

PUBLIC UTILITIES COMMISSION

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April 09, 2021

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

RE: West of Devers Upgrade Project: Minor Project Refinement #46

Dear Mr. Gutierrez,

On April 5, 2021, Southern California Edison (SCE) submitted a request for Minor Project Refinement (MPR) #46 for new temporary work areas, McCarthy drains, and for an exemption from Mitigation Measure MM VR-3a. The requested areas are located in Segments 2, 3, and 4, and are located on private lands in the cities of Loma Linda, Redlands, Banning, Beaumont, Calimesa, and Colton, in Riverside and San Bernardino Counties. The additional work areas would support transmission line activities approved under the California Public Utilities Commission (CPUC) Notice to Proceed (NTP) #4, September 5, 2017, for the West of Devers Upgrade Project in the County of Riverside, California. Additional information was provided by SCE on April 8.

The CPUC voted on August 18, 2016 to approve SCE's West of Devers Upgrade Project (Decision D.16-08-017) and a Notice of Determination was submitted to the State Clearinghouse (SCH# 2014051041). The CPUC also adopted a Mitigation, Monitoring, Compliance and Reporting Plan (MMCRP) to ensure compliance with all mitigation measures imposed on the West of Devers 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 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 #46 for new temporary work areas, McCarthy drains, and for an exemption from Mitigation Measure MM VR-3a to support construction activities (approved under NTP #4) is granted by CPUC based on the factors described below.

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

MAC-3-3X64-3-MPR-46 - A new McCarthy Drain is required along the west access road south of the tower pad for 3S64 to better capture and divert surface flow from the access road to uplands on the north side of the road, as shown in Figure 1, page 2. The new McCarthy Drain will be located within the previously approved work area associated with Supersite 3X64. The new McCarthy Drain will consist of a 0.003-acre increase in

permanent impacts within the previously approved temporary work area, located on public property within the SCE ROW utility corridor.

MAC-3-3X37-2-MPR-46 - A new McCarthy Drain is required along the south access road east of the tower pad for 3S37 to better capture and divert surface flow from the access road to uplands on the east side of the road, as shown in Figure 1, page 3. The new McCarthy Drain will be located within the previously approved work area associated with Supersite 3X37. The new McCarthy Drain will consist of a 0.003-acre increase in permanent impacts within the previously approved temporary work area, located on private property within the SCE ROW utility corridor.

MAC-3-3S02-2-MPR-46 - A new McCarthy Drain is required along the access road east of tower pad 3S02 to better capture and divert surface flow from the access road to uplands on the west side of the road, as shown in Figure 1, page 4. The new McCarthy Drain will be located within the previously approved work area associated with Supersite 3S02. In addition, rip rap will be installed on the developed utility road to minimize erosion, within the previously approved work area. The new McCarthy Drain will consist of a 0.003-acre increase in permanent impacts within the previously approved temporary work area, located on public property within the SCE ROW utility corridor.

SWA-4-PP123353-4-MPR-46 and WA-4-PP123353-5-MPR-46 - A new temporary 0.14-acre work area west of Supersite PP123353 is required to safely stage material and equipment during wire wreck-out activities associated with PP#123353. A new temporary 0.07-acre work area southeast side of Supersite PP123353 is required to safely stage material and equipment during wire wreck-out activities associated with PP#123353. Both temporary work areas are shown on Figure 1, Page 4. The new temporary work areas will result in approximately 0.21-acre of temporarily impacted public property owned by the City of Banning and consisting of 0.20-acre of grassland/forland and 0.01-acre of developed disturbed land.

SWA-OakValleyParkwayTelecom-MPR-46 - A new temporary 0.33-acre work area on the south side of Oak Valley Parkway is required to safely stage material and equipment during telecommunication work activities associated with the three distribution poles shown on Figure 1, page 5. The new temporary work area will result in approximately 0.33-acre of temporarily impacted public property owned by the City of Beaumont consisting entirely of developed/disturbed land on the road shoulder.

Supersite 2N32 - Mitigation Measure (MM) VR-3a states: *Where construction would unavoidably create land scars or retaining walls visible from sensitive public viewing locations (as defined in Table D.18 11), disturbed soils and new walls shall be treated with an appropriate color or material (Natina Concentrate, Eonite, or Permeon, or similar). The material shall be approved by the CPUC and BLM, and the intent shall be to reduce the visual contrast created by the lighter-colored disturbed soils and rock with the darker soil and vegetated surroundings. SCE shall consult with the CPUC and BLM and/or their authorized representative(s) on a site-by-site basis and obtain written approval prior to the use of any colorants.*

The Soldier Pile and Hilfiker retaining walls shown are visible from South Mount Vernon Avenue in the City of Colton, and as such were designed to be constructed and treated with a Natina finish, in accordance with MM VR-3a above. After the walls were constructed, they were repeatedly vandalized with graffiti and the City of Colton subsequently painted over the graffiti, as is standard practice throughout the city. Tagging of walls is common in this vicinity and is expected to continue over time. The intent of MM VR-3a, to reduce the visual contrast created by the walls through the use of a one-time application of Natina treatment, cannot be served under these circumstances, and for that reason, SCE requests an exemption from the MM VR-3a wall treatment requirement for these two walls.

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 April 7, 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.

Agriculture: No Important Farmland is located within the proposed MPR work areas.

Air Quality: During proposed construction, SCE shall implement the Fugitive Dust Control Plan approved by the CPUC on May 22, 2017, as well as the Exhaust Emissions Control Plan approved by CPUC on June 8, 2017. In addition, in compliance with MM AQ-1b, off-road equipment with engines larger than 50 horsepower shall have engines that meet or exceed U.S. EPA/CARB Tier 3 Emissions Standards. No additional impacts to air quality will occur with the implementation of this MPR.

Biological Resources: SCE submitted biological resource survey information with the MPR request. SCE conducted a desktop analysis using aerial imagery, publicly available data, and project biological data. The proposed work areas were covered during previous surveys.

Desert Tortoise (DETO): The proposed work areas are not located within the range of desert tortoise; therefore, no impacts to DETO are anticipated.

Special-Status Terrestrial Herpetofauna: No special-status terrestrial herpetofauna have been observed within the new work areas during project related surveys. However, a red diamond rattlesnake (FRED Species Event 000131) was observed approximately 650 feet east of MAC-3-3X64-3-MPR-46. Red diamond rattlesnakes (FRED Species Events 000126, 000518) have also been observed approximately 300 feet south of MAC-3-3X37-2-MPR-46. With biological monitoring and implementation of project mitigation measures, no impacts are anticipated.

Burrowing Owl (BUOW): Burrowing owl habitat is widespread in the Project area. Burrowing owls only have a moderate potential to occur within 500 feet of the proposed work areas. No owl buffers currently intersect the work areas. Active owl burrows observed during preconstruction surveys and during construction will be mitigated in accordance with the Burrowing Owl Management and Passive Relocation Plan. With implementation of mitigation measures, including appropriate avoidance buffers and biological monitoring during construction, no impacts to burrowing owls are anticipated.

Nesting Birds: Suitable substrates for nesting birds protected by the Migratory Bird Treaty Act and California Fish and Game Code, including transmission structures, trees, shrubs, and the ground surface, are located throughout the Project right-of-way. Observations of special-status bird species (Cooper's hawk, least bell's vireo, and Southern California rufous-crowned sparrow) have been made in the vicinity of the new work areas. However, the observations were ephemeral and are not associated with active nests.

Preconstruction surveys, including surveys for nesting birds will be conducted during the avian breeding season (Jan 1 – Aug 31) prior to the initiation of construction in the new work area. If active nests are identified, avoidance buffers will be established in accordance with the Nesting Bird Management Plan. With implementation of mitigation measures, including appropriate avoidance buffers and biological monitoring during construction, no impacts to nesting birds are anticipated.

Listed Riparian Birds: The new work area and new Project components are not located within 500-feet of listed riparian bird habitat. With implementation of nesting bird surveys during nesting season and project mitigation measures, no impacts are anticipated.

Coastal California Gnatcatcher (CAGN): WA-4-PP123353-5-MPR-46 is located approximately 360-feet north of mapped suitable habitat for Coastal California gnatcatcher (CAGN).

Protocol surveys in this area occurred in March, April, and May of 2018. No CAGN were observed within this area during 2018 protocol surveys. Furthermore, no CAGN were detected within CAGN habitat during the July 2019 survey. Due to a history of subsequently negative CAGN survey results in the area, no impacts to CAGN are anticipated and the Project area is considered unoccupied by CAGN at this time. If active CAGN nests or breeding territories are identified later within 500 feet of construction activities, avoidance buffers will be established, and the nests will be monitored in accordance with the Wildlife Noise Monitoring Plan.

No suitable habitat for CAGN occurs within 500 feet of the other new work areas. Therefore, no impacts are anticipated with implementation of preconstruction surveys and mitigation measures.

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 of the proposed work areas. Protocol aerial surveys conducted for the Project in 2019 also showed no golden eagle nests within 2 miles of the new work areas. Therefore, no impacts are anticipated.

Stephen's Kangaroo Rat (SKR): Areas of suitable habitat for Stephens' kangaroo rat (SKR) are mapped to the north of MAC-3-3X64-3-MPR-46, west of MAC-3-3X37-2-MPR-46, and east and west of MAC-3-3S02-2-MPR-46, but do not intersect the respective work areas. A habitat assessment, pedestrian surveys, and trapping surveys were conducted in Segment 3 during the last trapping season in 2018. No SKR were captured. Based on a lack of historic data, habitat conditions, and negative results over several years of surveys, SKR are not expected. With implementation of mitigation measures, preconstruction surveys, clearance sweeps, and biological monitoring during construction, no impacts to SKR are anticipated.

The other new work areas are not located within the range of the species, therefore no impacts to SKR are anticipated.

Special-Status Bats: No suitable bat roosting habitat or buffers occur within the proposed work areas; therefore, no impacts to special-status bats are anticipated.

Special-Status Small Mammals: Special-status small mammals such as the pallid San Diego pocket mouse, northwestern San Diego pocket mouse, American badger, desert kit fox, and/or black-tailed jackrabbit can occur in many parts of the Project area; however, ringtail and Palm Springs round-tailed ground squirrel are not expected.

Los Angeles pocket mouse (LAPM) suitable habitat is located approximately 75-feet east of SWA-4-PP123353-5-MPR-46, across Bluff Street. However, the new work areas do not intersect LAPM habitat. A habitat assessment, pedestrian surveys, and several consecutive years of trapping surveys have been conducted within the LAPM suitable habitat areas of the Project. No LAPM were captured during trapping. Based on a lack of historic data, habitat conditions, and negative results over several years of surveys, LAPM are not expected in the Project area. With implementation of mitigation measures and biological monitoring during construction, no impacts to LAPM are anticipated. If the species is found, potential impacts will be addressed in accordance with the Small Mammals Avoidance and Minimization Plan.

The other new work locations do not intersect mapped suitable habitat for special-status mammal habitat. If any of these species are found, potential impacts will be addressed according to the Small Mammals Avoidance and Minimization Plan.

Special-Status Plants: Yucaipa onion (*Allium marvinii*; CRPR 1B.2) occupied habitat is located more than 400-feet west of SWA-4-PP123353-4- MPR-46. Seed collection for Yucaipa onion was conducted in 2018 in accordance with the Special-status Plant Salvage and Relocation Plan to address impacts to these populations of Yucaipa onion. The proximity of this area from the new work areas poses no threat to the plants.

The other proposed work areas do not intersect special-status plant habitat and no observations of special-status plants have been observed in the proposed work locations over several years of surveys; therefore, no impacts to special-status plants are anticipated. If special-status plants are later identified during clearance sweeps/survey/monitoring, they will be avoided to the extent feasible. Unavoidable impacts will be addressed in accordance with the Special-status Plant Salvage and Relocation Plan.

Regulated Trees: No tree trimming or removal is required for the proposed activities.

Jurisdictional Waters: The MPR 46 work areas do not intersect jurisdictional waters. Therefore, no additional non-permitted impacts to jurisdictional features are anticipated.

Cultural Resources: The proposed work areas and project components are located within the WOD Area of Potential Effect (APE) and were covered within the record search data that was conducted during previous WOD surveys and studies. The record search and survey results for the new work areas were negative for cultural resources. *Williams, Audry. 2016. Cultural Resources Management Plan for Southern California Edison Company's West of Devers Transmission Line Upgrade Project, Riverside and San Bernardino Counties, California. Prepared by Southern California Edison.*

Geology and Soils: SCE conducted geotechnical studies to evaluate faults, landslides and unstable slopes, and soil characteristics as outlined in MMs G-1a, G-2a, and G-5a. The geotechnical survey reports were reviewed and approved by the CPUC on August 17, 2017. No additional impacts to geology and soils will occur with the implementation of this MPR.

Hazards and Hazardous Materials: As required by MM HH-1a, SCE prepared and submitted a Hazardous Materials and Waste Management Plan to the CPUC on September 27, 2017. Hazardous materials used and stored on site for the duration of construction activities will be managed according to the Plan. A Soil Management Plan has been developed consistent with MMs HH-2a and HH-3a to provide guidance for the proper handling, onsite management, and disposal of impacted soil that might be encountered during construction activities, including soil samples to be collected in construction areas where the land has historically or is currently being used for agriculture and would be subject to ground disturbance by the Project. SCE's Soil Management Plan was combined with the Hazardous Materials and Waste Management Plan described above. Also, SCE's contractor submitted information including written procedures for fueling and maintenance of construction equipment and an Emergency Response Plan. No additional impacts from hazards or hazardous materials will occur with the implementation of this MPR.

Land Use: As required by MM LU-1a, a Construction Notification Plan was prepared by SCE and approved by CPUC on May 22, 2017. The Plan identified the procedures to ensure that SCE will inform property and business owners of the location and duration of construction. The Plan 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. No additional impacts to land use will occur with the implementation of this MPR.

Noise: BMPs for construction noise management will be implemented as outlined in MM N-1a to reduce construction noise exposure at noise-sensitive receptors and to avoid possible violations of local rules, standards, and ordinances during construction. Construction noise shall be confined to daytime, weekday hours (7:00 a.m. to 6:00 p.m.) or an alternative schedule developed by SCE based on its coordination with the local jurisdiction(s). Construction traffic and helicopter flights shall be routed away from residences and schools, where feasible. No additional impacts to noise will occur with the implementation of this MPR.

Paleontological Resources: The WOD Paleontological Resources Mitigation and Monitoring Plan (PRMMP) requires full-time, qualified paleontological construction monitoring in areas determined to have moderate (PFYC 3) to very high (PFYC 5) sensitivity. Sediments of unknown (PFYC U) sensitivity shall be monitored by a qualified paleontological monitor on a part-time basis and geologic units with very low (PFYC 1) or low (PFYC 2) sensitivity may be spot checked to confirm paleontological sensitivity.

Proposed work area SWA-6-6N26-1-MPR-45 is located in an area of unknown paleontological sensitivity and will be monitored by a qualified paleontological monitor on a part-time basis, if ground disturbance occurs.

Proposed work areas SWA-4-PP123353-4-MPR-46, SWA-4-PP123353-5-MPR-46, and Supersite 2N32 are located in areas of low paleontological sensitivity; therefore, the sites will be spot checked on a regular basis to confirm paleontological sensitivity.

Proposed work area SWA-OakValleyParkwayTelecom-MPR-46 is located within an area of moderate PFYC 3 paleontological sensitivity; therefore, the site requires full-time, qualified paleontological construction monitoring if holes larger than 2-feet in diameter are drilled or if grading is required:

Proposed work areas MAC-3-3X64-3-MPR-46, MAC-3-3X37-2-MPR-46, and MAC-3-3S02-2-MPR-46 are located within areas of very high PFYC 5 paleontological sensitivity; therefore, the site requires full-time, qualified paleontological construction monitoring if holes larger than 2-feet in diameter are drilled or if grading is required.

Traffic and Transportation: Consistent with MM T-1a and MM T-1b, Construction Transportation and Traffic Control Plans have been developed and approved. 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. 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 NTP #4. The following information was provided by SCE regarding the requested exclusion from the requirements of Mitigation Measure VR-3a at Site 2N32: The soldier pile wall at 2N32 has been graffitied multiple times since the initial construction of said wall. The City of Colton has been covering the graffiti with grey paint, then shortly after new graffiti is sprayed on the wall. This has been an ongoing issue and is preventing the contractor from properly applying color altering products such as Natina.

In order to remove the paint without using harmful chemicals, a contractor would need to sandblast the wall, which would also remove the wall's necessary galvanization. The galvanization is needed to ensure the metal does not rust or corrode over time. Additionally, products such as Natina must be applied on galvanized metal.

The intent of Mitigation Measure VR-3a is to reduce the visual contrast created by the Project walls through the use of a one-time application of Natina treatment. Due to the repeated graffiti and repainting

of the wall at 2N32, plus the effect of chemical removal of paint on the wall's galvanization, Site 2N32 is exempt from the requirements of Mitigation Measure VR-3a.

Water Resources: As required by MM WR-2a, 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. SCE submitted the SWPPP to the CPUC on May 25, 2017. Any changes necessitated by this MPR will be incorporated into the SWPPP document. No additional impacts to water resources will occur with the implementation of this MPR.

Wildland Fire: SCE submitted a Fire Management Plan on February 10, 2017 to satisfy the conditions of MM WF-1a and the Plan was approved by the CPUC on July 18, 2017. A revised Fire Management Plan was submitted by SCE on October 29, 2018, which was approved by the CPUC on October 30, 2018. The revised 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. Additionally, if habitat give back areas are described, they will be removed from Project GIS data upon approval of this MPR.
- 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.
- In accordance with the PRMMP, a paleontological monitor shall be on site to monitor ground-disturbing construction activities.

Sincerely,



John Forsythe
CPUC Environmental Project Manager

cc: V. Strong, Aspen