
Appendix A

Notice of Preparation and Scoping Comments

Appendix A1

Notice of Preparation

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF A PUBLIC SCOPING MEETING

Date: April 1, 2024

To: Agencies, Organizations, and Interested Parties

Subject: Notice of Preparation of a Draft Environmental Impact Report for the McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project

This Notice of Preparation (NOP) has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15082 to notify agencies, interested parties, and members of the public that the Los Angeles Department of Water and Power (LADWP), as the lead agency, will prepare a Draft Environmental Impact Report pursuant to CEQA for the proposed McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project (proposed Project).

LADWP is requesting input from interested members of the public and affected agencies regarding the scope and content of the environmental analysis to be included in the Environmental Impact Report (EIR). A description of the project and preliminary determination of the environmental resource factors to be addressed in the EIR are included in the Initial Study for the proposed Project, which is available for review as outlined below.

PROJECT OVERVIEW

McCullough-Victorville (MCC-VIC) 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 and spanning over 160 miles from McCullough Switching Station in Nevada, through several mountain ranges, into the Mojave Desert and ending 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 upgrade of the existing McCullough-Victorville Transmission Lines would provide critical transmission capacity and is required to accommodate incoming renewable energy resources along the west of Colorado River Path 46 transmission corridor to ensure the continued safe and reliable operation of the lines. This proposed Project supports LADWP's goal to transition to a clean energy future, with ongoing efforts to transition from coal to renewable energy, influenced by Los Angeles City Council's vote in 2021 to commit to 100 percent carbon-free energy. The additional 475 megawatts (MW) would contribute over 15 percent towards LADWP's Renewable Portfolio Standard (RPS) as part of LADWP's commitment to be 100 percent carbon-free by 2035, ten years ahead of the State's target.

PROJECT DESCRIPTION

The Project would require upgrading insulators and hardware on the 1,740 existing transmission towers that span 162 miles from Boulder City, Nevada to the Victorville Switching Station in Victorville, California. 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 needed 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 where needed.

Construction of the proposed Project would require establishing a temporary work area at each transmission structure along the entire length of the transmission lines. Most of the work shall occur within existing pre-disturbed areas along the McCullough-Victorville transmission line corridor, including existing tower sites, spur roads and main access roads. Towers that would need to be replaced in full are expected to be installed in the existing tower footprint to minimize ground disturbance. Access to the Project site is available from various existing access routes along the McCullough-Victorville transmission line corridor.

Preliminary construction surveys and inspections for the proposed Project are projected to begin around April 2025. Construction of the proposed 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.

PROJECT LOCATION

The proposed Project is in Clark County, Nevada and San Bernadino County, California and would upgrade 162 miles of transmission line. The McCullough-Victorville Transmission Lines 1 and 2 run northeast/southwest, parallel to each other, for 162 miles from Boulder City, Nevada to Victorville, California. Approximately 138 miles of MCC-VIC are in the state of California and the remaining 24 miles are in the state of Nevada (please see enclosed map).

POTENTIAL ENVIRONMENTAL IMPACTS

In accordance with CEQA Guidelines Section 15063, an Initial Study has been completed, and LADWP has determined that the proposed Project may potentially create significant impacts related to various environmental factors considered under CEQA. Therefore, an EIR will be prepared for the proposed Project. The potential environmental impacts of the proposed Project that will be addressed in the EIR will include, but may not be limited to, the following factors:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Tribal Cultural Resources

PUBLIC SCOPING MEETING

LADWP will hold a virtual Public Scoping Meeting to share information regarding the proposed Project and the environmental review process, and to receive comments regarding the scope and content of the environmental analysis to be addressed in the EIR. LADWP encourages all interested individuals and organizations to attend this meeting. The date, time and details for the virtual Scoping Meeting are as follows:

Date: Wednesday, April 17, 2024

Time: 7:00 PM

Location: Zoom Conference:

https://us06web.zoom.us/webinar/register/WN_WMVhYkY9SoO6RkYyCIBX1w

Meeting ID: 883 9764 2475

Or by phone dial: +1 (669) 444-9171/Meeting ID: 883 9764 2475

Or by QR Code:



Verbal comments provided at the Scoping Meeting will be recorded so that they may be addressed in the preparation of the Draft EIR.

Reasonable accommodation or other auxiliary aids and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. Due to difficulties in securing Sign Language Interpreters, five or more business days' notice is strongly recommended. For additional information, please call (213) 367-5204.

PUBLIC REVIEW AND COMMENTS

LADWP invites comments on the scope and content of the EIR in connection with the proposed Project. The public comment period for this NOP and review of the Initial Study will commence on **April 1, 2024**, and conclude on **May 1, 2024**.

Please ensure that comments are postmarked or emailed on or before **May 1, 2024**.

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The NOP and Initial Study are available for review at the location listed below and may be accessed electronically and/or downloaded at the following website:
<https://www.ladwp.com/envnotices>.

LADWP Environmental Affairs
111 North Hope Street, Room 1044
Los Angeles, CA 90012

Please direct your comments or questions to the following:

Mr. Matthew Kerby
Los Angeles Department of Water and Power
Environmental Planning and Assessment
111 North Hope Street, Room 1044
Los Angeles, CA 90012
Phone: (213) 367-1795
Email: matthew.kerby@ladwp.com

Please remember to include your name and return address so that you can be added to the Project mailing list for future project notifications. Written comments can be submitted via email or hard copy by the methods described above. Please note, LADWP's practice is to make the entirety of comments received a part of the public record. Therefore, names, home addresses, home phone numbers, and email addresses of commenters, if included in the response, will be made part of the record available for public review. Individual commenters may request that LADWP withhold their name and/or home addresses, etc., but if you wish LADWP to consider withholding this information, you must state this prominently at the beginning of your comments. In the absence of this written request, this information will be made part of the record for public review. LADWP will always make submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Additional information regarding the proposed Project can be found on the Project website at <https://www.ladwp.com/MCC-VIC>

Sincerely,

A handwritten signature in blue ink, appearing to read "Jane Hauptman".

Jane Hauptman
Manager of Environmental Planning and Assessment

Appendix A2

Scoping Comments



TWENTY-NINE PALMS BAND OF MISSION INDIANS

46-200 Harrison Place. Coachella, CA. 92236. Ph. 760.863.2444. Fax: 760.863.2449

May 3, 2024

Mr. Matthew Kerby
Los Angeles Department of Water and Power
Environmental Planning and Assessment
111 North Hope Street, Room 1044
Los Angeles, CA 90012

RE: Draft Environmental Impact Report for McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project

Dear Mr. Kerby

This letter is in regards to an informal consultation and in compliance with CEQA and Draft Environmental Impact Report for McCullough-Victorville Transmission Lines 1 and 2 Upgrade Project . 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.

After reviewing the proposed project, the Twenty-Nine Palms Band of Mission Indians has determined: The project is outside of the known Chemehuevi Traditional Use Area. The other tribes who do have cultural affiliation with the project area should be contacted.

If you have any questions, please do not hesitate to contact the Tribal Historic Preservation Office at (760) 775-3259 or by email at Christopher.Nicosia@29palmsbomi-nsn.gov.

Sincerely,

Christopher Nicosia
Cultural Resources Manager, Twenty-Nine Palms Band of Mission Indians



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



April 30, 2024
Sent via email

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

Subject: Notice of Preparation of a 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 Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) and Initial Study (IS) from Los Angeles Department of Water and Power (LADWP) for the McCullough-Victorville Lines 1 and 2 Upgrade Project (proposed 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 proposed Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the proposed 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.

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.

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 proposed Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to

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the extent implementation of the proposed Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

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 proposed 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.

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 DEIR address the following:

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Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the proposed Project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009¹). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov or <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data> to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the Project.

Please note that CDFW's CNDDDB is a positive detection database only and is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish & G. Code, § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA

¹ Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California. <http://vegetation.cnps.org/>

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Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist, and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought. The inventory of rare, threatened, endangered, and other sensitive species and associated focused species-specific surveys should include, but not be limited to, the following:

Desert Bighorn Sheep (*Ovis canadensis nelsoni*)

Desert bighorn sheep (Bighorn Sheep) are known to occur and lamb within and adjacent to the proposed Project alignment. Bighorn Sheep are particularly susceptible to visual and aural disturbances during the lambing season and disturbances can result in mortality. The lambing season varies by sites, annual climatic trends, and other conditions. Disturbance avoidance for lambs under 3 months of age is critical to their survival. CDFW recommends that work, including personnel presence, be avoided during the lambing season, approximately January to September.

The DEIR should analyze the construction methods, timing, and practices that avoid impacts to Bighorn Sheep, their habitat, and particularly lambing areas. The DEIR should identify mitigation measures that minimize visual (e.g., construction equipment, and helicopters) and aural (e.g., implosive connector sleeves, and sudden noise) disturbances. Minimum helicopter flight heights, approach angles, and maximum operation durations should be established in consultation with CDFW based on a collaborative review of the operational location, needs, and timing of helicopter work.

Agassiz's Desert Tortoise (*Gopherus agassizii*)

The proposed Project occurs within the range of Agassiz's desert tortoise; a state listed endangered and federally listed threatened species. CDFW recommends that LADWP complete protocol level surveys proposed to be directly or indirectly affected by the Project, using appropriately qualified biologists, following the USFWS Desert Tortoise Field Manual, accessible here:

https://www.fws.gov/nevada/desert_tortoise/documents/field_manual/DesertTortoise-Field-Manual.pdf. To reduce the likelihood of nonconcurrence with proposed

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surveys, methodology, and qualifications of biologists, CDFW recommends working with the USFWS and CDFW concurrently to ensure a consistent and adequate approach to planning your work (USFWS, 2018).

If desert tortoise are found within the Project area during surveys or construction activities, and complete avoidance is not possible, CDFW recommends LADWP acquire a State ITP prior to any vegetation- or ground-disturbing activities. Any take of desert tortoise without take authorization would be a violation of Fish and Game Code section 2080.

Burrowing Owl (*Athene cunicularia*)

The proposed Project has the potential to provide suitable foraging and/or nesting habitat for burrowing owl. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.”

CDFW recommends that the Project proponent follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012); available for download from CDFW’s website: [Survey and Monitoring Protocols and Guidelines \(ca.gov\)](#). The Staff Report on Burrowing Owl Mitigation, specifies three steps for project impact evaluations:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the Staff Report on Burrowing Owl Mitigation, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

Mojave Fringe-toed lizard (*Uma scoparia*)

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The proposed Project alignment overlaps with the California Wildlife Habitat Relationships (CWHR) modeling² of high-quality Mojave fringe-toed lizard predicted habitat. CDFW recommends that DEIR analyze the impacts of the proposed Project to the species. CDFW is concerned with the proposed Project's potential to result in take of the species during construction associated with equipment and personnel mobilization. The DEIR should examine measures to reduce potential vehicle collisions including, but not limited to, vehicle speed limits, signage, and biological monitoring.

4. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
5. A full accounting, including mapping, of all open space and mitigation/conservation lands within and adjacent to the Project.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential indirect project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
2. An evaluation of impacts to on-site and adjacent open space lands from both the construction of the proposed Project and any long-term operational and maintenance needs.
3. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. Project related impacts to riparian areas, alluvial fan habitats, wildlife corridors or wildlife movement areas, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future

² California Department of Fish and Wildlife. 2016. California Wildlife Habitat Relationships habitat suitability model. Accessed via BIOS Viewer (<https://apps.wildlife.ca.gov/bios6/?dslist=2396>).

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projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would “feasibly attain most of the basic objectives of the Project,” and would avoid or substantially lessen any of the Project’s significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate a “no project” alternative (CEQA Guidelines § 15126.6[e]).

The DEIR should include an analysis of various construction practices including, timing sections or phases of the to minimize species conflicts (e.g. bighorn sheep lambing), Project construction techniques such as micro piling, and the use of helicopters (to minimize access disturbances, temporary impact foot prints, and number of work days) as strategies to mitigate the spatial and temporal impacts to sensitive areas (e.g., Bighorn Sheep habitat and lambing areas). The analysis should specifically examine how unique construction practices can avoid, minimize, or otherwise provide reasonable assurances that the Project’s impacts have been avoided or minimized.

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. LADWP should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Unless otherwise authorized pursuant to Fish and Game Code section 2081.15, fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks

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can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.

3. California Species of Special Concern (CSSC): CSSC status applies to animals generally not listed under the federal Endangered Species Act or the CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. CSSCs should be considered during the environmental review process. CSSC that have the potential or have been documented to occur within or adjacent to the project area, including, but not limited to: American badger (*Taxidea taxus*), burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), and Mojave fringe-toed lizard (*Uma scoparia*).
4. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where habitat preservation is not available onsite, offsite land acquisition, management, and preservation should be evaluated and discussed in detail.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

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CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought. CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of State-listed CESA species, either through construction or over the life of the project. CESA ITPs are issued to conserve,

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protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. The California Fish and Game Code requires that CDFW comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of CESA. As discussed above, CESA-listed species with the potential to occur onsite include but are not limited to Agassiz's desert tortoise, Mohave ground squirrel, and western Joshua tree. In addition, burrowing owl has been petitioned for CESA candidacy; CDFW recommends LADWP consider analyzing burrowing owl as a CESA-candidate to ensure CESA requirements are met and to avoid permitting delays in the event of candidacy listing.

Mohave Ground Squirrel (*Xerospermophilus mohavensis*)

The Project site contains suitable habitat for the California Endangered Species Act (CESA)-threatened Mohave ground squirrel. CDFW recommends the DEIR provide a discussion of habitat suitability, as well as potential direct and indirect impacts on Mohave ground squirrel. CDFW recommends the Project proponent retain a qualified biologist to conduct a focused survey during the appropriate period and adhering to CDFW's [MGS Survey Guidelines Final 20231017 Final \(1\).pdf](#) (CDFW, January 2003; revised July 20120, October 2023). Findings from the focused survey should be included in the DEIR for complete public disclosure and review. If the Project would impact Mohave ground squirrel, the DEIR should provide measures to avoid, minimize, and/or mitigate potential impacts to Mohave ground squirrel as well as habitat supporting the species. For unavoidable impacts, CDFW recommends consultation with CDFW and obtaining appropriate take authorization under CESA. Please visit CDFW's [California Endangered Species Act \(CESA\) Permits](#) webpage for more information (CDFW 2023a).

Impacts on Western Joshua Tree (*Yucca brevifolia*)

Based on the Project location, there may be western Joshua trees on the Project site. In order for the Project to be completed as proposed, western Joshua trees would need to be removed. WJT is a candidate threatened species under CESA. Under CESA, species classified as a candidate species are afforded the same protection as CESA-listed species. Take of any CESA listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). The California state legislature has enacted the Western Joshua Tree Conservation Act (WJTCA) which aims to provide protection of WJT while removing some of the barriers faced by developers when working on or adjacent to sites where the species is present.

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For unavoidable impacts, CDFW recommends consultation with CDFW and obtaining appropriate take authorization under CESA. Take authorization may be obtained through a traditional Incidental Take Permit or through a WJTCA permit. Please visit CDFW's California Endangered Species Act (CESA) Permits web page for more information. For more information on the WJTCA, please visit the CDFW Western Joshua Tree Conservation Efforts and Permitting website.

CDFW Lake and Streambed Alteration Program

Based on review of aerial photography, ephemeral streams transects the Project site. Depending on how the Project is developed, Project activities may impact Fish and Game Code section 1602 resources. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that results in one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water. Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To submit a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

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, § 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

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types of information reported to CNDDDB can be found at the following link:
<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

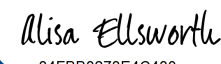
ENVIRONMENTAL DOCUMENT FILING FEES

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.)

CONCLUSIONS

CDFW appreciates the opportunity to comment on the NOP of a 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 DEIR. 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).

Sincerely,

DocuSigned by:

84FBB8273E4C480...
Alisa Ellsworth
Environmental Program Manager

ec:

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



Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Special Districts
- Surveyor
- Transportation

www.SBCounty.gov

Noel Castillo, P.E.
Director

David Doublet, M.S., P.E.
Assistant Director

April 29, 2024

Transmitted Via Email

File: 10(ENV)-4.01

Los Angeles Department of Water and Power
Environmental Planning and Assessment
Attn: Matthew Kerby
111 North Hope Street, Room 1044
Los Angeles, CA 90012
matthew.kerby@ladwp.com

RE: CEQA PROJECT COMMENT – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND NOTICE OF A PUBLIC SCOPING MEETING FOR THE MCCULLOUGH-VICTORVILLE (MCC-VIC) TRANSMISSION LINES 1 AND 2 UPGRADE PROJECT.

Dear Mr. Kerby:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on April 1, 2024**, and pursuant to our review, the following comments are provided:

Transportation Operations Division (Johnny Gayman, Engineering Manager, 909-387-7995):

The project's vast and various site locations may fall within the County Maintained Road System (CMRS) between the City of Victorville and the Nevada state line on route to Boulder City. Transportation permits will be required for working in County Road Right-of-Way. The Transportation Operations Division offers the following comments:

1. A Road Construction Permit will be required if any public road improvements are proposed within any County maintained road right-of-way across the route of the project. A Street Improvement Plan (SIP) permit may be required as a condition of approval for the Road Construction Permit. If you have any questions regarding this process, please contact the San Bernardino County Flood Control District Permits Section at (909) 387-7995.

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2. An Excavation Permit will be required if any public off-site utility work such as sewer, water, gas, electric, telephone/television cable, etc. that involves trenching or boring are proposed within any CMRS road right-of-way across the route of the project.
3. An Encroachment Permit will be required if conditions require a tie into an existing utility that falls within the CMRS roads across the route of the project.

Transportation Permits Division (Johnny Gayman, Engineering Manager, 909-387-7995):

1. Our records indicate that the transmission line(s) crosses over the Mojave River facility at least once. Additionally, the transmission line(s) seems to be close to other Right-of-Way locations. The applicant will need to obtain an encroachment permit if they are proposing any work within the San Bernardino County Flood Control District Road-Right-Way. If you have any questions regarding this process, please contact the San Bernardino County Flood Control Permits Section at (909) 387-7995.

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

Nancy Sansonetti

Nancy J. Sansonetti, AICP

Supervising Planner, Capital Improvement Section
Environmental Management Division