

PUBLIC UTILITIES COMMISSION

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January 9, 2020

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 #33

Dear Mr. Gutierrez,

On January 8, 2020, Southern California Edison (SCE) submitted a request for Minor Project Refinement (MPR) #33 for additional workspace for the construction of a temporary artificial nest stand in the City of Grand Terrace, Segment 2, to facilitate the relocation of a red tail hawk nest. This extra work area 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.

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 #33 for the additional Segment 2 work area to support transmission line activities (approved under NTP #4) is granted by CPUC based on the factors described below.

SCE MPR Request. Excerpt from the SCE MPR request, received January 8, 2020 is presented below (indented):

Supersite WA-2-2N28-NestStand-MPR-33 Supersite WA-2-2N28-NestStand-MPR-33 will be used to facilitate the construction of a temporary artificial nest stand, to provide an alternate nesting substrate for Red-tailed Hawk (*Buteo jamaicensis*) FRED Nest Event 000498, which is located in existing structure M43-T5 (2N28). The proposed additional work area includes an existing 115-kV structure associated with the Moreno-Moval-Vista circuit and its associated O&M work area. In addition, use of an existing access road, an extension from previously-approved project access roads, is requested. The 115-kV structure site is a suitable alternative nesting location, which will not be adversely affected by

active construction activities associated with the current Move 6 double line outage. The nest platform will be constructed of materials and methods consistent with those described in the West of Devers (WOD) Nesting Bird Management Plan (NBMP) and in accordance with the WOD Mitigation Monitoring Compliance and Reporting Program.

The nest platform will be constructed upon the existing 115-kV wooden H-frame power pole with a wooden platform mounted to the top, likely above the southern-most pole, in accordance with SCE-provided guidelines. The nest platform will be located within the existing SCE 115-kV right-of-way (ROW), approximately 25-feet south of the WOD 500 kV ROW. Construction equipment such as boom trucks, cranes, and digger-derricks would be limited to the existing access road and O&M work area.

The nest platform will be removed at project completion, when the nest is inactive. The temporary nest stand location and access road are located within an existing SCE easement in the City of Grand Terrace, in Riverside County. No additional workspace will be required for the construction described above.

CPUC Evaluation of MPR Request

In accordance with the MMRP, 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 January 8, 2020. 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 area.

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 relevant Project data to determine the potential for special-status species to occur at the new work area. The MPR work area was also included in the study area for previous habitat assessments and focused surveys.

The new work area was covered in FRED Preconstruction Survey ID 000115. A preconstruction survey was completed on January 8, 2020.

Desert Tortoise (DETO): The work area is not located within the range of the species. Therefore, no impacts are anticipated.

Special-Status Terrestrial Herpetofauna: No special-status herpetofauna were observed within the vicinity of the proposed work area during previous preconstruction surveys. No impacts to special status herpetofauna are expected as a result of construction of the nest stand.

Burrowing Owl (*Athene cunicularia*): Burrowing owls have a moderate potential to occur within 500 feet of the proposed work area. No burrowing owls or burrowing owl signs were observed within the survey area during the preconstruction survey. If active burrows are identified within 300 feet of construction activities, potential impacts will be addressed according to the Burrowing Owl Management and Passive Relocation Plan. No impacts 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 within the vicinity. Regionally, red-tailed hawks are among the most common tower nesting species.

A Red-tailed Hawk (RTHA) (*Buteo jamaicensis*) nest was observed on January 6, 2020, approximately 80 feet above the ground in the south corner of the southern top arm in structure M43-T5, and within the work area of 2N28. The nest height provides a visual and acoustic buffer to ground sites below the nest. The new nest is in the same location as previous FRED Nest Event #000161, approximately 280 feet from heavily traveled Barton Way. Nest Event #000161 fledged on June 3, 2019 and was removed on November 2, 2019. The nest has been under close observation since its discovery. By noon on January 7, 2020 the avian biologist estimated the nest to be approximately 35% complete. Because the nest is in the early stages of development, the avian biologists presume no eggs or young are present.

The nest details, construction constraints, and a procedure for relocation of the Red-tailed hawk nest was provided to the California Department of Fish and Wildlife Service (CDFW). CDFW approved the proposed nest relocation activities. The purpose of this MPR is to establish a location for a nest platform to which the nest in M43-T5 will be relocated. West of Devers provided notice of removal of the nest to the CPUC on January 8, 2020.

Listed Riparian Birds: No suitable habitat for riparian birds (least Bell's vireo [LBVI]/Southwestern willow flycatcher [SWFL]) occurs within the vicinity of the proposed work area. No impacts to riparian birds are expected.

Coastal California Gnatcatcher (CAGN): The requested workspace is located within mapped USFWS-designated Critical Habitat Unit 10 for coastal California gnatcatcher. Suitable habitat for CAGN is mapped approximately 700 feet east of the proposed work area. However, no suitable CAGN habitat exists within the vicinity of the new nest platform. Suitable coastal sage scrub habitat in the general area is significantly degraded and exists in only very small patches scattered on the north-facing slopes. Focused surveys for CAGN were conducted several consecutive years in advance of and since the initiation of the project. No CAGN nests have been detected in Segment 2 during 2013, 2016, 2017, or 2018 protocol surveys or during the preconstruction survey. Preconstruction clearance surveys will be conducted prior to the start of work. No impacts to CAGN are expected as a result of construction in the work area. The requested access road and work area are comprised of disturbed/developed land, which are not primary constituent elements of CAGN Critical Habitat. Therefore, no offsets for compensatory mitigation are needed.

Golden Eagle: 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 area. Therefore, no impacts are anticipated.

Stephen's Kangaroo Rat: No suitable habitat for Stephens' kangaroo rat (SKR) occurs within the vicinity of the proposed work area. Therefore, no impacts to SKR are anticipated.

Special-Status Bats: A palm oasis located approximately 1,000 feet west of the proposed work area provides potentially suitable habitat for roosting bats (see FRED Habitat Event 000003). A 165-foot ESA

buffer has been established around this site. Ed West (Qualified Bat Biologist) believes that as long as physical alteration of these trees is avoided, then there will be no impacts to the species using these trees as daytime or maternal roosts. Bats using any of the trees in this area as a roost site are likely habituated to loud and abrupt sounds from nearby high-traffic roadways and would not be likely to respond negatively to typical construction noise.

No suitable habitat for special status bats is mapped within the vicinity of the nest stand. No impacts to special status bats are expected.

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 San Diego black-tailed jackrabbit can occur in many parts of the project area. Ringtail and Palm Springs round-tailed ground squirrel are not expected. The work area is outside the known range of the Palm Springs pocket mouse. No mapped suitable habitat for the Los Angeles Pocket Mouse occurs within the work area. No impacts to special-status mammals are expected, however, if any of these species are found, potential impacts will be addressed in accordance with the Small Mammals Avoidance and Minimization Plan.

Special-Status Plants: No special-status plants were observed within the survey area. No impacts to special status plants are expected.

Regulated Trees: No regulated trees were observed in the survey area. No tree trimming or tree removal is required for the proposed activities.

Jurisdictional Waters: Several non-wetland jurisdictional waters are located within the vicinity of the proposed work area; however, the nest stand work area does not intersect jurisdictional water features. In the field, ESA signs are used to conspicuously mark jurisdictional features where appropriate. Impacts to jurisdictional water features will be limited to approved disturbance areas per the project water permits.

Cultural Resources: The nest stand work area is located within the WOD APE and was covered within the record search data that was conducted during previous WOD surveys and studies *West of Devers: Cultural Resources Assessment and Class III Inventory (LSA, 2013)* and *Area of Potential Effects for the Engineering Refinements Survey and Recommendation of Eligibility for Cultural Resources with Southern California Edison Company's West of Devers Project (ASM, 2015)*. The record search and survey results for the area were negative for cultural resources.

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 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.

The proposed work area is located in an area of very high (PFYC 5) paleontological sensitivity; however, no ground disturbance will occur since the nest platform will be constructed upon an existing 115-kV wooden pole. Therefore, no paleontological monitoring 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 use of an additional work area described in this MPR is no different than what was described in NTP #4 and is 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 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:

- 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.
- The proposed MPR work sites shall be monitored in accordance with the PRMP.

Sincerely,



John Forsythe
CPUC Environmental Project Manager

cc: V. Strong, Aspen