due to degradation due to human disturbances, invasive mustards (*Brassica* sp.) and grasses (*Bromus* sp.). Trash was observed onsite, likely blowing in from nearby private properties

Desert Tortoise (DETO): The proposed work area is located within suitable desert tortoise habitat as determined by vegetation types and ground cover. However, no desert tortoises or sign were observed within this proposed work area during project surveys or the July site visit.

A preconstruction survey will be conducted prior to the initiation of construction activities in the proposed work area. If any desert tortoise 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 area; however, many species (e.g., desert rosy boa [*Charina trivirgata*]) have potential to occur. A preconstruction survey will be conducted prior to the initiation of construction activities in the proposed work area. 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, including near the proposed work area. No burrowing owls were directly observed or their sign in any previous survey for the project. A preconstruction survey will be conducted prior to the initiation of construction activities in the proposed work area. If burrowing owl is 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 loggerhead shrike (*Lanius ludovicianus*) was observed perched on M31-T2 in June 2021 (FRED Species Event 000654); however, no nest was identified. A large stick nest, potentially belonging to a red-tailed hawk (*Buteo jamaicensis*) or common raven (*Corvus corax*), was identified in M31-T1 (FRED Nest Event 000263); however, it was not determined to be active in 2021. No active nest buffers currently intersect the proposed work area at this time. A preconstruction survey for nesting birds will be conducted prior to the initiation of construction activities at the proposed work area 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.

Special-status 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 new work areas. Therefore, no impacts are anticipated.

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 1-mile of the proposed work area. The nearest suitable breeding habitat is located approximately 1.5 miles west/southwest in the Whitehorse Mountains. Therefore, no impacts are anticipated.

Special-Status Bats: No rocky outcrops or trees potentially providing suitable roosting habitat for bat species will be affected by the proposed work at this location. 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. Habitat in the proposed work area is relatively degraded and due to human presence at this location, it is unlikely that these species will inhabit the proposed work area and surrounding vicinity. Preconstruction surveys will be conducted prior to the start of the proposed activities. 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: A protocol rare plant survey was previously conducted in this part of the project area. No special-status plants were observed in the vicinity. The work is scheduled to occur outside the growing season for most special-status annuals and due to drought conditions, even perennial species would be difficult to detect. Even if present; however, considering the activities include foot traffic only and only replacement of fence posts along an existing fence line, no impacts to special-status plants would be anticipated.

Cacti, Yucca, and Trees: No vegetation removal is required, so no impacts to cactus or yucca species are anticipated.

Jurisdictional Waters: A desktop analysis of publicly available data (National Wetland Inventory [NWI] and National Hydrography Dataset [NHD]), project jurisdictional delineation data, and the results of the July 1 site visit was conducted to determine if any drainage features subject to regulation under Sections 404 and 401 of the Clean Water Act, the Porter-Cologne Water Quality Control Act, and Section 1600 et seq. of California Fish and Game Code are located within or adjacent to the proposed work area, and if any impacts are anticipated. A riverine feature (R4SBJ) was identified approximately 750 feet west of the proposed work area. No features from the NWI and NHD, jurisdictional delineation data, or identified during the site visit are located within or immediately adjacent to the proposed work area. Therefore, no impacts to jurisdictional waters are anticipated.

Cultural Resources: The proposed work area is located within the Area of Potential Effects (APE) for the project. Only isolates have been observed within 100 feet of the proposed work area; none within the work area. No significant cultural resources occur within or immediately adjacent to the proposed work area. No impacts to cultural resources area anticipated.

If cultural resources are encountered unexpectedly, work will be halted and the procedures in the project's Cultural Resources Management Plan (CRMP) will be followed.

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: The proposed work area is located in an area of "unknown" sensitivity for paleontological resources. Ground disturbance will be limited to the removal of 3 existing and installation of 6 new fence posts. The existing fence posts will be "pulled" out of the ground using a fence post puller, although minor digging with hand tools may be required. The new posts will be installed using a fence post driver; no excavation is required. The existing and new fence post depths are less than 5-feet. Therefore, no paleontological monitoring is required and no impacts to paleontological resources are anticipated.

If any earth disturbance is required to perform the work with impacts great than 5' in depth, further analysis by a paleontological expert monitoring may be required. Unanticipated discoveries would be addressed in accordance with the project's Paleontological Resources Mitigation and Monitoring Plan.

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.

Conclusion: No environmental constraints that would preclude the use of the proposed work area or execution of the proposed activities were identified. Preconstruction biological surveys will be conducted prior to the start of the activities. With implementation of the project MMs, no impacts to sensitive

resources, such as biological, cultural, and paleontological resources, and jurisdictional waters are anticipated.

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 area 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