PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

April 24, 2014

Ryan Stevenson
Regulatory Policy & Affairs
Southern California Edison
8631 Rush Street, General Office 4 - G10O
Rosemead, CA 91770

Re: Data Request #5 for the SCE West of Devers Upgrade Project - Application No. A.13-10-020

Dear Mr. Stevenson:

The California Public Utilities Commission's (CPUC) Energy Division has reviewed all of the documents and materials that SCE has provided, including the Application and Proponent's Environmental Assessment (PEA; dated October 25, 2013), the PEA deficiency response items submitted in late 2013 and early 2014, and SCE's data responses to date. During the analysis of the aforementioned materials, we have identified additional information items needed from SCE. Attached please find Data Request No. 5, which defines the additional questions we have at this time for project description, alternatives and biological resources. Additional data requests may be necessary to address other CEQA or NEPA topics as we move forward with EIR/EIS preparation.

We would appreciate your prompt responses to these data requests, which will allow us to maintain our current schedule. We request that responses be provided to us within two weeks (by May 7, 2014). We understand that some of these requests may require more time; however, we request that information be provided to us as soon as each response is available, along with an estimated response date for any information that can't be provided within two weeks.

Please submit one set of responses to me in both hard copy and electronic format and one to Susan Lee at Aspen Environmental Group in electronic format (unless there are hardcopy-only documents). Any questions on this data request should be directed to me at (415) 703-2068.

Sincerely,

Billie Blanchard

Billie Blanchard
Project Manager for West of Devers Upgrade Project
Energy Division CEQA Unit

Attachment

cc: Mary Jo Borak, CPUC Supervisor CEQA Unit
Brian Paul, Bureau of Land Management
Holly Roberts, Bureau of Land Management
Lynette Elser, Bureau of Land Management
Susan Lee & Hedy Koczwara, Aspen Environmental Group
Nicholas Sher, CPUC Legal Division

SCE West of Devers Upgrade Project
Data Request No. 5

West of Devers Upgrade Project Data Request No. 5, includes requests related to the following issue areas:

- Project Description
- Alternatives
- Biological Resources

Project Description

PD-16 SCE has provided (in response to PEA Completeness Item #4) an Excel spreadsheet listing data for each proposed tower. In addition, the GIS data provided by SCE, which included similar data for existing towers that would be removed as part of the Proposed Project. In order to provide complete information to the public about existing and proposed tower heights, please provide tower height data for existing towers in Segments 1 and 2 that are *not* being removed, so we can illustrate this in our graphics. The tower heights we need are those that are representative of the towers shown in the segment cross-sections for Segments 1 and 2.

Alternatives

Background for ALT-1 through ALT-4. The analysis of potential alternatives to the Proposed Project may need to consider increasing the length of tower spans. This could be necessary for alternatives that aim to avoid or reduce environmental impacts at specific tower sites or reduce the overall number of new structures. One way to accomplish greater distances between tower spans, without increasing tower heights, could involve switching from the proposed double-bundle 1590 kcmil Aluminum Conductor Steel-Reinforced (ACSR) to an alternative conductor. Please note that these requests follow-up our Data Request PD-6 (addressing blow-out distance limitations that force the project to have reduced span lengths in Segment 1) we now request this information for all segments of the project.

ALT-1 Please summarize the considerations taken in the selection of the proposed conductor type and the specifications that must be achieved by any alternative conductor. In this response, please identify whether the Proposed Project would rely upon a "standard" or "conventional" structure type that SCE expects to efficiently install and maintain, and identify whether SCE would need to develop a "new" structure design to be sufficiently strong for higher conductor tensions.

ALT-2 Please identify the maximum transverse conductor loading that could be supported by the Proposed Project tangent structures without triggering a new tangent structure tower design.

ALT-3 Please provide a chart of the Sag/Tension (Sag/Ten) characteristics for the Proposed Project's double-bundle 1590 kcmil ACSR conductor.

ALT-4 Please provide a Sag/Ten table for the following conductors that may be suitable alternatives, under their design conditions: (1) 795 Drake/ACSS (Aluminum Conductor, Steel Supported) conductor with an ampacity of 1,662 amps; and (2) 795 Drake/ACCR

(Aluminum Conductor Composite Reinforced) conductor with an ampacity of 1,653 amps.

Background for ALT-5. The October 2006 Final EIR/EIS for DPV2 included an alternative for the West of Devers corridor called the "Composite Conductor Alternative," described in the Appendix 1, Alternatives Screening Report (Section 4.3.3). According to that discussion, SCE expected this alternative to have higher installed cost, higher life cycle cost, and higher transmission line losses than the Proposed Project (cited to SCE: May 25, 2005). The present analysis of potential alternatives may warrant an updated analysis of an alternative to the Proposed Project using high performance or composite reinforced conductors.

ALT-5 Please revisit Appendix 1 of the 2006 Final EIR/EIS (specifically Section 4.3.3, Composite Conductor Alternative), and provide an up-to-date discussion on whether a design with composite reinforced conductors could be used to satisfy project objectives.

Biological Resources

BIO-19 The special-status invertebrate report and special-status herpetofauna report, provided in response to Data Request BIO-1 (both prepared by AMEC in 2012), are both marked "draft." Please provide documentation (e.g., an email or letter) from AMEC staff to indicate whether the findings and conclusions in the draft reports may be considered complete, or whether further revision may be needed to support the EIR/EIS project analysis.

BIO-20 This data request expands upon a request originally made by CPUC in September 2013, based on its review of SCE's pre-filing draft PEA submittal. Please provide a draft Nesting Bird Management Plan (NBMP) that describes SCE's proposed methods to minimize potential project effects to nesting birds, and avoid any potential for unauthorized take.

SCE did prepare a draft NBMP for recently constructed the Devers–Palo Verde 2 project, but the CPUC was unable to approve it because the proposed buffer distances would be reduced to unspecified distances and for unspecified time periods for multiple short-term and long-term construction activities, with inadequate monitoring of nest success or failure and without a reliable method to identify project-related nest failure.

In order that the draft NBMP the West of Devers Upgrade Project is acceptable, please ensure that it includes: (1) definitions of standard nest buffers for each species or group of species, depending on characteristics and conservation status for each species; (2) a standardized protocol for temporary buffers reductions for each species or group of species, specifying buffer reduction distances depending on bird species, local conditions, and type of proposed activity; (3) a notification procedure for further buffer distance reductions should they become necessary under special circumstances; and (4) a rigorous monitoring protocol to ensure that any project related effects to nesting birds will be documented and reported.

The paragraphs below describe the NBMP requirements in further detail.

Background. Please include the following components in this section:

- Summary of applicable state and federal laws and regulations, including definition of what constitutes an "active" nest under state and federal law. This section should

describe SCE's proposed applicability of the NBMP in the event that state and federal regulations affecting nesting birds may be revised before project implementation.

- A list of bird species potentially nesting on the ROW or other work areas, indicating approximate nesting seasons, nesting habitat, typical nest locations (e.g., ground, vegetation, structures, etc.), tolerance to disturbance (if known) and any conservation status for each species. Please also note any species that do not require avoidance measures (e.g., rock pigeons).
- A list of the types of project activities (construction, operations, and maintenance) that may occur during nesting season, with a short description of the potential effects of each activity (e.g., noise, physical disturbance, lighting, etc.) to nesting birds in close vicinity.

Pre-Construction Nest Surveys. Pre-construction nest surveys will be conducted prior to any construction activities scheduled during the breeding period (from January 15 through August 31). Please describe the proposed field methods, survey timing, and qualifications of field biologists. Field biologist qualifications will be subject to review by CPUC and BLM. The biologists conducting the surveys shall be experienced bird surveyors and familiar with standard nest-locating techniques such as those described in Martin and Guepel (1993). Please confirm that nest surveyors will be instructed to focus their efforts on bird activities and movement to detect nesting activity (e.g., carrying nest materials or food, territorial displays, courtship behavior). Surveys shall be conducted in accordance with the following guidelines.

Surveys shall cover all potential nesting habitat within the ROW or other work areas and within 500 feet of these areas. Where the 500-foot distance extends onto private property, SCE will make a reasonable effort to obtain permission to access the property for the surveys but, if permission cannot be obtained, then binocular surveys from the ROW boundary may be substituted for standard field survey methods.

At least two pre-construction surveys shall be conducted for each work area, separated by a minimum 10-day interval. The second pre-construction survey shall be conducted no more than 2-3 days prior to the start of construction activity or nesting season. Additional follow-up surveys may be required if periods of construction inactivity exceed one week in any given area (an interval during which birds may establish a nesting territory and initiate egg laying and incubation).

Prior to the start of any nesting season construction activities, SCE shall provide the CPUC and BLM a report describing the findings of the pre-construction nest surveys, including the time, date, and duration of the survey; identity and qualifications of the surveyor(s); a list of species observed; and electronic data identifying nest locations and the boundaries of buffer zones. The electronic data set will be updated regularly throughout the nesting season. The format and contents of this report will be described in the draft NBMP and will be subject to review and approval by CPUC and BLM.

Impact Avoidance Measures for Migratory and Nesting Birds. The NBMP will describe proposed measures to avoid take or adverse effects to nests, such as buffer distances from active nests. These measures should be based on the specific nature of the bird species and conservation status, and other pertinent factors. The NBMP will specify 300 feet as a standard buffer distance, and 500 feet for raptor species or listed threatened or endangered species. The NBMP will identify bird species (or groups of species) that

are relatively tolerant or intolerant of human activities and specify smaller or larger buffer distances as appropriate for each species. All applicable avoidance measures, including buffer distances, must be continued until nest monitoring (below) confirms that the nestlings have fledged and dispersed, or the nest is no longer active.

For each special-status species potentially nesting within or near project work areas, please specify applicable buffers and any additional nest protection measures, specialty monitoring, or restrictions on work activities.

The NBMP will identify acceptable work activities within nest buffers (e.g., pedestrian access for inspection or BMP repair) including conditions and restrictions, and any monitoring required. The NBMP will include pictorial representation showing buffer distances for ground buffers, vertical helicopter buffers, and horizontal helicopter buffers for nests near the ground and nests in towers.

For nests in towers, nesting birds may display no agitation during work activities on the ground, but may respond negatively to project activities at or near the elevation of the nest (e.g., tower erection with cranes, helicopter work). The NBMP will describe how this issue will be handled for buffer reductions.

The NBMP will specify any modifications to buffer areas, with specific time constraints, that would be appropriate to each bird species and project activity. Upon approval of the NBMP, these modifications may be implemented as needed without additional agency review, to accommodate construction. The NBMP will describe monitoring and reporting procedures to determine any effects to nests that may result from these buffer reductions. Where work activities take place with a reduced buffer area, SCE shall be responsible for monitoring the nest site full time throughout the project activity period and for two hours after completion of the activity. In addition, the nest will be checked the following day to determine presence or absence and any activity of the nesting birds. If the birds are not present, then the nest will be checked again one day later. If the nest is inactive on the second day, then the event will be recorded as a project-related nest failure. The NBMP will include a procedure for reinstatement of standard (or larger) buffers if birds show signs of agitation or other negative response to proximity of work activities. The procedure will include a process to stop work and remove personnel and equipment from the buffer. The NBMP will specify work activities that cannot be stopped once begun (concrete pours, certain wire stringing operations, etc.), and recommend modifications to the procedure.

At times, SCE or its contractor may propose buffer reductions beyond those approved in the NBMP (i.e., shorter distances, longer durations, or for activities not included in the NBMP). The NBMP will provide a procedure for notifying CPUC, BLM, CDFW, and USFWS for any planned adjustments to nest buffers that are not described in the NBMP. SCE will notify the agencies no less than 36 hours prior to implementing the proposed buffer reduction. Where reductions are proposed for Monday workdays, notification will be filed by noon the preceding Friday. The NBMP will list the information to be included in buffer reduction notifications in a standardized format. It will identify any necessary additional procedures within each jurisdiction (BLM, Tribal lands, San Bernardino County, WRCMSHCP, CVMSHCP). Nest monitoring for these events will be conducted as described above, to include full-time monitoring throughout the project activity period and two hours after completion of the activity, with follow-up visits the

following day and (if needed) one day later. Project-related nest failures will be documented as described above.

The NBMP will specify measures to delineate buffers on the work site, such as marking and signage. Buffer locations will be communicated to construction crews, inspectors, helicopter pilots, and other field personnel. The NBMP will specify a procedure for notification of release of nest buffer restrictions to field personnel when nests become inactive. In addition, the NBMP will specify measures to ensure the buffers are observed, including a direct communication and decision protocol to stop work within buffer areas. In some cases, active nests may be found while work is already underway. Therefore, the NBMP will include a protocol for stopping ongoing work within the buffer area, securing the work site, and removing personnel and equipment from the buffer.

The NBMP will describe any proposed measures to prevent or reduce bird nesting activity on project equipment or facilities. This should include any proposed nest deterrents such as buoys, visual or auditory hazing devices, bird repellents, securing of materials, and netting of vehicles and equipment. Also include timing for installation of nest deterrents; guidance and training for the contractor to properly install, maintain, and use nest deterrents; and monitoring of nest deterrents to ensure proper installation and functioning and prevent injury or entrapment of birds or other animals. In the event that an active nest is located on project facilities, materials or equipment, SCE will either (1) avoid disturbance or use of the facilities, materials or equipment (e.g., by red-tag) until the nest is no longer active, or (2) coordinate with the CPUC, BLM, CDFW, and USFWS to obtain authorization to remove the nest. Please describe the proposed procedure for removal of active nests, including wildlife rehabilitation options.

Please specify the responsibilities of construction monitors in regards to nests and nest issues, and specify a direct communication protocol to ensure that nest information and potential adverse impacts to nesting birds can be promptly communicated from nest monitors to construction monitors, so that any needed actions can be taken immediately.

Please specify a procedure to be implemented following accidental disturbance of nests or project-related premature fledging, including wildlife rehabilitation options. Also, please describe any proposed measures, and applicable circumstances, to prevent take of precocial young of ground-nesting birds such as killdeer or quail. For example, chick fences may be used to prevent them from entering work areas and access roads. Finally, please specify a procedure for removal of inactive nests, including verification that the nest is inactive and notification and approval process prior to removal.

Monitoring. SCE will be responsible for monitoring the implementation, conformance, and efficacy of the avoidance measures (above). The NBMP will include specific monitoring measures to track any active bird nest within or adjacent to project work areas, bird nesting activity, project-related disturbance, and fate of each nest. SCE shall monitor each nest until nestlings have fledged and dispersed. In addition, monitoring will include pre-construction surveys, daily sweeps of work areas and equipment, and any special monitoring requirements for particular activities (tree trimming, vegetation removal, etc.) or particular species (noise monitoring, etc.). Nest monitoring will continue throughout the breeding season during each year of the project's construction activities.

Reporting. Throughout the construction phase of the project, nest locations, project activities in the vicinity of nests (including helicopter traces), and any adjustments to buffer areas shall be updated and available to CPUC monitors on a daily basis. All buffer reduction notifications and prompt notifications of nest-related non-compliance and corrective actions will be made via email to CPUC monitors. The draft NBMP will include a proposed format for daily reporting (e.g., spreadsheet available online, tracking each nest). In addition, the draft NBMP will specify the proposed format and content of nest data to be provided in regular monitoring and compliance reports. At the end of each year's nest season, SCE will submit an annual NBMP report to the CPUC, BLM, CDFW, and USFWS. The annual report will describe all preconstruction survey work, monitoring data (including names of monitors, activities and sites visited throughout the season), all reductions from standard buffer distances, buffer incursions and nest disturbance, project-related take of nesting birds, injury or entrapment of birds or other animals due to nest deterrents, and nest outcomes for all nests documented throughout the year.

BIO-21 Please provide a draft Integrated Weed Management Plan (IWMP) that describes SCE's proposed methods of preventing or controlling project-related spread of weeds or new weed infestations. The IWMP also must meet BLM's requirements for NEPA disclosure and analysis if herbicide use is proposed for the project.

For the purpose of the IWMP, "weeds" should include designated noxious weeds, as well as any other non-native weeds or pest plants identified on the weed lists of the California Department of Food and Agriculture, the California Invasive Plant Council, or identified by BLM as special concern. The IWMP should include the contents listed below. The IWMP should be implemented throughout project construction, operations and maintenance, and through the close of any soils, water, or vegetation-related post-construction rehabilitation, revegetation, restoration, and related monitoring. The IWMP should include the information defined in the following paragraphs.

Background. An assessment of the project's potential to cause spread of invasive nonnative weeds into new areas, or to introduce new nonnative invasive weeds into the project ROW. This section should list known and potential nonnative and invasive weeds occurring on the ROW and in the project region prior to construction activities, and identify threat rankings and potential consequences of project-related occurrence or spread for each species. Please include a map showing locations of all weeds detected in the ROW to date. The map should be updated at least once a year. It also should identify project sites where weed introduction or spread may be particularly likely or important. This section should identify control goals for each species (e.g., eradication, suppression, or containment).

Prevention. Specify methods to minimize potential transport of weed seeds onto the ROW, or from one section of the ROW to another. For example, the ROW may be divided into "weed zones," based on known or likely invasive weeds in any portion of the ROW. Vehicles may be inspected and cleaned at entry points to any portion of the ROW. Portable vehicle wash stations or commercial wash stations should be used to minimize likelihood of introducing weed seeds onto the ROW. Erosion control materials (e.g., hay bales) should be certified free of weed seed before they are brought onto the site. The IWMP should prohibit on-site storage or disposal of mulch or green waste that may contain weed material.

Monitoring. Please include the proposed methods to survey for weeds during construction and operation. This section should include a monitoring schedule to ensure timely detection and immediate control of weed infestations, to prevent further spread. Surveying and monitoring for weed infestations will occur at least two times per year, to coincide with the early detection period for early season and late season weeds. It also should include methods for marking invasive weeds on the ROW, and recording and communicating these locations to weed control staff. The map of weed locations (above) should be updated at least once a year. The monitoring section should also describe methods for post-eradication monitoring to evaluate success of control efforts and any need for follow-up control.

Control. Please describe the proposed manual and chemical weed control methods to be employed during construction and operation. The IWMP should only include weed control measures with a demonstrated record of success for target weeds, based on the best available information. The plan should describe proposed methods for promptly scheduling and implementing control activity when any weed infestation is located, to ensure effective and timely weed control. Weed infestations must be controlled or eradicated as soon as possible upon discovery, and before they go to seed, to prevent further expansion of weed occurrences. All proposed weed control methods should minimize the extent of any native vegetation or ground disturbance, limit ingress and egress to defined routes, and avoid damage from herbicide use or other control methods to any environmentally sensitive areas identified within or adjacent to the ROW.

Manual control should specify well-timed removal of weeds or their seed heads with hand tools; seed heads and plants must be disposed of in accordance with guidelines from the Riverside or San Bernardino County Agricultural Commissioners, if such guidelines are available.

The chemical control section must include specific and detailed plans for any herbicide use. It should indicate where herbicides will be used, which herbicides will be used, and specify techniques to be used to avoid drift or residual toxicity to native vegetation or special-status plants, consistent with BLM's Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States (2007) and National Invasive Species Management Plan (NISC 2008). Herbicides having residual toxicity, such as pre-emergents, should not be used in natural areas or within channels (engineered or not) where they could run off into downstream areas. Only state and BLM-approved herbicides may be used, and all herbicide applicators will be required to possess a qualified herbicide applicator license from the state. All herbicide applications will follow U.S. Environmental Protection Agency label instructions and be performed in accordance with federal, state, and local laws and regulations.

Reporting schedule and contents. This section of the IWMP should describe SCE's proposed reporting to the CPUC and BLM, including reporting schedule, and contents of each report.

BIO-22 On page 3-87 of the PEA, the Project Description states that, "It is common to use access roads and turnaround areas for structure access, parking, laydown areas, and as a crane pad set-up area during construction activities. In some instances, the turnaround area would remain as a permanent feature." And on PEA page 3-88, "[t]he crane pad would occupy an area of approximately 50 feet by 50 feet and be located adjacent to each

applicable structure within the laydown/work area used for structure assembly and erection. It would remain for operations and maintenance activities."

Please verify that the turnaround areas and the crane pads remaining for operations and maintenance activities are included in the revised calculations of permanent impacts to be provided in June 2014.

BIO-23 On PEA page 3-159, the Project Description states that, "[i]n addition to maintaining vegetation-free access roads, helipads and clearances around electrical lines, clearance of brush and weeds around poles and transmission tower pads, and as required by local jurisdictions on fee owned ROWs, is necessary for fire protection. A 10-foot radial clearance around non-exempt poles (as defined by California Code of Regulations Title 14, Article 4) and a 25 to 50 foot radial clearance around nonexempt towers (as defined by California Code of Regulations Title 14, Article 4) are maintained in accordance with Public Resource Code 4292."

Please define WOD project towers as to whether they are exempt or non-exempt. If any are non-exempt, please ensure that the required radial clearances are included in the revised calculations of permanent impacts to be provided in June.

BIO-24 In order to support the BLM's consultation with USFWS under Section 7 of the Endangered Species Act, please provide current (2014) protocol desert tortoise survey results for the entire portion of the ROW identified as potential desert tortoise habitat.