

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 29, 2014

Susan J. Nelson, AIA
Regulatory Affairs
Southern California Edison
2244 Walnut Grove Avenue, Quad 3D, GO1
Rosemead, CA 91770

RE: Tehachapi Renewable Transmission Project (TRTP), Segments 4-11: Notice to Proceed (NTP) #40

Dear Ms. Nelson,

On April 15, 2014, Southern Californian Edison (SCE) submitted a Notice to Proceed Request (NTPR) for the preliminary site preparation activities, including vegetation clearing and temporary fence installation, associated with the pending Chino Hills Underground construction of a new 500 kV underground transmission line (T/L) between Tower M60-T1X and Tower M64-T1Y on Segment 8 Phase I T/L for the Tehachapi Renewable Transmission Project (TRTP), in the Cities of Chino Hills and Chino, in San Bernardino County, California. Additional information was submitted on May 16, 2014.

The SCE Tehachapi Renewable Transmission Project (Project) was evaluated in accordance with the California Environmental Quality Act and a Certification of Public Convenience and Necessity (CPCN) was granted by CPUC Decision 09-12-044, (Application #07-06-031), SCH #2007081156 on December 17, 2009. An Addendum to the Final Environmental Impact Report (October 2009) was prepared for the TRTP Chino Hills Undergrounding and approval of the Chino Hills Undergrounding was granted by CPUC Decision 13-07-018 on July 11, 2013. **NTP #40 is granted by CPUC for the proposed activities based on the following factors:**

- SCE submitted the following information:

SCE has requested a Notice to Proceed (NTP) for the preliminary site preparation activities, including vegetation clearing and temporary fence installation, associated with the pending Chino Hills Underground construction of a new 500 kV underground T/L between Tower M60-T1X and Tower M64-T1Y on Segment 8 Phase I T/L for the TRTP, in the Cities of Chino Hills and Chino, in San Bernardino County, California. Subsequent to the approval of the NTPR (NTP #11 dated August 12, 2010) by the CPUC, and as discussed in the Addendum to the Final Environmental Impact Report, June 2013, vegetation clearing and temporary fence installation was identified to support the pending Chino Hills Underground construction. Segment 8 Phase I Chino Hills Underground (Segment 8 Underground) consists of approximately 3.7 miles of a portion of the Mira Loma-Vincent 500 kV T/L, which would be converted from overhead to underground facilities.

SITE LOCATION AND CONDITIONS

The construction activities for Segment 8 Underground would occur within San Bernardino County. The route spans approximately 3.7 miles along the SCE right-of-way (ROW) in the cities of Chino Hills and Chino.

PROJECT COMPONENTS

This section describes the project components and site work associated with vegetation clearance and temporary fencing activities for Segment 8 Underground. Construction equipment operating hours for these activities are planned to be from approximately 7:00 a.m. to 7:00 p.m. Construction equipment operating hours for this activity will comply with local city and county municipal code noise ordinances, or as otherwise

approved by the appropriate jurisdiction. SCE has established a TRTP toll-free information line (877-795-8787) and website (www.sce.com/trtp). The information line is the designated public notification contact for TRTP.

Project Elements/Construction Activities

The following is a list of project elements that will possibly be present or active throughout the construction of the transmission line: existing access roads; construction equipment and vehicles; ROW fence; permit requirements (e.g., Best Management Practices [BMPs]); planned construction work areas, including planned vault and duct bank areas, wire setup sites (i.e., pull sites, wire splice sites), transition station areas, and existing new access roads.

The following is a list of construction activities that will possibly be present or active throughout the construction of the transmission line: vegetation removal, including grubbing and scraping; operation of construction equipment and vehicles; installation of temporary ROW fencing; recycling and disposal of waste materials; installation and maintenance of BMPs in accordance with the project's Storm Water Pollution Prevention Plan (SWPPP).

Site Work

Site work for vegetation removal activities along Segment 8 Underground will entail mechanical removal of vegetation from planned work areas. Removed vegetation will be temporarily stockpiled onsite prior to offsite disposal, and/or onsite chipping and application to the ground surface. No excavation will be performed during these activities.

Temporary chain link fence will be installed along the ROW boundary (e.g., along roadways and adjacent to property lines), as necessary, to provide for public safety, and security of SCE facilities and construction sites. Fence installation will include necessary gates and appurtenances to support construction access.

Additional site work will also include installation of BMPs, which will be maintained throughout the remaining construction activities.

Biological Resources: SCE submitted a biological report titled *Segment 8 Chino Hills Underground Vegetation Removal Biological Review* from ICF International dated April 2014 with the NTPR. A biological review was conducted for the TRTP Segment 8 Chino Hills Underground preliminary site preparation activities (Project Component) located in the cities of Chino and Chino Hills, California. This report summarizes the results of a literature review of prior reports for surveys conducted within the Biological Study Area (BSA) (Project Component plus a 500-foot buffer) and the results of those surveys. These include focused surveys conducted in 2007, 2009, 2010, 2011, 2012 and 2013 for sensitive species potentially occurring within the TRTP right-of-way (ROW), preconstruction surveys conducted for other Project Components that overlap the BSA, jurisdictional delineation surveys that overlap the BSA, and construction monitoring of incidental species and habitat observations within the BSA. Portions of the BSA that were not previously surveyed will be included in the preconstruction survey (P30) prior to the start of construction.

Habitat Impacts

All potential impacts from the Project Component, vegetation removal and fence installation, are considered temporary. Permanent and temporary impacts from construction of the Segment 8 Chino Hills Underground Project Component will be addressed in the updated Segment 8 Chino Hills Underground Biological Resource report, which will be submitted at a later time. Potential temporary impacts resulting from the Project Component will affect approximately 72.86 acres (not previously approved under Segment 8 Phase 1 NTP), the majority of which contains disturbed/developed (27.67 acres) and ruderal grassland (35.93 acres) communities. Potential temporary impacts on the remaining 9.26 acres include an additional 2.17 acres of sensitive native habitats (i.e., bunchgrass grassland [1.14 acre], mule fat scrub [0.16 acre], mule fat scrub – disturbed [0.05 acre], and southern arroyo willow riparian forest [0.81 acre]). All work adjacent to and within sensitive habitats will be avoided and/or minimized to the greatest extent feasible.

Temporary habitat impacts will be mitigated on-site per the Habitat Mitigation and Monitoring Plan (HMMP) and APM BIO-1a, as well as SWPPP requirements, weed control (Mitigation Measure [MM] B-3a), dust control (MM AQ-1a), and visual resources (MM V-1 and APM AES-8 and APM AES-13).

One special-status plant species, Catalina mariposa lily (*Calochortus catalinae*), was observed within the BSA outside of the Project Component (FRED Species Event 011080). Six regulated tree species were observed within the Project Component during the regulated tree inventory surveys including: arroyo willow (*Salix lasiolepis*), black willow (*Salix gooddingii*), canyon live oak (*Quercus chrysolepis*), coast live oak (*Quercus agrifolia*), toyon (*Heteromeles arbutifolia*), and western sycamore (*Platanus racemosa*), (ICF 2010av, ICF 2011hd, FRED Survey Parent 000027).

Special-status Wildlife

Prior habitat assessment and focused surveys conducted for burrowing owl (*Athene cunicularia*) consistent with the California Burrowing Owl Consortium's survey protocol (CBOC 1993) were conducted throughout the BSA. Habitat assessments (Phase I) and burrow surveys (Phase II) conducted in 2009 observed potentially suitable burrowing owl burrows within the BSA; however, burrowing owl sign (i.e. scat, tracks, whitewash, or feathers) and active burrows were not identified during the focused survey (Phase III)(AMEC 2009a). The 2010 surveys included Phase I and II surveys as well as a Phase III burrowing owl focused survey. Suitable habitat for burrowing owl was identified within the BSA. No burrowing owl sign was found at any of the burrows that could be used by burrowing owl; therefore, only potentially suitable burrows were identified during the Phase II survey. No burrowing owl were observed or detected by the presence of sign during the 2010 focused survey (ICF 2010xx, 2010cd). Additionally, preconstruction burrowing owl focused surveys conducted within the BSA in 2010 (ICF 2010ex, 2010cd) identified potential burrowing owl features, but no burrowing owl or burrowing owl sign was observed. Burrowing owl focused surveys were not conducted within the BSA in 2011, 2012, or 2013.

Preconstruction focused habitat assessment surveys for bats completed in 2010 within the BSA identified 20 potential bat roosting features (FRED Habitat Event 000586-000590, 001707, 002254-002258, 002261-002267). Features include cavities and crevices within rock outcrops or trees and exfoliating bark or bark fissures (ICF 2011y; FRED Survey Parent 000020).

The Project Component provides potential nesting habitat for bird species that are protected under the Migratory Bird Treaty Act and California Fish and Game Code, including raptors. Nesting bird surveys are currently under way for the 2014 nesting bird season. Preconstruction surveys will be conducted prior to any project-related activities to ensure that impacts on nesting birds or raptors do not occur. When breeding birds with active nests are found, a Biological Monitor will establish a suitable buffer per MM B-5 and SCE's Nesting Bird Management Plan around the nest for ground and helicopter-based construction activities. Red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), and raptor nests without the species noted were previously observed within the BSA (AMEC 2009a; FRED Nest Event 000362, 000661, 002470, 002854, 004413, 004434, and 004623). Active nests observed within the BSA to date for the 2014 nesting bird season include Anna's hummingbird (*Calypte anna*), bushtit (*Psaltriparus minimus*), killdeer (*Charadrius vociferous*), mourning dove (*Zenaidura macroura*), northern mockingbird (*Mimus polyglottos*), red-tailed hawk, and western bluebird (*Sialia mexicana*) active nests (FRED Nest IDs 005806, 005807, 005809, 005728, 005757, --5786, and 005843).

Riparian bird focused surveys were conducted within the BSA in 2009, 2010, 2011, 2012, and 2013 (AMEC 2009n; ICF 2010ss, 2011fx; FRED Survey Parent 00000, 000023). These surveys were positive for least Bell's vireo (*Vireo pusillus bellii*) within the Chino Hills Detention Basin and Eucalyptus Avenue survey areas. In 2011, willow flycatchers were identified within both survey areas and determined to be transient willow flycatchers of an unknown subspecies that did not remain to breed at either site. Other special-status riparian bird species observed within the BSA included yellow-breasted chat (*Icteria virens*; identified in 2010) and yellow warbler (*Setophaga petechia*; identified in 2010, 2011, 2012, and 2013).

Least Bell's vireo occupied habitat is located within the BSA at the Chino Hills Detention Basin and Eucalyptus Avenue survey areas. SCE submitted an amendment request for the USFWS Biological Opinion (BO) and the CDFW Incidental Take Permit (ITP) related to impacts to least Bell's vireo occupied habitat. Mitigation for impacts to least Bell's vireo occupied habitat will be consistent with the Habitat Mitigation and Monitoring Plan, Segments 7 and 8, and the Chino Hills Underground Addendum (ICF 2013e, 2014a). Least Bell's vireo occupied habitat will be demarcated as ESAs in the field. No vegetation removal within occupied least Bell's vireo habitat will occur prior to issuance of the BO and ITP amendments.

Coastal California gnatcatcher (*Polioptila californica*) focused survey, conducted within the BSA in 2007, 2009, 2010, and 2011, were negative for the species. An incidental observation of a foraging, non-breeding coastal California gnatcatcher was made in 2011 during construction monitoring within the Western Transition Station portion of the Project Component (FRED Species Event 002087).

Although no focused surveys for California condor (*Gymnogyps californianus*) were conducted, a review of the BO (USFWS 2010c), the FEIS (Aspen 2009a), and other published resource data indicates that the potential exists for occurrences within the vicinity of the BSA. Although the potential for perching or nesting is considered very low because of the absence of suitable perching or nesting habitat, California condors range widely during foraging trips, and this may include portions of Chino Hills (Aspen 2009c).

Hydrological Features

Approximately 10 jurisdictional water features are expected to be affected by the Project Component. These drainage features are jurisdictional waters of the state, waters of the United States, and state streambeds. Therefore, impacts on these features will require the issuance of the following regulatory permits: 401 Water Quality Certification by the State Water Resources Control Board (SWRCB), 404 authorization by the U.S. Army Corps of Engineers (USACE), and a Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). Permit applications have been submitted that include avoidance and minimization measures to reduce impacts on jurisdictional waters, water quality, and biological resources. In addition, a compensatory mitigation requirement was calculated for proposed impacts, and a conceptual mitigation proposal was prepared and presented to the agencies for approval. Mitigation for impacts on jurisdictional features will be consistent with the Habitat Mitigation Monitoring Plan, Segments 7 and 8, and the Chino Hills Underground Addendum (ICF 2013e, 2014a). Jurisdictional waters will be demarcated as Environmentally Sensitive Areas (ESAs) in the field. Vegetation removal within jurisdictional waters will be deferred until after the required permits are issued.

- **Cultural and Paleontological Resources:** SCE submitted cultural and paleontological resource information with the NTPR. All proposed areas for the Chino Hills Underground vegetation removal have been covered by the original cultural resources report by Pacific Legacy in 2007 and in supplemental surveys by Pacific Legacy in 2010, 2013, and 2014. No known historic resources or historic properties will be affected/impacted by the activities outlined in the NTPR.

A paleontological sensitivity review was conducted in 2010 (Paleo Solutions 2010) and paleontological monitoring was recommended for the Chino Hills Underground in those areas that have a high sensitivity for yielding paleontological resources. However, the activities proposed in this NTPR are considered to have a very low potential for yielding paleontological resources as they will take place near the surface in soil that has already been disturbed by the existing vegetation.

SCE has submitted the following Cultural and Paleontological Resources Survey Reports for Segment 8 Chino Hills – Phase I, which have been reviewed and approved by regulatory agencies:

Aron, G. 2010 *Paleontological Assessment and Sensitivity Report for Southern California Edison's Tehachapi Renewable Transmission Project, Segment 8 Chino Hills (Phase 1), Los Angeles and San*

Bernardino Counties, California. Prepared by Paleo Solutions, Costa Mesa, CA. Prepared for SCE, Rosemead, CA.

Greenberg, M. 2013 *Chino Hills Underground, Segment 8 Supplemental Survey for 17 Areas for the Tehachapi Renewable Transmission Project, Los Angeles County, California.* Prepared by Pacific Legacy, Santa Cruz, CA. Submitted to SCE, Monrovia, CA.

Greenberg, M. 2014 *Chino Hills Underground, Segment 8 Supplemental Survey for Vegetation Removal for the Tehachapi Renewable Transmission Project, San Bernardino County, California.* Prepared by Pacific Legacy, Lancaster, CA. Submitted to SCE, Monrovia, CA.

Gust, S. and K. Scott 2009 *Paleontological Resource Management Plan for Tehachapi Renewable Transmission Project Segments 4 through 11, Kern, Los Angeles, and San Bernardino Counties, California.* Prepared by Cogstone Resource Management, Inc., Orange, CA. Prepared for Pacific Legacy, Inc., Santa Cruz, CA.

Office of Historic Preservation 2010 *Section 106 Compliance on a determination of ineligibility for the Chino-Mesa 220 kV Transmission Line.* Concurrence letter submitted by the Office of Historic Preservation to Jody Noiron, Forest Supervisor, Angeles National Forest Supervisor, September 15, 2010. Document submitted in response to the Urbana Preservation *NRHP/CRHR Review, Southern California Edison Company Chino-Mesa 220 kV Transmission Line.*

Pacific Legacy 2007 *Cultural Resources Inventory of the Southern California Edison Company Tehachapi Renewable Transmission Project, Kern, Los Angeles, and San Bernardino Counties, California.* Prepared by Pacific Legacy, Santa Cruz, CA. Submitted to SCE, Rosemead, CA.

Pacific Legacy 2010a *TRTP Cultural Resources Survey Report with Negative Findings: Segment 8 Transmission Line Chino Hills (Phase 1), Los Angeles and San Bernardino Counties.* Prepared by Pacific Legacy, Santa Cruz, CA. Submitted to SCE, Rosemead, CA.

Pacific Legacy 2010b *TRTP Cultural Resources Survey Report with Negative Findings: Segment 8 Transmission Line Phase 1 (Chino Hills; Additional Access Roads).* Prepared by Pacific Legacy, Santa Cruz, CA. Submitted to SCE, Rosemead, CA.

Urbana Preservation & Planning. 2013 *NRHP/CRHR Eligibility Evaluation: 14575 Pipeline Avenue, Chino Hills, CA 91709.* Prepared by Urbana Preservation & Planning, LLC. Submitted to SCE, Rosemead, CA.

The conditions noted below shall be met by SCE and its contractors:

- Prior to commencement of vegetation clearing and fence installation activities, disturbance areas shall be staked and sensitive resource buffers shall be flagged and field verified by the CPUC Environmental Monitor (EM) prior to project area use.
- A biological pre-construction survey, including maps of identified resources, shall be submitted to and approved by the CPUC prior to site occupation/disturbance. All 2014 protocol level survey results and nesting activities shall be included within the biological pre-construction survey and sightings of listed threatened or endangered plants or animals shall be reported to the USFWS and CDFW prior to site occupation. Confirmation of listed species notifications with the resource agencies shall be submitted to the CPUC prior to site occupation.
- Biological survey sweeps are required to occur immediately preceding and during project area set up and occupation as part of required biological monitoring activities. Sweeps for nesting birds shall include a 500

foot buffer. If active nests are found, a Biological Monitor shall establish a required buffer around the nest and no activities will be allowed within the buffer until the young have fledged from the nest or the nest fails. For *listed riparian species*, no work will be authorized within 500 feet of an active nest and all activities will stop immediately within 500 feet of the nest (Mitigation Measure B-15). The Biological Monitor shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer until the nesting cycle is complete or the nest fails. The Biological Monitor shall be responsible for documenting the results of the surveys and the ongoing monitoring. The buffer may be adjusted with the approval of CDFW and USFWS, and with prior knowledge of the CPUC. If special-status plant or animal species or bird nests are observed within the project area, CDFW and the CPUC EM shall be notified immediately (within 24 hours). After complete sweeps have been submitted and approved by the CPUC EM, site occupation can occur; however, if occupation does not occur within seven calendar days of survey, biological clearance sweeps shall be re-conducted prior to site occupation, including nesting bird surveys during the breeding season.

- Burrowing owl focused surveys shall be conducted within the BSA in areas not previously surveyed if suitable habitat is present and findings submitted to the CPUC for review and approval prior to the start of construction.
- No vegetation removal within occupied least Bell's vireo habitat shall occur prior to issuance of the USFWS BO and CDFW ITP amendments.
- Per Mitigation Measure B-33a, preconstruction surveys for roosting bats shall be conducted within 15 days prior to construction and the survey results submitted to the CPUC for review and approval.
- SCE shall provide an updated Table ES-1 to reflect any updated or new conditions included in the ITP and BO Amendments, prior to construction in covered species habitat
- Vegetation removal within jurisdictional waters shall be deferred until after the required agency permits are issued.
- SCE shall provide copies of wetland permit applications including the Supplemental Jurisdictional Delineation Report for the TRTP: Segment 8 Chino Hills Underground (ICF 2013d) to the CPUC prior to work in jurisdictional areas.
- Prior to the start of construction, SCE shall identify locations of construction water sources.
- If unanticipated biological, cultural or paleontological resources are detected, the CPUC EM shall be notified immediately.
- At least 14 days prior to the start of any construction-related activities, SCE shall provide notification to potentially affected property owners, and copies of the notification and distribution list shall be provided to the CPUC at the time of noticing (Mitigation Measures L-1a and L-1b). In addition, SCE shall provide all affected property owners with quarterly updates on any changes to the information provided in the pre-construction notification (Mitigation Measure L-1c).
- Per Mitigation Measure L-1a, SCE shall provide summary documentation to the CPUC of all complaints, comments, and concerns communicated to the liaison every two months for the duration of construction and for one year following the completion of construction.

- San Bernardino County approval or applicable Municipal Code reference shall be provided to CPUC for all future Sunday work or for work outside of the hours 7:00 AM to 7:00 PM, Monday through Saturday, prior to the commencement of work.
- All applicable project mitigation measures, 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.
- Prior to commencement of construction activities, all crew personnel including haul truck and concrete truck drivers shall be appropriately trained on environmental issues including protocols for air quality, hazardous materials, biological resources, known and unanticipated cultural materials, as well as SWPPP BMP's. A log shall be maintained on site with the names of all crew personnel trained.
- Copies of all relevant permits, compliance plans, and this Notice to Proceed shall be available on site for the duration of construction activities.
- 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 to construction technique or mitigation implementation to a lesser level are required, a Variance Request shall be submitted for CPUC review and approval.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Coontz', written over a horizontal line.

Jason Coontz
CPUC Environmental Project Manager

cc: V. Strong, Aspen