

**PUBLIC UTILITIES COMMISSION**

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April 15, 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 #35

Dear Mr. Gutierrez,

On April 14, 2020, Southern California Edison (SCE) submitted a request for Minor Project Refinement (MPR) #35 for new work areas to facilitate wire stringing and wreck-out activities, improve management of stormwater, and add a helicopter landing zone. These new locations are in the City of Calimesa, the City of Whitewater, and the City of Colton; Segments 2, 4, and 6. These extra 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.

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 #35 for the additional Segment 2, 4, and 6 work areas to support transmission line activities (approved under NTP #4) is granted by CPUC based on the factors described below. Note that the proposed helicopter landing zone on Segment 6 is located on Bureau of Land Management (BLM) lands. BLM approved the use of this site on April 15, 2020

**SCE MPR Request.** Excerpts from the SCE MPR request, received April 14, 2020 are presented below (indented):

## SEGMENT 2

**MAC-2-S-2N18-1: Relocation.** A new temporary 0.03-acre work area is required to relocate the originally planned position of MAC-2-S-2N18-1 approximately 18 feet southeast along the approved access road. The location of the mac drain has been re-designed to better capture and divert storm flow at the bend in the access road downstream to uplands.

The total temporary disturbance area associated with the new work area consists of approximately 0.02 acre of developed/disturbed land and 0.01 acre of grassland/forbland, which will be offset by the originally planned location of the mac drain, which will not be used, and is located in similar habitat. The land is privately owned and located entirely within the SCE transmission line right-of-way.

## SEGMENT 4

**WSS-4-4X56-MPR-35: Expansion of Supersite 4X56.** A new temporary 0.51-acre work area adjacent to the southwest side of Supersite 4X56 is required to provide adequate work space for material and equipment staging during construction, including wire stringing and wire wreck-out activities associated with Supersites 4X55 and 4X56.

The new work area consists of approximately 0.51-acre of chaparral, is owned and maintained by the Riverside Land Conservancy, and is located entirely within the SCE transmission line right-of-way.

## SEGMENT 6

**WA-6-6N17-MPR-35: Work Area west of Supersite 6N17.** A 0.35-acre temporary work area west of Supersite 6N17 is required to provide adequate work space for material and equipment staging during construction, including wire stringing and wire wreck-out activities associated with the adjacent supersites.

The total temporary disturbance area associated with the new work area is approximately 0.04-acre of developed/disturbed land and 0.31-acre desert scrub. The land is owned by SCE and located entirely within the SCE transmission line right-of-way.

**WA-6-6N28-HLZ-MPR-35: Extension of Use for TEWS 18 HLZ.** The 0.17-acre temporary work area is contiguous with an approved access road, located between MAC-6N28-1-NE and MAC-6N28-3-NE (MacCarthy drains). It was approved in TEWS 18 and is now required for continued project use as a helicopter landing zone. The temporary work area will be used to facilitate helicopter assisted activities associated with Segment 6 wire stringing and wreck-out, and as a staging area for construction vehicles, materials, and equipment. No ground disturbance will occur within the temporary work area, as it is a previously developed/disturbed unpaved access road turnout area. The temporary work area is devoid of vegetation and requires no site preparation to accommodate construction use.

The total temporary disturbance space associated with the new work area consists of approximately 0.17-acre of developed/disturbed land. The work area is located on lands managed by the U.S. Bureau of Land Management.

## **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 areas on April 14 and 15, 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 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 relevant Project data to determine the potential for special-status species to occur at the new work areas. The MPR work areas were also included in the study area for previous habitat assessments and focused surveys, as well as recent preconstruction surveys.

A preconstruction survey will be conducted prior to initiating work in each new work area. The new work areas were covered in FRED Preconstruction Survey IDs: 00041, 000144, 000110, and 000162.

Desert Tortoise (DETO): New work areas WA-6-6N17-MPR-35 and WA-6-6N28-HLZ-MPR-35 are located within desert tortoise (DETO) modeled habitat. No definitive signs of DETO have been observed in the new work areas during preconstruction surveys or protocol desert tortoise surveys covering these areas. With monitoring, no impacts are anticipated. To minimize temporal habitat loss, portions of previously approved work areas in DETO habitat, which were determined to no longer be necessary for construction, will be removed from the Project data and avoided to offset mapped habitat impacts to WA-6-6N17-MPR-35 and WA-6-6N28-HLZ-MPR-35.

Special-Status Terrestrial Herpetofauna: No special-status terrestrial herpetofauna have been observed within the new work areas during Project-related surveys. However, many species have the potential to occur throughout the Project area. For instance, two red diamond rattlesnakes were observed approximately 465-feet northwest of WSS-4-4X56-MPR35 during surveys conducted to support licensing, permitting, and preconstruction planning efforts for the project. A preconstruction survey for each new work area will be conducted prior to use. With implementation of the mitigation measures and biological monitoring during construction, no significant impacts to special-status terrestrial herpetofauna are anticipated.

Burrowing Owl (*Athene cunicularia*): Burrowing owl (BUOW) habitat in the form of annual and perennial grasslands and scrublands characterized by low-growing vegetation is present throughout the Project area.

WA-6-6N17-MPR-35 intersects an active BUOW buffer (FRED\_000519). The nesting location is approximately 30 feet south of the access road just north of 16th Avenue, and approximately 170 feet southeast of WA-6-6N17-MPR-35. The burrow is located under a concrete slab, where the mouth of the burrow is located on the north side of the slab. The nesting location offers limited visual and acoustic buffers to construction sites in the general vicinity. If the 300-foot horizontal and 200-foot vertical avoidance buffers are not feasible during the breeding season (February 1 to August 31), SCE will notify CPUC, CDFW, BLM, and USFWS of a buffer reduction based on site-specific conditions such as distance to construction, type of disturbance activity, anticipated duration of the disturbance, microhabitat at the location of the nest, behavior of the pair, reproductive stage, and known tolerances, including those observed by the Avian Biologist, in accordance with the Burrowing Owl Management and Passive Relocation Plan. As the work activity is initiated, the Avian Biologist will monitor the nest long enough to determine how the nesting pair is responding to the disturbance activity. Biological monitoring, including regular nest status updates by an Avian Biologist, will occur thereafter. If necessary, the Avian Biologist will adjust the buffer to minimize disturbance at the nest. With biological monitoring, including regular nest status updates by an Avian Biologist, no impacts to the nest are anticipated.

Active BUOW 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 the mitigation measures, including appropriate avoidance buffers and biological monitoring during construction, no impacts to BUOW are anticipated.

Nesting Birds: 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, can be found throughout the Project area. Preconstruction surveys, including surveys for nesting birds during the avian breeding season (Jan 1 – Aug 31), will be conducted prior to the initiation of construction in each area. If active nests are identified, avoidance buffers will be established in accordance with the Nesting Bird Management Plan (NBMP).

Active bird nests exist within the vicinity of WSS-4-4X56-MPR-35 (FRED\_000676) and MAC2-S-2N18-1 (FRED\_ID000583); however no active nest buffers intersect the proposed work areas. Common raven nest (FRED\_000676) is located approximately 200 feet northeast of WSS-4-4X56-MPR-35 and common raven nest (FRED\_ID000583) is located approximately 290 feet northwest of MAC-2-S-2N18-1, well outside the existing nest buffers. With implementation of the NBMP, no impacts are anticipated.

WA-6-6N28-HLZ-MPR-35 is located approximately 975 feet northwest of active barn owl nest (FRED\_000506), well outside of the 300-foot horizontal buffer. The nest is located in a south-facing cliffside approximately 35 feet above the ground and is hidden within a cavity. Impacts to the nest are unlikely.

Observations of special-status bird species (e.g., Yellow-Breasted Chat, Golden Eagle, Sharp-shinned Hawk) have occurred in the vicinity of the new work areas. However, the observations were ephemeral and are not associated with active nests. Therefore, no impacts area anticipated. If active nests are discovered in the future, impacts will be mitigated in accordance with the NBMP.

Listed Riparian Birds: No suitable habitat for riparian birds (least Bell's vireo [LBVI]/Southwestern willow flycatcher [SWFL]) occurs within 500 feet of the new work areas. Therefore, no impacts are anticipated.

Coastal California Gnatcatcher: Both the originally planned location of MAC-2-S-2N18-1 and it's relocated area, approximately 18 feet to the east, are within mapped coastal California gnatcatcher (CAGN) suitable habitat. In the history (2014-2018) of protocol surveys conducted for the Project in this area, there have been no CAGN nests observed. Results were also negative during preconstruction surveys, including FRED

ID 000110. Preconstruction surveys, including surveys for nesting birds, will be conducted in the new work areas during the avian breeding season (Jan 1 – Aug 31). With monitoring and implementation of mitigation measures, no impacts to CAGN are anticipated.

Golden Eagle: Based on habitat assessments and protocol surveys conducted for the Project, no suitable nesting habitat for golden eagles (GOEA) is located within 2 miles of the new Segment 2 and 4 work areas. Based on aerial habitat assessments, limited suitable nesting habitat for golden eagles was identified within 2 miles of the survey area in Segment 6. Protocol aerial surveys conducted for the Project in 2019 showed no golden eagle nests within 2 miles of the survey area. Golden eagles have been observed foraging north and east of Segment 6. Based on information from the Coachella Valley Conservation Commission, a perennial Golden Eagle nest is located in Big Morongo Canyon, outside the 2-mile survey area. CJ Drilling was conducting pouring activities at 6N17 at the time and the GOEA showed no signs of distress. Therefore, with monitoring and implementation of mitigation measures, no impacts are anticipated.

Stephen's Kangaroo Rat: WSS-4-4X56-MPR-35 is located approximately 20 feet east of mapped suitable habitat for Stephens' kangaroo rat (SKR). WSS-4-4X56-MPR-35 is located within the Western Riverside Multiple Species Habitat Conservation Plan (WR-MSHCP) boundaries, where SKR are a covered species.

A habitat assessment, pedestrian surveys, and several consecutive years of trapping surveys have been conducted within suitable habitat areas of the Project. Based on a lack of historic data, habitat conditions, and negative results over several years of surveys, SKR are not expected.

The other new work areas are not located within suitable habitat for the species; therefore, no impacts to SKR are anticipated.

Special-Status Bats: No suitable bat roosting habitat or buffers occur within the new 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, San Diego desert woodrat, 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 anticipated to occur in the new work areas. However, if any of these species are found, potential impacts will be addressed according to the Small Mammals Avoidance and Minimization Plan.

A Los Angeles pocket mouse (LAPM) species event (FRED\_000881) was observed approximately 820-feet northwest of WSS-4-4X56-MPR-35 in February 2020. LAPM are a covered species in the WR-MSHCP.

Little pocket mouse (including Los Angeles pocket mouse [LAPM] and Palm Springs pocket mouse [PSPM] subspecies) occupied habitat is widespread throughout Segment 6. Three active woodrat middens are located within 50-feet of WA6-6N17-MPR-35 (Habitat Events 000279, 000280, 000309) on the opposite side of Vernon Road, and a fourth (Habitat Event 000832) is located approximately 180 feet southeast of the new work area. Existing buffers will be avoided during construction activities associated with the new work area and potential impacts to these species will be addressed in accordance with the Small Mammals Avoidance and Minimization Plan. With implementation of the plan, no significant impacts are anticipated.

Special-Status Plants: WA-6-6N28-HLZ-MPR-35 HLZ is located approximately 75 feet east of Coachella Valley Milk-Vetch (CVMV) (*Astragalus lentiginosus* var. *cochellae* [CVMV]; FE, CRPR 1B.2) Modeled Habitat in the Whitewater Canyon Conservation Area and approximately 275 feet west of CVMV Critical

Habitat. Previous surveys for CVMV were negative. If special-status plants are later identified during preconstruction surveys/clearance sweeps/monitoring, they will be avoided to the extent feasible. Unavoidable impacts to special-status plants will be addressed in accordance with the Special-status Plant Salvage and Relocation Plan.

Regulated Trees: No tree trimming, or tree removal is required for construction activities within the new work areas. Therefore, no impacts are anticipated.

Jurisdictional Waters: Wetland and non-wetland jurisdictional features are located throughout the Project area. No jurisdictional features intersect the new work areas. Environmentally Sensitive Area (ESA) signs will be established at the edges of work areas and Best Management Practices (BMPs) will be established in accordance with the Stormwater Pollution and Prevention Plan (SWPPP). No impacts to jurisdictional features are expected to result from use of the new work areas.

**Cultural Resources**: The new work areas 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*). No impacts are anticipated; however, in the event of an unanticipated discovery, the Cultural Resources Management Plan will be implemented.

**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 areas listed below are located in areas of low (PFYC 2) paleontological sensitivity; therefore, the sites may initially be spot checked by a qualified paleontological monitor to confirm the PFYC 2 classification:

- WA-6-6N17-MPR-35
- WA-6-6N28-HLZ-MPR-35 HLZ

No proposed work areas are located in areas of moderate (PFYC 3) paleontological sensitivity.

The proposed work areas listed below are located in an area of very high (PFYC 5) paleontological sensitivity, which require full-time monitoring during ground-disturbing construction activities, if grading is required:

- WSS-4-4X56-MPR-35 Wire Site
- MAC-2S-2N18-1

**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 additional work areas 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 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 new work areas covered in this MPR, as well as areas to be removed from Project data for desert tortoise habitat impacts, prior to the start of construction activities.

- 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 new work area.
- In accordance with the PRMP, a full-time paleontological monitor shall be on site to monitor ground-disturbing construction activities at WSS-4-4X56-MPR-35 Wire Site and MAC-2S-2N18-1. WA-6-6N17-MPR-35 and WA-6-6N28-HLZ-MPR-35 HLZ shall be spot checked during excavation to confirm paleontological sensitivity.

Sincerely,



John Forsythe  
CPUC Environmental Project Manager

cc: V. Strong, Aspen