PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

# DRAFT
# Mitigated Negative Declaration
## SOUTHERN CALIFORNIA EDISON
## TRANSMISSION LINE RATING REMEDIATION GORMAN-KERN RIVER 66 KV PROJECT
## APPLICATION NO. A.22-02-014

## Project Information

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| **Title:** | Transmission Line Rating Remediation Gorman-Kern River 66 kV Project |
| **Location:** | Kern County and Los Angeles County, California |
| **Lead Agency Contact**: | Eric Chiang, Project Manager<br>California Public Utilities Commission<br>Energy Division<br>505 Van Ness Avenue, 4th Floor<br>San Francisco, California 94102<br>Eric.Chiang@cpuc.ca.gov |
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# Introduction

Pursuant to California Public Utilities Commission (CPUC) General Order 131-D, Southern California Edison (SCE) filed an application (A.22-02-014) with the CPUC on February 28, 2022, for a Permit to Construct the Transmission Line Rating Remediation Gorman-Kern River 66 kV Project (Proposed Project). The application included the Proponent's Environmental Assessment (PEA), prepared by SCE pursuant to CPUC's Rules of Practice and Procedure Rule 2.4 (compliance with the California Environmental Quality Act [CEQA]). The CPUC prepared this Mitigated Negative Declaration (MND) and supporting Initial Study (IS) as a result of SCE's application for the Proposed Project.

Pursuant to CEQA (California Public Resources Code § 21000 et seq.) the CPUC must prepare an IS for the Proposed Project to determine if any significant adverse effects on the environment would result from project implementation. The IS uses the significance criteria outlined in Appendix G of the State CEQA Guidelines (14 CCR § 15000 et seq.). If the IS for the project indicates that a significant adverse impact could occur, the CPUC would be required to prepare an Environmental Impact Report.

According to CEQA Guidelines Article 6 (Negative Declaration Process) and section 15070 (Decision to Prepare a Negative Declaration or Mitigated Negative Declaration), a public agency shall prepare, or have prepared a proposed negative declaration or mitigated negative declaration (MND) for a project subject to CEQA when:

*(a) The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment; or*

*(b) The Initial Study identifies potentially significant effects, but:*

*(1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review, would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and*

*(2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.*

Based on the analysis in the IS, it has been determined that all project-related environmental impacts could be reduced to a less-than-significant level with the incorporation of minor revisions to the Proposed Project and feasible mitigation measures (MMs), which SCE has agreed to implement should CPUC approve the project. Therefore, adoption of an MND will satisfy the requirements of CEQA. Applicant proposed measures (APMs) identified in SCE's PEA, as revised in coordination with CPUC, and MMs included in this MND are designed to reduce or eliminate the potentially significant environmental impacts described in the IS. The analysis in the IS explains when a measure described in this document has been incorporated

into the project, as a specific project design feature, APM, or MM. MMs are structured in accordance with the criteria in CEQA Guidelines section 15370.

## Project Description

The Proposed Project would be located in Kern County and Los Angeles County and would involve rebuilding 65.3 miles of existing 66 kV subtransmission circuits by removing and replacing existing subtransmission towers and poles; removing and replacing existing conductor; installing optical ground wire; and modifying existing substations facilities associated with the powerline. No new subtransmission lines or substations would be constructed as part of the Proposed Project. SCE's stated objectives of the Proposed Project are to ensure compliance with CPUC G.O. 95 standards and address reliability concerns related to the condition of existing infrastructure on the affected subtransmission lines. Construction of the proposed project is preliminarily scheduled to begin in 2026. The construction start date would depend on CPUC approval and would last approximately 23 months.

## Alternatives

The purpose of an alternatives analysis pursuant to CEQA is to identify options that would feasibly attain the project's objectives while reducing the significant environmental impacts resulting from the proposed project. CEQA does not require the inclusion of an alternatives analysis in MNDs because the IS concludes that, with incorporation of MMs, all significant adverse impacts resulting from the Proposed Project could be mitigated to less-than-significant levels. Therefore, no alternatives analysis needs to be provided in the IS.

## Environmental Determination

The CPUC prepared this IS to determine if the Proposed Project would result in any significant adverse effects on the environment. The analysis presented in the IS is based on the significance criteria in Appendix G of the CEQA Guidelines. The IS relies on information in SCE's PEA filed on February 28, 2022; SCE's responses to deficiency reports and data requests; the CPUC's independent analysis; and other environmental analyses.

SCE's PEA identified measures (APMs) to address potentially significant impacts, and these AMPs are considered to be part of the description of the Proposed Project. Based on the IS analysis, additional MMs are identified for adoption to ensure that impacts of the Proposed Project would be less than significant. The additional MMs either supplement or supersede (i.e., replace) the APMs. In some cases, the APMs identified in SCE's PEA have been revised or excluded from the IS analysis. SCE has agreed to implement all of the MMs as part of the

Proposed Project. Implementation of the MMs below would either avoid potentially significant impacts identified in the IS or reduce them to less-than-significant levels.

A Mitigation Monitoring and Reporting Program (MMRP), included in Section 4 of the IS/MND, has been prepared to ensure that the APMs and MMs are properly implemented. The plan describes specific actions required to implement each measure, including information on the timing of implementation and performance standards. Following project approval, CPUC would prepare and implement a Mitigation Monitoring, Compliance, and Reporting Program to ensure compliance with MMs and that the Proposed Project is implemented as stated in the CPUC-approved Project Description and the adopted MMRP.

# Mitigation Measures

## Agriculture and Forestry Resources

**MM Agriculture-1: Farmland Construction Impact Mitigation.**

SCE shall implement the following measures for temporarily disturbed Farmland:

- The applicant shall photo or video document the conditions of temporary work pads within Farmland (i.e, meeting the definition of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as defined by the Farmland Mapping and Monitoring Program of the California Resources Agency) prior to construction to define the existing conditions of the Farmland areas.
- The applicant shall return all temporary disturbance areas in Farmlands to pre-construction conditions after the completion of construction. The applicant shall photo or video document the post-construction condition to verify it matches pre-construction conditions.
- In areas containing crops or irrigation infrastructure used to maintain crops that must be removed to gain access to temporary work areas for construction purposes, SCE will provide compensation to farmers and/or landowners for replacement of the removed crops and/or irrigation infrastructure.
- If topsoil is removed from an area to accommodate temporary construction activities, it shall be restored to preconstruction conditions within two months of the completion of construction.

## Biological Resources

**MM Biology-1: Avoidance and Minimization of Impacts on Special-Status Plants**

SCE shall avoid, minimize or mitigate impacts on any state or federally listed or California Rare Plant Rank (CRPR) 1 or 2 plants that may be located on the project disturbance areas or surrounding buffer areas. This shall include known occurrences of Bakersfield cactus, Kern mallow, calico monkeyflower and Piute mountains navarretia, as well as new species or populations discovered during pre-construction surveys.

**Pre-Construction Surveys.** SCE shall obtain CPUC approval of a qualified botanist to perform pre-construction surveys for state or federally listed plant species and those with a California Rare Plant Rank (CRPR) of 1A, 1B, 2A, or 2B that have the potential to occur in the area. These surveys shall be performed utilizing CNPS or other accepted botanical survey protocol. Special-status plant surveys shall be conducted during the appropriate blooming period for each species and prior to construction activities for all work areas occurring off existing access roads in natural areas, including overland travel routes, and areas of existing roads that require modifications. The surveys shall include a floristic inventory and focused search for special-status plants with potential to occur in Project areas where suitable habitat is present. Special-status plant survey(s) shall be conducted within 1 year of construction mobilization.

The survey results shall be summarized in a report and provided to the CPUC no less than 30 days prior to commencement of construction. The survey report shall identify the botanists' names and qualifications, and a description of the survey dates, methods, and a description of the survey efforts, including a list of the species that were searched for, results of the plant inventory evaluation, and suitable habitat that was encountered. The report shall include maps (1: 3,000 scale) that identify final Project work areas and access routes and the extent of focused plant surveys that cover Project areas located in occupied habitat. Maps in the report shall identify point locations for individual plants and boundaries for plant populations. The report shall include specific recommendations for avoiding the plants.

**Avoidance Measures**. SCE shall mark all populations of special-status plants within the BSA as environmentally sensitive areas on maps that are provided to construction contractors working near environmentally sensitive areas (ESAs). All populations within 25 feet of a project work area and 20 feet of an access road shall be staked and flagged or fenced for avoidance by a qualified biologist or botanist prior to construction and shall be monitored by a qualified biologist or botanist during construction to ensure proper avoidance of the species. The project work areas shall be adjusted as needed to avoid any populations of special status plants that occur within the work area to the extent feasible. All stakes and flagging shall be removed no later than 30 days after construction is complete in the area. Information about special-status plants and avoidance requirements shall be included in the Workers Environmental Awareness Training Program (MM Biology-3). In the event of a discovery of previously undocumented species, the boundary of the occurrence will be flagged, avoided, and monitored as discussed above and the CPUC, CDFW, and/or USFWS will be notified if the species is state or federally listed.

If the special-status plant species cannot be avoided, SCE shall notify CPUC in writing, and SCE shall submit a Salvage and Replanting Plan to CPUC and CDFW for approval as described below. No state or federally listed plant species shall be salvaged or relocated without obtaining permit authorization from CDFW and/or USFWS, as required. SCE shall provide the CPUC with any permits and authorizations obtained from USFWS and CDFW. SCE shall relocate the species to areas within the easement that are outside of the long-term maintenance areas. If the species occurs in an area that is subject to temporary impacts, the species shall be included in the restoration of the site (see MM Biology-2).

**Salvage and Replanting Plan**. For impacts on state or federally listed or CRPR 1 or 2 plants that cannot be avoided, the qualified botanist shall prepare and implement a Salvage and Replanting Plan. The Salvage and Replanting plan would specify, at a minimum, the following:

- Location of the mitigation site(s) (extent of the plants within and adjacent to project areas).
- Procedures for procuring plants, such as transplanting or collecting seed from plants to be impacted, including storage locations and methods to preserve the plants.
- Procedures for propagating collected seed, including storage methods.
- Quantity and species of plants to be planted or transplanted.
- Planting procedures, including the use of soil preparation and irrigation.
- Schedule and action plan to maintain and monitor the mitigation site for a minimum 3-year period.
- Reporting procedures, including the contents of annual progress reports.
- List of criteria (e.g., growth, plant cover, survivorship) by which to measure success of the plantings.
- Contingency measures to implement if the plantings are not successful (i.e., weed removal, supplemental plantings, etc.).

SCE shall submit the plan to the CPUC for review and approval no less than 30 days prior to impacting or collecting special-status plants. At a minimum, the transplanted/created population(s) shall have approximately the same characteristics as the impacted population (within 10-percent density, total population number, and non-native/invasive). Seasonal population changes may be taken into account by identifying and documenting the characteristics of an appropriate representative reference site prior to impacting a population. Reference sites that will be used must be identified and described in the Salvage and Replanting Plan.

If CPUC or CDFW determines that the Salvage and Replanting Plan is not likely to be successful (due to the species' life form, habitat requirements, or other factors), then SCE shall provide compensation lands consisting of habitat occupied by the impacted CRPR 1 or 2 ranked plant occurrences at a 1:1 ratio of acreage for any occupied habitat affected by the project. Occupied habitat will be calculated on the project site and on the compensation lands as including each special-status plant occurrence. If compensation is required as a means of mitigating special-status plant impacts, it may be accomplished by purchasing credit in an established mitigation bank, acquiring conservation easements, or direct purchase and preservation of compensation lands. Compensation for these impacts may be "nested" or "layered" with compensation for habitat loss.

**Annual Reporting.** Annual salvage and replanting monitoring reports shall be submitted to CPUC for a period of 3 years after transplanting to ensure success of the transplanted populations. Where transplantation has not been successful under the criteria set forth in the performance standards below, compensation shall be provided to offset the loss of transplanted

special-status plants. Annual reports shall include, details of plants or propagules salvaged, stored, and transplanted (salvage and transplanting locations, species, number, size, condition, etc.); adaptive management efforts implemented (date, location, type of treatment, results, etc.); and evaluation of success of transplantation. Salvage status and success will be described in the annual report.

## MM Biology-2: Habitat Restoration

SCE shall prepare and implement a Revegetation, Restoration, and Monitoring Plan that addresses procedures for quantifying habitat impacts from construction activities and revegetation and/or restoration requirements for applicable vegetation and soils resources. The plan shall also address the requirements for restoration in the following measures:

- Special-status plant populations (MM Biology-1).
- Blunt-nosed leopard lizard habitat (MM Biology-6)
- Burrowing owl (MM Biology-7)
- Sensitive natural plant communities including riparian woodland and shrubland habitat, blue oak and valley oak woodlands, California buckeye groves, wetlands (MM Biology 11)

The plan shall be developed upon completion of final design and submitted to the CPUC for review and approval no less than 60 days before commencement of construction.

All temporarily disturbed areas shall be restored to near pre-construction conditions to ensure permanent impacts do not occur in areas of temporary impacts as a result of the project. Pre-construction conditions, including vegetation cover estimates and percentage of Cal-IPC list invasive weeds (plants rated as "High" and "Moderate"), shall be documented for each project work area as described below in the Pre-Construction Report. The goal of the restoration shall be that habitat functions and values and species composition of the restored vegetation are comparable to those of nearby comparable vegetation within 3 years.

The plan shall identify corrective actions to implement (e.g., removal of invasive weeds, supplemental planting, etc.) if the performance standards defined in this measure are not achieved. Work sites that have been proven to meet the performance standard defined in this measure shall not require further monitoring and reporting.

## MM Biology-3: Worker Environmental Awareness Program

All workers on the project site shall be required to attend a Worker's Environmental Awareness Training Program (WEAP). Training shall inform all construction personnel of the resource protection and avoidance measures as well as procedures to be followed upon the discovery of environmental resources. WEAP training materials will include avoidance and minimization measures being implemented to protect biological resources, cultural resources, and paleontological resources, and the management of hazardous materials. WEAP training will also discuss terms and conditions of any permits or agreements, information on federal and state environmental laws, and consequences and penalties for violation or noncompliance with

these laws, regulations, and project permits. Workers will be informed about the presence, identification, life history, and habitat requirements of the special-status species that have a potential to occur in the project area. The WEAP training program will be provided to the CPUC at least 30 days prior to construction for CPUC verification that all mitigation measures and topics are addressed. SCE will be responsible for maintaining WEAP training logs. At a minimum, the logs will contain the name, company, and date of training. These logs will be made available to the CPUC within a month after training is completed. The WEAP training will include, at a minimum, the following topics so crews will understand their obligations:

- ESA and other delineated boundaries (e.g., work areas) and how to recognize/avoid exclusion areas and sensitive habitat and specific avoidance or minimization measures for sensitive species and habitats
- Housekeeping (e.g., trash management and equipment cleaning)
- Safety, hazardous materials, and fire management, including hazardous substance spill prevention and containment measures
- Work stoppage
- Communication protocol
- Consequences of non-compliance
- Stormwater Pollution Prevention Plan (SWPPP) procedures
- How to identify cultural resources; avoidance requirements and procedures to be followed if unanticipated cultural resources are discovered during construction; disciplinary actions that may occur when historic preservation laws and project proponent policies are violated
- How to identify paleontological resources, including types of fossils that could occur in the project area and types of lithologies in which the fossils could be preserved; avoidance requirements and procedures to be followed if a fossil is discovered during construction; penalties for disturbing paleontological resources
- Review of mitigation and avoidance measures

### MM Biology-4: Crotch's Bumble Bee Avoidance Procedure

**Focused Survey:** Focused surveys shall be conducted in accordance with CDFW's Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2023) the season immediately prior to ground disturbing activities are scheduled to occur. A minimum of three Crotch bumble bee focused surveys shall be conducted at 2-to-4-week intervals during the colony active period (April through August) when Crotch's bumble bees are most likely to be detected. Non-lethal, photo voucher surveys shall be completed by a biologist who holds a Memorandum of Understanding to capture and handle Crotch's bumble bee (if nesting and chilling protocol is to be utilized) or by a CDFW approved biologist experienced in identifying native bumble bee species (if surveys are restricted to visual surveys that will provide high-resolution photo documentation for species verification). The surveyor shall walk through all areas of suitable habitat focusing on areas with floral resources. Surveys shall be completed at a minimum of one person-hour of searching per three acres of suitable habitat during suitable weather conditions (sustained winds less than 8 mph, mostly sunny to full sun, temperatures between 65 and 90

degrees Fahrenheit) at an appropriate time of day for detection (at least an hour after sunrise and at least two hours before sunset, though ideally between 9:00 AM and 1:00 PM).

**Pre-Construction Survey**: Nesting surveys shall be conducted with focus on detecting active nesting colonies within one week and 24-hours immediately prior to ground disturbing activities. If an active Crotch bumble bee nest is detected, an appropriate no disturbance buffer zone (including foraging resources and flight corridors essential for supporting the colony) shall be established by a qualified biologist in consultation with CDFW around the nest to reduce the risk of disturbance or accidental take. Nest avoidance buffers may be removed at the completion of the flight season and/or once the qualified biologist deems the nesting colony is no longer active and CDFW has provided concurrence of that determination. If no nests are found but the species is present, a full-time qualified biological monitor shall be present during vegetation removal or ground disturbing activities that are scheduled to occur during the queen flight period (February through March), colony active period (March through September), and/or gyne flight period (September through October). Because bumble bees move nest sites each year, three preconstruction nesting surveys shall be required during each subsequent year of construction, regardless of the previous year's findings, whenever vegetation removal and ground disturbing activities are scheduled to occur during the flight season (February through October). SCE may relocate Crotch's bumble bees out of the work area only if a CESA incidental take permit has been obtained and any relocation follows the terms of the incidental take permit.

**Compensatory Mitigation:** Compensatory mitigation for permanent direct impacts to suitable Crotch's bumble bee habitat shall be offset through compensatory mitigation, which may include, but is not necessarily limited to, on-site or off-site habitat preservation, enhancement, restoration, and/or creation at a ratio of no less than 1:1.

## MM Biology-5: Pre-Construction Surveys for Special-Status Wildlife and Construction Monitoring and Avoidance Procedures

**Biologist Approval and Qualifications.** A qualified biologist(s) will be pre-approved by the CPUC prior to conducting biological surveys and monitoring for the project. Qualified biologists are defined as individuals with a bachelor's degree or above in a biological science field and demonstrated field experience. Approved and qualified biologists shall conduct required surveys and monitoring for special-status species and active nests. Qualified avian biologists are defined as individuals with demonstrated field expertise in ornithology, in particular, nesting behavior and nest detection. Monitoring biologists conducting avian nest checks shall have demonstrated experience surveying or monitoring nesting birds. Qualified botanists are defined as individuals with demonstrated field expertise in botany. Qualified herpetologists are defined as individuals with demonstrated experience with California reptile and amphibian species. Biologists qualified for construction monitoring shall hold at minimum 1 to 2 years of construction-related biological monitoring experience. Biologists qualified as a lead biological monitor shall have 5 or more years of related experience.

**Pre-Construction Surveys**. A CPUC-approved qualified biologist (i.e., a biologist with the requisite education and experience to address special-status species and biological resources with potential to occur in the project area) shall conduct a pre-construction survey for special-status wildlife species known to occur or with the potential to occur in all work areas located within suitable habitat for special-status species. In those situations where the qualified biologist cannot make a definitive species identification, the qualified biologist shall make a determination based on the available evidence and professional expertise. The pre-construction survey shall be conducted no earlier than 7 days prior to surface disturbance in each work area. The results of the pre-construction survey will be documented by the qualified biologist in a pre-construction survey report(s). The pre-construction survey report(s) shall be submitted to the CPUC for review and approval and the results shall be submitted to CDFW and USFWS as required by any other regulatory permits or approvals. The pre-construction survey report(s) will include the following:

- Special status species encountered, including potential breeding sites such as dens, burrows, nests, or aquatic habitat
- Type, location, and size of Project impact areas
- Date, time, and weather conditions during survey, and surrounding land uses
- Evaluation of type and quality of habitat
- Map or GIS of survey area and of work area

**Monitoring:** Where pre-construction surveys indicate the presence of sensitive species within 200 feet of a work area or sensitive habitats within 50 feet of a work area, a CPUC approved biologist(s) shall conduct biological monitoring during construction activities in proximity to the sensitive species or habitats. Extended monitoring buffers for sensitive species may be applied per the conditions of other APMs or mitigation measures. Where special-status species (e.g., amphibians, reptiles, birds, mammals, and bat roosts), sensitive natural communities, riparian areas, or wetlands may occur, unless otherwise determined absent through pre-construction surveys, a qualified biological monitor shall monitor construction activities to ensure that any unplanned or unpermitted impacts to special-status species, sensitive natural communities, riparian habitat, and wetlands are avoided.

**Resource Avoidance:** Prior to construction or access in any area containing or potentially containing special-status species habitats, sensitive natural communities, riparian areas, or wetlands, the biological monitor shall mark or otherwise delineate the limits of special-status species habitat, sensitive natural communities, riparian areas, and wetlands for avoidance, and where necessary, post signs at access route entrances to inform workers of special access considerations (i.e., seasonal restrictions, biological monitor escort, etc.). Resource markings and signs shall be maintained and repaired as needed and as directed by the biological monitor. All stakes and flagging are removed no later than 30 days after construction is complete.

The biological monitor shall have full authority to halt construction, once safe to do so, if a sensitive resource/species has or may be impacted. The biological monitor may relocate wildlife out of harm's way, if appropriate to protect the species (additional protections or permits would

be required prior to relocation of any state or federally listed threatened or endangered species). The biological monitor shall revisit each active work site at least once a week to inspect the work area for the presence of biological resources and verify that all avoidance measures (e.g., flagging or fencing) are in place.

### MM Biology-6: Blunt-nosed leopard lizard Compensatory Mitigation

SCE shall submit a report to USFWS, CDFW, and CPUC documenting (i) the total area of temporary and permanent impacts in blunt-nosed leopard lizard suitable habitat, (ii) the total area of habitat restoration that would offset the temporary and permanent impact, and (iii) the total area of temporary and permanent impact that is not offset by habitat restoration, which would require compensatory mitigation. The report shall be submitted to USFWS, CDFW, and CPUC at least 60 days prior to construction in suitable habitat.

Where impacts cannot be fully offset by habitat restoration, compensatory mitigation shall be provided to offset the permanent and temporary loss of suitable habitat for blunt-nosed leopard lizard. Mitigation for permanent impacts will be provided at a minimum ratio of 1:1 and temporary impacts at a ratio of 0.5:1, unless a higher ratio is required by authorizations issued under FESA for blunt-nosed leopard lizard. Compensatory mitigation shall include either:

- Purchase of mitigation credits from an agency-approved mitigation bank.
- Protection of habitat through acquisition of fee-title or conservation easement and funding for long-term management of the habitat. Title to lands acquired in fee will be transferred to CDFW and conservation easements will be held by an entity approved in writing by the applicable regulatory agency. In circumstances where SCE protects habitat through a conservation easement, the terms of the conservation easement will be subject to approval of the applicable regulatory agencies, and the conservation easement will identify applicable regulatory agencies as third-party beneficiaries with a right of access to the easement areas.

Compensatory mitigation shall be required and approved by the USFWS and appropriate agency (as needed) prior to activities within blunt-nosed leopard lizard suitable habitat.

### MM Biology-7: Tehachapi Slender Salamander and Kern County Slender Salamander Compensatory Mitigation

SCE shall submit a report to USFWS, CDFW, and CPUC documenting (i) the total area of temporary and permanent impacts in Tehachapi slender salamander and Kern Canyon slender salamander habitat, (ii) the total area of habitat restoration that would offset the temporary and permanent impact, and (iii) the total area of temporary and permanent impact that is not offset by habitat restoration, which would require compensatory mitigation. The report shall be submitted to USFWS, CDFW, and CPUC at least 60 days prior to construction in Tehachapi slender salamander and Kern Canyon slender salamander habitat.

Where impacts cannot be fully offset by habitat restoration, compensatory mitigation shall be provided to offset the permanent loss of habitat. Mitigation for permanent impacts will be provided at a minimum ratio of 1:1. Compensatory mitigation shall involve protection of habitat through acquisition of fee-title or conservation easement and funding for long-term management of the habitat. Conservation easements will be held by an entity approved by CDFW.

## MM Biology-8: Nesting Bird Management

**Nesting Bird Management Plan.** SCE shall prepare a Nesting Bird Management Plan (NBMP) in coordination with CPUC. The NBMP shall describe methods to minimize potential project effects to nesting birds and avoid any potential for unauthorized take. Project-related disturbance including construction and pre-construction activities shall not proceed within 300 feet of active nests of common bird species or 500 feet of active nests of raptors and tricolored blackbirds until approval of the NBMP by CPUC in consultation with CDFW and USFWS.

**NBMP Content.** The NBMP shall include: (1) definitions of default nest avoidance buffers for each species or group of species, depending on characteristics and conservation status for each species; (2) a notification procedure for buffer distance reductions should they become necessary; (3) a rigorous monitoring protocol, including qualifications of monitors, monitoring schedule, and field methods, to ensure that any project-related effects to nesting birds will be minimized; and (4) a protocol for documenting and reporting any inadvertent contact or effects to birds or nests.

The paragraphs below describe the NBMP requirements in further detail.

**Background.** The NBMP shall include the following:

- A summary of applicable state and federal laws and regulations, including definition of what constitutes a nest or active nest under federal law.
- A procedure for amendment of the NBMP, should there be changes in applicable state or federal regulations, and requirement for CDFW review of any NBMP amendment.
- A list of bird species potentially nesting on or near 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.
- A list of the types of project activities (construction, operations, and maintenance) that may occur during nesting season, with a short description of the noise and physical disturbance resulting from each activity.

Clearing of any vegetation, site preparation in open or barren areas, or other project related activities that may adversely affect breeding birds shall be scheduled outside the nesting season, as feasible.

**Pre-construction nest surveys.** Pre-construction nest surveys will be conducted prior to any construction activities scheduled during the breeding period. For this project, the breeding period will be defined as January 1 through September 15. The NBMP shall describe the proposed field methods, survey timing, and qualifications of field biologists. The avian 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). Nest surveys will focus on visual searches for nest locations and observations of 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 within 500 feet of these areas for raptors and 300 feet for non-raptors.

Pre-construction surveys shall be conducted for each work area, no longer than 10 days prior to the start of construction activity. On the first day of construction at any given site, a qualified Avian Biologist will perform a pre-construction "sweep" to identify any bird nests or other resources that may have appeared since the 10-day survey.

SCE shall provide the CPUC a report describing the findings of the pre-construction nest surveys, including the time, date, and duration of the survey; identity 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 following each preconstruction nest survey 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.

**Nest Buffers and Acceptable Activities.** Nest buffers shall be delineated on the work site, to consist of clearly visible marking and signage. Buffer locations shall be communicated to the construction contractor and shall remain in effect until formally discontinued (when each nest is no longer active). Measures to ensure nesting buffers are observed shall include direct communication and decision protocol to stop work within buffer areas. In some cases, active nests may be found while work is underway. Therefore, a protocol shall be implemented for stopping ongoing work within the buffer area, securing the work site, and removing personnel and equipment from the buffer.

Buffer distances from active nests shall be implemented to avoid take or adverse effects to nests. Buffers shall be based on the specific nature of the bird species and conservation status, and other pertinent factors. Buffer distances shall be defined specific to each species relative level of tolerance of human activity. If no information is available to specify a buffer distance for a species, then a 300 foot buffer shall apply as a standard buffer distance for migratory birds, and 500 feet of active nests of raptors and 1,000 feet of active nests of tricolored blackbirds. 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, the NBMP shall specify applicable buffers and any additional nest protection measures, specialty monitoring, or restrictions on work activities, if needed.

The NBMP shall 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 shall 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.

**Nest Buffer Modification or Reduction.** At times, SCE or its contractor may propose buffer distances different from those approved in the NBMP. Buffer adjustments shall be reviewed and recommended by a qualified avian biologist, who has been approved by CPUC in consultation with the CDFW and USFWS. The NBMP shall provide a procedure and timing requirements for notifying CPUC, CDFW, and USFWS of any planned adjustments to nest buffers. Separate and distinct procedures will be provided for special-status birds. The NBMP will list the information to be included in buffer reduction notifications in a standardized format.

**Nest deterrents.** The NBMP shall describe any proposed measures or deterrents to prevent or reduce bird nesting activity on project equipment or facilities, such as buoys, visual or auditory hazing devices, bird repellents, securing of materials, vehicles, and equipment. It shall also include timing for installation of nest deterrents and field confirmation to prevent effects to any active nest; guidance for the contractor to install, maintain, and remove nest deterrents according to product specifications; and periodic 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 avoid disturbance or use of the facilities, materials, or equipment (e.g., by red-tag) until the nest is no longer active.

**Communication.** The NBMP shall specify the responsibilities of construction monitors in regard 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.

The NBMP shall specify a procedure to be implemented following accidental disturbance of nests, including wildlife rehabilitation options. It also shall describe any proposed measures, and applicable circumstances, to prevent take of precocial young of ground-nesting birds such as killdeer or quail. Finally, the NBMP will specify a procedure for removal of inactive nests, including verification that the nest is inactive and a notification/approval and approval process prior to removal.

**Monitoring.** SCE shall be responsible for monitoring the implementation, conformance, and efficacy of the avoidance measures (above). The NBMP shall include specific monitoring measures to track any active bird nest within or adjacent to project work areas, bird nesting

activity, project-related disturbance, and outcome of each nest. For nests with reduced buffers, SCE shall monitor each nest until nestlings have fledged and dispersed or until the nest becomes inactive. Nests with default buffers do not require further monitoring once construction work is completed in the area. New nests discovered after work completion in an area will not require monitoring. In addition, monitoring shall 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 shall 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 routes), and any adjustments to buffer areas shall be updated and available to CPUC monitors on a daily basis in the Field Reporting Environmental Database (FRED). All buffer reduction notifications and prompt notifications of nest-related non-compliance and corrective actions will be made via email to CPUC monitors. In addition, the NBMP shall specify the 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, CDFW, and USFWS

## MM Biology-9: Burrowing Owl

**Conduct Surveys and Avoidance for Burrowing Owl**. Burrowing owl surveys shall be conducted by a qualified biologist in accordance with the most current CDFW guidelines (CDFG 2012; or updated guidelines should they become available). SCE shall implement buffers for active burrowing owl burrow within or adjacent to a work area. The buffer for active burrowing owl nesting sites shall be in accordance with CDFW guidelines (CDFG 2012) and shall be as follows:

- From April 1-August 15, buffers shall be 300 feet for low levels of disturbance (i.e., vehicles, worker presence), and 500 feet for moderate to high levels of disturbance (i.e., demolition, grading, tree felling, helicopter use)
- From August 16-October 15, buffers shall be 600 feet for low and moderate levels of disturbance (i.e., vehicles, worker presence, tree felling, grading), and 1,500 feet for high levels of disturbance (i.e., helicopter use)
- From October 16-March 31, buffers shall be 150 feet for low levels of disturbance (i.e., vehicles, worker presence), 300 feet for moderate levels of disturbance (i.e., grading, tree felling), and 1,500 feet for high levels of disturbance (i.e., helicopter use)

Binocular surveys may be substituted for protocol field surveys on private lands adjacent to the project site only when SCE has made reasonable attempts to obtain permission to enter the property for survey work but was unable to obtain such permission.

If active burrowing owl burrows are located within project work areas, they shall be avoided to the greatest extent possible through work exclusion buffers as described above. Monitoring of

active burrowing owl nests shall occur in all buffer areas as defined above, and other methods to reduce disturbance (such as visual or sound barriers) shall be employed depending on the type and level of work being conducted to prevent the need for relocation. Other measures shall include eliminating actions that reduce burrowing surrogates (e.g., ground squirrels), and the WEAP (MM Biology-3) shall include measures to reduce the potential for the introduction or attraction of predator species, such as litter control.

In any cases where active burrows could not be adequately avoided, as determined by a qualified biologist, through exclusion buffers and project activities could result in substantial indirect disturbance, direct physical disturbance, or destruction of burrows that are located within certain project work areas (i.e., facility footprints, areas that require grading, etc.), SCE may passively relocate the owls, as described below and per the conditions of any required CESA incidental take permit. Passive relocation shall only be considered if work cannot take place due to active nest, such as grading over burrows. No passive relocation of burrowing owls shall be permitted during breeding season, unless a qualified biologist verifies through noninvasive methods that an occupied burrow is not occupied by a mated pair, and only upon authorization by CDFW. Any passive burrowing owl relocation shall address:

- **Replacement Burrows**. For each burrowing owl that will be passively relocated, if fewer than two suitable unoccupied burrows are available within 600 feet of the affected project work site, then SCE shall construct at least two replacement burrows within 600 feet of the affected project work site, or in suitable locations within 0.25 mile when suitable locations within 600 feet are not available. Burrow replacement sites shall be in areas of suitable habitat for burrowing owl nesting, and subject to minimal human disturbance and access. The Burrowing Owl Exclusion Plan shall be prepared that would describe measures to ensure that burrow installation or improvements will not affect sensitive species habitat or any burrowing owls already present in the relocation area. The Burrowing Owl Exclusion Plan shall provide guidelines for creation or enhancement of at least two natural or artificial burrows for each active burrow within the project disturbance area, including a discussion of timing of burrow improvements, specific location of burrow installation, and burrow design. Design of the artificial burrows shall be consistent with CDFW guidelines (CDFG, 2012; or more current guidance as it becomes available) and the Burrowing Owl Exclusion Plan shall be approved by the CPUC and CDFW.
- **Methods.** An occupied burrow may not be disturbed during the nesting season (generally, but not limited to, February 1 to August 31), unless a qualified biologist determines, by non-invasive methods, that it is not occupied by a mated pair. Passive relocation will include installation of one-way doors on burrow entrances that will let owls out of the burrow but will not let them back in. Once owls have been passively relocated, burrows will be carefully excavated by hand and collapsed by, or under the direct supervision, of a qualified biologist.

**Monitoring and Reporting.** SCE shall monitor the replacement burrow site(s), and provide monitoring reports consistent with CDFW guidance (CDFG 2012). The objective shall be to manage the relocation area for the benefit of burrowing owls, with the specific goal of maintaining the functionality of the burrows for a minimum of two years. Monitoring will be conducted after the burrowing owl passive relocation process is complete, up until the onset of ground disturbance due to construction to ensure that owls do not re-establish themselves. The artificial burrows or enhanced replacement burrows will be monitored for a period that will be defined in the site-specific relocation plan to determine if they are being used by owls. Monitoring reports shall be available to the CPUC.

## MM Biology-10: Golden Eagle Avoidance and Minimization

**Avoid and minimize impacts.** All project activities located within areas identified as habitat (as described in the TLRR Habitat and Sensitive Species Report for the GKR Project) shall implement the following avoidance and minimization measures.

- Golden eagle nest surveys will be performed when construction activities are scheduled to occur in or near golden eagle nesting habitat from January 1-August 31 to determine if any eagle nests are active within a 1-mile radius. Ground-based or helicopter-based survey methods will be developed in coordination with USFWS and will be consistent with current USFWS survey guidelines, or as recommended by USFWS.
- For construction activity, should an active golden eagle nests be present, the nest shall receive a 1-mile buffer if in line of sight, 0.5-mile buffer if no line of sight—with USFWS concurrence.

Buffers and buffer modifications for golden eagles will be addressed in the Project Nesting Bird Management Plan (Mitigation Measure Biology-8).

## MM Biology-11: Swainson's Hawk

Swainson's hawk nest surveys shall be performed by a CPUC-approved qualified biologist in areas of suitable habitat prior to construction activities scheduled to occur during the Swainson's hawk nesting season (from March 1-July 31). Surveys shall be conducted within 0.5 miles of suitable nesting habitat for Swainson's hawk to determine if any Swainson's hawk nests are active within a 0.5-mile radius of the construction area. Suitable habitat for Swainson's hawk is defined as the following:

- Nesting habitat includes trees within mature riparian forest or corridors, lone oak trees and oak groves, and mature trees near fields.
- If any active nests are located, the following shall apply:
  - An active nest shall receive a 0.5-mile buffer between March 1 and July 31. Buffer zones may be adjusted in consultation with CDFW and approved by CPUC, and must be protective of the species nesting behavior with continued monitoring of the nest by a qualified biologist.

- Do not remove Swainson's hawk nest trees unless tree avoidance is infeasible. Removal of any tress that are used by Swainson's hawk for nesting shall only occur only outside of the Swainson's hawk nesting season during the timeframe of August 1 (after a qualified biologist has confirmed the nest to be inactive) and the last day in February.

For hawks found injured during project-related activities on the project site, SCE shall consult with CPUC and CDFW for immediate relocation to an agency-approved raptor recovery center.

**MM Biology-12: American Badger**

A qualified biologist shall conduct a pre-construction survey for active American badger dens within 7 days prior to grading or vegetation clearing in work areas, or use of overland access routes. The pre-construction survey area shall be required for potentially suitable habitat for American badger (e.g., grasslands and woodlands) located within 250 feet of work areas where grading or land vegetation clearing may occur and within or immediately adjacent to overland access routes. SCE shall submit the survey results to CPUC prior to construction.

SCE may use cameras to determine if dens are active. If active dens are identified at any time during construction, the dens shall be flagged and avoided to the greatest extent possible through work exclusion buffers. A 250-foot work restriction buffer shall be established around active maternal dens. For non-maternal dens, a 50-foot work restriction buffer shall be established around active dens. Smaller buffers may be established through consultation with CDFW. If any cases where an active den cannot be adequately avoided (i.e., the den is located within the facility footprints or active work area), SCE will implement passive exclusion techniques by sealing the den after animals have vacated (e.g., one way doors). SCE shall obtain any required permits prior to implementing any den exclusions.

A qualified biologist shall inspect construction activities near active American badger dens on a weekly basis to ensure the work restriction buffers are implemented appropriately and active dens are avoided.

**MM Biology-13: San Joaquin Kit Fox Habitat**

Prior to construction within San Joaquin kit fox habitat, compensatory habitat mitigation shall be provided to offset the loss of suitable habitat for San Joaquin kit fox. Mitigation for permanent impacts will be provided at a minimum ratio of 1:1. Compensatory mitigation shall include either:

- Purchase of mitigation credits from an agency-approved mitigation bank.
- Protection of habitat through acquisition of fee-title or conservation easement and funding for long-term management of the habitat. Title to lands acquired in fee will be transferred to CDFW and conservation easements will be held by an entity approved in writing by the applicable regulatory agency. In circumstances where SCE protects habitat through a conservation easement, the terms of the conservation easement will be subject to approval of the applicable regulatory

agencies, and the conservation easement will identify applicable regulatory agencies as third-party beneficiaries with a right of access to the easement areas.

Compensatory mitigation shall be acquired and approved by USFWS (as needed) prior to activities within San Joaquin kit fox suitable habitat

**MM Biology-14: Tipton Kangaroo Rat Avoidance and Minimization**

**Pre-construction Survey/Construction Monitoring.** Prior to initial ground-disturbing activities, a qualified (permitted Tipton kangaroo rat) biologist will conduct habitat assessment surveys within areas identified as potentially suitable habitat for Tipton kangaroo rat to determine suitability Prior to project activities SCE will provide a map of potentially suitable habitat for Tipton kangaroo rat along the project alignment.

**Conduct surveys and avoidance for Tipton kangaroo rat.** Prior to the start of construction, within potentially suitable habitat for Tipton kangaroo rat (TKR), SCE shall conduct focused surveys to determine if there are any active burrows with possible TKR sign (burrows, scat, etc.) within 100 feet of proposed ground disturbing activities. All surveys shall be conducted by a qualified biologist who holds the appropriate USFWS and CDFW permits to conduct trapping surveys for TKR. Trapping Plans shall approved by CDFW and USFWS prior to any trapping activities. If TKR sign is present, and SCE cannot avoid potentially suitable burrows then SCE shall conduct focused protocol trapping surveys according to accepted protocols to determine presence or absence of TKR.

If TKR are present, then SCE shall take additional measures to prevent or minimize take, such as flagging for avoidance and establishment of 30' avoidance buffers. Under the direction of a qualified biologist, cover boards to prevent burrow collapse may also be used to allow for work area access. Other avoidance measures may be required, subject to authorization by USFWS and CDFW. If TKR are absent, no measures shall be required.

Construction activities shall avoid suitable TKR habitat to the extent feasible. All requirements will be followed for any take authorizations granted by USFWS and/or CDFW. A qualified biologist will monitor construction activities within occupied habitat.

**Avoid and Minimize Impacts.** All project activities located within areas identified as occupied TKR habitat shall implement the following avoidance and minimization measures:

- **Limited Operating Period.** SCE shall restrict work to daylight hours, except during an emergency or critical construction activity, in order to avoid nighttime activities when TKR may be present on access roads. No night lighting will be used within TKR habitat except during an emergency or critical construction activities.
- **Trash disposal.** Trash and food items will be contained in closed containers and removed daily to reduce attracting predators.
- **Pets Prohibited.** Employees will not bring pets or other animals to the GKR Project area, unless the animal is ADA compliant.

- **Vehicle Travel.** During construction-related activities, motor vehicles will be limited to maintained roads, designated routes, and areas identified as being permanently or temporarily affected by construction within the Project footprint. Motor vehicle speeds along Project routes and access roads within habitat for TKR will not exceed 15 miles per hour.

**Trapped Animal Prevention.** All auger holes, trenches, pits, or other steep-sided excavations that may pose a hazard to TKR will be either constructed with escape ramps (earthen or wooden) or securely covered when unattended to prevent entrapping animals. At the start and end of each workday, and just before backfilling, all excavations will be inspected for trapped animals. Any TKR found will be allowed to escape unimpeded. If a TKR is trapped and does not leave on its own, a qualified biologist will move the animal according to agency authorizations, if there is no agency authorization, the TKR shall not be moved (unless in imminent danger) until the relevant agency has been contacted and further guidance has been received.

**Cover and Inspect Construction Materials.** All construction pipes, culverts, or similar structures with a diameter of approximately 1 inch or greater that are stored for one or more overnight periods will be thoroughly inspected for TKR before the pipe is subsequently buried, capped, otherwise used or moved in any way. If a TKR is discovered inside construction material and does not leave on its own, the materials shall not be moved until the relevant agency has been contacted and further guidance has been received. Any kangaroo rat found will be allowed to escape unimpeded.

## MM Biology-15: Bat Avoidance and Minimization

**Pre-construction Surveys.** A qualified bat biologist will conduct surveys before the start of construction to identify active bat roosting or maternity colonies within or adjacent to project impact areas in trees, rock outcrops, caves, and mines with bat roost potential. A one-night visual emergence survey during acceptable weather conditions (e.g., no rain or high winds, night temperatures >45F) may be employed to determine presence. Alternatively, the roost can be physically examined if conditions permit (e.g., remote cameras or lift equipment).

High-value habitat features (large tree cavities, crevices, bark fissures, basal hollows, loose or peeling bark, larger snags, palm trees with intact thatch, mines, rock outcrops, buildings, etc.) will be identified and the area around these features searched for bats and bat sign (guano, culled insect parts, staining, etc.). Riparian woodland, orchards, and stands of mature broadleaf trees shall be considered potential habitat for solitary foliage roosting bat species, such as the solitary western red bat and western yellow bat.

If no roosts (maternity, wintering, or otherwise) are present, tree trimming/removal may continue as planned. If an active roost has been identified or lasiurine bats are present, removal of trees around the roost would be conducted between September 15 - October 30, and February 15 - April 15, which corresponds to time periods when bats are active, not in torpor, and not caring for non-mobile young.

Removal of trees requires the following two-step process prior to trimming/removal:

- On Day 1 under the supervision of a qualified bat biologist, Step 1 would include branches and limbs with no cavities removed by hand (e.g., using chainsaws). This would create a disturbance (noise and vibration) and physically alter the tree. Bats roosting in the tree would either abandon the roost immediately (rarely) or, after emergence, would avoid returning to the roost.
- On Day 2, Step 2 of the tree removal may occur, which would be removal of the remainder of the tree. Trees that are only to be trimmed and not removed would be processed in the same manner; if a branch with a potential roost must be removed, all surrounding branches would be trimmed on Day 1 under supervision of a qualified bat biologist and then the limb with the potential roost would be removed on Day 2.

**Construction Monitoring**. If a colonial or solitary maternity roost was located, tree/structure removal will be avoided between April 15 and August 15 (the maternity period) to avoid impacts to active maternity roosts (reproductively active females and dependent young). If bats are present, but no dependent young bats are present within the structure for removal, an eviction plan shall be prepared by a qualified biologist and submitted to CPUC and CDFW for review. A qualified biologist will determine the appropriate no disturbance buffer area around active nest(s) and provisions for buffer exclusion areas. Unless restricted by the qualified biologist, construction vehicles will be allowed to move through a buffer area with no stopping or idling. The qualified biologist will determine, evaluate, and modify buffers as appropriate based on species tolerance and behavior, the potential disruptiveness of construction activities, and existing conditions. Furthermore, the roost will be monitored to determine activity. Roost monitoring will be conducted by qualified biological monitors with knowledge of bat behavior under the direction of a CDFW qualified bat biologist. The qualified biological monitor will observe and document implementation of appropriate buffer areas around active roosts(s) during project activities.

## MM Biology-16: Compensatory Mitigation for Sensitive Natural Communities, Riparian, and Wetlands

The project shall avoid and/or minimize impacts on waters, wetlands, sensitive habitats, and riparian habitats including ephemeral waters that occur within the Project area to the maximum extent feasible. All grading, fill, staging of equipment, infrastructure construction or removal, and all other construction activities shall be designed, sited, and conducted outside of state and federally jurisdictional waters, wetlands, and riparian habitat to the maximum extent feasible.

The implementation of appropriate Best Management Practices (BMPs) (e.g., silt fencing, straw wattles, secondary containment, avoiding fueling in close proximity to waters, etc.) shall be utilized to ensure that indirect impacts to waters, wetlands and riparian areas are avoided or minimized to the maximum extent feasible. BMPs are also necessary to reduce the risk of an unintended release of sediments or other materials into jurisdictional waters. New and upgraded roadways will use at-grade type stream crossings where possible. Stockpiled and

bermed sediment will be redistributed or removed from the site so as not to cause water impoundment or induce hydromodification. New poles will be sited outside stream channels to the extent possible.

Permanent impacts on sensitive natural communities, riparian habitat, and wetlands shall be compensated through on-site or off-site enhancement or establishment of equivalent or higher value sensitive natural community, riparian areas, or wetlands. Permanent impacts on sensitive natural communities, riparian areas, or wetlands habitat shall be compensated through enhancement of comparable vegetation communities, riparian habitat, or wetlands at a minimum 2:1 ratio (enhancement: impact) or creation of comparable habitat at a minimum 1:1 ratio. Mitigation credits may be purchased from a USACE, CDFW, and/or RWQCB-approved mitigation bank if on-site mitigation is not feasible.

If SCE conducts mitigation through habitat enhancement or creation, a sensitive natural community, riparian and wetland mitigation plan shall be prepared at least 30 days prior to permanent impacts that address the following parameters:

- Baseline conditions within the mitigation site
- Proposed mitigation site conditions
- Mitigation methods (e.g., habitat creation or enhancement)
- Planting plan
- Methods for invasive weed control
- Methods to establish the desired mitigation site conditions
- Maintenance, including trash removal, invasive weed removal, and repair of any damage to the mitigation site
- •Adaptive management procedures
- Monitoring methods

The enhanced or created sensitive natural community, riparian, and wetland habitats shall meet the following performance criteria:

- Minimum of 70 percent vegetated cover with the target vegetation community that is being mitigated for (sensitive natural community, riparian, or wetlands)
- Less than 3 percent invasive weed cover
- Wetland hydrology and soil conditions in the compensatory wetland mitigation areas

Annual monitoring shall be conducted for the mitigation of habitats and shall include surveys for native vegetation cover, photo documentation at defined photo-monitoring locations, and monitoring for invasive species and any other habitat stressors. Monitoring will be conducted for the first 5 years or until performance criteria are met. If performance criteria are not met after 5 years, additional mitigation shall be provided so that all permanent impacts are fully mitigated.

An annual report shall be submitted by January 31st following the reporting year. The annual report shall provide the results of annual habitat monitoring, recommendations for any

corrective actions needed to meet success criteria, and a description of any corrective actions taken in the previous reporting year. The annual monitoring report shall be submitted to CPUC and CDFW, RWQCB, and USACE as appropriate

**MM Biology-17: Protected Tree Removal Mitigation**

Removal of oak trees and protected trees within the San Andreas SEA will be minimized to what is required to implement the Project. For removal of any protected trees within the San Andreas SEA, oak trees greater than 6 inches dbh, or oak trees with multiple trunks with a cumulative dbh greater than 12 inches, SCE will provide replacement plantings for the protected trees or oak trees at a 3:1 ratio with three trees planted for each tree removed. Prior to tree planting, a restoration consultant shall evaluate the planting area(s) to ensure the location has adequate soil and hydrologic conditions to support successful planting of the tree species. Monitoring of replacement trees including tree health and height shall be conducted annually for a period of three years after mitigation planting with annual monitoring reports submitted to the CPUC by January 31 of each year. Maintenance shall be conducted at the tree planting sites for three years to ensure effectiveness of the tree replacement efforts. If replacement trees are not successful, additional trees shall be planted to replace the trees that have died or are not growing. Alternatively, SCE may mitigate through off-site compensation of oak woodland habitats and off-site compensation of SEA protected trees, as applicable or nest mitigation with other agencies mitigation. Off-site compensation may include the permanent protection of an off-site population of oak trees or protected trees with preservation of four oak trees or otherwise protected trees for every oak tree or protected tree removed.

## Cultural Resources

**MM Cultural-1:**

SCE will prepare and submit for approval a Cultural Resource Management Plan (CRMP) to guide all cultural resource management activities during project construction. Management of cultural resources will follow all applicable federal and state standards and guidelines for the management of historic properties/historical resources, including as identified or determined through the Section 106 review process. The CRMP will be submitted to the CPUC for review and approval at least 90 days prior to the start of construction. The CRMP will be prepared by a qualified archaeologist who meets the Secretary of Interior's standards for archaeology and include, but not be limited to, the following sections:

- **Cultural Resources Management Plan:** The CRMP will define and map all known NRHP- and CRHR-eligible properties in or within 100 feet (30.5 meters) of the proposed project APE/API. A cultural resources protection plan will be included that details how NRHP- and CRHR-eligible properties will be avoided and protected during construction. Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context is the preferred method of mitigation and shall be implemented wherever feasible. Measures will include, at a

minimum, designation and marking of Environmentally Sensitive Areas (ESAs), archaeological monitoring, personnel training, and reporting. The plan will also detail which avoidance measures will be used, where and when they will be implemented, and how avoidance measures and enforcement of ESAs will be coordinated with construction personnel.

- **Cultural Resource Monitoring and Field Reporting**: The CRMP will detail procedures for archaeological monitoring and Tribal participation, define the reporting matrix, and establish criteria for when the monitoring effort should increase or decrease if monitoring results indicate that a change is warranted. The CRMP will also include guidelines for monitoring in areas of high sensitivity for the discovery of buried NRHP- and/or CRHR eligible cultural resources, burials, cremations, tribal cultural resources, or sacred sites.
- **Unanticipated Discovery Protocol:** The CRMP will detail procedures for temporarily halting construction, defining work stoppage zones, notifying stakeholders (e.g. agencies, Native Americans, utilities), and assessing NRHP and/or CRHR eligibility in the event unanticipated discoveries are encountered during construction. It will include methods, timelines for assessing NRHP and/or CRHR eligibility, formulating mitigation plans, and implementing treatment. Mitigation and treatment plans for unanticipated discoveries will be reviewed by tribal stakeholders and approved by the CPUC, prior to implementation.
- **Data Analysis and Reporting:** The CRMP will detail methods for data analysis in a regional context, reporting of results within one year of completion of field studies, curation of artifacts and data (maps, field notes, archival materials, recordings, reports, photographs, and analysts' data) at a facility that is approved by CPUC, and dissemination of reports to appropriate repositories.

## Geology, Soils, and Paleontological Resources

### MM Geology-1: Geotechnical Hazards

Where geotechnical hazards are found to occur, including risk of fault rupture, seismic ground shaking, liquefaction, and landslides, appropriate engineering design and construction measures shall be incorporated into the final project designs, as deemed appropriate by a California licensed Geotechnical Engineer or Certified Engineering Geologist. Design measures that would mitigate seismic and landslide-related impacts shall include, but are not limited to, retaining walls, removal of unstable materials, and avoidance of highly unstable areas. If highly plastic clay soil is unexpectedly encountered at shallow depths during subsequent soil investigations or during construction, the potential for soil expansion shall be evaluated and accounted for in design and construction.

Disturbed and engineered slopes shall be monitored by qualified construction personnel on an occasional basis (bi-monthly or as needed) until the slope is fully stabilized and no longer poses an increased risk of failure or erosion as compared to similar undisturbed slopes in the immediate vicinity.

More detailed studies to quantify the potential for landslides and rockfall in areas with high landslide susceptibility, as well as shallow groundwater and liquefiable soils, should be considered during a subsequent stage of design. The analysis should consider the effect of earthquake-related ground motions. The studies should recommend measures to mitigate or eliminate the hazard, which may include:

- Moving the Project alignment or structure locations.
- Use of longer spans and/or different structures to avoid placing structures in higher hazard areas.
- Founding structures on deep foundations adequate to withstand the hazard.
- Mitigating the potential for landslide on the slope.
- Fences, screens, or other barriers to protect structures from rockfall or landslides.

**MM Geology-2: Structures within Alquist- Priolo Fault Zones**

SCE shall adhere to recommendations outlined in the Geotechnical Investigation Report to prevent damage to structures from fault ruptures. Structures located directly on or adjacent to a fault may be at a higher risk for damage during a seismic event due to surface rupture of the fault. The following measures shall be considered to reduce the potential for damage due to fault rupture for structures located within the Alquist-Priolo zones or structures that will span Alquist-Priolo zones:

- Move the structures so that they are not located in Alquist-Priolo zones or away from active fault traces if structures must be placed in an Alquist-Priolo zone.
- The alignment could be modified so that fault crossings are perpendicular to the fault to reduce the potential change in loading on the structure(s) and lines.
- Structures capable of spanning across faults and/or fault zones could be used to reduce the potential for foundation damage or failure.
- Use more robust structures and/or structure foundations (including ground improvement) near faults to reduce the potential for damage due to changes in structure loading from fault movement.

If specific structures must be located within Alquist-Priolo zones, additional fault studies may be needed to confirm structure foundations do not span an active surface fault

## Hydrology and Water Quality

**MM Hydrology-1: Culvert and Bridge Design**

SCE shall design any repaired or replaced culverts and bridges to meet the standards outlined in the Kern County Development Standards for Drainage (Kern County Public Works, Division Four). At a minimum, all culverts shall be a minimum of 18 inches in diameter and designed to avoid any increase in flooding or erosion on adjacent stream banks or slopes. Design features for both culverts and bridges shall include those that prevent impediment of flood waters, including both 10-year and 100-year events. The culvert and/or bridge designs shall be provided to Kern County for review, and any approvals shall be obtained prior to construction. Any Kern

County comments or approvals for the culvert or bridge design shall be submitted to the CPUC for record keeping.

**MM Hydrology-2: Structures within Flood Hazard Zones**

SCE shall adhere to recommendations outlined in the Geotechnical Investigation Report to prevent damage to structures from flooding. A detailed scour analysis should be performed during design for each structure to be placed in a location with a potential for contact with surface water – inside or outside of the floodplain. The ground surface should be sloped away from each proposed structure to the extent practical. Structure foundations that will be exposed to channelized surface water may need:

- To be supported on a deep foundation that extends beyond the depth of potential scour; or
- Armoring or other soil reinforcement at the ground surface to lower the potential for foundation undermining.

## Noise

**MM Noise-1: Coordination with El Tejon School**

At least 90 days prior to construction at El Tejon School, SCE shall coordinate with El Tejon School to schedule power line construction activities within 1,000 feet of the school to occur when school is not in session (e.g., during holiday or summer breaks). The power line construction activities include roadwork, TSP foundation, TSP haul, TSP assembly, TSP erection, LWS pole haul, LWS pole assembly, LWS pole installation, existing pole removal, existing lattice structure/TSP removal, guard structure installation, and guard structure removal. If power line construction activities within 1,000 feet of El Tejon School need to occur when school is in session, SCE shall provide instructions to El Tejon School on how to reduce impacts of the noise at El Tejon School during construction activities, such as closure of doors and windows, and scheduling of school activities that would minimize effects of construction noise when school is in session.

**MM Noise-2: Resident Notification and Noise Suppression Measures for construction noise**

For construction within Los Angeles County expected to exceed 75 dB at sensitive receptors, SCE shall notify affected residences within 1,000 feet of construction areas at least 10 days in advance of the construction activity. SCE shall also employ noise-control techniques to reduce construction noise exposure in proximity of sensitive receptors. Noise control techniques shall include:

- Construction equipment shall use noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.

- Stationary noise sources (e.g., generators, pumps) and staging areas shall be shielded from adjacent noise-sensitive receptors by an enclosure, temporary sound walls, or acoustic blankets. Where feasible, sound walls or acoustic blankets shall have a height of no less than 8 feet, a Sound Transmission Class (STC) of 27 or greater, and a surface with a solid face from top to bottom without any openings or cutouts.
- Construction traffic and helicopter flight shall be routed away from residences and schools, where feasible.
- Unnecessary construction vehicle use and idling time shall be minimized to the extent feasible, such that if a vehicle is not required for use immediately or continuously for safe construction activities, its engine should be shut off.
- Offer temporary relocation to residents within 500 feet of nighttime construction areas.

**MM Noise-3: Helicopter Noise Control Strategy**

As part of the final Helicopter Use Plan, SCE shall include a helicopter noise control strategy that identifies the established helicopter flight corridors and minimum transit elevations above ground level to minimize impact to noise-sensitive receptors on the ground

## Recreation

**MM Recreation-1: Fort Tejon State Park**

SCE shall notify the Fort Tejon State Park of the location, timing, and duration of all construction activities within the Fort Tejon State Park parking area at least 60 days prior to construction in the area. SCE shall also post notices within the parking area at least 14 days prior to planned construction activities. The notices shall notify the location, date, and time of any impacted access to the parking area and potential alternative parking locations.

During construction within the Fort Tejon State Park parking area, SCE shall utilize flaggers to maintain safe vehicle and pedestrian access to the parking area to the extent feasible.

SCE shall photo document the existing condition of all work areas within the Fort Tejon State Park parking area. SCE shall repair any damage to pavement or other facilities within the Fort Tejon State Park parking area to pre-construction conditions. SCE shall photo document the post-construction conditions of the parking area after construction is complete.

## Transportation

**MM Tranportation-1: Transit Notification**

Notification shall be given to the relevant local transit agency no less than 60 days prior to construction within 20 feet of any bus stop or detours of any bus route. The notification shall include the following:

- The location and timing of construction activities within proximity to the bus stop

- The location and timing of road closures along the bus route(s) and proposed detours
- The affected bus route(s) and bus stop(s)

Name and contact information for a responsible individual who can address any questions and meet with the transit agency to resolve any conflicts with bus operations

**MM Transportation-2: Roadway Damage**

SCE shall conduct a Pre-Construction Road Condition Assessment along roadways adjacent to all staging areas to document any existing roadway damage to the asphalt or concrete curbs. SCE shall submit photos and coordinates of any existing roadway damage to the CPUC, Caltrans, and Kern County no less than 30 days prior to construction.

If roadways adjacent to staging areas are damaged by construction activities, the damaged area(s) shall be documented and repaired no more than 60 days following construction activities. If the damage could cause a substantial transportation hazard, the location shall be marked appropriately and repaired within 48 hours. Any roadway damages shall be repaired to pre-project conditions and following applicable Caltrans and Kern County repair standards.

**MM Traffic-3: Notify Emergency Personnel of Road Closures**

SCE shall notify local emergency personnel (i.e., fire departments, police departments, ambulance, and paramedic services) at least 1 week prior to lane or road closures. The notice shall include location(s), date(s), time(s), and duration of closure(s) and a contact number for SCE Project personnel.

## Tribal Resources

**MM Tribal-1: Native American Monitoring**

Interested Tribes shall be invited to conduct Native American monitoring during all ground-disturbing activities associated with portions of or the entirety of Segment 3 of the project. A Native American monitor shall be invited to be onsite daily to coordinate with the archaeological monitors and to provide tribal perspectives in the event a discovery occurs. The Native American monitor shall be free to visit different activity areas throughout the course of a given day, notwithstanding any limitations based on safety concerns. Native American monitors shall be afforded a minimum of 1 weeks' notice prior to the commencement of project-related ground-disturbing activities. During project activities, Native American monitors shall be provided with weekly work forecasts to facilitate scheduling of monitors. Because project implementation activities are often unpredictable, there may be changes in work activities. Native American monitors shall be notified by the Construction Contractor of any scheduling changes as soon as possible. The Construction Contractor will use daily field meetings, telephone, and email as methods of communicating work schedules. Native American monitors shall be alerted at the end of each workday whether work activities will be taking place the following day. If cultural resources are encountered, the Native American monitor will have the

authority to request that ground-disturbing activities cease within 60 feet of discovery and a qualified archeologist meeting Secretary of Interior standards, as well as the Native American monitor shall assess the find.

SCE shall, in good faith, consult with the Tribes on the disposition and treatment of any Tribal Cultural Resource encountered during all ground disturbing activities.

## Findings

The IS was prepared to identify the potential impacts on the environment from construction and operation of the SCE Gorman-Kern River 66kV Project and to evaluate the significance of these impacts. Based on the IS and the Findings listed below, the Lead Agency (CPUC) has determined that the Proposed Project would not have a significant effect on the environment.

- With the implementation of the incorporated APMs and MMs, the Proposed Project would not significantly degrade the quality of the environment.
- With the implementation of the above MMs, both short-term and long-term environmental impacts associated with the Proposed Project would be less than significant.
- When potential impacts associated with implementing the proposed project are considered cumulatively, the incremental contribution of the project-related impacts is insignificant.
- Based on the IS, there is no evidence that implementing the Proposed Project would have significant impacts on people.

Eric chiang

11/8/24

Eric Chiang, Project Manager
California Public Utilities Commission
Energy Division

Date