

**Final Environmental Impact Report
SCH No. 2024040144**

McCullough-Victorville Lines 1 and 2 Upgrade Project



Los Angeles Department of Water and Power
111 North Hope Street
Los Angeles, California 90012
September 2024

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ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Definition
AAQS	ambient air quality standards
AB	Assembly Bill
ACEC	Area of Critical Environmental Concern
amsl	above mean sea level
ARPA	Archaeological Resources Protection Act
BCC	Bird of Conservation Concern
BGEPA	Bald and Golden Eagle Protection Act
BIOS	Biogeographic Information and Observation System
BLM	U.S. Bureau of Land Management
BMP	best management practice
BO	Biological Opinion
BP	Before Present
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CARB	California Air Resources Board
CDCA	California Desert Conservation Area
CDFW	California Department Fish and Wildlife
CDNCL	California Desert National Conservation Lands
CDNPA	California Desert Native Plants Act
CEC	California Energy Commission
CEHC	California Essential Habitat Connectivity
CEQA	California Environmental Quality Act
CEQA	California Endangered Species Act
CFR	Code of Federal Regulations
CGP	Construction General Permit
CMA	Conservation Management Action
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	carbon monoxide
CRHR	California Register of Historical Resources
CRPR	California Rare Plant Rank
CWA	Clean Water Act
CWHR	California Wildlife Habitat Relationship
dba	A-weighted decibels
DPM	diesel particulate matter
DRECP	Desert Renewable Energy Conservation Plan
ECA	Essential Connectivity Area
EIR	Environmental Impact Report
EPA	U.S. Environmental Protection Agency

Acronym/Abbreviation	Definition
FESA	federal Endangered Species Act
FLPMA	Federal Land Policy and Management Act
GHG	greenhouse gas
HAP	hazardous air pollutant
HIA	Health Impact Assessment
HRA	Health Risk Assessment
I	Interstate
ITP	Incidental Take Permit
JD	jurisdictional delineation
kV	kilovolt
LADWP	Los Angeles Department of Water and Power
LUPA	Land Use Plan Amendment
MBTA	Migratory Bird Treaty Act
MCA	Medieval Climatic Anomaly
MCC-VIC	McCullough–Victorville transmission alignment
MCV1	McCullough–Victorville Transmission Line 1
MCV2	McCullough–Victorville Transmission Line 2
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MLD	most likely descendant
MM	Mitigation Measure
MSHCP	Multiple Species Habitat Conservation Plan
MW	megawatt
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NALMA	North American Land Mammal Age
NCCP	Natural Community Conservation Plan
NCL	National Conservation Lands
NEMO	Northern and Eastern Mojave Desert Management Plan
NO	nitric oxide
NO2	nitrogen dioxide
NOP	Notice of Preparation
NOx	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NVCRIS	Nevada Cultural Resource Information System
OHWM	ordinary high-water mark
OPLMA	Omnibus Public Lands Management Act
PM	particulate matter
PM10	particulate matter with an aerodynamic diameter less than or equal to 10 microns

Acronym/Abbreviation	Definition
PM2.5	particulate matter with an aerodynamic diameter less than or equal to 2.5 microns
PPV	peak particle velocity
PRC	California Public Resources Code
PRMMP	Paleontological Resources Monitoring and Mitigation Plan
Project	McCullough–Victorville Transmission Lines 1 and 2 Upgrade Project
PRPA	Paleontological Resources Protection Act
ROW	right-of-way
RPS	Renewable Portfolio Standard
RWQCB	Regional Water Quality Control Board
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South-Central Coastal Information Center
SCRAM	Support Center for Regulatory Atmospheric Modeling
SJVAPCD	San Joaquin Valley Air Pollution Control District
SO2	sulfur dioxide
SR	State Route
SVP	Society of Vertebrate Paleontology
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	toxic air contaminant
TCR	tribal cultural resource
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
VMT	vehicle miles traveled
VOC	volatile organic compound
WEAP	Worker Environmental Awareness Program
WEMO	West Mojave Plan
WJTCA	Western Joshua Tree Conservation Act
WOR	West of River

CHAPTER 1: INTRODUCTION/OVERVIEW

1.1 ORGANIZATION OF THE DOCUMENT

This document is the Final Environmental Impact Report (EIR) for the McCullough-Victorville Lines 1 and 2 Upgrade Project. It includes the public review comments on the Draft EIR and the lead agency's response to those comments in accordance with the California Environmental Quality Act (CEQA) Guidelines Sections 15088, 15089, and 15132. The State Guidelines for the Implementation of CEQA (CEQA Guidelines) Section 15132 stipulates that the Final EIR must include the following elements:

- The Draft EIR or a revision of that draft.
- Comments and recommendations received on the Draft EIR either verbatim or in summary form.
- A list of persons, organizations, and public agencies that commented on the Draft EIR.
- The response of the lead agency to significant environmental points raised in the review and consultation process.
- Any other information added by the lead agency.

This Final EIR includes the following sections:

Chapter 1 provides an overview of the Final EIR and the project environmental review process, along with a summary of the project and alternatives.

Chapter 2 provides a list of comment letters received on the Draft EIR, copies of the written comments (numerically coded for reference), and the lead agency's responses to the comments.

Chapter 3 contains all errata to the Draft EIR, which includes clarifications, modifications, and corrections to the Draft EIR. Any changes in the text are indicated by underline/strikeout revisions.

Chapter 4 includes the Mitigation Monitoring and Reporting Program (MMRP) required by CEQA Guidelines Section 15097.

The Draft EIR (both the primary volume and the appendices), as issued for public review on June 27th, 2024, is incorporated herein by reference and not included in its entirety within this Final EIR. The Draft EIR is revised as shown in Chapter 3 of this Final EIR. Both this document and the Draft EIR, as revised in Chapter 3, comprise the Final EIR.

1.2 ENVIRONMENTAL REVIEW PROCESS

Notice of Preparation and Initial Study

The Los Angeles Department of Water and Power (LADWP) issued a Notice of Preparation (NOP) of the Draft EIR on April 2nd, 2024, that formally announced the preparation of an environmental document for the McCullough-Victorville Lines 1 and 2 Upgrade Project.

The NOP with a CEQA Initial Study was sent to city, county, and State agencies for notification and review, and the NOP was sent to approximately 50 residents, occupants, and landowners in the vicinity of San Bernardino County, CA, and Clark County, NV. The NOP was also distributed to the State of California Governor’s Office of Planning and Research (State Clearinghouse). In addition to a letter from the State Clearinghouse acknowledging compliance with review requirements, two comment letters were received during the scoping period, which began on April 1st, 2024, and ended on May 1st, 2024.

A public scoping meeting was held on April 17th, 2024, to allow an additional opportunity for public input. The comments received during the NOP review process were considered by the lead agency in determining the scope of issues to be addressed in the Draft EIR. The Draft EIR focused on the environmental impacts identified as potentially significant during the Initial Study process, including the comments received in response to the Notice of Preparation.

The issue areas analyzed in detail in this EIR consist of Air Quality, Biological Resources, Cultural Resources, Paleontological Resources (Geology and Soils) and Tribal Cultural Resources. Other required environmental issue areas were addressed in the Initial Study, which is included in Appendix A of the Draft EIR, and were determined to require no further detailed analysis in the EIR.

Notice of Availability and Draft EIR

Upon completion and finalization of the Draft EIR, it was circulated for the CEQA-mandated 45-day public review period, which began on June 27th, 2024, and ended on August 12th, 2024. In accordance with CEQA Guidelines Section 15085, a Notice of Completion was filed with the State Clearinghouse on June 27th, 2024. The Notice of Availability (NOA) of a Draft EIR was filed with the San Bernardino County Clerk of the Board on July 27th, 2024. The NOA was mailed to 40 agencies and organizations and 50 interested individuals. A legal notice of availability of the Draft EIR and public meetings was published in the Los Angeles Times on June 27th, 2024.

Final EIR

This Final EIR contains comments and responses to comments received on the Draft EIR. Revisions and clarifications made in response to comments received on the Draft EIR are listed in Chapter 3, Clarifications and Modifications. The comments and responses to comments are presented in Chapter 3, Response to Comments on the Draft EIR.

The City of Los Angeles Board of Water and Power Commissioners (Board) will consider the McCullough-Victorville Lines 1 and 2 Upgrade Project for approval at a regularly scheduled meeting (the specific date of the meeting is to be announced). The Board will hold a public hearing regarding the project and must certify the Final EIR prior to making any decision regarding the approval of the proposed project.

The Board will consider all information in the record, including:

- The Final EIR which includes the Draft EIR, comments, responses to comments.
- Findings of Fact, the MMRP, any testimony, and a recommendation regarding findings and possible conditions that may override significant environmental impacts of the project prior to making its decision.

If the Board of Water and Power Commissioners concludes that the proposed project or an alternative to the proposed project will result in significant effects that cannot be substantially lessened or avoided by feasible mitigation measures and alternatives, the Board of Water and Power Commissioners must adopt a “statement of overriding considerations” prior to approval of the proposed project (Pub. Res. Code Section 21081(b)). Such statements are intended under CEQA to provide a written means by which the lead agency balances in writing the benefits of the proposed project and the significant and unavoidable environmental impacts. Where the lead agency concludes that the economic, legal, social, technological, or other benefits outweigh the unavoidable environmental impacts, the lead agency may find such impacts “acceptable” and approve the proposed project.

In addition, the Board of Water and Power Commissioners must also adopt an MMRP describing the changes that were incorporated into the proposed project or made a condition of project approval in order to mitigate or avoid significant effects on the environment (Pub. Res. Code Section 21081.6). The MMRP is adopted at the time of project approval and is designed to ensure compliance during project implementation. Upon approval of the proposed project or an alternative to the proposed project, the lead agency will be responsible for implementation of the proposed project’s MMRP. The MMRP is included in this Final EIR as Chapter 4.

Should the Board approve the proposed project, LADWP will file a Notice of Determination (NOD) with the Los Angeles City Clerk and County Clerk and the State Clearinghouse. The filing of the NOD would complete the CEQA environmental review process.

1.3 SUMMARY OF PROPOSED PROJECT AND ALTERNATIVES

1.3.1 PROPOSED PROJECT AND OBJECTIVES

The proposed Project would upgrade two existing transmission lines of the McCullough-Victorville transmission alignment (MCC-VIC), Transmission Line 1 (MCV1) and Transmission Line 2 (MCV2), which run parallel to each other within a utility corridor owned and maintained by LADWP. The utility corridor is entirely within the Mojave Desert and spans 162 miles from Boulder City, Nevada in Clark County, Nevada, to the Victorville Switching Station in Victorville, California within San Bernardino County, California. The Project is divided into the Nevada segment, which runs for 24 miles from the McCullough Substation to Line 1 Tower 27-5 (MCV1_27-5) and Line 2 Tower 26-7 (MCV2_26-7) at the California Border, and the California segment, which runs for 138 miles from MCV1_27-6 and MCV2_27-1 to the Victorville Switching Station (Psomas 2023). The tower numbering uses mileage from the source of the energy feed. For example, Tower 27-5 represents the fifth tower of the 27th mile of the transmission line.

The utility corridor largely crosses undeveloped state and federal lands, including lands under the jurisdiction of California State Lands Commission and the U.S. Bureau of Land Management (BLM) (Aspen 2020). The Project would require maintenance and rehabilitation of access roads, reinforcing or replacing tower structural steel members for approximately 1,508 towers, complete tower replacement for approximately 153 towers, tower raising for towers with ground-to-clearance violations and the subsequent power line re-tensioning that is necessary, as well as replacing all conductors, ground wires, insulators, and associated hardware assemblies, and adding grounding for every tower along the alignment. As such, the proposed Project would occur along the entire LADWP utility corridor.

Existing development within the utility corridor consists of access roads, tower disturbance footprints, the transmission towers and transmission lines themselves, as well as their associated hardware. The alignment crosses select roadways. The proposed Project would require establishing a temporary work area at each of the 1,740 transmission towers along the alignment, varying in size based on the construction activities required at that tower. All work areas would occur only within the existing tower sites and existing access road areas and rights-of-way. The utility corridor is predominately surrounded by vacant, undeveloped state and federal lands, and is mostly located within San Bernardino County, California, except for approximately 24 miles of the 162-mile corridor that is in Clark County, Nevada. The nearest residential uses to the utility corridor are directly adjacent to towers MCV1_139-6 through 140-2, approximately 9 miles south of Barstow, California. The nearest schools to the utility corridor are the Baker Valley Unified School District elementary, middle, and high schools, located at 72100 Schoolhouse Lane, Baker, California. These schools are approximately 1,075 feet south-southeast of the Highway 127 access road through Baker at its nearest point.

The purpose of the Project is to accommodate incoming renewable energy resources from the East territory region, along the WOR Path 46 transmission corridor to help LADWP achieve state and local requirements for greenhouse gas reductions and an increased renewable energy portfolio. As set forth in the CEQA Guidelines, the project's specific objectives are provided below.

- Reduce the environmental impacts associated with greenhouse gas emissions and create a more sustainable environment.
- Assist LADWP in meeting Renewable Portfolio Standard (RPS) goals by increasing LADWP's transmission capacity by 475 megawatts.
- Meet LADWP's future electrical energy demands.
- Allow interconnection and expansion of LADWP's renewable energy in the East territory, along the WOR Path 46 transmission corridor.
- Increase LADWP's system reliability and flexibility in the utilization of renewable energy sources.
- Enable the delivery of renewable energy.
- Minimize the environmental disturbance of transmission upgrades by constructing improvements within an existing transmission corridor; avoiding sensitive resources to the extent feasible; and minimizing the number of new access routes.

1.3.2 ENVIRONMENTAL IMPACTS, MITIGATION MEASURES AND RESIDUAL EFFECTS

The Draft EIR for the project was prepared in accordance with CEQA as amended (Public Resource Code Section 21000 et seq.) and the CEQA Guidelines as amended (California Code of Regulations Section 15000 et seq.). The Draft EIR complies with the requirements of CEQA Guidelines Sections 15080 through 15097 regarding the EIR process.

The Draft EIR analyzed potentially significant environmental impacts of the proposed project. Potential cumulative impacts, which are the effects of the proposed project in conjunction with past, present, and reasonably foreseeable future projects in the surrounding area, were also analyzed. The Draft EIR found that the proposed project would not result in significant environmental impacts that could not be reduced to less than significant with implementation of mitigation measures, except for temporary air quality impacts associated with particulate emissions (PM10, PM2.5) and nitrogen oxide emissions.

Table 1-1 summarizes the potential impacts of the proposed project evaluated in detail in the Draft EIR, indicating the level of significance of the impacts based on the analysis conducted for the EIR, listing the feasible mitigation measures necessary to lessen significant impacts, and establishing the level of significance after application of mitigation measures.

Based on the analysis, construction emissions for the proposed project would exceed applicable nitrogen oxide (NOx), particles smaller than 10 microns in diameter (PM10), and particles smaller than 2.5 microns in diameter (PM2.5) significance thresholds and, therefore, generate NOx, PM10, and PM2.5 impacts. Emissions are expected to remain significant following implementation of feasible mitigation measures. Though the impacts could be drastically reduced by application of feasible measures, sufficient emission reductions could not be achieved so as to reduce the significant NOx, PM10, and PM2.5 emissions to less than significant.

Table 1-1. Summary of Project Impacts

Environmental Topic	Impact?	Mitigation Measure	Level of Significance After Mitigation
4.1 Air Quality			
AQ-1: Would the Project conflict with or obstruct implementation of the applicable air quality plan?	Potentially significant	<p>MM-AQ-1. Fugitive Dust Controls. Comply with all applicable Rules and Regulations of the Mojave Desert Air Quality Management District (MDAQMD), including, but not limited to Rules 401 (Visible Emissions), 402 (Nuisance), and 403 (Fugitive Dust). To ensure compliance with these Rules and Regulations, the Project Applicant or successor in interest shall prepare and submit a Dust Control Plan to the MDAQMD for approval. The Dust Control Plan shall document the best management practices (BMPs) that will be implemented during Project construction to prevent, to the maximum extent practicable, wind and soil erosion. BMPs that will be included in the Dust Control Plan shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Signage compliant with Rule 403 (Attachment B) shall be erected at each Project site entrance prior to the commencement of construction. ▪ Use a water truck to maintain moist disturbed surfaces and actively spread water during earthwork to minimize visible fugitive dust emissions. If the Project site has exposed sand or fines deposits, or if the Project exposes such soils through earthmoving, chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from the sand/fines deposits. ▪ All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. ▪ All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The Project Applicant shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule, or Project-specific biological mitigation prohibiting wind fencing. 	Significant and unavoidable

Table 1-1. Summary of Project Impacts

Environmental Topic	Impact?	Mitigation Measure	Level of Significance After Mitigation
		<ul style="list-style-type: none"> All maintenance and access vehicular roads and parking areas shall be stabilized with chemical dust suppressants sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. The Project Applicant shall take actions to prevent Project-related track out onto paved surfaces and clean any Project-related track out within 24 hours. All other disturbed earthen surfaces within the Project area shall be stabilized by natural or irrigated vegetation, compaction, chemical, or other means sufficient to prohibit visible dust from wind erosion. Obtain MDAQMD permits for any miscellaneous process equipment that may not be exempt under MDAQMD Rule 219 including, but not limited to, internal combustion engines with a manufacturer's maximum continuous rating greater than 50 brake horsepower. <p>MM-AQ-2. Exhaust Controls. During Project construction, all internal combustion engines/construction equipment greater than 75 horsepower operating on the Project site shall meet U.S. EPA-certified Tier 4 Final emissions standards. The LADWP and/or its designated construction contractor shall include this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. Successful contractors must demonstrate the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities. An exemption from these requirements may be granted in the event that LADWP and/or its designated construction contractor documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment.¹ Before an exemption may be considered by LADWP, the LADWP</p>	

Table 1-1. Summary of Project Impacts

Environmental Topic	Impact?	Mitigation Measure	Level of Significance After Mitigation
		and/or its designated construction contractor shall be required to demonstrate that at least two construction fleet owners/operators in the High Desert and San Bernardino County Region were contacted and that those owners/operators confirmed Tier 4 Final equipment could not be located within the High Desert and San Bernardino County Region.	
AQ-2: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	Potentially significant	See MM-AQ-1 and MM-AQ-2.	Significant and unavoidable
AQ-3: Would the Project expose sensitive receptors to substantial pollutant concentrations?	Potentially significant	See MM-AQ-1 and MM-AQ-2.	Significant and unavoidable
AQ-4: Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	Less than significant	N/A	N/A

1.3.3 ALTERNATIVES

The Draft EIR identified and evaluated alternatives to the proposed project as a means to reduce or avoid the potentially significant environmental impacts. The alternatives evaluated are as follows:

Alternative 1 – New Transmission Line Alignment

Alternative 2 – Full Replacement

Alternative 3 – Paving Access Roads

Alternative 4 – No Project Alternative

In accordance with Section 15126.6(e)(2) of the CEQA Guidelines, the proposed project has been determined to be the environmentally superior alternative because it would result in the least impact to the physical environment that can be reasonably ascertained.

Alternative 1: New Transmission Line Alignment

LADWP considered an alternate powerline alignment to determine whether any of the significant effects of the Project would be avoided or substantially lessened by moving the Project to another location. After review of available alignments and corridors within the Project vicinity, no large-scale corridors exist that could accommodate the proposed Project. Additionally, LADWP does not have ownership or easements elsewhere within the vicinity of the existing transmission line. Furthermore, the intent of the project is to increase the rating of the Path 46 West of Colorado River Transmission corridor so if it is moved to another corridor then it would not meet its objective to achieve the Path rating. Therefore, relocating the Project to a new or alternate location is considered infeasible, and the new transmission line alignments alternative was not selected.

Alternative 2: Full Replacement

LADWP considered constructing all new transmission towers along the entire transmission line alignment to accommodate the transmission line upgrades. Approximately 1,508 towers (86%) of the 1,740 towers are in critical need of repair and would be reinforced under the project, while approximately 153 towers would need to be replaced entirely. This alternative would result in more environmental impacts associated with increased tower disturbance areas as well as be logistically infeasible due to the line outages that would be required for a complete rebuilding effort. Therefore, this alternative was considered infeasible, and the full replacement alternative was not selected.

Alternative 3: Paving Access Roads

LADWP considered an alternative for which paving existing dirt access roads would be undertaken to reduce significant and unavoidable air quality impacts associated with construction travel along unpaved dirt roadways to access each tower. However, the paving of the access roads would still require that construction equipment travel along each access road to complete the paving activities, thereby still resulting in the need to travel along unpaved dirt roadways. In addition, the paving would result in more permanent impacts to any waterways along the ROW and would require more maintenance and upkeep over the life of the project. Therefore, because

this alternative would result in the same environmental impacts than the proposed Project, this alternative was considered infeasible, and was not selected.

Alternative 4: No Project Alternative

The No Project Alternative, which is a required element of an EIR pursuant to Section 15126.6(e) of the CEQA Guidelines, examines the environmental effects that would occur if the Project were not to proceed. The other alternatives are discussed as part of the “reasonable range of alternatives” selected by the lead agency.

The purpose of the proposed Project is to accommodate incoming renewable energy resources from the East territory region, along the West of River (WOR) Path 46 transmission corridor in order to help the Los Angeles Department of Water and Power (LADWP) achieve state and local requirements for GHG reductions and an increased renewable energy portfolio.

Given the nature of the Project, the location of the Project, and modifications incorporated into the Project design and construction, no feasible alternatives are available to evaluate, other than the No Project Alternative. Under the No Project Alternative, development of the Project would not occur as discussed in Chapter 3, Project Description, of the EIR. The Project site would remain unchanged, and no upgrade or replacement activity would occur. The No Project Alternative would have no workforce or vehicle trips compared to the proposed Project beyond continued routine operational upkeep, consistent with existing practices.

In accordance with the CEQA Guidelines Section 15126.6(d), the discussion of the environmental effects of the alternatives may be less detailed than the discussion of the impacts of the Project. Table 6-1 provides a summary of the comparison of the impacts of the no project alternative with the Project.

Table 6-1. Comparison of Project and Alternative Impacts

Environmental Topic	Project Impact	No Project Alternative
Air Quality	Significant and Unavoidable	▼ No Impact
Biological Resources	Less than Significant with Mitigation	▼ No Impact
Cultural Resources	Less than Significant with Mitigation	▼ No Impact
Paleontological Resources	Less than Significant with Mitigation	▼ No Impact
Tribal Cultural Resources	Less than Significant with Mitigation	▼ No Impact

Notes:

Green – No Impact or Less than Significant, Yellow – Less than Significant with Mitigation, Red – Significant and Unavoidable
 ▲ Impacts would be greater than those of the proposed Project.
 = Impacts would be comparable to those of the proposed Project
 ▼ Impacts would be reduced when compared to those of the proposed Project.

As indicated in Table 6-1, the No Project Alternative, would result in the fewest environmental impacts, all of which are during construction, and therefore would be considered the Environmentally Superior Alternative. Pursuant to CEQA Guidelines Section 15126.6(e)(2), if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. However, as discussed, no other alternatives are feasible to carry forward in the alternatives analysis because they are all equally, if not more impactful, than the proposed Project. Additionally, the No Project Alternative would preclude LADWP from upgrading its system to increase the use of renewable energy supplies and therefore be in direct conflict with contributing over 15% towards LADWP’s Renewable Portfolio Standard as part of LADWP’s most recent commitment under the RPS to provide 100% carbon-free energy to customers by 2035 and 10 years ahead of the State’s target. As such, other than the No Project Alternative, the proposed Project would result in the fewest environmental impacts while still meeting all the Project objectives and also allowing LADWP to enhance the provision of renewable energy sources consistent with the RPS.

CHAPTER 2: RESPONSE TO COMMENTS

2.1 INTRODUCTION

The McCullough-Victorville Lines 1 and 2 Upgrade Project Draft Environmental Impact Report (EIR) 45-day review period began on June 27th, 2024. During this public review period, a total of 2 written comments were received.

According to California Environmental Quality Act (CEQA) Guidelines Section 15088(a), “the lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response.” This chapter of the Final EIR provides the lead agency’s response to the comments received. Each comment letter is numbered and the individual responses are labeled accordingly. For example, Response 1-1 refers to the response to the first comment in comment letter 1. Comments were evaluated, and good faith, reasoned responses were prepared for substantive comments referencing significant environmental issues or issues relating to the adequacy of the EIR (CEQA Guidelines Section 15088). Those comments that did not address the adequacy of the Draft EIR, raise significant environmental issues, or request additional information/analysis are noted but did not receive a detailed response.

2.2 WRITTEN COMMENTS AND RESPONSES

Table 2-1 lists all the written comments from agencies, elected officials, organizations, and interested individuals.

Table 2-1. Written Comments from Agencies, Elected Officials, Organizations, and Interested Individuals

Letter #	Agency/Organization	Date
1	California Department of Fish and Wildlife	August 12 th , 2024
2	Yuhaaviatam San Manuel Nation	July 12 th , 2024

2.2.1 COMMENT LETTER 1

Docusign Envelope ID: F5487029-786F-4545-9BDB-0E843308FF7B



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Desert Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



LETTER 1

August 9, 2024
Sent via email

Matthew Kerby
Los Angeles Department of Water and Power
111 N. Hope St.
Los Angeles, CA 90012

Subject: Draft Environmental Impact Report
McCullough-Victorville Lines 1 and 2 Upgrade Project
State Clearinghouse No. 2024040144

Dear Matthew Kerby:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from Los Angeles Department of Water and Power (LADWP) for the McCullough-Victorville Lines 1 and 2 Upgrade Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines.



Thank you for the opportunity to provide additional comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

1-1

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.



1-2

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish &

Conserving California's Wildlife Since 1870

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Matthew Kerby, Environmental Specialist
Los Angeles Department of Water and Power
August 9, 2024
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G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

↑ 1-2
(Cont.)

PROJECT DESCRIPTION SUMMARY

McCullough-Victorville transmission lines 1 and 2 are two existing 500 kilovolt (kV) electrical power lines which run parallel to each other and are supported on approximately 1,740 single-circuit towers, spanning over 160 miles from McCullough Switching Station in Nevada. The alignment passes through several mountain ranges, into the Mojave Desert and ends at the Victorville Switching Station in California. The project would upgrade the McCullough-Victorville Transmission Lines 1 and 2 circuits to newly rate them as 570kV at 2500 Amperes (A)/3000A from their current rating of 500kV at 1600A/2400A.

The Project intends to upgrade the existing McCullough-Victorville Transmission Lines to support transmission capacity to accommodate foreseeable renewable energy resources along the west of Colorado River Path 46 transmission corridor and ensure the continued safe and reliable operation of the lines. The additional 475 megawatts (MW) would contribute over 15% towards LADWP's Renewable Portfolio Standard (RPS) as part of LADWP's commitment to be 100% carbon-free by 2035.

The Project would consist of modifications and/or replacement of existing insulators and hardware assemblies, raising existing transmission towers as needed to mitigate any ground clearance violations, replacing towers as necessary within the footprints of existing tower sites, repairing or replacing damaged structural members, replacing conductors, ground wire, and re-tensioning conductors, repairing/retrofitting existing main access roads and spur roads, and replacing or reinforcing tower foundations as necessary.

Construction of the Project is anticipated to begin in mid-2026 and continue through 2028. The upgraded transmission lines are anticipated to be fully operational by the end of 2028.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the LADWP in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources.

CDFW recommends that the forthcoming EIR incorporate all mitigation measures proposed within the DEIR and incorporating the following revisions to the existing mitigation measures:

MM-BIO-1: The DEIR should evaluate the suitability of relocating western Joshua tree (*Yucca brevifolia*) impacted by the Project. The evaluation should examine onsite and offsite relocations in accordance with the considerations detailed in CDFW's Western

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Joshua Tree Relocation Guidelines and Protocols. Please note that mitigation measure MM-BIO-1 does not currently identify or analyze the feasibility of species impact avoidance and minimization measures, including species relocation efforts. The CDFW developed the Western Joshua Tree Relocation Guidelines and Protocols to provide guidance on how and when to relocate western Joshua trees to minimize impacts to populations, prevent habitat fragmentation, and preserve connectivity corridors for gene flow and pollinator migration.

Section 1927.3, subdivision (a)(4)(A) of the California Fish and Game Code gives CDFW authority to require WJTCA incidental take permittees to relocate one or more western Joshua trees. Furthermore, pursuant to that subdivision, where relocation is required, permittees must implement reasonable measures required by CDFW to facilitate the successful relocation and survival of salvage trees. Please update the DEIR to identify western Joshua tree that may be impacted pursuant to the western Joshua tree census instructions, identify individuals suitable for relocation, and identify potential recipient sites.

Please revise MM-BIO-1 to identify that the Western Joshua Tree Conservation Act will remain operative, and the authorization of take of western Joshua tree shall be permitted pursuant to the act (see Fish & G. Code Chapter 11.5 § 1927(d)) unless the Fish and Game Commission determines that listing the western Joshua tree as endangered or threatened pursuant to the California Endangered Species Act is warranted, wherein take authorization shall be pursuant to Chapter 1.5 Section 2050 of Division 3 or pursuant to the Natural Community Conservation Planning Act (see Fish & G. Code Chapter 11.5 § 1927(e)).

CDFW recommends MM-BIO-1 be revised as follows (edits are in ~~strikethrough~~ and **bold**):

Western Joshua Tree Census, Permitting, and Avoidance. ~~During candidacy or if western Joshua tree is listed under CESA, LADWP shall implement the mitigation measure below.~~

Western Joshua Tree Conservation Act Census. In sections of the Project area within which western Joshua tree has been documented (i.e., between L1 156-1 and L2 155-1 to the Victorville Substation), an individual stem or trunk of western Joshua tree including dead trees must be mapped by a certified arborist who shall conduct a census within the Project area and a 50-foot buffer (census area) per the Western Joshua Tree Conservation Act census instructions. The certified arborist shall systematically search the entire census area using parallel transects for all western Joshua trees and their locations using high-accuracy (<1-meter [approximately 3-foot]) GPS technology. Additionally, the size class of each tree must be determined based on measurement methods described in the census instructions (i.e., from the middle of the base of the trunk to the top of the leaf that is furthest away from the base for the entire path of growth of the tree). The western Joshua tree height classes are defined as follows: Size

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Class A = 0–1 meter in height; Class B = 1 meter or greater but less than 5 meters in height; and Class C = 5 meters or greater in height. Other data must be gathered in accordance with the census instructions, which include but are not limited to tree maturity, presence of flowers and/or fruit, and photos of each stem. **The certified arborist shall make written recommendations to CDFW regarding western Joshua tree relocation in consideration of the Western Joshua Tree Relocation Guidelines and Protocols and shall include:**

- **Number of trees to be lethally taken (greater than 20 trees removed);**
- **Area of impacted western Joshua tree habitat within a project site (greater than 20 acres impacted);**
- **Avoidance and minimization measures proposed by the applicant to reduce project impacts to western Joshua tree;**
- **Quality of habitat on, and adjacent to, the project site (e.g., ecologically core or intact);**
 - **Overall population health on the project site (e.g., declining versus stable or increasing);**
 - **Whether the project is within predicted climate refugia for western Joshua tree;**
- **Extent of permanent project impacts;**
- **Density of clonal growth; and**
- **Anticipated temporal impacts of a project including operation or maintenance activities, where applicable.**

Western Joshua Tree Conservation Act Permitting. If it is determined that certain western Joshua tree individuals cannot be avoided, the Project shall apply for a Western Joshua Tree Conservation Act Incidental Take Permit (ITP) by which mitigation for ~~direct impacts to these take of~~ western Joshua trees would be fulfilled through payment of the elected fees as described in California Fish and Game Code Section 1927.3 **and relocation efforts deemed appropriate by CDFW pursuant to Section 1927.3, subdivision (a)(4)(A) of the California Fish and Game Code.** In conformance with the reduced fee schedule prescribed for the Project area, mitigation will consist of payment of \$1,000 for each western Joshua tree five meters or greater in height, \$200 for each western Joshua tree less than five meters but greater than 1 meter in height; and \$150 for each western Joshua tree less than 1 meter in height.

Other local regulations (i.e., City of Victorville Municipal Code, Chapter 13.33 and San Bernardino County Development Code Chapter 88.01) also require permitting or notification prior to removal of western Joshua trees. Therefore, the Project must also receive written consent from the City of Victorville’s Director of Parks and Recreation prior to the removal or relocation of western Joshua trees located within the City of Victorville in accordance with City of Victorville Municipal Code Chapter 13.33, Preservation and Removal of Joshua Trees. Additionally, the Project applicant shall submit an application for a Tree or Plant Removal Permit for all western Joshua trees to

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be removed within unincorporated areas of San Bernardino County in accordance with San Bernardino County Development Code Chapter 88.01.050.

Western Joshua Tree Avoidance. To ensure avoidance of western Joshua trees to be preserved in place, all western Joshua trees within the census area (Project area between L1-156-1 and L2-155-1 to the Victorville Substation and a 50-foot buffer) for which a permit has not been attained must be clearly marked in the field prior to the start of construction

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MM-BIO-2

Please revise MM-BIO-2 to explicitly identify the authorized biologist's and biological monitor's authority, and obligation, to immediately stop any activity to avoid take desert bighorn sheep, desert kit fox, burrowing owl, and golden eagle among other special status species.

Please specify that the Authorized biologist and/or biological monitor stop any activity, project personnel to include LADWP staff, its contractors and subcontractors.

CDFW recommends MM-BIO-2 be revised as follows (edits are in ~~strikethrough~~ and **bold**):

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Authorized Biologist Authority. The Authorized biologist(s) or biological monitor(s) shall have authority, **and obligation**, to immediately stop any activity, **Project proponent, LADWP staff, contractor, or subcontractor** that does not comply with biological mitigation measures and/or to order any reasonable measure to avoid the unauthorized take of Mojave desert tortoise, Mohave ground squirrel, western Joshua tree, **bighorn sheep, desert kit fox, burrowing owl, or golden eagle**, or other sensitive biological resources. The authorized biologist shall coordinate with the LADWP construction manager and environmental project manager ~~to if a stop or direct work order is directed.~~

MM-BIO-6

CDFW recommends MM-BIO-6 is revised to require an incidental take permit for desert tortoise informed by protocol-level surveys. CDFW makes this recommendation based on a strong presence of desert tortoise, their sign, habitat and areas of special conservation efforts within the Project area. Based on the information provided, CDFW believes the Project has a high likelihood of impacting desert tortoise, its habitat and incurring take of the species. According to the DEIR, a total of two adult desert tortoise (*Gopherus agassizii*), 962 burrows, five scat, eight carcasses, three pellets, and two drinking depressions were observed within the Project area despite not conducting protocol surveys described by the US Fish and Wildlife Service's Desert Tortoise Field Manual.

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CDFW recommends MM-BIO-6 be revised as follows (edits are in ~~strike through~~ and **bold**):

Desert Tortoise Protocol Surveys. LADWP shall conduct protocol level surveys for desert tortoise in all Project impact areas, including areas where impacts are occurring within existing disturbance areas, as outlined in the mitigation measure below. **LADWP shall obtain an Incidental Take Permit (ITP) for impacts to desert tortoise.**

Desert Tortoise Protocol Surveys. Prior to the start of construction, qualified biologists must conduct protocol level presence or absence surveys in all project impact areas within suitable habitat in accordance with the USFWS Desert Tortoise Field Manual. LADWP shall coordinate with USFWS and CDFW concurrently to ensure consistency and adequacy of surveys and subsequent planning efforts. ~~If it is determined by CDFW and USFWS that an ITP is required for the Project to move forward,~~ LADWP shall acquire an ITP from CDFW for the species and a consistency determination from USFWS or enter into formal consultation with USFWS for issuance of a biological opinion (BO) prior to the start of Project activities. Upon Project implementation, LADWP shall adhere to any additional measures and conditions set forth within the ITP. No take of desert tortoise shall occur without authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081.

Desert Tortoise Compensatory Mitigation. Upon completion of protocol surveys, LADWP will coordinate with USFWS and CDFW to determine what portions of the Project would be considered occupied desert tortoise habitat based on survey results. LADWP shall provide compensatory mitigation as determined through the ITP process. At minimum, LADWP shall provide compensatory mitigation for impacts to desert tortoise critical habitat in accordance with the requirements outlined in the Bureau of Land Management's Desert Renewable Energy Conservation Plan Land Use Plan Amendment (BLM DRECP LUPA). Where impacts to desert tortoise critical habitat co-occur within ground disturbance impacts within Areas of Critical Environmental Concern (ACEC) and California Desert National Conservation Lands (NCL) units that are cumulatively over their respective disturbance caps, the higher mitigation ratio applies, and the implemented mitigation is nested (mitigation for desert tortoise critical habitat fulfills the ground disturbance mitigation that is required). Compensatory mitigation shall be implemented consistent with the BLM DRECP **and the ITP**. LADWP shall complete the required compensation in accordance with the LUPA Conservation Management Action (CMA) measure for timing of compensation activities for third party actions (LUPA-COMP-1).

In addition, as outlined in the LUPA, LUPA-wide CMA measures for desert tortoise shall be implemented (LUPA-BIO-IFS-1 through LUPA BIO-IFS-9). CMAs specific to impacts within ACEC areas shall be implemented in accordance with Section 11.4.2.3 Ecological and Cultural Conservation of the LUPA.

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In addition to the measures outlined in the DRECP LUPA, the following protective measures shall also be implemented:

- LADWP shall provide a minimum of one biological monitor who is authorized by the USFWS and the CDFW to handle desert tortoises for each active work crew.
- Preconstruction surveys for desert tortoise shall be conducted for each work area prior to any ground disturbance. All work areas shall be cleared by an authorized biologist within 48 hours of the onset of construction at any work location.
- A qualified biologist shall inspect work areas each day before work commences and shall remain on site for the entire duration of work activities.
- To prevent inadvertent entrapment of tortoise or other wildlife during construction, all excavated, steep-walled holes or trenches shall be covered with tarp, plywood or similar materials at the close of each working day to prevent animals from being trapped. Ramps may be constructed of earth fill or wooden planks within deep walled trenches to allow for animals to escape action area, if necessary. Before such holes or trenches are backfilled, they shall be thoroughly inspected for trapped animals. Any wildlife observed shall be removed prior to backfilling
- Tortoise handling shall be prohibited except by an authorized biologist or a biological monitor who is working under the direct supervision of an authorized biologist and only when it is necessary to do so. Should it be necessary to handle a tortoise, the authorized biologist or trainee shall do so using the techniques outlined in the most current version of the Desert Tortoise Field Manual produced by USFWS.
- All access roads not required for construction activities shall be avoided, thereby limiting new or improved accessibility into the area.
- Vehicles shall not exceed a speed of 15 miles per hour in desert tortoise habitat.
- Overnight parking and storage of equipment and material shall be restricted to previously disturbed areas (i.e., access roads and other disturbed areas lacking vegetation). These areas shall be marked by the biological monitor and may include batch sites, pulling sites, and tower sites. If previously disturbed areas are not available, these activities shall be restricted to the right-of-way and shall be cleared of desert tortoises by the biological monitor prior to use.
- Within desert tortoise habitat, workers shall limit their activities and equipment to construction areas and routes of travel that have been flagged to eliminate



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adverse impacts to desert tortoises and their habitat. Cross-country travel is prohibited. All workers shall be instructed of this requirement

- During proposed activities, construction personnel shall immediately report any sightings of desert tortoises within the construction zone to the biological monitor.
- Trash and food items shall be removed daily or placed in raven-proof containers. Within 30 days following completion of project activities, LADWP and the authorized biologist shall prepare a report that includes the following
 - All tortoises encountered or moved
 - Any tortoise that was injured or killed or found dead by project personnel
 - The practical application of these proposed mitigation measures and any measures that may further the protection of the tortoise during future projects
 - A total of acreage disturbed by jurisdiction
 - Site photos.

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MM-BIO-7

CDFW recommends that LADWP obtain an incidental take permit for those portions of the Project of suitable habitat within the range of Mohave ground squirrel (*Xerospermophilus mohavensis*). Where species presence/absence surveys are proposed to minimize the Project's area of take, CDFW (in accordance with the October 2023 *California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines*) recommends that LADWP coordinate the trapping design (given the linear nature of the project) ... "prior to implementing a survey program for MGS to ensure the surveys consider the site specific conditions of the project area and the nature of the project. Lack of consultation with CDFW prior to implementing an MGS survey program may cast doubt on a negative finding determination."

CDFW recommends MM-BIO-6 be revised as follows (edits are in ~~strikethrough~~ and **bold**):

Mohave Ground Squirrel Habitat Assessments and Protocol Surveys. For Project activities taking place in the distribution range of Mohave ground squirrel, A permitted biologist shall conduct habitat assessments and protocol level trapping surveys as outlined in the mitigation measure below.

Mohave Ground Squirrel Habitat Assessments. Prior to the start of construction, permitted biologists shall conduct habitat assessments in all work areas to evaluate each work area's potential to support suitable Mohave ground squirrel habitat. The assessment would consist of meandering pedestrian transects, wherein biologists will

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note presence or absence of suitable vegetation communities and individual plants that would provide forage (e.g., spiny hopsage, winterfat), as well as presence of burrows and/or friable soils. The habitat assessment would also take into account connectivity with known populations. The determination of the habitat assessment will inform whether where protocol trapping survey would be required

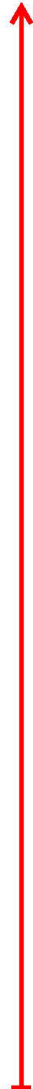
Mohave Ground Squirrel Protocol Surveys. In areas where a permitted biologist has determined that suitable Mohave ground squirrel habitat is present, a permitted biologist must conduct protocol level surveys per CDFW Mohave Ground Squirrel Survey Guidelines (CDFW 2023b). The protocol surveys will consist of an initial visual survey, and three 5-day live trapping surveys conducted in the following periods at least two weeks apart: March 15 through April 30, May 1 through May 31, and June 1 through July 15. Camera trapping surveys would be conducted simultaneously with live trapping as recommended in CDFW guidelines. If CDFW determines that camera-only methods would be conducive to reducing impacts to Mohave ground-squirrel, LADWP will coordinate with CDFW on an alternative camera-trapping survey protocol that would adequately determine presence or absence of the species.

~~If it is determined by CDFW that an~~ **Where suitable habitat within the distribution range of Mohave ground squirrel or positive species detection exist within the Project, an ITP is required will be obtained for the Project. to move forward, LADWP shall acquire an ITP from CDFW for the species prior to the start of Project activities or demonstrate species absence using protocol surveys with close coordination with CDFW on appropriate sampling design.** Upon Project implementation, LADWP shall adhere to any additional measures and conditions set forth within the ITP. No take of Mohave ground squirrel shall occur without authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081.

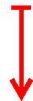
Mohave Ground Squirrel Compensatory Mitigation. Upon completion of protocol surveys, LADWP will coordinate with USFWS and CDFW to determine what portions of the Project would be considered occupied Mohave ground squirrel habitat based on survey results. LADWP shall provide compensatory mitigation as determined through the ITP process. Where impacts to Mohave ground-squirrel occupied habitat co-occur within ground disturbance impacts within ACEC and California Desert NCL units that are cumulatively over their respective disturbance caps, the higher mitigation ratio applies, and the implemented mitigation is nested (mitigation for Mohave ground-squirrel occupied habitat fulfills the ground disturbance mitigation that is required). Compensatory mitigation shall be implemented consistent with the BLM DRECP LUPA and the ITP.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, §



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21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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MM-BIO-14

CDFW recommends that the EIR identify that the California Fish and Game Commission has received and referred to CDFW a formal petition to list western burrowing owl as endangered or threatened under the California Endangered Species Act. Given the potentially suitable habitat found within the Project site, it is recommended to update the EIR's analysis to include information required in California Code of Regulations, title 14, section 783.2(a)(1)-(a)(10) should the species become a candidate. The petition process timeline may be viewed here: <https://fgc.ca.gov/cesa>.

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Neither breeding nor non-breeding surveys were performed for burrowing owl. MM-BIO-14 conditions a pre-construction survey to be performed to determine species presence of burrowing owl following the *Staff Report on Burrowing Owl Mitigation* (CDFG, March 2012). CDFW considers mitigation measure MM-BIO-14 an avoidance measure best implemented in conjunction with habitat assessments and potential associated focused surveys following the *Staff Report on Burrowing Owl Mitigation, Project Impact Evaluations* (CDFW, 2012).

CDFW recommends MM-BIO-14 be revised as follows (edits are in ~~strikethrough~~ and **bold**):

Pre-Construction Burrowing Owl Surveys. LADWP shall implement the relevant steps identified in the *Staff Report on Burrowing Owl Mitigation, Project Impact Evaluations (2012 Staff Report; CDFW 2012)* to evaluated whether the Project will result in impacts to burrowing owls. At minimum, LADWP shall conduct take avoidance surveys for burrowing owl in accordance with protocols established in the *Staff Report on Burrowing Owl Mitigation (2012 Staff Report; CDFW 2012)*. A pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of vegetation removal or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the project site shall be re-surveyed. If burrowing owls are located within or adjacent to an area subject to impact from a Project activity, LADWP shall postpone the activity, if possible, until burrowing owls are no longer present. If postponement of impacts is not feasible due to Project activity urgency, LADWP shall implement the following actions to minimize impacts.

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- LADWP shall implement measures consistent with practices identified in the 2012 Staff Report to minimize potential impacts to burrowing owl. Measures may include, but are not limited to, the use of buffer zones, visual screens (e.g., hay bales monitored during the day and removed at night to prevent raptor perching; screens shall not exceed 4 feet in height and shall be at least 30 feet from active burrows), or other measures while Project activities are occurring.
- Buffers will be established around occupied burrows as determined by a qualified biologist, taking into account existing vegetation, human development, and land uses in an area. The buffer zone may be increased or decreased based on the individual owl's sensitivity to visual or audible disturbances. Project activities may occur within 50 meters to 500 meters of an active burrow (based on level of disturbance). No project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed
- LADWP shall make every effort to minimize impacts to occupied owl burrows.
- If LADWP proposes to relocate burrowing owls from an active burrow or if an active burrow will be impacted, a burrowing owl relocation plan shall be prepared for CDFW review and approval that will be performed outside of breeding season and after fledgling independence and any relocation shall be subject to compensatory mitigation.
- Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate project area and within a buffer zone if there is a threat to the surface or subterranean burrow structure by installing one-way doors in burrow entrances. These doors will be placed at least 48 hours prior to ground-disturbing activities. The project area shall be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat will be provided following the guidance in the 2012 Staff Report
- If impacts occur to an occupied burrow or if a burrowing owl relocation plan is implemented, LADWP shall provide compensatory mitigation. Compensatory mitigation shall be implemented consistent with the recommendations in the 2012 Staff Report such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through coordination with CDFW.



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ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

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CONCLUSIONS

CDFW appreciates the opportunity to comment on the DEIR for the McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project (SCH No. 2024040144) and recommends that the LADWP address CDFW's comments and concerns in the forthcoming EIR. Questions regarding this letter or further coordination should be directed to Eric Weiss, Senior Environmental Scientist (Specialist), at Eric.Weiss@wildlife.ca.gov or (909) 844-2769 (cell).

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Sincerely,

DocuSigned by:

84FEB8273E4C480
Alisa Ellsworth
Environmental Program Manager

ec:
Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

ATTACHMENTS

Attachment 1: Mitigation Monitoring and Reporting Program (MMRP)

REFERENCES

California Department of Fish and Game (CDFG). 2010. Mohave Ground Squirrel Survey Guidelines. Available for download at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline>

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U.S. Fish and Wildlife Service. 2019. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Reno, NV.

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

1.1 PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

1.2 TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure.

Biological Resources (BIO) Mitigation Measures (MM)	Implementation Schedule	Responsible Party
<p>MM-BIO-1</p> <p><i>Western Joshua Tree Census, Permitting, and Avoidance.</i> During candidacy or if western Joshua tree is listed under CESA, LADWP shall implement the mitigation measure below.</p> <p><i>Western Joshua Tree Conservation Act Census.</i> In sections of the Project area within which western Joshua tree has been documented (i.e., between L1 156-1 and L2 155-1 to the Victorville Substation), an individual stem or trunk of western Joshua tree including dead trees must be mapped by a certified arborist who shall conduct a census within the Project area and a 50-foot buffer (census area) per the Western Joshua Tree Conservation Act census instructions. The certified arborist shall systematically search the entire census area using parallel transects for all western Joshua trees and their locations using high-accuracy (<1-meter [approximately 3-foot]) GPS technology. Additionally, the size class of each tree must be</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>determined based on measurement methods described in the census instructions (i.e., from the middle of the base of the trunk to the top of the leaf that is furthest away from the base for the entire path of growth of the tree). The western Joshua tree height classes are defined as follows: Size Class A = 0–1 meter in height; Class B = 1 meter or greater but less than 5 meters in height; and Class C = 5 meters or greater in height. Other data must be gathered in accordance with the census instructions, which include but are not limited to tree maturity, presence of flowers and/or fruit, and photos of each stem. The certified arborist shall make written recommendations to CDFW regarding western Joshua tree relocation in consideration of the Western Joshua Tree Relocation Guidelines and Protocols and shall include:</p> <ul style="list-style-type: none"> • Number of trees to be lethally taken (greater than 20 trees removed); • Area of impacted western Joshua tree habitat within a project site (greater than 20 acres impacted); • Avoidance and minimization measures proposed by the applicant to reduce project impacts to western Joshua tree; • Quality of habitat on, and adjacent to, the project site (e.g., ecologically core or intact); • Overall population health on the project site (e.g., declining versus stable or increasing); • Whether the project is within predicted climate refugia for western Joshua tree; • Extent of permanent project impacts; • Density of clonal growth; and • Anticipated temporal impacts of a project including operation or maintenance activities, where applicable. <p><i>Western Joshua Tree Conservation Act Permitting.</i> If it is determined that certain western Joshua tree individuals cannot be avoided, the Project shall</p>		
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<p>apply for a Western Joshua Tree Conservation Act Incidental Take Permit (ITP) by which mitigation for direct impacts to these take of western Joshua trees would be fulfilled through payment of the elected fees as described in California Fish and Game Code Section 1927.3 and relocation efforts deemed appropriate by CDFW pursuant to Section 1927.3, subdivision (a)(4)(A) of the California Fish and Game Code. In conformance with the reduced fee schedule prescribed for the Project area, mitigation will consist of payment of \$1,000 for each western Joshua tree five meters or greater in height, \$200 for each western Joshua tree less than five meters but greater than 1 meter in height; and \$150 for each western Joshua tree less than 1 meter in height.</p> <p>Other local regulations (i.e., City of Victorville Municipal Code, Chapter 13.33 and San Bernardino County Development Code Chapter 88.01) also require permitting or notification prior to removal of western Joshua trees. Therefore, the Project must also receive written consent from the City of Victorville's Director of Parks and Recreation prior to the removal or relocation of western Joshua trees located within the City of Victorville in accordance with City of Victorville Municipal Code Chapter 13.33, Preservation and Removal of Joshua Trees. Additionally, the Project applicant shall submit an application for a Tree or Plant Removal Permit for all western Joshua trees to be removed within unincorporated areas of San Bernardino County in accordance with San Bernardino County Development Code Chapter 88.01.050.</p> <p><i>Western Joshua Tree Avoidance.</i> To ensure avoidance of western Joshua trees to be preserved in place, all western Joshua trees within the census area (Project area between L1-156-1 and L2-155-1 to the Victorville Substation and a 50-foot buffer) for which a permit has not been attained must be clearly marked in the field prior to the start of construction</p>		
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<p>MM-BIO-2</p> <p>Authorized Biologist Authority. The Authorized biologist(s) or biological monitor(s) shall have authority, and obligation, to immediately stop any activity, Project proponent, LADWP staff, contractor, or subcontractor that does not comply with biological mitigation measures and/or to order any reasonable measure to avoid the unauthorized take of Mojave desert tortoise, Mohave ground squirrel, western Joshua tree, bighorn sheep, desert kit fox, burrowing owl, or golden eagle, or other sensitive biological resources. The authorized biologist shall coordinate with the LADWP construction manager and environmental project manager to if a stop or direct work order is directed.</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>MM-BIO-6</p> <p>Desert Tortoise Protocol Surveys. LADWP shall conduct protocol level surveys for desert tortoise in all Project impact areas, including areas where impacts are occurring within existing disturbance areas, as outlined in the mitigation measure below. LADWP shall obtain an Incidental Take Permit (ITP) for impacts to desert tortoise.</p> <p><i>Desert Tortoise Protocol Surveys.</i> Prior to the start of construction, qualified biologists must conduct protocol level presence or absence surveys in all project impact areas within suitable habitat in accordance with the USFWS Desert Tortoise Field Manual. LADWP shall coordinate with USFWS and CDFW concurrently to ensure consistency and adequacy of surveys and subsequent planning efforts. If it is determined by CDFW and USFWS that an ITP is required for the Project to move forward, LADWP shall acquire an ITP from CDFW for the species and a consistency determination from USFWS or enter into formal consultation with USFWS for issuance of a biological opinion (BO) prior to the start of Project activities. Upon Project implementation, LADWP shall adhere to any</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>



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<p>additional measures and conditions set forth within the ITP. No take of desert tortoise shall occur without authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081.</p> <p><i>Desert Tortoise Compensatory Mitigation.</i> Upon completion of protocol surveys, LADWP will coordinate with USFWS and CDFW to determine what portions of the Project would be considered occupied desert tortoise habitat based on survey results. LADWP shall provide compensatory mitigation as determined through the ITP process. At minimum, LADWP shall provide compensatory mitigation for impacts to desert tortoise critical habitat in accordance with the requirements outlined in the Bureau of Land Management's Desert Renewable Energy Conservation Plan Land Use Plan Amendment (BLM DRECP LUPA). Where impacts to desert tortoise critical habitat co-occur within ground disturbance impacts within Areas of Critical Environmental Concern (ACEC) and California Desert National Conservation Lands (NCL) units that are cumulatively over their respective disturbance caps, the higher mitigation ratio applies, and the implemented mitigation is nested (mitigation for desert tortoise critical habitat fulfills the ground disturbance mitigation that is required). Compensatory mitigation shall be implemented consistent with the BLM DRECP and the ITP. LADWP shall complete the required compensation in accordance with the LUPA Conservation Management Action (CMA) measure for timing of compensation activities for third party actions (LUPA-COMP-1).</p> <p>In addition, as outlined in the LUPA, LUPA-wide CMA measures for desert tortoise shall be implemented (LUPA-BIO-IFS-1 through LUPA BIO-IFS-9). CMAs specific to impacts within ACEC areas shall be implemented in accordance with Section 11.4.2.3 Ecological and Cultural Conservation of the LUPA.</p>		
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<p>In addition to the measures outlined in the DRECP LUPA, the following protective measures shall also be implemented:</p> <ul style="list-style-type: none">• LADWP shall provide a minimum of one biological monitor who is authorized by the USFWS and the CDFW to handle desert tortoises for each active work crew.• Preconstruction surveys for desert tortoise shall be conducted for each work area prior to any ground disturbance. All work areas shall be cleared by an authorized biologist within 48 hours of the onset of construction at any work location.• A qualified biologist shall inspect work areas each day before work commences and shall remain on site for the entire duration of work activities.• To prevent inadvertent entrapment of tortoise or other wildlife during construction, all excavated, steep-walled holes or trenches shall be covered with tarp, plywood or similar materials at the close of each working day to prevent animals from being trapped. Ramps may be constructed of earth fill or wooden planks within deep walled trenches to allow for animals to escape action area, if necessary. Before such holes or trenches are backfilled, they shall be thoroughly inspected for trapped animals. Any wildlife observed shall be removed prior to backfilling• Tortoise handling shall be prohibited except by an authorized biologist or a biological monitor who is working under the direct supervision of an authorized biologist and only when it is necessary to do so. Should it be necessary to handle a tortoise, the		
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<p>authorized biologist or trainee shall do so using the techniques outlined in the most current version of the Desert Tortoise Field Manual produced by USFWS.</p> <ul style="list-style-type: none">• All access roads not required for construction activities shall be avoided, thereby limiting new or improved accessibility into the area.• Vehicles shall not exceed a speed of 15 miles per hour in desert tortoise habitat.• Overnight parking and storage of equipment and material shall be restricted to previously disturbed areas (i.e., access roads and other disturbed areas lacking vegetation). These areas shall be marked by the biological monitor and may include batch sites, pulling sites, and tower sites. If previously disturbed areas are not available, these activities shall be restricted to the right-of-way and shall be cleared of desert tortoises by the biological monitor prior to use.• Within desert tortoise habitat, workers shall limit their activities and equipment to construction areas and routes of travel that have been flagged to eliminate adverse impacts to desert tortoises and their habitat. Cross-country travel is prohibited. All workers shall be instructed of this requirement• During proposed activities, construction personnel shall immediately report any sightings of desert tortoises within the construction zone to the biological monitor.• Trash and food items shall be removed daily or placed in raven-proof containers.		
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<p>Within 30 days following completion of project activities, LADWP and the authorized biologist shall prepare a report that includes the following</p> <ul style="list-style-type: none"> ○ All tortoises encountered or moved ○ Any tortoise that was injured or killed or found dead by project personnel ○ The practical application of these proposed mitigation measures and any measures that may further the protection of the tortoise during future projects ○ A total of acreage disturbed by jurisdiction ○ Site photos. 		
<p>MM-BIO-7</p> <p><i>Mohave Ground Squirrel Habitat Assessments and Protocol Surveys.</i> For Project activities taking place in the distribution range of Mohave ground squirrel, A permitted biologist shall conduct habitat assessments and protocol level trapping surveys as outlined in the mitigation measure below.</p> <p><i>Mohave Ground Squirrel Habitat Assessments.</i> Prior to the start of construction, permitted biologists shall conduct habitat assessments in all work areas to evaluate each work area’s potential to support suitable Mohave ground squirrel habitat. The assessment would consist of meandering pedestrian transects, wherein biologists will note presence or absence of suitable vegetation communities and individual plants that would provide forage (e.g., spiny hopsage, winterfat), as well as presence of burrows and/or friable soils. The habitat assessment would also take into account connectivity with known populations. The determination of the habitat assessment will inform whether where protocol trapping survey would be required</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p><i>Mohave Ground Squirrel Protocol Surveys.</i> In areas where a permitted biologist has determined that suitable Mohave ground squirrel habitat is present, a permitted biologist must conduct protocol level surveys per CDFW Mohave Ground Squirrel Survey Guidelines (CDFW 2023b). The protocol surveys will consist of an initial visual survey, and three 5-day live trapping surveys conducted in the following periods at least two weeks apart: March 15 through April 30, May 1 through May 31, and June 1 through July 15. Camera trapping surveys would be conducted simultaneously with live trapping as recommended in CDFW guidelines. If CDFW determines that camera-only methods would be conducive to reducing impacts to Mohave ground-squirrel, LADWP will coordinate with CDFW on an alternative camera-trapping survey protocol that would adequately determine presence or absence of the species.</p> <p>If it is determined by CDFW that an Where suitable habitat within the distribution range of Mohave ground squirrel or positive species detection exist within the Project, an ITP is required will be obtained for the Project. to move forward, LADWP shall acquire an ITP from CDFW for the species prior to the start of Project activities or demonstrate species absence using protocol surveys with close coordination with CDFW on appropriate sampling design. Upon Project implementation, LADWP shall adhere to any additional measures and conditions set forth within the ITP. No take of Mohave ground squirrel shall occur without authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081.</p> <p><i>Mohave Ground Squirrel Compensatory Mitigation.</i> Upon completion of protocol surveys, LADWP will coordinate with USFWS and CDFW to determine what portions of the Project would be considered occupied Mohave ground squirrel habitat based on survey results. LADWP shall provide compensatory mitigation as determined through the ITP process. Where impacts to Mohave ground-squirrel occupied</p>		
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<p>habitat co-occur within ground disturbance impacts within ACEC and California Desert NCL units that are cumulatively over their respective disturbance caps, the higher mitigation ratio applies, and the implemented mitigation is nested (mitigation for Mohave ground-squirrel occupied habitat fulfills the ground disturbance mitigation that is required). Compensatory mitigation shall be implemented consistent with the BLM DRECP LUPA and the ITP.</p>		
<p>MM-BIO-14</p> <p><i>Pre-Construction Burrowing Owl Surveys.</i> LADWP shall implement the relevant steps identified in the Staff Report on Burrowing Owl Mitigation, <i>Project Impact Evaluations (2012 Staff Report; CDFW 2012)</i> to evaluated whether the Project will result in impacts to burrowing owls. At minimum, LADWP shall conduct take avoidance surveys for burrowing owl in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (2012 Staff Report; CDFW 2012). A pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of vegetation removal or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the project site shall be re-surveyed. If burrowing owls are located within or adjacent to an area subject to impact from a Project activity, LADWP shall postpone the activity, if possible, until burrowing owls are no longer present. If postponement of impacts is not feasible due to Project activity urgency, LADWP shall implement the following actions to minimize impacts.</p> <ul style="list-style-type: none"> LADWP shall implement measures consistent with practices identified in the 2012 Staff Report to minimize potential impacts to burrowing owl. Measures may include, but are not limited to, the use of buffer zones, visual screens (e.g., hay bales 	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>



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<p>monitored during the day and removed at night to prevent raptor perching; screens shall not exceed 4 feet in height and shall be at least 30 feet from active burrows), or other measures while Project activities are occurring.</p> <ul style="list-style-type: none">• Buffers will be established around occupied burrows as determined by a qualified biologist, taking into account existing vegetation, human development, and land uses in an area. The buffer zone may be increased or decreased based on the individual owl's sensitivity to visual or audible disturbances. Project activities may occur within 50 meters to 500 meters of an active burrow (based on level of disturbance). No project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed• LADWP shall make every effort to minimize impacts to occupied owl burrows.• If LADWP proposes to relocate burrowing owls from an active burrow or if an active burrow will be impacted, a burrowing owl relocation plan shall be prepared for CDFW review and approval that will be performed outside of breeding season and after fledgling independence and any relocation shall be subject to compensatory mitigation.• Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate project area and within a buffer zone if there is a threat to the surface or subterranean burrow structure by installing one-way doors in burrow entrances. These doors will be placed at least 48 hours prior to ground-		
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<p>disturbing activities. The project area shall be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat will be provided following the guidance in the 2012 Staff Report</p> <ul style="list-style-type: none">• If impacts occur to an occupied burrow or if a burrowing owl relocation plan is implemented, LADWP shall provide compensatory mitigation. Compensatory mitigation shall be implemented consistent with the recommendations in the 2012 Staff Report such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through coordination with CDFW.		
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Response to Comment Letter 1

California Department of Fish and Wildlife

Alisa Ellsworth, Environmental Program Manager

August 9, 2024

- 1-1** This comment is introductory in nature and does not raise any comments, questions or concerns regarding the adequacy or accuracy of the Draft Environmental Impact Report (EIR). Therefore, no further response is required.
- 1-2** This is an introductory comment that outlines the California Department of Fish and Wildlife’s (CDFW’s) role under the California Environmental Quality Act (CEQA). This comment does not raise any comments, questions or concerns regarding the adequacy or accuracy of the Draft EIR. Therefore, no further response is required.
- 1-3** This is an introductory comment that provides CDFW’s understanding of the Project Description. It does not raise any comments, questions or concerns regarding the adequacy or accuracy of the Draft EIR. Therefore, no further response is required.
- 1-4** The commenter states that the Draft EIR does not properly address potential relocations of western Joshua tree (*Yucca brevifolia*) that may be impacted by the Project in accordance with the CDFW’s Western Joshua Tree Relocation Guidelines and Protocols released in July 2024. Specifically, the commenter states that the mitigation measure MM-BIO-1 does not currently identify or analyze the feasibility of impact avoidance and minimization measures other than Western Joshua Tree Conservation Act (WJTCA) incidental take permit (ITP) authorization and fee payment. The Draft EIR was made public in June 2024, prior to the guidelines’ release. As such, the mitigation measure in the Draft EIR does not include considerations detailed in the Western Joshua Tree Relocation Guidelines and Protocols. The commenter suggests changes to MM-BIO-1, requiring a written recommendation for western Joshua tree relocation by a certified arborist that includes considerations provided in the guidelines. The commenter also notes that the WJTCA will remain the operative law regarding the authorization of take of western Joshua tree unless listing of the species pursuant to the California Endangered Species Act is warranted by the Fish and Game Commission. The commenter has provided recommended revisions to MM-BIO-1 that address these issues. In response to this comment, these changes have been incorporated into MM-BIO-1 of this Final EIR. These revisions do not modify any of the analysis or change any conclusions in the Draft EIR and do not add any new significant impacts.

- 1-5** This comment requests that MM-BIO-2 explicitly identify the authorized biologist’s and biological monitor’s authority and obligation to stop any activity to avoid take of additional special-status species other than those identified in the mitigation measure. The commenter has provided recommended revisions to MM-BIO-2 that address this issue. In response to this comment, these changes have been incorporated into MM-BIO-2 of this Final EIR. MM-BIO-3 has also been revised to include special-status species that need to be protected by biologists during biological monitoring. These revisions do not modify any of the analysis or change any conclusions in the Draft EIR and do not add any new significant impacts.
- 1-6** This comment states that an ITP for desert tortoise (*Gopherus agassizii*) informed by protocol-level surveys would be required due the strong presence of desert tortoise, sign, habitat, and areas of special conservation efforts in the Project area. The commenter has provided recommended revisions to MM-BIO-6 explicitly stating the requirement to obtain an ITP that address this issue. LADWP agrees to obtain the necessary take authorizations for the project. However, an ITP is not the sole path available. Therefore, MM-BIO-6 has been revised to include all of the pathways to obtaining take authorizations with USFWS and CDFW, which includes a Section 2081 ITP. In response to this comment, CDFW’s changes have been incorporated into MM-BIO-6 of this Final EIR, with modifications clarifying the types of take authorizations that are available to LADWP. These revisions do not modify any of the analysis or change any conclusions in the Draft EIR and do not add any new significant impacts.
- 1-7** This comment provides conditions under which LADWP would need to obtain an ITP for Mohave ground squirrel (*Xerospermophilus mohavensis*). Specifically, the commenter provides revisions stating that LADWP would need to obtain an ITP in portions of the Project area that occur within suitable habitat that overlaps with the current geographic range of the species, or areas that have positive species detections. According to the *CDFW Mohave Ground Squirrel Survey Guidelines*¹, proposed projects are expected to proceed with a CESA incidental take authorization pursuant to Fish and Game Code section 2081 after determining whether the species is present or assuming presence within suitable habitat. CDFW’s revisions appear to be making that distinction but do not clarify the specificity of suitable habitat that is required by the species nor the need for an ITP only for areas where presence has been determined if protocol surveys are conducted for the Project. As such, the commenter’s revisions regarding conditions under which an ITP will be obtained will be incorporated. However, these revisions will be modified in order to provide clarity on what constitutes suitable habitat and that protocol surveys determining the areal

¹ California Department of Fish and Wildlife. 2023. California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines. Prepared January 2003. Revised July 2010, October 2023. State of California, Natural Resources Agency. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline>.

extent and level of occupancy would override a broad assumption of presence throughout all potential habitat. Additionally, CDFW's revisions to MM-BIO-7 more strongly stating the requirement to obtain an ITP will be incorporated into this Final EIR.

The commenter also recommends that LADWP coordinate with CDFW on the trapping design prior to implementing the protocol survey program for the species. The commenter has provided recommended revisions to MM-BIO-7 to address these issues. In response to this comment, these changes have been incorporated into MM-BIO-7 of this Final EIR. These revisions do not modify any of the analysis, change any conclusions in the Draft EIR, and do not result in any new or different impacts.

1-8 The commenter states the requirement under CEQA of the incorporation of information developed in EIRs and negative declarations into a database for making subsequent or supplemental environmental determinations². The comment does not raise any comments, questions, or concerns regarding the adequacy or accuracy of the EIR. Nevertheless, LADWP will comply with all procedural CEQA³ requirements.

1-9 This comment requests that the Draft EIR include information regarding the formal petition to list western burrowing owl under the California Endangered Species Act (CESA) currently being considered by the California Fish and Game Commission. In response to this comment, the species' account in Section 4.2.2.4 of this Final EIR has been revised to include the requested information.

The comment also requests that the Draft EIR's analysis be updated to include information pertaining to the ITP process should the species become a candidate. The impact analysis for burrowing owl in Section 4.2.4.1 of the Draft EIR sufficiently analyzes impacts to the species, both as currently classified and as a candidate or listed under CESA. The potential candidacy and obtaining of an ITP pursuant to California Code of Regulations, Title 14, Section 783.2(a)(1)-(1)(10) would not change any conclusions in the Draft EIR. However, the analysis does make a reference to MM-BIO-14 and its requirements, which have been revised. As such, the description of MM-BIO-14 in the impact analysis of this Final EIR has been revised to now explicitly state additional requirements other than the pre-construction survey. Additionally, the mitigation measure itself has been revised in response to this comment to include protocol burrowing owl breeding or non-breeding surveys and the requirement for an ITP in the case that western burrowing owl becomes a candidate under CESA. These

² California Public Resources Code, Section 21003, Subdivision (e).

³ California Public Resources Code, Sections 21000-21189. California Environmental Quality Act, as amended.

revisions do not modify any of the analysis or change any conclusions in the Draft EIR and do not add any new or different environmental impacts.

- 1-10** This comment notes that protocol burrowing owl breeding or non-breeding surveys have not been conducted for burrowing owl and that MM-BIO-14 only specifies a pre-construction survey. The commenter suggests that habitat assessments and potential focused surveys following the CDFW Staff Report on Burrowing Owl Mitigation⁴ (2012 Staff Report) section titled Project Impact Evaluations should also be conducted for the Project. The commenter has provided a recommended revision to MM-BIO-14, which requires that LADWP implement steps in the 2012 Staff Report that would lead to habitat assessments and subsequent focused surveys within areas identified as potentially suitable habitat. In response to this comment, these changes have been incorporated into MM-BIO-14 of this Final EIR, in addition to a change that provides clarity on the need to conduct habitat assessments and focused surveys. These revisions do not modify any of the analysis or change any conclusions in the Draft EIR and do not add any new or different environmental impacts.
- 1-11** This comment states the requirement under CEQA of filing fees being paid to defray the cost of agency review⁵. The comment does not raise any comments, questions, or concerns regarding the adequacy or accuracy of the Draft EIR. Nevertheless, the Applicant and City will comply with all procedural CEQA requirements.
- 1-12** This comment is conclusory in nature and does not raise any specific comments or questions on the adequacy or accuracy of the environmental analysis in the Draft EIR. As such, no further response is provided.
- 1-13** This comment is a table with proposed revisions to the mitigation measures included in Section 4.2, Biological Resources, of the Draft EIR. Recommended revisions to mitigation measures are also identified in Comments 1-4 through 1-7 and Comments 1-9 through 1-10 (i.e., MM-BIO-1, MM-BIO-2, MM-BIO-6, MM-BIO-7, and MM-BIO-14). As such, in response to this comment, see Responses 1-4 through 1-7 and Responses 1-9 through 1-10 regarding the proposed Project's revised mitigation measures. These revisions do not modify any of the analysis or change any conclusions in the Draft EIR and do not result in any new or different environmental impacts.

⁴ California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline=true>.

⁵ California Public Resources Code, Section 21089.

2.2.2 COMMENT LETTER 2

From: [Kristen Tuosto](#)
To: [Kerby, Matthew](#)
Cc: hrobinson@blm.gov; [Parker, Nadia](#)
Subject: [EXTERNAL] RE: DEIR McCullough-Victorville Line 1 and 2 Maintenance Retrofit Project (Agency LADWP) - San Manuel [CIT-LA-2023-2]
Date: Friday, July 12, 2024 1:42:00 PM
Attachments: [McCullough-Victorville Line 1 and 2 DEIR YSMN.docx](#)

EXTERNAL EMAIL! This email was generated from a non-LADWP address. If any links exist, do not click/open on them unless you are 100% certain of the associated site or source. ALWAYS hover over the link to preview the actual URL/site and confirm its legitimacy.

Hello Matthew,

Can we receive the geotechnical report?

I 2-1

We generally prefer to see both reports at the same time as the reports inform each other.

I 2-2

I have looked at the proposed mitigation measures and made edits in Track Changes (see attached Word Document). However, we still require a cultural report to determine whether Yuhaaviatam of San Manuel Nation (YSMN, formerly the San Manuel Band of Mission Indians) will require YSMN-approved Tribal monitoring for this project.

I 2-3

Thank you,
Kristen

Response to Comment Letter 2

Yuhaaviatam of San Manuel Nation (YSMN)

Kristen Tuosto, Tribal Archaeologist

July 12, 2024

Comment 2-1: The commenter is requesting to review the geotechnical report for the proposed project. LADWP will provide the geotechnical report to the requestor upon report completion.

Comment 2-2: The commenter states the preference is to receive both the cultural report and geotechnical report simultaneously for review. While the reports are completed on differing schedules, each report will be shared with the requestor once available.

Comment 2-3: The commenter has provided suggested modifications to the Mitigation Measures regarding Tribal Cultural Resources. LADWP has reviewed the suggested modifications and incorporated the changes to the Final EIR and Mitigation Monitoring and Reporting Program.

CHAPTER 3: ERRATA

3.1 INTRODUCTION

The comments received during the public review period for the Draft EIR resulted in several minor clarifications and modifications in the text of the Draft EIR. In addition, minor editorial corrections have been made in sections of the Draft EIR. These changes are incorporated by reference into the Draft EIR. This Final EIR, along with the Draft EIR, constitute a single document that encompass the final impact analysis for the proposed project.

CEQA Guidelines Section 15088.5 sets forth requirements for why a lead agency must recirculate an EIR. A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information may include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not considered significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement.

As defined in CEQA Guidelines Section 15088.5(a), significant new information requiring recirculation includes the following:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

None of the revisions that have been made to the EIR have resulted in new significant impacts and none of the revisions have resulted in a substantial increase in the severity of an environmental impact identified in the Draft EIR. No feasible project alternatives or mitigation measures that are considerably different from those set forth in the Draft EIR have been

introduced. Furthermore, the Draft EIR is not fundamentally flawed, inadequate, or conclusory in nature. As none of the CEQA criteria for recirculation have been met, recirculation of the EIR is not warranted. As stated in CEQA Guidelines Section 15088.5(b), “recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

Revisions to the Draft EIR are shown below and are categorized by section number and page number. Text from the Draft EIR that has been removed is shown in strikethrough (i.e., ~~strikethrough~~), and text that has been added as part of the Final EIR is shown as underlined (i.e., underline). Revisions are shown with surrounding sentences for context.

3.2 ERRATA TO THE DRAFT EIR

The following clarifications and modifications are intended to update the Draft EIR in response to the comments received during the public review period. These changes are incorporated into the Final EIR, to be presented to the City of Los Angeles Board of Water and Power Commissioners for certification and project approval. None of these changes to the EIR represent a substantial change to the proposed project that would alter the conclusions reached in the EIR. Revisions made to the EIR have not resulted in the identification of new significant impacts requiring mitigation measures, nor has the severity of a previously identified impact increased. Pursuant to CEQA Guidelines Section 15088.5, none of the CEQA criteria for recirculation have been met, and recirculation of the EIR is not warranted. The changes to the Draft EIR are listed by section, page number, and paragraph number if applicable. Text which has been removed is shown with a strikethrough line, while text that has been added is shown as underlined. Please refer to Chapter 2, Response to Comments, for referenced comment letters and corresponding comments.

<u>Page</u>	<u>Clarification/Modification</u>
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|---------------|---|
| 4.2-33 | <i>In response to Comment 1-9, sentences 2, 3, and 4 of paragraph 2 in this section were modified to incorporate information regarding the listing status of Burrowing Owl. The entire paragraph is provided for context.</i> |
|---------------|---|

Burrowing Owl

Burrowing owl is a CDFW SSC, a California BLM sensitive species, and a USWFS BCC. On March 5, 2024, the California Fish and Game Commission received a formal petition to list western burrowing owl as endangered or threatened under CESA. The Fish and Game Commission has accepted the petition and referred to CDFW for an evaluation of the petition. In August 2024, CDFW prepared a petition evaluation report recommending that the Commission accept the petition for further consideration pursuant to CESA. During 2021 surveys, a single burrowing owl burrow, believed to be inactive, was observed within the Project area in California at MCV1_150-3. Although no other signs of burrowing owl or burrowing owl individuals were observed in the Project area, there are 29 CNDDDB records dating from 1891 through 2017 within 5 miles of the Project area (CDFW 2024a). There are also several iNaturalist and eBird observations of this species within 5 miles of the Project area (eBird 2024; iNaturalist 2024). Based on presence of suitable foraging and nesting habitat, recent records, and the observation of previously occupied burrow during 2021 surveys, burrowing owl has a high potential to nest, forage, and overwinter throughout the Project area.

- 4.2-51** *In response to Comment 1-10, sentences 4 and 5 of paragraph 4 in this section were modified to incorporate information regarding breeding and non-breeding surveys of Burrowing Owl. The entire paragraph is provided for context.*

Burrowing Owl

Burrowing owl sign was observed during 2021 surveys and generally has a high potential to occur throughout the Project area. Direct impacts could occur to burrowing owl if nesting or overwintering individuals occur within the Project area during Project activities. Ground disturbance activities could cause mortality or injury to individuals in burrows and disruptions to breeding activities and if present within the disturbance footprint during Project activities. Harm to or loss of individuals as a result of construction activities would be significant absent mitigation under CEQA. MM-BIO-14 (~~Pre-Construction~~ Burrowing Owl Protocol Surveys) would require protocol breeding or non-breeding surveys, including habitat assessments and subsequent focused surveys within areas identified as potentially suitable habitat. The measure also requires that pre-construction avoidance surveys for burrowing owl ~~be conducted~~ in areas supporting suitable habitat ~~with the first survey~~ no less than 14 days prior to the start of construction activities. The measure also provides minimization if avoidance is not feasible. As such, MM-BIO-14 reduce impacts to burrowing owl to less than significant.

- 4.2-56** *In response to Comment 1-4, sentence 1 of MM-BIO-1 is revised as follows:*

Western Joshua Tree Census, Permitting, and Avoidance. ~~During candidacy or if western Joshua tree is listed under CESA,~~ LADWP shall implement the mitigation measure below.

- 4.2-57** *In response to Comment 1-4, sentence 5 of paragraph 1 on this page is added to MM-BIO-1, in addition to 9 bullet points, to incorporate western Joshua tree relocation guidelines. The entire section is provided for context.*

Western Joshua Tree Conservation Act Census. In sections of the Project area within which western Joshua tree has been documented (i.e., between L1 156-1 and L2 155-1 to the Victorville Substation), an individual stem or trunk of western Joshua tree including dead trees must be mapped by a certified arborist who shall conduct a census within the Project area and a 50-foot buffer (census area) per the Western Joshua Tree Conservation Act census instructions. The certified arborist shall systematically search the entire census area using parallel transects for all western Joshua trees and their locations using high-accuracy (<1-meter [approximately 3-foot]) GPS technology. Additionally, the size class of each tree must be determined based on measurement methods described in the census

instructions (i.e., from the middle of the base of the trunk to the top of the leaf that is furthest away from the base for the entire path of growth of the tree). The western Joshua tree height classes are defined as follows: Size Class A = 0–1 meter in height; Class B = 1 meter or greater but less than 5 meters in height; and Class C = 5 meters or greater in height. Other data must be gathered in accordance with the census instructions, which include but are not limited to tree maturity, presence of flowers and/or fruit, and photos of each stem. The certified arborist shall make written recommendations to CDFW regarding western Joshua tree relocation in consideration of the Western Joshua Tree Relocation Guidelines and Protocols and shall include:

- Number of trees to be lethally taken (greater than 20 trees removed);
- Area of impacted western Joshua tree habitat within a project site (greater than 20 acres impacts);
- Avoidance and minimization measures proposed by the applicant to reduce project impacts to western Joshua tree;
- Quality of habitat on, and adjacent to, the project site (e.g., ecologically core or intact);
- Overall population health on the project site (e.g., declining versus stable or increasing);
- Whether the project is within predicted climate refugia for western Joshua tree;
- Extent of permanent project impacts;
- Density of clonal growth; and
- Anticipated temporal impacts of a project including operation or maintenance activities, where applicable.

4.2-57 *In response to Comment 1-4, sentence 1 of paragraph 2 on this page is added to MM-BIO-1, to incorporate Western Joshua Tree Conservation Act ITP requirements.*

Western Joshua Tree Conservation Act Permitting. If it is determined that certain western Joshua tree individuals cannot be avoided, the Project shall apply for a Western Joshua Tree Conservation Act Incidental Take Permit (ITP) by which mitigation for ~~direct impacts to those take of~~ western Joshua trees would be fulfilled through payment of the elected fees as described in California Fish and Game Code Section 1927.3 and relocation efforts deemed appropriate by CDFW pursuant to Section 1927.3, subdivision (a)(4)(A) of the California Fish and Game Code. In conformance with the reduced fee schedule prescribed for the Project area, mitigation will consist of payment of \$1,000 for each western Joshua tree five meters or greater in height, \$200 for each western Joshua tree less than five meters

but greater than 1 meter in height; and \$150 for each western Joshua tree less than 1 meter in height.

- 4.2-58** *In response to Comment 1-5, MM-BIO-2 is revised to explicitly state the Authorized Biologist authority for the proposed project.*

Authorized Biologist Authority. The Authorized biologist(s) or biological monitor(s) shall have authority, and obligation, to immediately stop any activity by a Project proponent, LADWP staff, contractor, or subcontractor that does not comply with biological mitigation measures and/or to order any reasonable measure to avoid the unauthorized take of Mojave desert tortoise, Mohave ground squirrel, western Joshua tree, bighorn sheep, desert kit fox, burrowing owl, or golden eagle, or other sensitive biological resources. The authorized biologist shall coordinate with the LADWP construction manager and environmental project manager ~~to~~ if a stop or direct work order is directed.

- 4.2-58** *In response to Comment 1-5, bullet 1 of MM-BIO-3 is revised to include the addition of other special status species, for clarity.*

- The Authorized biologist(s) and/or monitor(s) shall be on site daily during Project activities to conduct compliance inspections to prevent unauthorized take of Mojave desert tortoise, Mohave ground squirrel, and western Joshua tree, bighorn sheep, desert kit fox, burrowing owl, or golden eagle.

- 4.2-60** *In response to Comment 1-6, sentence 2 of paragraph 1 of MM-BIO-6 is added to include language regarding acquisition of an ITP for potential take of desert tortoise. The entire paragraph is provided below for context.*

Desert Tortoise Protocol Surveys. LADWP shall conduct protocol level surveys for desert tortoise in all Project impact areas, including areas where impacts are occurring within existing disturbance areas, as outlined in the mitigation measure below. Prior to impacting undisturbed desert tortoise habitat, LADWP shall obtain an Incidental Take Permit (ITP) for potential take of desert tortoise.

- 4.2-60** *In response to Comment 1-6, paragraph 2 of MM-BIO-6 is revised to provide clarity that LADWP will shall obtain authorization with the US Fish and Wildlife Service and with CDFW through a consistency determination (if applicable) for potential take of desert tortoise.*

Desert Tortoise Protocol Surveys. Prior to the start of construction, qualified biologists must conduct protocol level presence or absence surveys in all project

impact areas within suitable habitat in accordance with the United States Fish and Wildlife Service (USFWS) Desert Tortoise Field Manual. LADWP shall coordinate with USFWS and CDFW concurrently to ensure consistency and adequacy of surveys and subsequent planning efforts. ~~If it is determined by CDFW and USFWS that an ITP is required for the Project to move forward,~~ LADWP shall obtain take authorization federally with USFWS through Section 7 consultation or Section 10 permitting, and with the state through a California Fish and Game Code Section 2080.1 consistency determination or Section 2081 ITP from CDFW ~~acquire an ITP from CDFW for the species and a consistency determination from USFWS or enter into formal consultation with USFWS for issuance of a biological opinion (BO) prior to the start of Project activities.~~ Upon Project implementation, LADWP shall adhere to any additional measures and conditions that USFWS and/or CDFW may require in the applicable take authorizations set forth within the ITP. No take of desert tortoise shall occur without authorization from USFWS and CDFW pursuant to the federal Endangered Species Act and California Endangered Species Act in the form of an ITP pursuant to California Fish and Game Code Section 2081.

- 4.2-61** *In response to Comment 1-6, sentences 2 and 5 of paragraph 3 of MM-BIO-6 is revised to include language regarding the consultation process and mitigation measures for potential take of desert tortoise. The paragraph is provided in its entirety for context.*

Desert Tortoise Compensatory Mitigation. Upon completion of protocol surveys, LADWP will coordinate with USFWS and CDFW to determine what portions of the Project would be considered occupied desert tortoise habitat based on survey results. LADWP shall provide compensatory mitigation as determined through the consultation and permitting processes with USFWS and CDFW ITP process. At minimum, LADWP shall provide compensatory mitigation for impacts to desert tortoise critical habitat in accordance with the requirements outlined in the Bureau of Land Management’s Desert Renewable Energy Conservation Plan Land Use Plan Amendment (BLM DRECP LUPA). Where impacts to desert tortoise critical habitat co-occur within ground disturbance impacts within Areas of Critical Environmental Concern (ACEC) and California Desert National Conservation Lands (NCL) units that are cumulatively over their respective disturbance caps, the higher mitigation ratio applies, and the implemented mitigation is nested (mitigation for desert tortoise critical habitat fulfills the ground disturbance mitigation that is required). Compensatory mitigation shall be implemented consistent with the BLM DRECP and conditions set forth in USFWS and/or CDFW take authorizations. LADWP shall complete the required compensation in accordance with the LUPA Conservation

Management Action (CMA) measure for timing of compensation activities for third party actions (LUPA-COMP-1).

- 4.2-62** *In response to Comment 1-7, the last sentence of paragraph 2 of MM-BIO-7 is added to clarify that Mohave Ground Squirrel habitat assessments will be submitted to CDFW.*

The results of the habitat assessment will be submitted to CDFW for concurrence.

- 4.2-63** *In response to Comment 1-7, the sentences 1 and 2 of paragraph 4 of MM-BIO-7 is revised to clarify requirements necessary for acquisition of an ITP.*

Mohave Ground Squirrel Incidental Take Permit. ~~If it is determined by CDFW that an ITP is required for the Project to move forward,~~ LADWP shall acquire an ITP from CDFW for the species prior to the start of Project activities in areas where the habitat assessment has determined that suitable habitat is not present or demonstrate species absence using protocol surveys with close coordination with CDFW on appropriate sampling design. Where suitable habitat as determined by a permitted biologist occurs within the distribution range of Mohave ground squirrel or where occupied habitat has been determined with positive species detections during protocol surveys within the Project, an ITP will be obtained for the Project. Upon Project implementation, LADWP shall adhere to any additional measures and conditions set forth within the ITP. No take of Mohave ground squirrel shall occur without authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081.

- 4.2-63** *In response to Comment 1-7, sentence 1 and 4 of paragraph 5 of MM-BIO-7 is revised to clarify compensatory mitigation requirements to be implemented as necessary by the ITP, if required. The entire paragraph is provided for context.*

Mohave Ground Squirrel Compensatory Mitigation. Upon completion of protocol surveys, LADWP will coordinate with ~~USFWS and~~ CDFW to determine what portions of the Project would be considered occupied Mohave ground squirrel habitat based on survey results. LADWP shall provide compensatory mitigation as determined through the ITP process. Where impacts to Mohave ground-squirrel occupied habitat co-occur within ground disturbance impacts within ACEC and California Desert NCL units that are cumulatively over their respective disturbance caps, the higher mitigation ratio applies, and the implemented mitigation is nested (mitigation for Mohave ground-squirrel occupied habitat fulfills the ground disturbance mitigation that is required). Compensatory mitigation shall be implemented consistent with the BLM DRECP LUPA and the ITP.

- 4.2-68** *In response to Comment 1-10, sentences 1 and 2 of paragraph 1 of MM-BIO-14 is revised to clarify requirements to determine impacts to burrowing owls. The entire paragraph is provided for context.*

~~Pre-Construction~~ Burrowing Owl Protocol Surveys. LADWP shall implement the relevant steps identified in the Staff Report on Burrowing Owl Mitigation, Project Impact Evaluations (2012 Staff Report; CDFW 2012) to evaluate whether the Project will result in impacts to burrowing owls. At minimum, LADWP shall conduct habitat assessments to identify whether focused occupancy surveys are needed; subsequent focused surveys to determine occupancy where suitable burrowing owl habitat has been identified; and take avoidance surveys for burrowing owl in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (2012 Staff Report; CDFW 2012). A pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of vegetation removal or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the project site shall be re-surveyed. If burrowing owls are located within or adjacent to an area subject to impact from a Project activity, LADWP shall postpone the activity, if possible, until burrowing owls are no longer present. If postponement of impacts is not feasible due to Project activity urgency, LADWP shall implement the following actions to minimize impacts.

- 4.2-69** *In response to Comment 1-9, bullet point 7 of MM-BIO-14 is added to clarify requirements to acquire an ITP should burrowing owl become a candidate species or is listed and take is unavoidable.*

If burrowing owl becomes a candidate species or is listed and take is unavoidable, then LADWP shall obtain an ITP. In addition, LADWP shall implement compensatory mitigation such that impacted occupied areas are replaced at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through coordination with CDFW during the ITP process. Additionally, LADWP will implement the above measures and conditions set forth in the ITP to avoid and minimize impacts to the species.

- 4.3-17** – *In response to Comment 2-3, sentences 2 and 3 of paragraph 1 of Mitigation Measure MM-CUL-2 were modified to clarify that consulting Tribes will be included in Treatment Plan review.*
- 4.3-18**

At a minimum, the Treatment Plan shall describe the methodology proposed for archaeological excavation, transportation and storage of all archaeological material, laboratory and analysis methods, curation of archaeological material at a

specified repository or repatriation of resources at the BLM's discretion, and schedule for subsequent reporting. A draft of the Treatment Plan must be submitted to LADWP, the Consulting Tribes, and the BLM for a 30-day review and approval period. The Treatment Plan must be approved by LADWP, the Consulting Tribes, and the BLM before construction commences. If the resource(s) subject to treatment is/are located on BLM lands, additional permitting requirements, such as obtaining an Archaeological Resources Protection Act (ARPA) permit, shall be required.

- 4.3-18** *In response to Comment 2-3, sentences 2 and 3 of paragraph 1 to Mitigation Measure MM-CUL-3 were modified to clarify that consulting Tribes will be included in Treatment Plan review.*

Prior to start of construction, the Project Archaeologist shall develop a Cultural Resource Monitoring Plan (CRMP or Plan) that addresses the details of all activities and provides procedures that must be followed to reduce the potential impacts to undiscovered buried archaeological resources associated with the proposed Project. A draft of the Plan must be submitted to LADWP, the Consulting Tribes, and the BLM for a 30-day review and approval period. The Plan must be approved by LADWP, the Consulting Tribes, and the BLM before construction commences.

- 4.3-18** *In response to Comment 2-3, sentences 2 and 4 of bullet point 8 to Mitigation Measure MM-CUL-3 were modified to clarify that consulting Tribes will be included in Treatment Plan review and revised 60-foot avoidance buffer will be erected for post-review discoveries.*

Address the authority given to the qualified archaeological monitors to temporarily halt ground disturbance during construction. If a cultural resource over 50 years of age is found (or if younger, but determined exceptionally significant by the BLM on federal lands or LADWP on private lands; or considered a unique archaeological resource under CEQA; or cultural significant by the Consulting Tribes), ground disturbance shall be halted or redirected in the immediate vicinity of the discovery sufficient to ensure that the resource is protected from ground disturbance. Monitoring and daily reporting shall continue during the Project's ground-disturbing activities elsewhere. Additional procedures regarding halting ground disturbance, like communication protocols and flagging the resource for avoidance plus a ~~60~~⁶⁰50-foot buffer, to address a post-review discovery or unanticipated effects shall be described in the Plan.

- 4.3-19** *In response to Comment 2-3, sentences 4 of paragraph 1 of Mitigation Measure MM-CUL-4 is added to incorporate language inviting Consulting Tribes to attend and/or participate in WEAP trainings.*

Tribal representatives from the Consulting Tribes will be allowed to attend and/or participate in the WEAP training should they elect to and will be given 10 days' notice prior to the training.

- 4.3-19** *In response to Comment 2-3, the last sentence of Mitigation Measure MM-CUL-5 is modified to incorporate language regarding consulting Tribes.*

The Project Archaeologist will have the authority to increase or decrease the monitoring effort should the monitoring results indicate that a change is warranted, in consultation with LADWP, the Consulting Tribes, and BLM.

- 4.3-19** *In response to Comment 2-3, sentence 1 of Mitigation Measure MM-CUL-6 is modified to incorporate language regarding consulting Tribes.*

Within six (6) months of finishing construction of the Project, a Cultural Resources Monitoring Report shall be prepared and provided to the BLM, the Consulting Tribes, and LADWP.

- 4.5-9** *In response to Comment 2-3, the last sentence of Mitigation Measure MM-TCR-1 is modified to incorporate language regarding consulting Tribes.*

Documentation of retention shall be submitted to the BLM and the Consulting Tribes and kept on file with LADWP.

Chapter 4 MITIGATION MONITORING AND REPORTING PROGRAM

California Public Resources Code Section 21081.6 requires that, upon certification of an EIR, “the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.”

This chapter contains the mitigation monitoring and reporting program (MMRP) that has been developed for the McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project (Project or proposed Project). This MMRP has been developed in compliance with Public Resources Code Section 21081.6 and Section 15097 of the CEQA Guidelines. The Mitigation Measures in the table are coded by alphanumeric identification consistent with the EIR. The following items are identified for each Mitigation Measure:

- **Monitoring.** This section of the MMRP lists the stage of the proposed Project during which the Mitigation Measure would be implemented and the stage during which proper implementation would be monitored and verified. It also lists the agency that is responsible for ensuring that the Mitigation Measure is implemented and that it is implemented properly.
- **Verification of Compliance.** This section of the MMRP provides a location for the implementing party and/or enforcing agency to make notes and to record their initials and the compliance date for each Mitigation Measure.

This MMRP shall be enforced throughout all phases of the Project. After review and approval of the final MMRP by the Lead Agency, minor changes and modifications to the MMRP are permitted, but can only be made by Lead Agency approval. The Lead Agency, in conjunction with any appropriate agencies or departments, will determine the adequacy of any proposed change or modification. This flexibility is necessary in light of the nature of the MMRP and the need to protect the environment with a workable program. No changes will be permitted unless the MMRP continues to satisfy the requirements of CEQA, as determined by the Lead Agency.

Mitigation Monitoring and Reporting Program for the McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project

Mitigation Measure	Monitoring/Reporting			Verification of Compliance		
	Phase	Method	Enforcing/ Responsible Agency	Initial	Date	Comments
Air Quality						
<p>MM-AQ-1. Fugitive Dust Controls. Comply with all applicable Rules and Regulations of the Mojave Desert Air Quality Management District (MDAQMD), including, but not limited to Rules 401 (Visible Emissions), 402 (Nuisance), and 403 (Fugitive Dust). To ensure compliance with these Rules and Regulations, the Project Applicant or successor in interest shall prepare and submit a Dust Control Plan to the MDAQMD for approval. The Dust Control Plan shall document the best management practices (BMPs) that will be implemented during Project construction to prevent, to the maximum extent practicable, wind and soil erosion. BMPs that will be included in the Dust Control Plan shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Signage compliant with Rule 403 (Attachment B) shall be erected at each Project site entrance prior to the commencement of construction. ▪ Use a water truck to maintain moist disturbed surfaces and actively spread water during earthwork to minimize visible fugitive dust emissions. If the Project site has exposed sand or fines deposits, or if the Project exposes such soils through earthmoving, chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from the sand/fines deposits. 	During construction	Compliance with Rule 401, Rule 402, and Rule 403 with signage, use of water trucks, limiting of vehicle speeds, installation of perimeter fencing, use of dust suppressants, and obtaining permits for equipment use.	LADWP, MDAQMD			

Mitigation Monitoring and Reporting Program for the McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project

Mitigation Measure	Monitoring/Reporting			Verification of Compliance		
	Phase	Method	Enforcing/ Responsible Agency	Initial	Date	Comments
<ul style="list-style-type: none"> ▪ All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. ▪ All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The Project Applicant shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule, or Project-specific biological mitigation prohibiting wind fencing. ▪ All maintenance and access vehicular roads and parking areas shall be stabilized with chemical dust suppressants sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. The Project Applicant shall take actions to prevent Project-related track out onto paved surfaces and clean any Project-related track out within 24 hours. All other disturbed earthen surfaces within the Project area shall be stabilized by natural or irrigated vegetation, compaction, chemical, or other means sufficient to prohibit visible dust from wind erosion. ▪ Obtain MDAQMD permits for any miscellaneous process equipment that may not be exempt under MDAQMD Rule 219 including, but not limited to, internal combustion engines with a manufacturer's maximum continuous rating greater than 50 brake horsepower. 						

Mitigation Monitoring and Reporting Program for the McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project

Mitigation Measure	Monitoring/Reporting			Verification of Compliance		
	Phase	Method	Enforcing/ Responsible Agency	Initial	Date	Comments
<p>MM-AQ-2. Exhaust Controls. During Project construction, all internal combustion engines/construction equipment greater than 75 horsepower operating on the Project site shall meet U.S. EPA-certified Tier 4 Final emissions standards. The LADWP and/or its designated construction contractor shall include this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. Successful contractors must demonstrate the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities. An exemption from these requirements may be granted in the event that LADWP and/or its designated construction contractor documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment.¹ Before an exemption may be considered by LADWP, the LADWP and/or its designated construction contractor shall be required to demonstrate that at least two construction fleet owners/operators in the High Desert and San Bernardino County Region were contacted and that those owners/operators confirmed Tier 4</p>	During construction	Use of Tier 4 final equipment	LADWP			

¹ For example, if a Tier 4 Final piece of equipment is not reasonably available at the time of construction and a lower tier equipment is used instead, other pieces of equipment with engines less than 75 hp could be upgraded to Tier 4 or replaced with an alternative-fueled (not diesel-fueled) equipment to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Final standards.

Mitigation Monitoring and Reporting Program for the McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project

Mitigation Measure	Monitoring/Reporting			Verification of Compliance		
	Phase	Method	Enforcing/ Responsible Agency	Initial	Date	Comments
Final equipment could not be located within the High Desert and San Bernardino County Region.						
Biological Resources						
<p>MM-BIO-1. Western Joshua Tree Census, Permitting, and Avoidance. LADWP shall implement the mitigation measure below.</p> <p><i>Western Joshua Tree Conservation Act Census.</i> In sections of the Project area within which western Joshua tree has been documented (i.e., between L1 156-1 and L2 155-1 to the Victorville Substation), an individual stem or trunk of western Joshua tree including dead trees must be mapped by a certified arborist who shall conduct a census within the Project area and a 50-foot buffer (census area) per the Western Joshua Tree Conservation Act census instructions. The certified arborist shall systematically search the entire census area using parallel transects for all western Joshua trees and their locations using high-accuracy (<1-meter [approximately 3-foot]) GPS technology. Additionally, the size class of each tree must be determined based on measurement methods described in the census instructions (i.e., from the middle of the base of the trunk to the top of the leaf that is furthest away from the base for the entire path of growth of the tree). The western Joshua tree height classes are defined as follows: Size Class A = 0-1 meter in height; Class B = 1 meter or greater but less than 5</p>	Prior to start of construction and during construction	Census of Joshua tree, obtain permits, and avoid trees as possible	LADWP, CDFW			

Mitigation Monitoring and Reporting Program for the McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project

Mitigation Measure	Monitoring/Reporting			Verification of Compliance		
	Phase	Method	Enforcing/ Responsible Agency	Initial	Date	Comments
<p>meters in height; and Class C = 5 meters or greater in height. Other data must be gathered in accordance with the census instructions, which include but are not limited to tree maturity, presence of flowers and/or fruit, and photos of each stem. The certified arborist shall make written recommendations to CDFW regarding western Joshua tree relocation in consideration of the Western Joshua Tree Relocation Guidelines and Protocols and shall include:</p> <ul style="list-style-type: none"> • Number of trees to be lethally taken (greater than 20 trees removed); • Area of impacted western Joshua tree habitat within a project site (greater than 20 acres impacts); • Avoidance and minimization measures proposed by the applicant to reduce project impacts to western Joshua tree; • Quality of habitat on, and adjacent to, the project site (e.g., ecologically core or intact); • Overall population health on the project site (e.g., declining versus stable or increasing); • Whether the project is within predicted climate refugia for western Joshua tree; • Extent of permanent project impacts; • Density of clonal growth; and • Anticipated temporal impacts of a project including operation or maintenance activities, where applicable. 						

Mitigation Monitoring and Reporting Program for the McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project

Mitigation Measure	Monitoring/Reporting			Verification of Compliance		
	Phase	Method	Enforcing/ Responsible Agency	Initial	Date	Comments
<p><i>Western Joshua Tree Conservation Act Permitting.</i> If it is determined that certain western Joshua tree individuals cannot be avoided, the Project shall apply for a Western Joshua Tree Conservation Act Incidental Take Permit (ITP) by which mitigation for take of western Joshua trees would be fulfilled through payment of the elected fees as described in California Fish and Game Code Section 1927.3 and relocation efforts deemed appropriate by CDFW pursuant to Section 1927.3, subdivision (a)(4)(A) of the California Fish and Game Code. In conformance with the reduced fee schedule prescribed for the Project area, mitigation will consist of payment of \$1,000 for each western Joshua tree five meters or greater in height, \$200 for each western Joshua tree less than five meters but greater than 1 meter in height; and \$150 for each western Joshua tree less than 1 meter in height.</p> <p>Other local regulations (i.e., City of Victorville Municipal Code, Chapter 13.33 and San Bernardino County Development Code Chapter 88.01) also require permitting or notification prior to removal of western Joshua trees. Therefore, the Project must also receive written consent from the City of Victorville’s Director of Parks and Recreation prior to the removal or relocation of western Joshua trees located within the City of Victorville in accordance with City of Victorville Municipal Code, Chapter 13.33,</p>						

Mitigation Monitoring and Reporting Program for the McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project

Mitigation Measure	Monitoring/Reporting			Verification of Compliance		
	Phase	Method	Enforcing/ Responsible Agency	Initial	Date	Comments
<p>Preservation and Removal of Joshua Trees. Additionally, the Project applicant shall submit an application for a Tree or Plant Removal Permit for all western Joshua trees to be removed within unincorporated areas of San Bernardino County in accordance with San Bernardino County Development Code Chapter 88.01.050.</p> <p>Western Joshua Tree Avoidance. To ensure avoidance of western Joshua trees to be preserved in place, all western Joshua trees within the census area (Project area between L1-156-1 and L2-155-1 to the Victorville Substation and a 50-foot buffer) for which a permit has not been attained must be clearly marked in the field prior to the start of construction.</p>						
<p>MM-BIO-2. Authorized Biologist Authority. The Authorized biologist(s) or biological monitor(s) shall have authority, and obligation, to immediately stop any activity by a Project proponent, LADWP staff, contractor, or subcontractor that does not comply with biological mitigation measures and/or to order any reasonable measure to avoid the unauthorized take of Mojave desert tortoise, Mohave ground squirrel, western Joshua tree, bighorn sheep, desert kit fox, burrowing owl, or golden eagle, or other sensitive biological resources. The authorized biologist shall coordinate with the LADWP construction manager and environmental project manager if a stop work order is directed.</p>	During construction	Authorized biologist can stop work to avoid unauthorized take of Mojave desert tortoise, Mohave ground squirrel, western Joshua tree, bighorn sheep, desert kit fox, burrowing owl, or golden eagle, or other sensitive biological resources	LADWP, CDFW			

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<p>MM-BIO-3. Biological Monitoring. At minimum, biological monitoring shall include the following tasks and responsibilities:</p> <ul style="list-style-type: none"> • The Authorized biologist(s) and/or monitor(s) shall be on site daily during Project activities to conduct compliance inspections to prevent unauthorized take of Mojave desert tortoise, Mojave ground squirrel, and western Joshua tree, bighorn sheep, desert kit fox, burrowing owl, or golden eagle. • Enforcement of biological mitigation measures, permit conditions, and protective measures associated with Project approvals. • Ensure that signs, stakes, and fencing are intact. • Ensure that Project activities are only occurring within the direct impact footprint. • Inspect all open holes and trenches daily and just prior to back-filling or covering. At the end of each workday, LADWP shall place an escape ramp at each end of trenches to allow any animals that may have become trapped in the hole or trench to climb out overnight. The ramp may be constructed of either dirt fill or wood planking or other suitable material that is placed at an angle no greater than 30 degrees. If any worker discovers that special-status wildlife has become trapped, they shall notify the LADWP construction manager and environmental project manager immediately and LADWP 	During construction	Authorized biologist shall be on site conducting monitoring	LADWP, CDFW			

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<p>shall halt the Project activity and notify the biologist immediately. Project workers and the biologist shall allow the individual to escape unimpeded if possible, or an appropriately permitted biologist may move the individual out of harm's way before allowing work to continue.</p> <ul style="list-style-type: none"> • Conduct pre-construction sweeps in areas with suitable habitat to support special-status wildlife. Supervise and conduct regular spot checks during vegetation clearing, grubbing, and grading. If permits are not necessary to handle or harass the species, flush or move wildlife from work areas ahead of ground disturbance activities during pre-construction sweeps. • If slow-moving and/or fossorial special-status species that do not easily flush are detected in the work area, a biologist possessing an appropriate California scientific collecting permit to handle special-status species will capture and relocate individuals to nearby undisturbed areas with suitable habitat outside of the construction area, but as close to their origin as possible. All wildlife moved during project activities shall be documented by the biologist on site. • Periodically monitor the construction site to see that dust is minimized. If the biological monitor determines that dust is adversely affecting special-status species, the monitor shall require the construction personnel to 						

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implement best available control measures to reduce dust. Examples of such best available control measures include periodic watering of work areas, application of environmentally safe soil stabilization materials, and/or roll compaction (also required by MM-AQ-1 – Fugitive Dust Controls).						
MM-BIO-4. Education Program. LADWP shall conduct an education program prior to all Project activities for all employees, agents, or contractors that will be working on behalf of the LADWP in the Project Area. The education program shall include a discussion of the biology and general behavior of desert tortoise and Mohave ground squirrel and the biology of western Joshua tree; information about the distribution and habitat needs of the species; sensitivity of the species to human activity; the legal status of the species under CESA, including their protected status, recovery efforts, penalties for violations; and Project-specific protective measures detailed in the ITP. The education program shall consist of an in-person presentation from the Authorized Biologist or Biological Monitor and/or a digital presentation that can be accessed in the field via cellular phones, tablets, laptop computers, and/or similar portable devices. LADWP shall prepare and distribute wallet-sized cards or a fact sheet handout (hard copy or digital) detailing the information presented during the education	Prior to start of construction	Conduct education program to discuss the sensitive and protected biological resources in the Project area	LADWP, CDFW			

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<p>program for workers to carry in the Project Area. In addition, a tail-gate presentation prior to surface-disturbing Project activities shall also be presented by the Authorized Biologist or Biological Monitor prior to the start of any project-specific Project activities to identify specific on-site resources identified for avoidance during pre-activity surveys. For the education program and each tailgate presentation, LADWP shall provide interpretation for non-English speaking workers, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project Area. Upon completion of the program and after each tail-gate presentation, employees shall sign a form (hard-copy or digital) stating they attended the program and presentation and understand all protection measures. The form shall be made available to CDFW upon request. The program shall:</p> <ul style="list-style-type: none"> • Be developed by or in consultation with the Authorized Biologist and consist of an on-site presentation with supporting written material and/or electronic media, including photographs of special-status species, available to all participants. • Provide an explanation of the function of flagging that designates authorized work areas or resources marked for avoidance and specify the prohibition of soil disturbance or vehicle travel outside designated areas. 						

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<ul style="list-style-type: none"> Discuss general safety protocols such as vehicle speed limits (15 miles per hour), hazardous substance spill prevention and containment measures, and fire prevention and protection measures. Review avoidance, minimization, and mitigation requirements. Explain the sensitivity of the vegetation and habitat within and adjacent to work areas and proper identification of these resources. Discuss the relevant policies and plans, and the consequences of non-compliance with these acts and/or any permit conditions Discuss the locations and types of special-status resources on the Project sites and adjacent areas and explain the reasons for protecting these resources. Inform participants that no snakes, other reptiles, mammals, birds, bats, or any other wildlife will be harmed or harassed. Place special emphasis on special-status plant and wildlife species that are known to occur in the Project activity work area. Provide contact information for the biologist and instructions for notification of any vehicle-wildlife collisions or dead or injured wildlife species encountered during Project activities. 						
<p>MM-BIO-5. Delineation of Impact Boundaries. Before beginning activities that would cause impacts, the contractor shall clearly delineate</p>	Prior to start of construction	Delineate work areas with fencing, stakes, or flags	LADWP, CDFW			

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work area boundaries with fencing, stakes, or flags within which the impacts will take place, and in consultation with the Authorized biologist, mark or delineate where sensitive biological resources occur within the impact footprint if being avoided. All impacts outside the fenced, staked, or flagged areas shall be avoided, and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area. LADWP shall avoid direct impacts to vegetation within the Mojave River corridor.						
<p>MM-BIO-6. Desert Tortoise Protocol Surveys. LADWP shall conduct protocol level surveys for desert tortoise in all Project impact areas, including areas where impacts are occurring within existing disturbance areas, as outlined in the mitigation measure below. Prior to impacting undisturbed desert tortoise habitat, LADWP shall obtain an Incidental Take Permit (ITP) for potential take of desert tortoise.</p> <p><i>Desert Tortoise Protocol Surveys.</i> Prior to the start of construction, qualified biologists must conduct protocol level presence or absence surveys in all project impact areas within suitable habitat in accordance with the USFWS Desert Tortoise Field Manual. LADWP shall coordinate with USFWS and CDFW concurrently to ensure consistency and adequacy of surveys and subsequent planning efforts. LADWP shall acquire an ITP from CDFW for the species and a consistency determination from USFWS or enter</p>	Prior to start of construction and during construction	Conduct habitat assessments to support suitable habitat for desert tortoise. In areas where suitable habitat is present, conduct protocol surveys for the desert tortoise. Obtain Incidental Take Permit for desert tortoise.	LADWP, CDFW, BLM			

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<p>into formal consultation with USFWS for issuance of a biological opinion (BO). Upon Project implementation, LADWP shall adhere to any additional measures and conditions set forth within the ITP. No take of desert tortoise shall occur without authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081.</p> <p><i>Desert Tortoise Compensatory Mitigation.</i> Upon completion of protocol surveys, LADWP will coordinate with USFWS and CDFW to determine what portions of the Project would be considered occupied desert tortoise habitat based on survey results. LADWP shall provide compensatory mitigation as determined through the ITP process. At minimum, LADWP shall provide compensatory mitigation for impacts to desert tortoise critical habitat in accordance with the requirements outlined in the Bureau of Land Management’s Desert Renewable Energy Conservation Plan Land Use Plan Amendment (BLM DRECP LUPA). Where impacts to desert tortoise critical habitat co-occur within ground disturbance impacts within Areas of Critical Environmental Concern (ACEC) and California Desert National Conservation Lands (NCL) units that are cumulatively over their respective disturbance caps, the higher mitigation ratio applies, and the implemented mitigation is nested (mitigation for desert tortoise critical habitat fulfills the ground disturbance mitigation</p>						

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<p>that is required). Compensatory mitigation shall be implemented consistent with the BLM DRECP and the ITP. LADWP shall complete the required compensation in accordance with the LUPA Conservation Management Action (CMA) measure for timing of compensation activities for third party actions (LUPA-COMP-1).</p> <p>In addition, as outlined in the LUPA, LUPA-wide CMA measures for desert tortoise shall be implemented (LUPA-BIO-IFS-1 through LUPA BIO-IFS-9). CMAs specific to impacts within ACEC areas shall be implemented in accordance with Section 11.4.2.3 Ecological and Cultural Conservation of the LUPA.</p> <p>In addition to the measures outlined in the DRECP LUPA, the following protective measures shall also be implemented:</p> <ul style="list-style-type: none"> • LADWP shall provide a minimum of one biological monitor who is authorized by the USFWS and the CDFW to handle desert tortoises for each active work crew. • Preconstruction surveys for desert tortoise shall be conducted for each work area prior to any ground disturbance. All work areas shall be cleared by an authorized biologist within 48 hours of the onset of construction at any work location. • A qualified biologist shall inspect work areas each day before work commences and shall 						

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<p>remain on site for the entire duration of work activities.</p> <ul style="list-style-type: none"> To prevent inadvertent entrapment of tortoise or other wildlife during construction, all excavated, steep-walled holes or trenches shall be covered with tarp, plywood or similar materials at the close of each working day to prevent animals from being trapped. Ramps may be constructed of earth fill or wooden planks within deep walled trenches to allow for animals to escape action area, if necessary. Before such holes or trenches are backfilled, they shall be thoroughly inspected for trapped animals. Any wildlife observed shall be removed prior to backfilling. Tortoise handling shall be prohibited except by an authorized biologist or a biological monitor who is working under the direct supervision of an authorized biologist and only when it is necessary to do so. Should it be necessary to handle a tortoise, the authorized biologist or trainee shall do so using the techniques outlined in the most current version of the Desert Tortoise Field Manual produced by USFWS. All access roads not required for construction activities shall be avoided, thereby limiting new or improved accessibility into the area. Vehicles shall not exceed a speed of 15 miles per hour in desert tortoise habitat. 						

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<ul style="list-style-type: none"> • Overnight parking and storage of equipment and material shall be restricted to previously disturbed areas (i.e., access roads and other disturbed areas lacking vegetation). These areas shall be marked by the biological monitor and may include batch sites, pulling sites, and tower sites. If previously disturbed areas are not available, these activities shall be restricted to the right-of-way and shall be cleared of desert tortoises by the biological monitor prior to use. • Within desert tortoise habitat, workers shall limit their activities and equipment to construction areas and routes of travel that have been flagged to eliminate adverse impacts to desert tortoises and their habitat. Cross-country travel is prohibited. All workers shall be instructed of this requirement. • During proposed activities, construction personnel shall immediately report any sightings of desert tortoises within the construction zone to the biological monitor. • Trash and food items shall be removed daily or placed in raven-proof containers. • Within 30 days following completion of project activities, LADWP and the authorized biologist shall prepare a report that includes the following: <ul style="list-style-type: none"> ○ All tortoises encountered or moved ○ Any tortoise that was injured or killed or found dead by project personnel 						

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<ul style="list-style-type: none"> ○ The practical application of these proposed mitigation measures and any measures that may further the protection of the tortoise during future projects ○ A total of acreage disturbed by jurisdiction ○ Site photos. 						
<p>MM-BIO-7. Mohave Ground Squirrel Habitat Assessments and Protocol Surveys. For Project activities taking place in the distribution range of Mohave ground squirrel, a permitted biologist shall conduct habitat assessments and protocol level trapping surveys as outlined in the mitigation measure below.</p> <p><i>Mohave Ground Squirrel Habitat Assessments.</i> Prior to the start of construction, permitted biologists shall conduct habitat assessments in all work areas to evaluate each work area’s potential to support suitable Mohave ground squirrel habitat. The assessment would consist of meandering pedestrian transects, wherein biologists will note presence or absence of suitable vegetation communities and individual plants that would provide forage (e.g., spiny hopsage, winterfat), as well as presence of burrows and/or friable soils. The habitat assessment would also take into account connectivity with known populations. The determination of the habitat assessment will inform whether where protocol trapping survey would be required. The results of the habitat</p>	Prior to start of construction and during construction	Conduct habitat assessments to support suitable habitat for Mohave ground squirrel. In areas where suitable habitat is present, conduct protocol surveys for the Mohave ground squirrel. Obtain Incidental Take Permit for Mohave ground squirrel.	LADWP, CDFW, BLM			

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<p>assessment will be submitted to CDFW for concurrence.</p> <p><i>Mohave Ground Squirrel Protocol Surveys.</i> In areas where a permitted biologist has determined that suitable Mohave ground squirrel habitat is present, a permitted biologist must conduct protocol level surveys per CDFW Mohave Ground Squirrel Survey Guidelines (CDFW 2023b). The protocol surveys will consist of an initial visual survey, and three 5-day live trapping surveys conducted in the following periods at least two weeks apart: March 15 through April 30, May 1 through May 31, and June 1 through July 15. Camera trapping surveys would be conducted simultaneously with live trapping as recommended in CDFW guidelines. If CDFW determines that camera-only methods would be conducive to reducing impacts to Mohave ground-squirrel, LADWP will coordinate with CDFW on an alternative camera-trapping survey protocol that would adequately determine presence or absence of the species.</p> <p><i>Mohave Ground Squirrel Incidental Take Permit.</i> If it is determined by CDFW that an ITP is required for the Project to move forward, LADWP shall acquire an ITP from CDFW for the species prior to the start of Project activities in areas where the habitat assessment has determined that suitable habitat is not present or demonstrate species absence using protocol</p>						

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<p>surveys with close coordination with CDFW on appropriate sampling design. Where suitable habitat as determined by a permitted biologist occurs within the distribution range of Mohave ground squirrel or where occupied habitat has been determined with positive species detections during protocol surveys within the Project, an ITP will be obtained for the Project. Upon Project implementation, LADWP shall adhere to any additional measures and conditions set forth within the ITP. No take of Mohave ground squirrel shall occur without authorization in the form of an ITP pursuant to California Fish and Game Code Section 2081.</p> <p><i>Mohave Ground Squirrel Compensatory Mitigation.</i> Upon completion of protocol surveys, LADWP will coordinate with USFWS and CDFW to determine what portions of the Project would be considered occupied Mohave ground squirrel habitat based on survey results. LADWP shall provide compensatory mitigation as determined through the ITP process. Where impacts to Mohave ground-squirrel occupied habitat co-occur within ground disturbance impacts within ACEC and California Desert NCL units that are cumulatively over their respective disturbance caps, the higher mitigation ratio applies, and the implemented mitigation is nested (mitigation for Mohave ground-squirrel occupied habitat fulfills the ground disturbance mitigation that is required). Compensatory mitigation shall be</p>						

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implemented consistent with the BLM DRECP LUPA and the ITP.						
<p>MM-BIO-8. Protocol Survey for Listed Riparian Birds and Avoidance. Prior to Project activities, LADWP will conduct protocol surveys for listed riparian bird species in riparian habitat along the Mojave River located within 500 feet of the Project area as outlined in the mitigation measure below.</p> <p>The year prior to the start of construction, LADWP shall have a permitted or qualified biologist, as applicable, conduct focused surveys for western yellow-billed cuckoo in accordance with A Natural History Summary and Survey Protocol for the Western Distinct Population Segment of the Yellow-billed Cuckoo (USFWS 2016), least Bell’s vireo in accordance with the USFWS Least Bell’s Vireo Survey Guidelines (USFWS 2001), and southwestern willow flycatcher in accordance with A Natural History Summary and Survey Protocol for the Southwestern Willow Flycatcher (Sogge et al. 2010). If a protocol survey determines presence of a given species, LADWP shall avoid Project activities within 500 feet of the habitat during the species’ breeding season (i.e., yellow-billed cuckoo – June 15 through August 15; least Bell’s vireo – April 10 through July 31; southwestern willow flycatcher – May 15 through July 17.</p>	Prior to start of construction	Conduct protocol level surveys for listed riparian bird species in riparian habitat along the Mojave River	LADWP, CDFW, USFWS			

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<p>MM-BIO-9. Nesting Bird Surveys and Avoidance. Project activities shall avoid the avian nesting season of February 1 through August 31. If project activities must take place during the avian nesting season, a preconstruction clearance survey shall be conducted by a qualified biologist in areas of suitable nesting habitat, particularly those in which nests were observed during previous surveys to ensure direct or incidental take does not occur during the proposed project. Surveys for raptor nests shall focus on potential nesting sites (e.g., cliffs, transmission line structures) within a 500-foot buffer around the work areas; and surveys for nesting passerines shall be conducted within 200 feet of the work areas. The clearance survey shall take place no more than 7 days prior to the commencement of project activities and may occur in conjunction with on-site monitoring for other sensitive wildlife species.</p> <p>If active nests containing eggs or young are found during the clearance survey, an adequate buffer area will be established by a biological monitor, within which no construction will occur to protect the active nest during the duration of the project. LADWP shall have a qualified avian biologist document species, baseline behavior, stage of reproduction, and existing site conditions including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of</p>	<p>Prior to start of construction and during construction</p>	<p>Conduct nesting bird surveys no more than 7 days prior to the start of construction if project construction activities occur between February 1 and August 31</p>	<p>LADWP, CDFW</p>			

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<p>disturbance to avoid impacts to nesting birds, eggs, and nests. The biologist shall establish an appropriate nest buffer based on the species and the planned activity’s level of disturbance, site conditions, and the observed bird behavior. The on-site biologist shall increase buffer sizes as needed if nesting individuals show signs of disturbance. The buffer zone may be decreased, at the biologist’s discretion, based on the individual’s sensitivity to visual or audible disturbances but shall not be decreased below 300-feet for special-status avian species or raptor species. The nest buffer area shall be avoided and demarcated in the field with flagging and stakes or construction fencing. Active nests shall be monitored until the biologist has determined the young have fledged or the project is finished. The biologist has the authority to halt or stop work if nesting individuals exhibit signs of disturbance. Established buffers shall remain until the biologist determines the young have fledged or the nest is no longer active, or until Project activities cease.</p>						
<p>MM-BIO-10. Crotch’s Bumble Bee Protocol Survey and Avoidance. During candidacy or if Crotch’s bumble bee is listed under CESA, LADWP shall implement the mitigation measure below.</p> <p>Within the known distribution range for Crotch’s bumble bee, presence/absence surveys for the species shall be conducted prior to construction</p>	<p>Prior to start of construction and during construction</p>	<p>Presence/absence surveys for the species shall be conducted prior to construction. A written survey report shall be submitted to CDFW within 30 days of the survey.</p>	<p>LADWP, CDFW</p>			

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<p>within the time periods described below in order to evaluate locations and use of Crotch’s bumble bee nesting colonies if present within the Project area. The survey shall include 1) a habitat assessment and 2) focused surveys, both of which will be based on recommendations described in the “Survey Considerations for CESA (California Endangered Species Act) Candidate Bumble Bee Species,” released by the CDFW on June 6, 2023, or the most current at the time of construction. LADWP will submit a survey plan prior to conducting focused surveys, which will identify the Project and its location, survey methods, lead surveyors, field assistants. The habitat assessment shall be conducted prior to focused surveys and, at a minimum, include a review of historical and current species occurrences; document potential habitat on site including foraging, nesting, and/or overwintering resources; and identify which plant species are present. For the purposes of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and man-made structures that may support bumble bee colonies such as rock walls, rubble, and furniture. If nesting resources are present in the impact area, focused surveys will be conducted.</p> <p>The focused surveys will be performed by a biologist with expertise in surveying for bumble</p>						

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<p>bees and include at least three survey passes that are not on sequential days or in the same week, preferably spaced two to four weeks apart. The timing of these surveys shall coincide with the Crotch’s bumble bee colony active period (April 1 through August 31). Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys will not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors will wait at least 1 hour following rain. Optimal surveys are when there are sunny to partly sunny skies that are greater than 60 degrees Fahrenheit. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 mph). Within non-developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the biologist shall watch the nest resources for up to five minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after five minutes of observation. If a bumble bee worker is detected, then a representative shall be identified to species. Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey</p>						

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<p>viewshed limits from the chosen vantage point which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).</p> <p>Identification will include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographic documentation if able. The bee will be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee identifying characteristics cannot be adequately captured in the container due to movement, the container will be placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal</p>						

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<p>from the cold environment, so photography must be performed quickly.</p> <p>If Crotch’s bumble bee nests are not detected, no further mitigation would be required. The mere presence of foraging Crotch’s bumble bees would not require implementation of additional minimization measures because they can forage up to 10 kilometers from their nests. If nest resources occupied by Crotch’s bumble bee are detected within the construction area, no construction activities shall occur within 50 feet of the nest, or as determined, by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources will be avoided for the duration of the Crotch’s bumble bee nesting season (February 1 through October 31), which includes the queen flight season, the colony active period, and the daughter-queen (gyne) flight season. Outside of the nesting season, it is assumed that no live individuals would be present within the nest as the gynes usually leave from September through October, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.</p> <p>A written survey report will be submitted to CDFW within 30 days of the survey. The report will</p>						

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<p>include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch’s bumble bee nest sites or individuals observed. The survey report will include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers, detailed habitat assessment, and photo vouchers. If Crotch’s bumble bee nests are observed, the survey report will also include recommendations for avoidance, and the location information will be submitted to the California Natural Diversity Database (CNDDDB) at the time of, or prior to, submittal of the survey report.</p> <p>If the above measures are followed, it is assumed that the Project shall not need to obtain authorization from CDFW through the CESA ITP process. If the nest resources cannot be avoided during the nesting period, as outlined in this measure, LADWP will consult with CDFW regarding the need to obtain an ITP. Any measures determined to be necessary through the ITP process to offset impacts to Crotch’s bumble bee may supersede measures provided in this CEQA document.</p> <p>In the event an ITP is needed, mitigation for direct impacts to Crotch’s bumble bee will be fulfilled through compensatory mitigation at a ratio determined by the ITP nesting habitat</p>						

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replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the ITP process.						
<p>MM-BIO-11. Pre-Construction Surveys and Avoidance and Minimization Measures for Special-Status Plants. Prior to Project activities, LADWP shall conduct focused surveys for special-status plants as outlined in the mitigation measure below.</p> <p><i>Focused Special-Status Plant Surveys.</i> To mitigate for potential impacts to habitat occupied by special-status plant species, surveys shall be conducted within impact areas where special-status plant species have a moderate or high potential to occur. The following species were documented within the Project area or have a moderate or high potential to occur: desert wing-fruit (<i>Acleisanthes nevadensis</i>), Nevada onion (<i>Allium nevadense</i>), white bear poppy (<i>Arctomecon merriamii</i>), Mojave milkweed (<i>Asclepias nyctaginifolia</i>), Tidestrom’s milkvetch (<i>Astragalus tidestromii</i>), scaly cloak fern (<i>Astrolepis cochisensis</i> ssp. <i>cochisensis</i>), three-awned grama (<i>Bouteloua trifida</i>), Emory’s crucifixion thorn (<i>Castela emoryi</i>), desert pincushion (<i>Coryphantha chlorantha</i>), viviparous foxtail cactus (<i>Coryphantha vivipara</i> var. <i>rosea</i>), Gilman’s cymopterus (<i>Cymopterus gilmanii</i>), purple-nerve cymopterus (<i>Cymopterus multinervatus</i>), Mojave monkeyflower (<i>Diplacus mohavensis</i>), nine-awned pappus grass</p>	Prior to start of construction and during construction	Conduct focused special-status plant surveys. If special-status plants are present, note where these are and obtain written concurrence for measures required for federally or state-listed plant species	LADWP, CDFW, USFWS			

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<p>(<i>Enneapogon desvauxii</i>), Harwood's eriastrum (<i>Eriastrum harwoodii</i>), desert bedstraw (<i>Galium proliferum</i>), Parish's club-cholla (<i>Grusonia parishii</i>), polished blazing star (<i>Mentzelia polita</i>), Darlington's blazing star (<i>Mentzelia puburula</i>), creamy blazing star (<i>Mentzelia tridentata</i>), cave evening-primrose (<i>Oenothera cavernae</i>), rosy two-toned beardtongue (<i>Penstemon bicolor</i> ssp. <i>roseus</i>), sky-blue phacelia (<i>Phacelia coerulea</i>), Parish's phacelia (<i>Phacelia parishii</i>), Abert's sanvitalia (<i>Sanvitalia abertii</i>), Rusby's desert-mallow (<i>Sphaeralcea rusbyi</i> var. <i>eremicola</i>), and Mormon needle grass (<i>Stipa arida</i>).</p> <p>These focused surveys shall occur during the season prior to construction and shall be conducted during a period when the target species would be observable and identifiable (e.g., blooming period for annuals). Focused surveys for special-status plant species shall be conducted by a qualified biologist according to the CNPS Botanical Survey Guidelines (CNPS 2001); Protocols for Surveying and Evaluating Impacts to Special Status Native Populations and Natural Communities (CDFW 2018); and U.S. Fish and Wildlife Service General Rare Plant Survey Guidelines (Cypher 2002).</p> <p>Avoidance and Minimization. If special-status plant species are detected during focused survey efforts described above, the full extent of the occurrence within the area shall be recorded.</p>						

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<p>The location of each special-status plant occurrence shall be mapped and number of individuals for each occurrence documented. If impacts to special-status plants cannot be avoided, the following measures shall be implemented:</p> <ul style="list-style-type: none"> • Special-status plants in the vicinity of the disturbance will be temporarily fenced or prominently flagged and a buffer established around the populations to prevent inadvertent encroachment by vehicles and equipment during the activity; • Seeds will be collected and stored in appropriate storage conditions (e.g., cool and dry), and dispersed/transplanted following the construction activity and reapplication of salvaged topsoil; and • The top 6 inches of topsoil will be salvaged, stockpiled, and replaced as soon as practicable after project completion. Soil stockpiles shall be stabilized, consistent with the project’s Stormwater Pollution Prevention Plan. The salvaged topsoil shall be redistributed and contoured to blend with surrounding grades. <p>In the event that a federally or state-listed plant is observed during focused survey, the Los Angeles Department of Water and Power (LADWP) shall consult with the applicable agency (i.e., CDFW and/or USFWS) and obtain written</p>						

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concurrency for measures required for federally or state-listed plant species, if observed.						
<p>MM-BIO-12. Relocation of Desert Native Plants. If it has been determined that protected native desert plants cannot be avoided, LADWP shall apply for a permit with San Bernardino County for removal or relocation of protected native desert plants as required under California Desert Native Plants Act (Food and Agricultural Code, Division 23). The permit application form shall specify information outlined in the California Desert Native Plant Act Section 80114, which includes but is not limited to, the number and species of native plants to be relocated, a description of the real property from which the plants are to be removed, the destination of the native plants, and the manner in which the plants are to be salvaged. Pursuant to the California Desert Native Plants Act, tags or seals issued by the County must be attached to the native plants at the time of harvesting and before transporting to their permanent relocation site(s) and must remain attached to the plant until transplanted into its ultimate destination. Transport of salvaged plants will occur as prescribed by the County. The following actions shall also be implemented to ensure successful relocation of desert native plants for which salvage is necessary:</p> <ul style="list-style-type: none"> Salvaged plants shall be transplanted expeditiously to either their final on-site location or to an approved off-site area. If the 	Prior to start of construction and during construction	If desert native plants cannot be avoided, obtain permit to relocate protected native desert plants.	LADWP, San Bernardino County			

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<p>plants cannot be expeditiously taken to their permanent relocation area at the time of excavation, they may be transplanted in a temporary area (stockpiled) prior to being moved to their permanent relocation site(s).</p> <ul style="list-style-type: none"> Transplanted plants shall be watered prior to and at the time of transplantation. Watering of the transplanted plants shall continue for one year. 						
<p>MM-BIO-13. Avoidance and Minimization of Impacts to Golden Eagle. Project activities that take place adjacent to areas where active or inactive golden eagle nests have been discovered shall be subject to the following:</p> <ul style="list-style-type: none"> A qualified eagle biologist shall determine the nesting status of any golden eagle nest within 1 mile of any proposed project activities. LADWP shall provide the name(s) and qualifications of each raptor biologist to the CDFW two weeks prior to project activities. No work shall occur within 1 mile of an active golden eagle nest during the breeding season (January 31 through August 31) unless a written determination which shows no nest activity has been provided to and approved by the CDFW. Upon approval of a report showing an inactive nest, the CDFW may approve work within 1 mile of an eagle nest. 	<p>Prior to start of construction and during construction</p>	<p>Survey for potential golden eagle nests within one mile of project activities, and if active nests are identified, no work shall occur within one mile of the nest during breeding season (January 31 through August 31).</p>	<p>LADWP, CDFW</p>			

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<ul style="list-style-type: none"> If an injured golden eagle is observed within or adjacent to an active work area, all work shall immediately stop and the CDFW shall be contacted for further instructions. 						
<p>MM-BIO-14. Burrowing Owl Protocol Surveys. LADWP shall implement the relevant steps identified in the <i>Staff Report on Burrowing Owl Mitigation, Project Impact Evaluations</i> (CDFW 2012) to evaluate whether the Project will result in impacts to burrowing owls. At minimum, LADWP shall conduct habitat assessments to identify whether focused occupancy surveys are needed; subsequent focused surveys to determine occupancy where suitable burrowing owl habitat has been identified; and take avoidance surveys for burrowing owl in accordance with protocols established in the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 Staff Report; CDFW 2012). A pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of vegetation removal or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the project site shall be re-surveyed. If burrowing owls are located within or adjacent to an area subject to impact from a Project activity, LADWP shall postpone the activity, if possible, until burrowing owls are no longer present. If postponement of impacts is not feasible due to Project activity urgency, LADWP shall implement the following actions to minimize impacts.</p>	Prior to start of construction	Conduct burrowing owl protocol surveys, and if the species is listed, obtain an incidental take permit	LADWP, CDFW			

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<ul style="list-style-type: none"> LADWP shall implement measures consistent with practices identified in the 2012 Staff Report to minimize potential impacts to burrowing owl. Measures may include, but are not limited to, the use of buffer zones, visual screens (e.g., hay bales monitored during the day and removed at night to prevent raptor perching; screens shall not exceed 4 feet in height and shall be at least 30 feet from active burrows), or other measures while Project activities are occurring. Buffers will be established around occupied burrows as determined by a qualified biologist, taking into account existing vegetation, human development, and land uses in an area. The buffer zone may be increased or decreased based on the individual owl's sensitivity to visual or audible disturbances. Project activities may occur within 50 meters to 500 meters of an active burrow (based on level of disturbance). No project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed LADWP shall make every effort to minimize impacts to occupied owl burrows. If LADWP proposes to relocate burrowing owls from an active burrow or if an active 						

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<p>burrow will be impacted, a burrowing owl relocation plan shall be prepared for CDFW review and approval that will be performed outside of breeding season and after fledgling independence and any relocation shall be subject to compensatory mitigation.</p> <ul style="list-style-type: none"> • Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate project area and within a buffer zone if there is a threat to the surface or subterranean burrow structure by installing one-way doors in burrow entrances. These doors will be placed at least 48 hours prior to ground-disturbing activities. The project area shall be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat will be provided following the guidance in the 2012 Staff Report. • If impacts occur to an occupied burrow or if a burrowing owl relocation plan is implemented, LADWP shall provide compensatory mitigation. Compensatory mitigation shall be implemented consistent with the recommendations in the 2012 Staff Report such that the habitat acreage, number of burrows, and burrowing owls impacted are replaced at a minimum of 1:1 in-kind habitat replacement of equal or better 						

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<p>functions and values to those impacted by the Project, or as otherwise determined through coordination with CDFW.</p> <ul style="list-style-type: none"> If burrowing owl becomes a candidate species or is listed and take is unavoidable, then LADWP shall obtain an ITP. In addition, LADWP shall implement compensatory mitigation such that impacted occupied areas are replaced at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through coordination with CDFW during the ITP process. Additionally, LADWP will implement the above measures and conditions set forth in the ITP to avoid and minimize impacts to the species. 						
<p>MM-BIO-15. Desert Bighorn Sheep Avoidance. Within suitable bighorn sheep habitat in the Clark, Newberry, and Soda Mountains, helicopter use will be conducted outside of the lambing season (January 1-September 30) to avoid disturbance to desert bighorn sheep during their birthing and rearing period. If avoidance of the lambing season cannot be avoided, LADWP will coordinate with CDFW to modify helicopter operations to avoid disturbance of known lambing sites. If a bighorn sheep is incidentally observed during Project activities, work within 200 feet of the sheep would be halted, and activities would recommence after the animal moves away on its own.</p>	During construction	Within suitable bighorn sheep habitat, helicopter use will be conducted outside of the lambing season (January 1-September 30)	LADWP, CDFW			

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<p>MM-BIO-16. Special-Status Meso-Carnivore Avoidance and Minimization. Within 14 days prior to Project activities, LADWP shall have a qualified biologist conduct a pre-construction survey within planned Project work areas and a 500-foot buffer to determine if active or potential desert kit fox, American badger, or ringtail dens are present. Surveys shall encompass both the Project area and a buffer distance adequate to determine the potential for direct or indirect impacts. Surveys shall attain 100% visual coverage and be conducted using 10-meter (33-foot) transects (or reduced based on topography and vegetation), to determine the presence or absence of individuals, dens, and sign.</p> <p>If potential desert kit fox, American badger, or ringtail dens are located, LADWP shall have a qualified wildlife biologist monitor the dens using observation and tracking material and/or trail cameras over a three (3) day period to determine the status of the den. If non-natal active dens can be avoided and buffered from Project activities, the biologist shall flag a minimum 100-foot disturbance-free buffer zone. A minimum 500-foot disturbance-free buffer shall be place around the natal den and maintained until juvenile independence is determined by the biologist. If the Project requires encroaching within a 500-foot buffer, LADWP shall consult with CDFW. The biologist shall block inactive dens within the Project work area or buffer zone</p>	<p>Prior to start of construction and during construction</p>	<p>Conduct a preconstruction survey to determine if active or potential desert kit fox, American badger, or ringtail dens are present. If dens are present a minimum 500-foot disturbance-free buffer shall be place around the natal den and maintained until juvenile independence is determined by the biologist. If the Project requires encroaching within a 500-foot buffer, LADWP shall consult with CDFW.</p>	<p>LADWP, CDFW</p>			

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that will not be directly impacted by project activities with rocks and sticks to discourage use. The biologist shall periodically check and ensure the inactive burrows remain blocked and are not occupied. The biologist shall remove the obstruction when Project activities are complete. The biologist has the authority to halt or stop work in coordination with the LADWP construction manager and environmental project manager if individuals exhibit signs of disturbance. Established buffers shall remain until the biologist determines the young have dispersed or the den is no longer active, or until Project activities cease. If desert kit fox, American badger, or ringtail are proposed to be relocated from an active den or an active den will be impacted, an exclusion plan shall be prepared for CDFW review and approval that will be performed outside of breeding/pupping season and after juvenile dispersal. LADWP shall implement compensatory mitigation such that the habitat acreage, number of dens, and individuals impacted are replaced at a minimum of 1:1 in-kind habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through coordination with CDFW.						
MM-BIO-17. Compensatory Mitigation for Special-Status Vegetation Communities. LADWP shall provide compensatory mitigation for permanent impacts to special-status vegetation communities at a minimum of 1:1 in-kind habitat	Upon completion of construction	Provide compensatory mitigation	LADWP, CDFW			

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replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through coordination with CDFW. MM-BIO-6 and MM-BIO-19 would fulfill compensatory mitigation for special-status vegetation communities if impacts occur within an ACEC, NCL, or desert tortoise critical habitat.						
<p>MM-BIO-18. Aquatic Resources Mitigation. Prior to Project initiation, LADWP shall coordinate with the USACE, CDFW, and RWQCB (collectively the resource agencies) to determine which of the following permits for impacts to jurisdictional aquatic resources would be required:</p> <ul style="list-style-type: none"> • USACE Section 404 Permit • RWQCB Section 401 Water Quality Certification • RWQCB Waste Discharge Requirements • CDFW Section 1602 Notification of Lake or Streambed Alteration <p>In addition to conditions of the above applicable permits and the RWQCB Construction General Permit (CGP) Coverage/SWPPP that would be acquired for the Project, LADWP shall implement practices identified below to minimize adverse impacts to streams and watersheds.</p> <ul style="list-style-type: none"> • Vehicles and equipment shall not be operated in ponded or flowing water. • LADWP shall minimize road building and vegetation clearing within ephemeral streams to the extent feasible. 	Prior to start of construction	Coordinate with USACE, CDFW, and RWQCB to determine which permits need to be obtains, and then obtain permits	LADWP, CDFW, USACE, RWQCB			

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<ul style="list-style-type: none"> Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources resulting from Project-related activities shall be prevented from contaminating the soil and/or entering ephemeral streams. LADWP shall ensure that safety precautions specified by this measure, as well as all other safety requirements of other measures and permit conditions, are followed during all phases of the Project. No petroleum products or other pollutants from the equipment shall be allowed to enter any state or federal -jurisdictional waters under any flow. LADWP shall ensure that Project activities do not impair water flow (velocity and low flow channel width). No broken concrete, debris, soil, silt, sand, bark, slash, sawdust, rubbish, or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into any waters of the U.S. or state. Stationary equipment such as motors, pumps, generators, and welders located within or adjacent to a drainage shall be 						

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<p>positioned over drip pans. Stationary heavy equipment shall have suitable containment to handle a catastrophic spill/leak. Clean up equipment such as brooms, absorbent pads, and skimmers shall be on site prior to the start of construction.</p> <ul style="list-style-type: none"> The resources agencies will calculate and identify the final amount of required compensatory mitigation as provided by this measure prior to issuance of respective permits using the following criteria: <ul style="list-style-type: none"> For any Project activity that impacts a river, stream, or lake and associated fish and wildlife resources which permanently alters the physical and ecological function of the feature or installs permanent structures or materials into the areas subject to CFGC Section 1602, LADWP shall mitigate impacts to rivers, streams, or lakes at a minimum 1:1 ratio. 						
<p>MM-BIO-19. Ground Disturbance Mitigation. LADWP shall provide ground disturbance mitigation for impacts within Areas of Critical Environmental Concern (ACEC) and California Desert National Conservation Lands (NCL) units that are cumulatively at or above their respective disturbance caps. A portion of these impacts may co-occur with impacts to desert tortoise critical habitat. Where impacts requiring mitigation co-occur, the implemented mitigation is nested. As such, mitigation for desert tortoise critical</p>	Upon completion of construction	Provide ground disturbance mitigation	LADWP, CDFW, BLM			

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habitat, as required in MM-BIO-6, will fulfill the ground disturbance mitigation that is required for impacts in ACECs and NCLs that co-occur with impacts to desert tortoise critical habitat. LADWP shall initiate and/or complete the required compensation at a time to be determined by the BLM and in accordance with the Land Use Plan Amendment (LUPA) Conservation Management Action (CMA) measure for timing of compensation activities for third party actions (LUPA-COMP-1).						
Cultural Resources						
MM-CUL-1. Retain a qualified Project Archeologist. Prior to Project implementation, a Project Archeologist whose training and background conforms to the US Secretary of the Interior’s Professional Qualifications Standards, as published in Title 36, Code of Federal Regulations, part 61 (36 C.F.R., part 61), holds a valid Bureau of Land Management (BLM) Cultural Resources Use Permit, and has experience working in the California Desert District, will be retained by LADWP to oversee all cultural resources compliance for the Project. The resume of the selected Project Archeologist shall be sent to LADWP and BLM for their records.	Prior to start of construction	Obtain qualified project archaeologist	LADWP and BLM			
MM-CUL-2. Treatment Plan. Prior to start of construction, the Project Archeologist shall develop and implement a Treatment Plan specific to those significant eligible resources	Prior to start of construction	Project Archeologist shall development a Treatment Plan	LADWP, Consulting Tribes, BLM			

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<p>that cannot be avoided by construction. This plan shall address the expected loss of significant archaeological data through the scientific excavation, analysis, and interpretation of the site’s archaeological materials.</p> <p>At a minimum, the Treatment Plan shall describe the methodology proposed for archaeological excavation, transportation and storage of all archaeological material, laboratory and analysis methods, curation of archaeological material at a specified repository or repatriation of resources at the BLM’s discretion, and schedule for subsequent reporting. A draft of the Treatment Plan must be submitted to LADWP, the Consulting Tribes, and the BLM for a 30-day review and approval period. The Treatment Plan must be approved by LADWP, the Consulting Tribes, and the BLM before construction commences. If the resource(s) subject to treatment is/are located on BLM lands, additional permitting requirements, such as obtaining an Archaeological Resources Protection Act (ARPA) permit, shall be required.</p>						
<p>MM-CUL-3. Cultural Resources Monitoring Plan. Prior to start of construction, the Project Archaeologist shall develop a Cultural Resource Monitoring Plan (CRMP or Plan) that addresses the details of all activities and provides procedures that must be followed to reduce the potential impacts to undiscovered buried archaeological resources associated with the</p>	Prior to start of construction	Develop Cultural Resource Monitoring Plan	LADWP, Consulting Tribes, BLM			

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<p>proposed Project. A draft of the Plan must be submitted to LADWP, the Consulting Tribes, and the BLM for a 30-day review and approval period. The Plan must be approved by LADWP, the Consulting Tribes, and the BLM before construction commences.</p> <p>At a minimum, the Plan shall:</p> <ul style="list-style-type: none"> ▪ Describe the methodology and a program for avoiding and monitoring significant eligible cultural resources identified in a Class III Cultural Survey Report approved by the BLM that can be avoided during Project construction; ▪ Require protective fencing or other markers, at the BLM’s discretion, be erected and maintained to protect these resources from inadvertent adverse effects during construction; ▪ Include maps and a narrative discussion of areas considered to be of high sensitivity for discovery of buried archaeological resources, in the event they are encountered during construction; ▪ Detail the specific protocols for monitoring construction activities in these high-sensitivity areas; ▪ Detail the methods, consultation procedures, and timelines for addressing all post-review discoveries; 						

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<ul style="list-style-type: none"> ▪ Identify the person(s) expected to perform monitoring tasks, their responsibilities, and the reporting relationships between Project construction management and the mitigation and compliance monitoring team; ▪ Specify daily monitoring reporting and identify the forms and/or documentation that need to be completed daily during monitoring. ▪ Address the authority given to the qualified archaeological monitors to temporarily halt ground disturbance during construction. If a cultural resource over 50 years of age is found (or if younger, but determined exceptionally significant by the BLM on federal lands or LADWP on private lands; or considered a unique archaeological resource under CEQA; or cultural significant by the Consulting Tribes), ground disturbance shall be halted or redirected in the immediate vicinity of the discovery sufficient to ensure that the resource is protected from ground disturbance. Monitoring and daily reporting shall continue during the Project’s ground-disturbing activities elsewhere. Additional procedures regarding halting ground disturbance, like communication protocols and flagging the resource for avoidance plus a 60-foot buffer, to address a post-review discovery or unanticipated effects shall be described in the Plan. 						

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<p>MM-CUL-4. Work Environmental Awareness Program. Prior to the start of construction and for the duration of ground disturbance activities, the Project Archaeologist shall develop a Worker Environmental Awareness Program (WEAP). This training shall be given to all Construction Contractor staff including all subconsultants within one (1) week of employment at the Project site, for all areas along the linear facilities routes, and at laydown areas, access roads, and other ancillary areas such as staging areas or construction yards. The training shall be prepared by the Project Archaeologist and may be conducted by the Project Archaeologist or designated Field Director. Tribal representatives from the Consulting Tribes will be allowed to attend and/or participate in the WEAP training should they elect to and will be given 10 days' notice prior to the training. The Project Archaeologist shall be available (by telephone or in person) to answer questions posed by employees related to the identification and protection of cultural resources. The training may be discontinued when ground disturbance is completed or suspended but must be resumed if ground disturbance resumes. Training shall include:</p> <ul style="list-style-type: none"> ▪ A detailed discussion of applicable laws, and penalties under the law; ▪ Samples or visuals of artifacts that might be found in the project vicinity; 	Prior to start of construction	Develop and implement Worker Environmental Awareness Program and training	LADWP			

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<ul style="list-style-type: none"> ▪ A brief overview of the cultural sensitivity of the Project and the surrounding area; ▪ A discussion of what such artifacts may look like when partially buried, or wholly buried and then freshly exposed; ▪ A discussion of what prehistoric and historical archaeological deposits look like at the surface and when exposed during construction, and the range of variation in the appearance of such deposits; ▪ Express instruction that only the Project Archaeologist, alternate Project Archaeologist, and supervisory cultural resource field staff (i.e., Tribal Monitors) have the authority to halt ground disturbance in the area of a discovery to an extent sufficient to ensure that the resource is protected from further impacts, as determined by the Project Archaeologist. ▪ Instruction that employees are to halt work on their own in the vicinity of a potential cultural resources discovery and shall contact their supervisor and the Project Archaeologist or supervisory cultural resource field staff (i.e., Tribal Monitors), and that redirection of work would be determined by the construction supervisor and the Project Archaeologist in discussion with the Tribal Monitor. ▪ An informational brochure that identifies reporting procedures in the event of a discovery; and 						

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<ul style="list-style-type: none"> A log signed by each worker indicating that they have received the training. This is a mandatory training, and all construction personnel must attend prior to beginning work on the Project's sites. A copy of the sign-in sheet shall be kept ensuring compliance with this mitigation measure and will be provided to LADWP and the BLM after each WEAP training is given. 						
<p>MM-CUL-5. Archaeological Monitoring. Qualified archaeological monitors, overseen by a BLM-approved Field Director and the selected Project Archaeologist, shall be present for initial grading activities in undisturbed soil, in areas of high sensitivity, or within 500 feet of a known significant cultural resource. The archaeological monitor(s) shall complete daily monitoring forms. The Project Archaeologist will have the authority to increase or decrease the monitoring effort should the monitoring results indicate that a change is warranted, in consultation with LADWP, the Consulting Tribes, and BLM.</p>	During construction	Onsite monitoring during initial grading activities	LADWP, Consulting Tribes, BLM			
<p>MM-CUL-6. Monitoring Report. Within six (6) months of finishing construction of the Project, a Cultural Resources Monitoring Report shall be prepared and provided to the BLM, the Consulting Tribes, and LADWP. The report shall include evidence of the required WEAP for the construction staff held during the required pre-construction meeting(s) and evidence that any artifacts have been treated in accordance with</p>	Upon completion of construction	Prepare Cultural Resources Monitoring Report	LADWP, Consulting Tribes, BLM			

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procedures stipulated in the Cultural Resources Monitoring Plan (MM CUL-3).						
MM-CUL-7. Unanticipated Discoveries. During Project construction, should unanticipated archaeological resources be discovered during grading, foundation work, or other construction activities, all construction work occurring within 50 feet of the find shall immediately stop until the Project Archaeologist can evaluate the significance of the find and determine (in consultation with the BLM if the find is on federal land and/or LADWP's designated point of contact if the find is on private land, as appropriate) whether additional study or testing is warranted. Depending upon the significance of the find, the archaeological monitors, as directed by the Project Archaeologist, may record the find and allow work to continue. If the discovery proves significant and cannot be avoided, treatment of the resource will be conducted in accordance with the approved Treatment Plan (MM CUL-2). During the assessment and recovery time, construction work may proceed in other areas.	During construction	Halt construction within 50 feet of an unanticipated discovery	LADWP, Consulting Tribes, BLM			
MM-CUL-8. Built Environment Treatment Plan. Prior to construction, if the existing towers along MCC-VIC L1&2 cannot be replaced with in-kind structures or with structures that follow the Secretary of the Interior's Standards (SOIS) for the Treatment of Historic Properties, LADWP will retain the services of a qualified architectural historian meeting the Secretary of the Interior's Professional Qualification Standards for	Prior to start of construction	Retain a qualified architectural historian to prepare and implement a Built Environment Treatment Plan	LADWP, BLM			

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Mitigation Measure	Monitoring/Reporting			Verification of Compliance		
	Phase	Method	Enforcing/ Responsible Agency	Initial	Date	Comments
<p>Architectural History to prepare and implement a Built Environment Treatment Plan in coordination with the LADWP and the BLM. The treatment plan shall include, but is not limited to, photo-documentation, creation of a website for public research, and public interpretation of the resource in accordance with BLM Manual 8170. The treatment plan will be submitted to LADWP and the BLM for a 30-day review and approval prior to implementation and prior to the start of construction.</p> <p>If subsequent significant eligible built environment resources other than MCC-VIC L1&2 are identified within the Project Area and avoidance is determined to be infeasible as Project design is finalized, the preparation and implementation of a separate treatment plan shall be required specific to the type of resource that cannot be avoided. The treatment plan shall include, but is not limited to, photo-documentation, creation of website for public research, and public interpretation of the resource. The treatment plan will be submitted to LADWP and the BLM for a 30-day review and approval prior to implementation and prior to the start of construction.</p>						
<p>MM-CUL-9. Treatment of Human Remains. In accordance with State of California law (Health & Safety Code §7050.5; Public Resources Code §5097.98), if human remains are found, all ground disturbing activities shall halt within 165</p>	During construction	Halt construction within 165 feet of human remains	LADWP, County Coroner, BLM			

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feet (50 meters) of the discovery. The BLM and the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie potential remains shall occur until the County Coroner has determined whether the remains are subject to its authority. The County Coroner must make this determination within two (2) working days of notification of the discovery (pursuant to Health & Safety Code §7050.5, subd. (b)). If the County Coroner determines that the remains do not require an assessment of cause of death and that the remains are, or are believed to be Native American, the Coroner must notify the Native American Heritage Commission (NAHC) by telephone within 24 hours, which must in turn immediately notify those persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD shall complete its inspection and make recommendations within 48 hours of being granted access to the site. The MLD may recommend means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods.						
Paleontological Resources						
MM-PALEO-1. Paleontological Resources Monitoring and Mitigation Plan. The following recommendations will ensure that impacts to	Prior to and during construction	Prepare and implement a Paleontological Resources Monitoring and Mitigation Plan	LADWP, BLM			

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<p>paleontological resources are maintained below a level of significance.</p> <ul style="list-style-type: none"> ▪ A paleontological principal investigator, as defined by the Society of Vertebrate Paleontology (SVP 2010), will prepare a paleontological resources monitoring and mitigation plan and provide and supervise a trained paleontological monitor who will be present during ground-disturbing activities at identified facilities with fossiliferous sediments. The monitor will be empowered to temporarily halt or redirect ground-disturbing activities to ensure avoidance of adverse impacts to paleontological resources. The monitor will be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples will be collected and processed to recover microvertebrate fossils. Processing will include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains. ▪ Upon encountering a large deposit of bone, salvage of all bone in the area will be conducted with additional field staff and in accordance with modern paleontological techniques. 						

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	Phase	Method	Enforcing/ Responsible Agency	Initial	Date	Comments
<ul style="list-style-type: none"> All fossils collected during the Project will be prepared to a reasonable point of identification. Excess sediment or matrix will be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified will be provided to the museum repository, along with the specimens. A report documenting the results of the monitoring and salvage activities and the significance of the fossils will be prepared. All fossils collected during this work, along with the itemized inventory of these specimens, will be deposited in a museum repository for permanent curation and storage. 						
Tribal Cultural Resources						
MM-TCR-1. Native American Monitoring. Prior to any ground disturbances within the Project Area, LADWP shall enter into a contract with and retain Native American monitors designated by Tribal representatives pursuant to its tribal consultation efforts. These monitors shall have the same authority as the archaeological monitors for this Project. Documentation of retention shall be submitted to the BLM and the Consulting Tribes and kept on file with LADWP.	Prior to start of construction	Retain Native American Monitors designated by Tribal representatives	LADWP, Consulting Tribes, BLM			
Noise						
MM-NOI-1. Construction Noise Reduction. The Los Angeles Department of Water and Power	Prior to and during construction	Construction and staging buffers; construction	LADWP			

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Mitigation Measure	Monitoring/Reporting			Verification of Compliance		
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<p>and/or its construction contractor(s) shall comply with the following measures during construction:</p> <ul style="list-style-type: none"> ▪ For construction activities occurring within 1,000 feet of residential uses within the County of San Bernardino, construction activities shall not occur between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday, or on Sundays or national holidays. In the event that construction is required to extend beyond these times, extended hours’ permits shall be required. ▪ Equipment (e.g., portable generators) shall be shielded from sensitive uses using local temporary noise barriers or enclosures or shall otherwise be designed or configured to minimize noise at nearby noise-sensitive receptors. ▪ Staging of construction equipment shall not occur within 150 feet of any noise- or vibration sensitive land uses. ▪ All noise-producing equipment and vehicles using internal combustion engines shall be equipped with mufflers; air-inlet silencers, where appropriate; and any other shrouds, shields, or other noise reducing features in good operating condition that meet or exceed original factory specification. Mobile or fixed “package” equipment (e.g., arc-welders, air compressors) shall be equipped with shrouds and noise control features that are readily available for that type of equipment. 		<p>time restrictions; noise barriers or enclosures; noise-sensitive design or configuration; use of mufflers, air-inlet silencers, or other noise reducing features; compliance with noise output regulations by federal, state, local agencies; minimization of idling equipment; use of electrically powered equipment; reduction of noise-producing signals.</p>				

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Mitigation Measure	Monitoring/Reporting			Verification of Compliance		
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<ul style="list-style-type: none"> ▪ All mobile or fixed noise-producing equipment used for the project that are regulated for noise output by a local, state, or federal agency shall comply with such regulations. ▪ Idling equipment shall be kept to a minimum and moved as far as practicable from noise sensitive land uses. ▪ Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible. ▪ Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors. ▪ The use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. 						

Project Design Feature	Monitoring/Reporting			Verification of Compliance		
	Phase	Method	Enforcing/Responsible Agency	Initial	Date	Comments
Greenhouse Gases						
GHG-Construction Standards. The “developer” shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce	Prior to and during construction	Consistency with the County of San Bernardino Greenhouse Gas Reduction Plan Update, the Southern	LADWP			

Project Design Feature	Monitoring/Reporting			Verification of Compliance		
	Phase	Method	Enforcing/Responsible Agency	Initial	Date	Comments
<p>GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:</p> <ul style="list-style-type: none"> a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or compressed natural gas equipment. c) Grading contractor shall provide the implement the following when possible: <ul style="list-style-type: none"> 1) Training operators to use equipment more efficiently. 2) Identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. 3) Replacing older, less fuel-efficient equipment with newer models. 4) use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: <ul style="list-style-type: none"> 1) “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers 		<p>California Association of Governments’ 2020 RTP/SCS, CARB’s 2017 and 2022 Scoping Plans; Implementation of a Coating Restriction Plan; Low GHG construction equipment selection; Equipment operation BMPs; Grading plan statements; Construction traffic BMPs; Waste BMPs; Ridesharing and transit incentives.</p>				

Project Design Feature	Monitoring/Reporting			Verification of Compliance		
	Phase	Method	Enforcing/Responsible Agency	Initial	Date	Comments
<p>specifications prior to arriving on site and throughout construction duration.”</p> <p>2) “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”</p> <p>e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.</p> <p>f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.</p> <p>g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.</p>						