



United States Department of the Interior

FISH AND WILDLIFE SERVICE
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In Reply Refer To:
FWS-SB-WRIV-14B0011-15CPA0335

Billie C. Blanchard, California Public Utilities Commission, Project Leader
Frank McMenimen, Bureau of Land Management, Project Leader
C/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, California 94104

OCT - 9 2015

Subject: Draft Environmental Impact Report for the Southern California Edison West of Devers Upgrade Project, Riverside and San Bernardino Counties, California

Dear Ms. Blanchard and Mr. McMenimen:

The U.S. Fish and Wildlife Service (Service) has reviewed the subject Draft Environmental Impact Report (DEIR) for the proposed Southern California Edison (SCE) West of Devers (WOD) Upgrade Project (Project). The DEIR was prepared to identify the proposed Project's direct, indirect, and cumulative environmental impacts; to discuss alternatives; and to propose mitigation measures that avoid, minimize, or offset significant environmental impacts. The primary concern and mandate of the Service is the protection of public trust fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). We are providing the following comments as they relate to the Project's effects on wildlife resources and species listed under the Act.

The purpose of the proposed Project is to upgrade over 48 miles of SCE's existing 220 kilovolt (kV) transmission lines, associated structures, and telecommunication lines from the Devers substation to the San Bernardino substation. The Project is divided into six segments. The Project includes 1) replacing approximately 562 miles of 220 kV transmission line with 1,199 miles of higher capacity 220 kV lines; 2) upgrade equipment at the Devers, El Casco, Etiwanda, San Bernardino, Timoteo, Tennessee, and Vista substations; 3) remove and replace approximately 598 tower and pole structures with 470 higher capacity structures; 4) relocation of 3 miles of transmission line and right of way (ROW) located on Morongo Tribal lands to the south; 5) removal and relocation of 2 miles of 66 kV subtransmission lines and 4 miles of 12 kV electric distribution lines; 6) the construction of temporary structures and bypass lines to facilitate electrical distribution during the project, 8) the rehabilitation of 130 miles of existing access roads; and 7) the construction of 20 miles of temporary and permanent access roads.

The Project is located primarily within the existing WOD transmission corridor in the counties of Riverside and San Bernardino and through the cities of Banning, Beaumont, Calimesa, Colton, Grand Terrace, Loma Linda, and Redlands. The project's transmission route begins at the Devers substation

south of Desert Hot Springs, Riverside County, California, and travels west through the San Gorgonio pass north of Interstate 10 (I-10), through Morongo Tribal Lands (Segments 6, 5, and 4, respectively). The line then crosses the I-10 and follows the San Timoteo Canyon northwest and splits (Segment 4 and 3); one segment terminates to the north at the San Bernardino substation (Segment 1) and the other at the Vista substation south of Colton, San Bernardino County, California; the west edge of Interstate 215 (Segment 2).

Comments

Impact Analysis of Project Alternatives

The DEIR analyzes five potential project alternatives: the Tower Relocation Alternative, the Iowa Street 66 kV underground Alternative (Iowa Street Alternative), the Phased Build Alternative (PB Alternative), and two No Project/No Action alternatives. These alterations will have varied effects on the biological resources and will be discussed further.

The Tower Relocation Alternative rebuilds 54 towers, 50 feet (ft.) farther from residential areas but within SCE ROW to compensate for visual impacts. This alternative does impact vegetation and wildlife by increasing construction time as well as vegetation removal and ground disturbance in potential coastal sage scrub (CSS) habitat. The Service does not recommend this alternative over the Project as proposed.

The Iowa Street Alternative moves the 66 kV sub-transmission line from an overhead line to underground along Iowa Street in the City of Redlands (Figure ES-2). The sub-transmission line would travel 1,600 ft. underground, then transition from underground to overhead on the existing overhead San Bernardino–Redlands-Tennessee 66 kV subtransmission line. This underground alternative would replace a similar length of proposed new over-head subtransmission line that is part of the proposed Project. This alternative would eliminate the permanent loss of habitat at each pole footing and a result in reduction in bird and bat collisions; however, there is an increase in construction impact to biological resources. The alternative requires substantial ground disturbance including open trenching along the length of the alternation for an extended amount of time, increased air pollution due to additional traffic, vegetation clearing, and the alternative may increase non-native invasive plant colonization. The biological resource impact between the proposed project and this alternative is negligible.

The PB Alternative (G.4) retains and remodels as many existing double-circuit tower structures as possible and the installation of lighter weight but higher performance conductors on the retained towers; thereby reducing construction and its environmental impacts. However, the retention of old infrastructure decreases capacity of the transmission line and reduces the time until other upgrades are needed; the alternative may provide adequate capacity for 10 years or more. The capacity difference between the proposed Project and this alternative is 1,800 megavolts (MV); the alternative will still comply with the 2024 Reliability Base Case; as shown in Table Ap5.1-6, plus an additional 1,400 MV. This alternative would reduce impacts to several threatened and endangered species while allowing the Project to be completed.

The two No Project/No Action Alternatives (labeled as No Project 1 and No Project 2 respectively) will likely occur in the absence of the proposed Project. Section G.7 examines the impacts to biological resources and finds the No Project/No Action Alternative would have more severe environmental impacts than either the proposed Project or the alternatives considered in the DEIR.

No Project Option 1 includes:

1. Remove the current 220 kV transmission line between Devers and El Casco substations, Devers to Vista substations, and Devers to San Bernardino substations.
2. Install approximately 23.5 miles of new 500 kV circuit between Devers and the Valley substations. A new ROW would be required for the transmission line to be established; it would run south of the I-10 through the San Gorgonio pass, see figure ES-4a.
3. Construct a new substation in the city of Beaumont, which would include a 40 acre ROW.
4. Construct replacement 220 kV line between El Casco to Vista and San Bernardino substations, and two Vista substations.
5. The new transmission line would travel through Bureau of Land Management (BLM) lands, Santa Rose and San Jacinto National Monuments and adjacent to San Bernardino National Forest including designated wilderness.

No Project Option 2 includes:

1. Construction of a new single circuit 500 kV transmission line in the 40.5 mile corridor between the Valley and Serrano substations, see figure ES-4b.
 - a. This route extends through southwest Riverside County and into Cleveland National Forest, Lake Mathews-Estelle Mountain Reserve, western Riverside Multi Species Habitat Conservation Plan (MSHCP) conserved lands, and land managed by the Riverside County Habitat Conservation Agency for Stephen's Kangaroo rat (*Dipodomys stephensii*, SKR).
 - b. Construction would require a helicopter.
2. The WOD transmission line segment between the Outlet Mall and the eastern border of the city of Banning would be removed and a new line and ROW would be constructed south of I-10.

Both No Project Options 1 and 2 have the potential to affect several listed species and their habitats, mostly due to the need to create a new transmission ROW with new tower structures and substations, and access roads. The new transmission line south of the I-10 would require large areas of vegetation removal and ground disturbances as tower structures and roads are constructed in the new ROW. If none

of the proposed project alternatives is adopted and No Project Option 1 or 2 is selected and pursued it would be subject to the appropriate level of environmental analysis.

Connected Actions

There are seven solar projects that depend upon the proposed Project for energy transmission: Palen Solar Electric Generating System II, Desert Harvest LLC, Blythe-Eagle Mountain 161 kV line, Red Bluff Substation 230 kV line, and three additional unnamed solar projects connecting to the Colorado River Substation. The Service has already commented on the Palen Solar Electric Generating System II and the Desert Harvest LLC projects. The other proposed solar projects will need to have their own project level impact analysis under the California Environmental Quality Act and National Environmental Policy Act.

Applicant Proposed Measures

The Service has concerns regarding the DEIR and the proposed Project's potential impacts on sensitive flora and fauna. We recommend that the following items be updated and addressed in the FEIR.

Revegetation Plan

Mitigation measure BIO-1 of the DEIR provides for revegetation of temporary disturbance areas and thoroughly lays out the goals and provisions of the revegetation plan. The Service requests the inclusion of language that prohibits the planting of non-native and/or invasive plants and provides for the use of native local seed stock in measure BIO-1. We also recommend that equipment be cleaned between job sites to reduce the spread of invasive plants.

Biological Monitors

The DEIR includes measure BIO-2 providing Biological Monitors in areas where special-status species or unique resources are known to occur in the proposed Project, including, at least one dedicated Biological Monitor in active desert tortoise (*Gopherus agassizii*, tortoise) habitat. Given the significant number of State and federally listed and special status-species throughout the project alignment we request that a dedicated Biological Monitor be present any time there is construction where native vegetation is present.

Migratory Birds

The DEIR includes measure Nesting Birds BIO-3 to address potential impacts to breeding birds, which includes the development of a Nesting Bird Management Plan. SCE's has worked with us and others to complete the Nesting Bird Management Plan. We appreciate the coordination and effort to complete the plan and recommend that it be included in the FEIR as an appendix.

Golden Eagle

The Golden Eagle (*Aquila chrysaetos*) is a State fully protected species, and is federally protected under the MBTA and under Executive Order 13186 - Responsibility of Federal Agencies to Protect Migratory Birds. In addition to MBTA, eagles are protected under the Bald and Golden Eagle Protection Act (BGEPA). Under the BGEPA statute, “take” is defined as “pursue, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb” (50 C.F.R. § 22.3). “Disturb” is defined as “to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle; 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior; or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

The DEIR states that the golden eagles were observed foraging and nesting within 1.5 to 5 miles of the ROW in a 2013 survey in all segments save for segments 1 and 2. Because there are recent records of golden eagles in the proposed project area and the presence of suitable habitat, we strongly recommend pre-construction survey for eagles within a 10-mile buffer of the project site. If golden eagles are found to be using areas within the survey area, avoidance measures will need to be incorporated into the FEIR.

Burrowing Owl

The DIER cited the need for SCE to develop a Burrowing Owl Management Plan. The Service agrees that a management plan is necessary. Focused surveys were conducted for the species in 2010, 2011, 2012, and 2013; owls and burrows were found within the project’s ROW. The Burrowing Owl Management Plan should place a strong emphasis on ensuring that, to the greatest extent feasible, burrowing owls are not evicted from or otherwise caused to lose the use of occupied burrows. Maximum effort should be directed at ensuring that burrows are not lost to project development. The project should then be constructed such that occupied burrows are buffered from disturbance.

BIO-4 proposed measures to avoid impacts to burrowing owls including the establishment of buffers determined by an avian biologist. The Service recommends buffers to be set at no fewer than 500 ft.

Desert Tortoise

The DEIR included several measures to avoid impact to tortoise. The portion of the alignment identified in the DEIR as tortoise habitat extends from the Devers substation west to Deep Creek Road, and after review of satellite imagery of the area, the Service recommends extending the tortoise habitat area to Mathews Road, approximately 2.62 miles to the west to fully cover tortoise habitat.

The Service requests that the following be included in the FEIR:

1. A sensitive resource education program should be presented to all personnel who will be working on the project, including staff, surveyors, construction engineers, contractors, supervisors, inspectors, and visitors.

- a. The program will include briefing sessions and handouts developed by biologists familiar with the biological requirements of tortoise.
 - b. The program will cover tortoise distribution, general behavior, ecology, sensitivity to human activities, legal protection, penalties for violation of State and Federal laws, reporting requirements, and project avoidance measures.
 - c. The program will identify fire prevention measures to be implemented by employees during project activities.
2. Important features, such as burrows, within 300 ft. of the project area will be flagged to alert biological and work crews to their presence.
 - a. Prior to the beginning of each work day, all personnel will be briefed on locations of the flagged avoidance areas.
 - b. Only authorized biologists will be allowed to enter flagged areas.
3. Previously disturbed areas within the ROW will be used for the stockpiling of excavated materials, storage of equipment, and parking of vehicles when possible. The authorized biologist will review and survey any area to be used for stockpiling of material and parking prior to use.
 - a. The authorized biologist will work with the field contact representative to select appropriate sites that minimize affect. The area of disturbance will be confined to the smallest practical area, considering topography, placement of facilities, and location of burrows.
 - b. Work area boundaries will be delineated with flagging to avoid surface disturbance associated with vehicle straying.
4. Equipment and vehicle operators will watch for desert tortoise when driving.
 - a. Vehicle speeds will not exceed 20 miles per hour to allow for adequate visibility.
 - b. Biological Monitors provide clearance for tortoise when heavy equipment is driven or tracked to new areas of the proposed project or areas that have not been actively in construction.
5. SCE shall restrict work to daylight hours, except during an emergency, in order to avoid nighttime activities when desert tortoise may be more active and possibly present on roads/trails.

6. All project vehicles in desert tortoise habitat will only use existing roads and trails. An authorized biologist will conduct tortoise surveys immediately prior to the onset of system road maintenance in desert tortoise habitat.
7. Trenches or other excavations will be fenced with temporary desert tortoise-proof fencing, or covered at the close of each working day. All excavations will be inspected for tortoises prior to backfilling.
8. Dust control watering within tortoise habitat will be conducted in a manner that does not result in the pooling of water. In the event of pooling, these areas will be checked on a regular basis for the presence of tortoise. If a tortoise is attracted to the water, an authorized biologist will capture and relocate the animal and the individual will be monitored to ensure it does not return to the pooled water.
9. Project personnel will not be permitted to bring pets to the worksites.
10. During project activities, all trash at project sites shall be removed from work sites or completely secured at the end of each work day in common ravens (*Corvus corax*, raven) proof trash containers.
 - a. This will reduce the potential for attracting tortoise predators and the opportunity for tortoises to ingest trash and toxins.
 - b. Any road kill found in the vicinity of the work site should be disposed of in raven-proof containers then removed from the site each day.
11. Observations of tortoises and their sign during project activities will be conveyed to the field contact representative or authorized biologist immediately.
12. We recommend that the agencies require the development of an on-site management plan to eliminate or minimize ravens. We also recommend the installation of tubular steel poles instead of lattice structures to reduce the surfaces upon which common ravens could perch, roost, or nest.

Least Bell's Vireo, Southwestern Willow Flycatcher, and Western Yellow-billed Cuckoo

BIO-6 of the DEIR examines avoidance measures for Least Bell's Vireo (*Vireo bellii pusillus*, vireo), Southwestern Willow Flycatcher (*Empidonax traillii extimus*, flycatcher), and Western Yellow-billed Cuckoo (*Coccyzus americanus*). The measure states, "SCE avian biologist would establish a buffer where construction activities are prohibited around active vireo [or other listed riparian bird] nest(s)...the buffer would be established and may be subsequently adjusted." We recommend the buffer be no less than 300 ft. at all times.

The proposed measure states, "temporary and permanent impacts to least Bell's vireo and its habitat that may occur in Segments 3 and 4 would be mitigated by obtaining an incidental take authorization." We

would clarify that obtaining a permit is not mitigation and request that a mitigation strategy be included in the FIER.

Special Status Plants

The DEIR includes a section for measures to avoid impact to Special Status Plants BIO-7; we appreciate the scope and detail of these measures.

Nevin's Barberry

Nevin's Barberry (*Berberis nevinii*, barberry) has been found near the ROW in Segment 3 and San Bernardino Junction. Surveys should be conducted for barberry before the beginning of construction and an avoidance strategy should be included in the FEIR. Barberry is a shrub with very limited distribution; every effort should be made to avoid impacts to individuals of this species.

Triple-ribbed Milk-Vetch

Triple-ribbed milk-vetch (*Astragalus tricarinatus*) has been documented near Whitewater Wash within or near the ROW. We request that the FEIR include pre-construction surveys and avoidance measures.

Coastal California Gnatcatcher

Mitigation measure BIO-10 contains avoidance measures for the coastal Californian gnatcatcher (*Poliophtila californica californica*, gnatcatcher). It includes pre-construction surveys in areas containing CSS and designated critical habitat areas in San Bernardino County, but defers the development of mitigation measures for impacts to the gnatcatcher or its designated critical habitat to a future consultation under section 7 of the Act. We recommend that impacts to gnatcatcher and its critical habitat be avoided. If avoidance is not possible, a strategy for mitigating unavoidable impacts to gnatcatcher and its habitat should be included in the FEIR.

BIO-10 also states, "restoration of temporary impacted coastal sage habitat; and additional restoration of degraded areas within the SCE right-of-way as compensation for permanent impacts to coastal sage habitat, such that there is no net loss of habitat value for coastal California gnatcatcher". The DEIR does not identify the area of habitat to be temporarily or permanently impacted by project activities. The Service requests a complete description of the area and location of impacted CSS habitat and identification of the amount and location of degraded CSS to be restored be included in the FEIR.

Stephen's Kangaroo Rat

The DEIR recognized the potential for SKR to be present within the project area. We are concerned that direct effects to SKR could also occur from excavation and construction activities in occupied SKR habitat. SKR and other kangaroo rats often create burrows along road edges because of the bare ground they provide (Thomas 1975). Grading, stabilization, and road leveling could result in impacts to the SKR by causing loss or alteration of their habitat, but the DEIR doesn't provided avoidance measures to

avoid or minimize these impacts. We ask that road maintenance and clearing measures (Best Management Practices) be developed for SKR including:

1. Limiting road repairs to daylight hours;
2. Minimize vehicle traffic outside of established dirt roads;
3. When vehicle travel off of established roads cannot be avoided, in occupied SKR habitat, the vehicles will drive on sheets of plywood to distribute the weight of the vehicle and minimize the collapse of burrows.
4. Employ road grading techniques which create little or no berm on the roadsides;
5. Do not borrow material for road repair within occupied habitat; instead designate borrow sites in areas not occupied by SKR (as demonstrated by negative trapping results);
6. Do not import material from outside the area that may contain weeds; and
7. For the class "roads need improvement" and other areas needing repair, a permitted biologist will survey for kangaroo rat sign, and if found, SKR will be trapped, held during the road repair, and then released back onto the site.

BIO-11 states that a qualified biologist will check construction pipes, poles, culverts, or similar structures for SKR when such material is left out uncovered overnight. We appreciate this measure and the overall thoroughness of the analysis. The service does request this measure be extended to any piles of soft compacted or non-compacted dirt left at construction sites within SKR habitat, as SKR will create burrows in these areas.

Vernal Pool Fairy Shrimp and Spreading Navarretia

Vernal pool habitat suitable for western spadefoot toads (*Spea hammondi*, toad), also provide habitat for listed vernal pool species, including the threatened vernal pool fairy shrimp (*Branchinecta lynchi*, fairy shrimp) and *Navarretia fossalis* (spreading Navarretia). The DEIR noted several areas of suitable toad habitat and the presence of the toads or tadpoles, these areas should be assessed for the potential to pond water prior to ground disturbing activities. The FEIR should include avoidance measures for fairy shrimp and spreading Navarretia. If evidence of ponding or areas which support ponding is detected in the ROW, these areas should be avoided. If they cannot be avoided, then surveys for fairy shrimp and vernal pool plant species should be conducted prior to ground disturbance or vegetation removal.

Unauthorized Access

Dirt and gravel roads leading to and in the pipeline ROW can result in unauthorized uses such as operation of off-highway vehicles in closed areas, dumping, and target shooting. These activities can impact federally listed and special status species and their habitat, including rare plant communities. We


would appreciate the inclusion of a Vehicle Access Management Plan (VAMP) for all existing and planned roads. The VAMP would include measures such as signs, gates, locks, and fences to deter unauthorized use before, during, and after construction. We also ask that the VAMP include measures which provide for the ongoing, regular inspection and repair of the fences, gates, locks, and signs installed to prevent unauthorized use.

Incidental Take

The DEIR mentions SCE's intent to obtain incidental take authorization for the gnatcatcher, vireo, and SKR. If incidental take cannot be avoided, it must be authorized under section 7 or section 10 of the Act. The Project alignment traverses three regional habitat conservation plans: the Stephens' Kangaroo Rat Habitat Conservation Plan, the Western Riverside County Multiple Species Habitat Conservation Plan, and the Coachella Valley Multiple Species Habitat Conservation Plan. If the Project cannot avoid incidental take of listed species covered by one or more of those plans, SCE can pursue a Certificate of Inclusion under the appropriate plan or plans to receive incidental take authorization. In order to obtain a Certificate of Inclusion the project and SCE would need to implement the relevant habitat conservation plan. Coordination with the Regional Conservation Authority (RCA), the Coachella Valley Conservation Commission (CVCC), and or the Riverside County Habitat Conservation Agency would be required. Implementation of the multiple species plans may require consideration of non-listed species.

We appreciate the opportunity to comment on the DEIR. If you have questions regarding this letter, please contact Amanda Swaller of the Service at 760-322-2070, extension 204.

Sincerely,



Kennon A. Corey
Assistant Field Supervisor

cc: Jeff Brandt, CDFW, Ontario

LITERATURE CITED

Thomas, J.R. 1975. Distribution, population densities, and home range requirements of the Stephen's kangaroo rat (*Dipodomys stephensi*). M. A. thesis, California State Poly. Univ., Pomona.