

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



September 16, 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 #40

Dear Mr. Gutierrez,

On September 14, 2020, Southern California Edison (SCE) submitted a request for Minor Project Refinement (MPR) #40 for the use of a water hydrant, the relocation of five McCarthy drains, and for an additional work area for material and equipment staging to facilitate wire stringing and wreck-out activities. The additional work areas are located in Segments 2, 3, and 4, and are located on private lands in the cities of Grand Terrace, Loma Linda, Calimesa, in Riverside and San Bernardino Counties. The additional 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. Additional information was provided by SCE on September 15, 2020.

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 #40 for additional work areas for the use of a water hydrant, the relocation of five McCarthy drains, and for an additional work area for material and equipment staging to facilitate wire stringing and wreck-out activities (approved under NTP #4) is granted by CPUC based on the factors described below.

**SCE MPR Request.** Excerpts from the SCE MPR request are presented below (indented):

**2-GrandTerrace-Hydrant-MPR-40**

Rubber tired water trucks will park along the concrete curb of the paved, public road immediately south of the Grand Terrace Material Yard to access the potable water hydrant. Only occasional short-term filling of water

trucks will occur at the location, while allowing continued access to local land uses. No ground disturbance will occur at the water source location. All Water Districts/Agencies listed in the FEIR were contacted to determine the availability of non-potable water as an alternative water source, however no non-potable water service exists in this vicinity of Segment 2.

The total temporary disturbance area associated with the new work area, previously approved for use in TEWS #27, consists of approximately .03-acre of previously disturbed/developed street/sidewalk and the hydrant owned and operated by the Riverside Highland Water Company in City of Grand Terrace.

#### **MAC-2-SE-2N12-1-MPR-40**

The location of MAC-2-SE-2N12-1 has been redesigned and relocated to the east to better capture and divert rain flow off the access road and discharge flows downstream to uplands. The relocation of the McCarthy drain will not result in additional project impacts, because the original location will not be constructed and will therefore offset disturbance impacts for the new McCarthy drain location.

The new McCarthy drain location is also located within the SCE transmission line right-of-way, along an approved utility access road in the City of Loma Linda, San Bernardino County, and consists of approximately 0.01-acre of coastal sage scrub and 0.01-acre of grassland/forbland.

#### **MAC-2-S-2N07-2-MPR-40**

The location of MAC-2-S-2N07-2 has been redesigned and relocated to the west to better capture and divert rain flow off the access road and discharge flows downstream to uplands. The relocation of the McCarthy drain will not result in additional project impacts, because the original location will not be constructed and will therefore offset disturbance impacts for the new McCarthy drain location.

The new McCarthy drain location is located along an approved utility access road in the City of Loma Linda, San Bernardino County, and consists of approximately 0.01-acre of developed/disturbed land and 0.02-acre of grassland/forbland.

#### **MAC-3-3X65-1-MPR-40, MAC-3-3X65-2-MPR-40, and MAC-3-3X65-3-MPR-40**

The locations of MAC-3-3X65-1, MAC-3-3X65-2, and MAC-3-3X65-3 have been redesigned and relocated to better capture and divert rain flow off the access road and tower pad to discharge flows downstream to uplands. The relocation of the McCarthy drains will not result in additional project impacts, because the original locations will not be constructed and will therefore offset disturbance impacts for the new McCarthy drain locations.

The new McCarthy drain locations are also located within the SCE transmission line right-of-way, along an approved utility access road inside a previously approved construction work area (Supersite 3X65), in the City of Loma Linda, San Bernardino County.

#### **WSS-4-4X56-MPR-40**

A new temporary 0.20-acre work area east of 4X56 along the east side of the approved access road is required to safely stage material and equipment needed to facilitate wire stringing activities associated with towers 4N55 and 4N56. The area may be cleared and leveled prior to use.

The new work area is located within the existing SCE transmission line right-of-way and consists of approximately 0.2-acres of chaparral in the City of Calimesa, Riverside County.

## 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 September 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 project biological data. The proposed work areas were covered during previous surveys, including FRED Preconstruction Survey IDs 000049; 000132; 000131, 000060; and 00041.

**Desert Tortoise (DETO):** The new work areas are not located within the range of desert tortoise; therefore, no impacts to DETO are anticipated.

**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, a red diamond rattlesnake (*Crotalus ruber*) was observed approximately 650 feet northwest of MAC2-SE-2N12-1-MPR-40 on August 25, 2020 (FRED Species Event 000586). A second red diamond rattlesnake was observed approximately 580 feet west of MAC-2-S-2N07-2-MPR-40 on February 24, 2020 (FRED Species Event 000407). A preconstruction survey of the new work areas will be conducted prior to use. With implementation of mitigation measures and biological monitoring during construction, no significant impacts to special-status terrestrial herpetofauna are anticipated.

**Burrowing Owl (BUOW):** 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. No occupied burrows or associated buffers currently intersect the proposed work areas. Active owl burrows observed during preconstruction surveys and during construction would be mitigated in accordance with the Burrowing Owl Management and Passive Relocation Plan. With implementation of mitigation measures, including appropriate avoidance buffers and biological monitoring during construction, no impacts to burrowing owls 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. None of the new work areas currently intersect nesting bird buffers. Observations of special-status bird species (Cooper's Hawk and White-tailed Kite) have been made in the vicinity of the new work areas. However, the observations were ephemeral and are not associated with

active nests. 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 the new work areas. If active nests are identified, avoidance buffers will be established in accordance with the Nesting Bird Management Plan. With implementation of mitigation measures, including appropriate avoidance buffers and biological monitoring during construction, no impacts to nesting birds are anticipated.

Listed Riparian Birds: No suitable habitat for the listed 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 (CAGN): MAC-2-SE-2N12-1-MPR-40 and MAC-2-S-2N07-2-MPR-40 are located within USFWS-designated Critical Habitat for coastal CAGN. Suitable CAGN habitat is located approximately 150 feet west and southwest of MAC-2-S-2N07-2-MPR-40. Focused surveys for CAGN were conducted in March and April 2018. No CAGN were detected in Segment 2. Due to a history of subsequently negative CAGN survey results in the area, no impacts to CAGN are anticipated.

To offset additional impacts to Critical Habitat subject to mitigation, the originally planned McCarthy drain locations (totaling 0.06-acre) will not be constructed and will therefore offset the new McCarthy drain locations (totaling 0.05-acre). The original McCarthy drain locations will be removed from the Project data upon approval of this MPR.

No suitable habitat for CAGN occurs within 500 feet of the other new work areas. Therefore, no impacts are anticipated.

Golden Eagle (GOEA): 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 new work areas. Protocol aerial surveys conducted for the project in 2019 also showed no golden eagle nests within 2 miles of the new work areas. Therefore, no impacts are anticipated.

Stephen's Kangaroo Rat (SKR): None of the new work areas intersect suitable SKR habitat; however, suitable SKR habitat is mapped along access roads associated with tower 3N65 and overlaps the 3X65 work area immediately west of MAC-3- 3X65-3-MPR-40. Therefore, these impacts to SKR habitat are accounted for. A habitat assessment, pedestrian surveys, and several consecutive years of trapping surveys have been conducted within the SKR suitable habitat areas of the Project. No SKRs were captured during trapping. Based on a lack of historic data, habitat conditions, and negative results over several years of surveys, SKR are not expected in the Project area. With implementation of mitigation measures and biological monitoring during construction, no impacts to SKR are anticipated.

Special-Status Bats: No suitable bat roosting habitat or buffers occur within the proposed 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, however Ringtail and Palm Springs round-tailed ground squirrel are not anticipated to occur within the Project area.

No special-status small mammals have been observed within the new work areas. With implementation of the mitigation measures, biological monitoring during construction, and the Small Mammals Avoidance and Minimization Plan, no impacts to special-status small mammals are anticipated.

Special-Status Plants: Plummer's mariposa lily (*Calochortus plummerae*; CRPR 4.2) populations were observed in the area between 4S55 and the Palmer Avenue construction entrance during focused plant surveys in 2017, approximately 600-feet east of WSS-4-4X56-MPR-40. No sign of the target species was

observed in either area during subsequent preconstruction surveys of the areas. No special-status plants have been observed in the vicinity of the other new work areas.

If special-status plants are later identified during preconstruction surveys/clearance sweeps/monitoring, they will be avoided to the extent feasible.

**Regulated Trees:** No tree trimming or tree removal is required for construction activities within the proposed 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 jurisdictional waters located outside the work areas and BMPs will be implemented in accordance with the Stormwater Pollution and Prevention Plan (SWPPP). No negative impacts to jurisdictional features are expected to result from use of the new work areas.

**Cultural Resources:** The new work areas 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, 2016).

**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:** BMPs 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.

Proposed work area WSS-4-4X56-MPR-40 is located within an area of moderate PFYC 3 paleontological sensitivity; therefore, the site requires full-time, qualified paleontological construction monitoring if holes larger than 2-feet in diameter are drilled or if grading is required:

Proposed work areas MAC-2-S-2N07-2-MPR-40, MAC-2-SE-2N12-1-MPR-40, MAC-3-3X65-3-MPR-40, MAC-3-3X65-2-MPR-40, and MAC-3-3X65-1-MPR-40 are located within areas of very high PFYC 5 paleontological sensitivity; therefore, the site requires full-time, qualified paleontological construction monitoring if holes larger than 2-feet in diameter are drilled or if grading 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 proposed additional work areas described in this MPR are no different than what was described in NTP #4. 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 proposed work areas covered in this MPR prior to the start of construction activities. Additionally, habitat give back areas will be removed from Project GIS data upon approval of this MPR.
- 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 proposed work area if those sites are no longer active.
- In accordance with the PRMMP, a paleontological monitor shall be on site to monitor ground-disturbing construction activities.

Sincerely,

A handwritten signature in black ink, appearing to read "John Forsythe". The signature is fluid and cursive, with the first name "John" being larger and more prominent than the last name "Forsythe".

John Forsythe  
CPUC Environmental Project Manager

cc: V. Strong, Aspen