

PUBLIC UTILITIES COMMISSION

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August 27, 2018

Ryan Stevenson
Principal Advisor
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 #20

Dear Mr. Stevenson,

On August 21, 2018, Southern California Edison (SCE) submitted a request for Minor Project Refinement (MPR) #20 for use of an unpaved public road to provide construction access to Smith Creek Telecom Crossing work area to support telecom activities approved under the California Public Utilities Commission (CPUC) Notice to Proceed (NTP) #3, August 10, 2017, in support of the West of Devers Upgrade Project in the City of Banning, California.

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 a 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 #20 for use of an unpaved public access road to provide construction access to Smith Creek Telecom Crossing work area to support telecom activities (approved under NTP #3) is granted by CPUC based on the factors described below.

SCE MPR Request. Excerpts from the SCE MPR request, received August 21, 2018 are presented below (indented) [brackets for clarification]:

Public Roads Required for Devers-Valley Telecommunications Route Construction at Smith Creek

The use of approximately 0.5 mile of unpaved public road is required to provide construction access for truck travel to and from the Smith Creek Telecom Crossing work area. The approved east access route along Old Banning Idyllwild Road will not safely support heavy truck travel to the construction site, therefore the use of approximately 0.27 miles of unpaved public road to the west of the site along Old Banning Idyllwild Road and approximately 0.23 miles of unpaved public road to the south is required to facilitate construction. Along the public road, approximately 100 feet of the road west of the entrance gate will be used for off-loading of material and equipment to facilitate construction.

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 August 24, 2018. 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 will be impacted with the implementation of this MPR. The area is a disturbed/developed unpaved road.

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 #20 request. The new access route is located along public, developed, disturbed, and compacted portions of Old Banning Idyllwild Road.

Suitable substrates for nesting birds protected by the California Fish and Game Code and Migratory Bird Treaty Act, including trees, shrubs, man-made structures, and the ground surface, are located within the vicinity. Preconstruction surveys for nesting birds, and ongoing surveys and monitoring for nesting birds, will take place during the nesting season (January 1 – August 31).

Based on historic occurrences and project survey data, Western burrowing owl (*Athene cunicularia*) have a moderate potential to occur within 500 feet of the telecom work area. No burrowing owl or sign has been observed within the previous survey area or during preconstruction surveys and monitoring conducted at the site; therefore, no impacts to burrowing owl are anticipated.

Suitable habitat for California coastal gnatcatcher (*Poliophtila californica*) is identified around the existing work area at Smith Creek. Surveys conducted in 2018 were negative. All work at Smith Creek, including the use of the new access route, will be conducted outside of the nesting season, thus no impacts to California coastal gnatcatcher are anticipated.

A known perennial golden eagle nest is located within 2 miles of the telecom alignment. The nearest pole to the nest is #256813S and the nest is within 0.74 miles of the Devers-Valley telecom route. The substrate is a

cliff cavity approximately 60 feet above the ground surface. The nest location is well hidden by ridgelines to the south and east but overlooks a canyon which opens to the forage ground along Old Banning Idyllwild Road and Smith Creek below. The nest is no longer active and successfully fledged one chick in 2018. The work activities at Smith Creek will not occur during the breeding season.

Suitable habitat for Los Angeles pocket mouse (*Perognathus longimembris brevinasus*; LAPM) is located south of Highway 243 off Old Idyllwild Road to approximately 180 feet south of existing pole 256842S. Suitable habitat for LAPM is also located from approximately 85 feet west of existing pole 256814S to the full extent of the HDD alignments and work areas at Smith Creek. However, within this larger area, there are pockets of habitat suitable for LAPM and pockets that are not suitable. Unsuitable areas include existing paved and unpaved roads and areas of compacted soils (e.g., O&M work areas at the transmission structures). In those areas, LAPM may cross the areas while foraging, but no burrow complexes are anticipated. Where habitat is suitable for LAPM along the telecom alignment, SCE assumes presence and will implement the Los Angeles Pocket Mouse Avoidance and Minimization Plan. Stephen Myers and Debra De La Torre, Qualified Biologists, with SCP and MOU from CDFW and approved for the project, evaluated the site for impacts to LAPM. Based on their review of the proposed construction activities, areas of suitable habitat subject to ground-disturbing activities were fenced off and a qualified biologist conducted trapping within the fenced area. No LAPM were trapped within the fenced area. To further understand the species' presence, traps were also placed in the surrounding areas. LAPM were captured within suitable habitat in the surrounding area. The new access route is mostly paved with a short segment of compacted dirt/sand, which is not considered habitat. In accordance with the Los Angeles Pocket Mouse Avoidance and Minimization Plan and Small Mammals Mitigation Plan, a Qualified Biologist will be present during construction activities to assist the contractor with locating equipment to avoid suitable habitat. Therefore, no impacts to LAPM are anticipated.

The proposed access route is a well-traveled unpaved public road. No impacts to special-status plants are expected to occur.

A jurisdictional water intersects the public access road. The new access route crosses Smith Creek to the west of the current approved work area on a County-maintained route. No work or road modification is required to cross the west crossing at Smith Creek. No grading, cut, or fill will occur along the new access route. Rubber tired work trucks to transport crew members and equipment will be used along Old Idyllwild Road. Therefore, no impacts to jurisdictional waters are anticipated.

No additional impacts to biological resources are anticipated with the implementation of this MPR.

Cultural Resources: SCE submitted cultural resource information with the MPR #20 request. A Cultural Resources Management Plan (CRMP) has been completed for the West of Devers Upgrade Project and was approved by the CPUC in October 2017. The new work area is located within the Project Area of Potential Affect (APE) and was covered within the record search data that was conducted during previous Project surveys and studies. The record search and survey results for the area were negative for cultural resources (SCE 2016). In the event of unanticipated discoveries, MM CL-1b, MM CL-1c, MM CL-1d and the CRMP requirements would be implemented. No impacts to cultural resources are anticipated with the implementation of this MPR.

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: Best Management Practices 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 local jurisdiction. 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: A Paleontological Resource Mitigation and Monitoring Plan (PRMMP) has been completed for the West of Devers Upgrade Project and was approved by the CPUC on May 9, 2017. The use of an existing access route and additional work area described in this MPR are no different than what was described in NTP #3. In the event of unanticipated discoveries, MM PAL-1d and the PRMMP requirements would be implemented. No additional impacts to paleontological resources will occur with implementation of this MPR.

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 use of an existing access road and work area described in this MPR are no different than what was described in NTP #3 and are temporary. No additional impacts to visual resources will occur with the implementation of this MPR.

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 Stormwater Pollution Prevention Plan (SWPPP), which will be 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. This Fire Management Plan has been submitted to local fire departments. The access route and work area described in this MPR are located along developed and disturbed areas in the City of Banning. 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 provide the CPUC with Collector data for the new work areas covered in this MPR prior to the start of construction activities.
- SCE shall keep all vehicles, equipment, and materials within the road prism and additional disturbed work area.
- 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.
- SCE will conduct pre-construction surveys prior to construction, including surveys for nesting birds from January 1 to August 31. If special-status resources are identified, SCE will implement the applicable mitigation measures and/or permit conditions, as determined in coordination with the CPUC, BLM, CDFW, USFWS, or other applicable regulatory agencies. In addition, a Biological Monitor will conduct spot check sweeps weekly thereafter.
- 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, a MPR request shall be submitted for CPUC review.

Sincerely,



Billie Blanchard
CPUC Environmental Project Manager

cc: V. Strong, Aspen