

**FINDINGS OF FACT & STATEMENT OF OVERRIDING
CONSIDERATIONS**

FOR THE
MCCULLOUGH-VICTORVILLE
LINES 1 AND 2 UPGRADE PROJECT
ENVIRONMENTAL IMPACT REPORT

SCH NO. 2024040144



SEPTEMBER 2024

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Acronyms and Abbreviations

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| 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 |
| FESA | federal Endangered Species Act |
| FLPMA | Federal Land Policy and Management Act |
| GHG | greenhouse gas |
| HAP | hazardous air pollutant |

| Acronym/Abbreviation | Definition |
|----------------------|---|
| 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 |
| NO ₂ | nitrogen dioxide |
| NOP | Notice of Preparation |
| NO _x | 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 |
| PM ₁₀ | particulate matter with an aerodynamic diameter less than or equal to 10 microns |
| PM _{2.5} | 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 |

| Acronym/Abbreviation | Definition |
|----------------------|--|
| 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 |

1. Introduction

This document contains the findings of fact and statement of overriding considerations for the McCullough-Victorville Lines 1 and 2 Upgrade Project (project or proposed project), prepared by the Los Angeles Department of Water and Power (LADWP) pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code Section 21000 et seq.), specifically Public Resources Code Sections 21081 and 21081.6, and the CEQA Guidelines (14 CCR 15000 et seq.), specifically Section 15091 and 15093. Below is a description of the purpose and CEQA requirements associated with the findings of fact and statement of overriding considerations.

1.1 Purpose and CEQA Requirement

Findings of Fact

The statement of findings in this document addresses the environmental effects associated with the proposed project that are described in the project's Environmental Impact Report (EIR). Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require that the lead agency, in this case LADWP, prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. CEQA Guidelines Section 15091(a) states:

No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

This document presents one of the above findings for each of the significant environmental effects of the project that were identified in the project's EIR.

As required by CEQA, in adopting these findings, LADWP also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. LADWP finds that the MMRP, which is included in the Final EIR and is incorporated into these findings as Attachment A, meets the requirements of Public Resources

Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

As required by CEQA, the City of Los Angeles Board of Water and Power Commissioners, as the decision-making entity for the project, finds that the Final EIR for the project reflects LADWP's independent review and judgment. In accordance with the provisions of CEQA and the CEQA Guidelines, LADWP adopts these findings as part of its certification of the Final EIR.

Statement of Overriding Considerations

As described in the Final EIR for the project, approval of the proposed project will result in significant environmental impacts that cannot be avoided even with the adoption of all feasible mitigation measures.

In accordance with Public Resource Code Section 21081 and CEQA Guidelines Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered "acceptable," in which case the lead agency must adopt a formal statement of overriding considerations. The Final EIR for the proposed project identified a potentially significant effect that will result from project implementation, even with the inclusion of mitigation (see Section 5.3). Whenever a lead agency adopts a project that will result in a significant and unavoidable impact, the agency must state in writing the specific reasons to support its action based on the Final EIR and/or other information in the administrative record pursuant to Public Resources Code sections 21002 and 21081(b) and CEQA Guidelines Section 15093.

The City of Los Angeles Board of Water and Power Commissioners, (i) having independently reviewed the information in the EIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the project to the extent feasible by adopting the mitigation measures identified in the EIR; and (iii) having balanced the benefits of the project against the significant environmental impacts, chooses to approve the project, despite its significant and unavoidable environmental impacts, because, in its view, specific economic, legal, social, and other benefits of the project render the significant and unavoidable environmental impacts acceptable.

The statement of overriding considerations included herein (Section 6) identifies why, in the City of Los Angeles Board of Water and Power Commissioners' judgment, the benefits of the project as approved outweigh the unavoidable significant impacts. Each of these public benefits serves as an independent basis for overriding significant and unavoidable impacts. Any one of the reasons set forth below is separately and independently sufficient to outweigh, on its own, all of the significant and unavoidable impacts of the project and therefore to justify approval of the project. Substantial evidence supports the

various benefits. Such evidence can be found either in the subsequent sections of this document, the Final EIR, or in documents that comprise the Record of Proceedings in this matter.

1.2 Organization of this Document

This findings of fact and statement of overriding considerations document is organized as follows:

Chapter 1, Introduction describes the purpose of this document and summarizes the CEQA requirements for findings of fact and for the statement of overriding considerations.

Chapter 2, Project Description includes a synopsis of the proposed project from the EIR, including the project location and project objectives.

Chapter 3, Procedural History describes the steps for public input, review, and participation that were taken during the preparation of the Draft and Final EIRs.

Chapter 4, Record of Proceedings contains a list of documents that make up LADWP's record of proceedings for its decision on the proposed project and identifies the custodian of these documents.

Chapter 5, Findings Required under CEQA lists the impacts determined to be below the threshold of significance without the incorporation of mitigation measures, provides findings for all potentially significant environmental impacts, and provides findings for the project alternatives. This section also provides findings regarding growth inducing impacts, significant irreversible environmental changes, recirculation, and the mitigation monitoring and reporting program.

Chapter 6, Statement of Overriding Considerations sets forth reasons to support LADWP's action to approve the project, which will result in the occurrence of a significant effect which is identified in the Final EIR but is not avoided or substantially lessened through mitigation.

2. Project Description

2.1 Project Location

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 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 which is located 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. Figure 3-1, Project Location, and Figure 3-2, Project Alignment, show the entirety of the MCV1 and MCV2 transmission line alignments at different levels of detail.

2.2 Project Background

LADWP placed the first transmission line of the MCC-VIC alignment in 1936 at a capacity of 287.5 kV and constructed the second parallel transmission line in 1939 (LADWP 2024a). In 1970, LADWP upgraded one of the transmission lines and subsequently upgraded the second transmission line in 1980 (LADWP 2024a). The current transmission line upgrade is required to accommodate incoming renewable energy resources along the West of Colorado River (WOR) Path 46 transmission corridor. This Project would enable an additional 475 MW to contribute over 15% towards LADWP's Renewable Portfolio Standard (RPS) as part of LADWP's most recent commitment under the RPS to provide 100% carbon-free energy to customers by 2035, 10 years ahead of the State's target. In 2004, the Los Angeles City Council passed Resolution 03-2064-S1 requesting that the Board of Water and Power adopt an RPS Policy of 20 percent renewable energy by 2017, which the Board passed in 2005 along with an interim goal of 13% renewable energy provided by 2010 (LADWP 2013). The City Council then approved the LADWP RPS on June 29, 2005. LADWP's RPS acts as a roadmap to provide customers with an increasing percentage of energy from renewable resources, including wind, solar, small hydroelectric, geothermal, and biomass, and its specific renewable energy targets have been amended over time (LADWP 2024b),

2.3 Project Objectives

The underlying purpose of the 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 LADWP achieve state and local requirements for GHG 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 RPS goals by increasing LADWP's transmission capacity by 475 megawatts (MW);
- 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; and
- 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.

2.4 Required Approvals and Entitlements

The following permits and approvals may be required for the proposed Project:

- Approval by Los Angeles Department of Water and Power Board of Commissioners
- Approval by the U.S. Bureau of Land Management
- California Department of Fish and Wildlife Section 1602 Notification of Lake or Streambed Alteration
- California Department of Fish and Wildlife Incidental Take Permit(s)
- National Pollutant Discharge Elimination System (NPDES) Water Pollution Control Permit
- Regional Water Quality Control Board Section 401 Water Quality Certification and Waste Discharge Requirements
- San Bernardino County Grading Permit (where applicable)
- City of Henderson or Boulder City Grading Permit (where applicable)
- State Water Resources Control Board Section 402 Storm Water Permit Associated with Construction Activities
- U.S. Army Corps of Engineers Section 404 Nationwide Permit
- Right of entry – state lands via public access roads

Construction would be completed in compliance with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, NPDES No. CAS000002). Per the General Permit, a Stormwater Pollution Prevention Plan (SWPPP) incorporating BMPs for erosion control would be developed and implemented during Project construction.

3. Procedural History

In accordance with CEQA, LADWP took steps to inform the public and decision makers of the proposed project and its environmental effects, as characterized below.

- An Initial Study (IS) was prepared and a Notice of Preparation for an EIR (NOP) was distributed on April 2nd, 2024, to public agencies and organizations. The purpose of the NOP was to provide notification that LADWP plans to prepare an EIR and to solicit input on the scope and content of the EIR. In accordance with CEQA Guidelines Section 15082, LADWP distributed the NOP to 40 agencies and organizations. The NOP and IS was also filed with the State Clearinghouse. Additionally, LADWP sent the NOP to addresses along the project alignment and published the NOP in local newspapers (*San Bernardino Sun, Inland Valley Bulletin, The Press-Enterprise, Redland Daily Facts and Los Angeles Times*). Hardcopies of the Initial Study were available for review at the LADWP Environmental Affairs office. An electronic copy of the Initial Study was made available on LADWP's website. In response to the NOP, 4 written comment letters were received. These letters and the NOP/Initial Study are included in Appendix A of the Draft EIR.
- A public agency scoping meeting was held online on April 17, 2024, at 7:00 pm. Information regarding the scoping meeting was included in the NOP, which was widely distributed, as described above. The purpose of this meeting was to seek input from public agencies and the general public regarding the environmental issues and concerns that may potentially result from the proposed project. A summary of the proposed project and the CEQA process was presented at the meeting; one comment was received during the meeting from Robert Robinson, Tribal Chairman, of the Kern Valley Indian Community.
- The Draft EIR was circulated for an approximately 45-day public review and comment period starting on June 27, 2024, and concluding on August 12, 2024. The public review period was conducted pursuant to CEQA and its implementing guidelines. The purpose of the public review period was to provide interested public agencies, organizations, and individuals the opportunity to comment on the contents and accuracy of the document. The Draft EIR and the Notice of Completion were distributed to the California Office of Planning and Research, State Clearinghouse. A Notice of Availability (NOA) was distributed to approximately 90 relevant legislators, agencies, and community stakeholders, along with a copy of the Draft EIR. Additionally, LADWP sent the NOA to addresses along the project alignment and published the NOA in local newspapers (*San Bernardino Sun, Inland Valley Bulletin, The Press-Enterprise, Redland Daily Facts, and Los Angeles Times*). The NOA stated where the Draft EIR could be reviewed and how to comment. Copies of the Draft EIR were made available to the public for review at the

LADWP Environmental Affairs office. An electronic copy of the Initial Study was made available on LADWP's website.

- LADWP received two (2) comment letters during the Draft EIR review period, as well as a letter from the State Clearinghouse acknowledging LADWP's compliance with the State Clearinghouse review requirements for draft environmental documents pursuant to CEQA. The commenting agencies, organizations, and individuals are listed in Table 2-1 in the Final EIR. The Final EIR contains responses to these comments, including a summary of each comment and the complete comment letter. Based on the comments received, edits were made to the Draft EIR as set forth in Chapter 2 of the Final EIR. Responses to comments will be distributed no later than ten (10) days prior to the Los Angeles Board of Water and Power Commissioners hearing.

4. Record of Proceedings

In accordance with CEQA Section 21167.6(e), the record of proceedings for DGS's decision on the proposed Resources Building Replacement Project includes, without limitation, the following documents:

- The NOP and Initial Study (April 2, 2024), which are provided in Appendix A of the Draft EIR.
- All comments submitted by agencies or members of the public during the scoping comment period (provided in Appendix A of the Draft EIR).
- The Draft EIR for the project (June 27, 2024; State Clearinghouse Number 2024040144).
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR (provided in Chapter 3 of the Final EIR).
- The Final EIR (September 2024), including comments received on the Draft EIR, responses to those comments, and revisions to the Draft EIR.
- Documents cited or referenced in the Draft and Final EIRs.
- The MMRP for the project (Attachment A to these Findings).
- All findings and resolutions adopted by LADWP in connection with the project and all documents cited or referred to therein.
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the proposed project prepared by LADWP or consultants to LADWP with respect to LADWP's compliance with the requirements of CEQA and with respect to LADWP's action on the proposed project.
- All documents submitted to LADWP by other public agencies or members of the public in connection with the proposed project, up through final consideration of the project for approval.
- All minutes and/or recordings, as available, of public meetings and public hearings held by LADWP in connection with the proposed project.
- Any documentary or other evidence submitted to LADWP at such public meetings or hearings.
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations.
- Any documents expressly cited in these findings, in addition to those listed above.
- Any other materials required for the record of proceedings by CEQA Section 21167.6(e).

CEQA Guidelines Section 15091(e) requires a public agency to specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based. The official custodian of the documents comprising the record of proceedings is the Los Angeles Department of Water and Power, Environmental Affairs, located at 111 North Hope Street, Room 1044, Los Angeles, California 90012.

5. Findings Required Under CEQA

Section 5.1 through Section 5.5 below contain LADWP's findings with respect to the environmental impacts of the project pursuant to the requirements of Public Resources Code 21081 and CEQA Guidelines Sections 15091 and 15097.

The Final EIR, consisting of the Draft EIR, comments on the Draft EIR, responses to comments on the Draft EIR, and revisions to the Draft EIR, are hereby incorporated by reference into these findings without limitation. This incorporation is intended to address the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project despite the potential for associated significant and unavoidable impacts.

5.1 Less Than Significant Impacts and Areas of No Impact

The following impacts were evaluated in the Draft EIR and the Initial Study (contained in Appendix A of the Draft EIR) and determined to be below a level of significance due to the design, location, and scope of the proposed project and/or through adherence with existing laws, codes, and statutes. Based on the environmental analysis presented in the Draft EIR and the comments received by the public on the Draft EIR, no substantial evidence was submitted to or identified by LADWP indicating that the project would have a potentially significant impact with respect to the environmental categories listed below. Support for the environmental impact conclusions listed below are provided either in the Initial Study for the EIR, or throughout Chapter 5, Other CEQA Considerations, of the Draft EIR, as applicable.

Aesthetics

- Threshold A: Substantial Adverse Effect on a Scenic Vista (less than significant)
- Threshold B: Substantially damage scenic resources within a state scenic highway (less than significant)
- Threshold C: Substantially degrade the existing visual character or quality of public views of the site and its surroundings (less than significant)
- Threshold D: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (less than significant)

Agriculture and Forestry Resources

- Threshold A: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and

Monitoring Program of the California Resources Agency, to non-agricultural use (no impact)

- Threshold B: Conflict with existing zoning for agricultural use, or a Williamson Act Contract (no impact)
- Threshold C: Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production (no impact)
- Threshold D: Loss of forest land or conversion of forest land to non-forest use (no impact)
- Threshold E: Change in existing environment which, due to their location or nature, could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use (less than significant)

Air Quality

- Threshold D: Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (less than significant)

Biological Resources

- Threshold D: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (less than significant)

Energy

- Threshold A: Result in a potentially significant environmental impact due to the wasteful, inefficient, or unnecessary consumption of energy resources (less than significant impact)
- Threshold B: Conflict with or obstruct a state or local plan for renewable energy or energy efficiency (no impact)

Geology and Soils

- Threshold A: Directly or indirectly cause substantial adverse effects, including risk of loss, injury or death due to:
 - Threshold A(i): Rupture of a known earthquake fault (less than significant)
 - Threshold A(ii): Strong seismic ground shaking (less than significant)

- Threshold A(iii): Seismic related ground failure, including liquefaction (less than significant)
- Threshold A(iv): Landslides (less than significant)
- Threshold B: Soil erosion of loss of topsoil (less than significant)
- Threshold C: Located of a geologic unit that is unstable or that would become unstable (less than significant)
- Threshold D: Located on expansive soil (less than significant)
- Threshold E: Septic tanks/alternative wastewater disposal systems (no impact)

Greenhouse Gas Emissions

- Threshold A: Generate greenhouse gas emissions that may have a significant effect on the environment (less than significant)
- Threshold B: Conflict with an applicable plan or policy adopted for the purpose of reducing the emission of greenhouse gases (less than significant)

Hazards and Hazardous Materials

- Threshold A: Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials (less than significant)
- Threshold B: Create a significant hazard through upset and accident conditions (less than significant)
- Threshold C: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a one-quarter mile of a school (no impact)
- Threshold D: Located on a site that is included on a list compiled pursuant to Government Code Section 65962.5 (less than significant)
- Threshold E: Safety hazards related to public airports (no impact)
- Threshold F: Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan (less than significant impact)
- Threshold G: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires (less than significant)

Hydrology and Water Quality

- Threshold A: Violate water quality or waste discharge requirements (less than significant)
- Threshold B: Substantially deplete groundwater supplies or interfere with groundwater recharge (less than significant)
- Threshold C: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would:
 - Threshold C(i): Result in substantial erosion or siltation (less than significant)
 - Threshold C(ii): Substantially increase the rate or amount of surface runoff in a manner which would result in flooding (less than significant)
 - Threshold C(iii): Create runoff water which would exceed capacity of existing or planned stormwater drainages systems or provide substantial additional sources of polluted runoff; or (less than significant)
 - Threshold C(iv): Impede or redirect stream flows (no impact)
- Threshold D: In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation (less than significant)
- Threshold E: Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (less than significant impact)

Land Use and Planning

- Threshold A: Physically divide an established community (no impact)
- Threshold B: Conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect (less than significant impact)

Mineral Resources

- Threshold A: Result in the loss of availability of a known mineral resource of value (no impact)
- Threshold B: Result in the loss of availability of a locally-important mineral resource recovery site (no impact)

Noise

- Threshold B: Generation of excessive ground borne noise levels (less than significant impact)
- Threshold C: For a project located near a private airstrip or airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels (less than significant)

Population and Housing

- Threshold A: Induce substantial population growth (no impact)
- Threshold B: Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere (no impact)

Public Services

- Threshold A: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios for the following public services:
 - Fire protection (less than significant impact)
 - Police protection (less than significant impact)
 - Schools (no impact)
 - Parks (no impact)
 - Other public facilities (no impact)

Recreation

- Threshold A: Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration would occur or be accelerated (no impact)
- Threshold B: Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (no impact)

Transportation

- Threshold A: Conflict with an applicable plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities (less than significant)
- Threshold B: Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b) (less than significant)
- Threshold C: Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (less than significant)
- Threshold D: Result in inadequate emergency access (no impact)

Utilities and Service Systems

- Threshold A: Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which would cause significant environmental effects (no impact)
- Threshold B: Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (less than significant)
- Threshold C: Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments (no impact)
- Threshold D: Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (less than significant)
- Threshold E: Comply with federal, state, and local management and reduction statutes and regulations related to solid waste (less than significant)

Wildfire

- Threshold A: Substantially impair an adopted emergency response plan or emergency evacuation plan (less than significant)
- Threshold B: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire (less than significant)

- Threshold C: Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment (less than significant)
- Threshold D: Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes (no impact)

Cumulative Impacts

The proposed project's impacts for the above categories were determined to be less than cumulatively considerable.

5.2 Significant Impacts Sufficiently Reduced through Mitigation Measures

For this project, the following impacts were identified as significant but will be reduced to less than significant levels with implementation of the mitigation measures identified in the Final EIR and MMRP. In accordance with CEQA Guidelines Section 15091(a), a specific finding is made for each impact and its associated mitigation measures in the discussions below.

5.2.1 Biological Resources

Threshold A

Potential Effect: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service

Mitigation Measures: MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7, MM-BIO-8, MM-BIO-9, MM-BIO-10, MM-BIO-11, MM-BIO-12, MM-BIO-13, MM-BIO-14, MM-BIO-15, MM-BIO-16, MM-BIO-17, MM-BIO-18, and MM-BIO-19

MM-BIO-1. Western Joshua Tree Census, Permitting, and Avoidance.

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 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 the California Department Fish and Wildlife (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.

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 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 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.

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.

MM-BIO-3. Biological Monitoring.

At minimum, biological monitoring shall include the following tasks and responsibilities:

- 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 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.

- 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 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 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:

- 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.
- 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.

MM-BIO-5. Delineation of Impact Boundaries.

Before beginning activities that would cause impacts, the contractor shall clearly delineate 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.

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 take authorization from USFWS and CDFW 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 U.S. 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. 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. Upon Project implementation, LADWP shall adhere to any additional measures and conditions that USFWS and/or CDFW may require in the applicable take authorizations. 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.

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. 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).

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.

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 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

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.

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 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 assessment will be submitted to CDFW for concurrence.

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.

Mohave Ground Squirrel Incidental Take Permit. 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 present or for areas where occupancy has been confirmed. Protocol surveys will be conducted in 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.

Mohave Ground Squirrel Compensatory Mitigation. Upon completion of protocol surveys, LADWP will coordinate with 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.

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.

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).

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.

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 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.

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.

Within the known distribution range for Crotch's bumble bee, presence/absence surveys for the species shall be conducted prior to construction 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.

The focused surveys will be performed by a biologist with expertise in surveying for bumble 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 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).

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 from the cold environment, so photography must be performed quickly.

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.

A written survey report will be submitted to CDFW within 30 days of the survey. The report will 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.

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.

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 replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the ITP process.

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.

Focused Special-Status Plant Surveys. 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 (*Acleisanthes nevadensis*), Nevada onion (*Allium nevadense*), white bear poppy (*Arctomecon merriamii*), Mojave milkweed (*Asclepias nyctaginifolia*), Tidestrom's milkvetch (*Astragalus tidestromii*), scaly cloak fern (*Astroleps cochisensis* ssp. *cochisensis*), three-awned grama (*Bouteloua trifida*), Emory's crucifixion thorn (*Castela emoryi*), desert pincushion (*Coryphantha chlorantha*), viviparous foxtail cactus (*Coryphantha vivipara* var. *rosea*), Gilman's cymopterus (*Cymopterus gilmanii*), purple-nerve cymopterus (*Cymopterus multinervatus*), Mojave monkeyflower (*Diplacus mohavensis*), nine-awned pappus grass (*Enneapogon desvauxii*), Harwood's eriastrum (*Eriastrum harwoodii*), desert bedstraw (*Galium proliferum*), Parish's club-cholla (*Grusonia parishii*), polished blazing star (*Mentzelia polita*), Darlington's blazing star (*Mentzelia puburula*), creamy blazing star (*Mentzelia tridentata*), cave evening-primrose (*Oenothera cavernae*), rosy two-toned beardtongue (*Penstemon bicolor* ssp. *roseus*), sky-blue phacelia (*Phacelia coerulea*), Parish's phacelia (*Phacelia parishii*), Abert's sanvitalia (*Sanvitalia abertii*), Rusby's desert-mallow (*Sphaeralcea rusbyi* var. *eremicola*), and Mormon needle grass (*Stipa arida*).

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).

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. 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:

- 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.

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 concurrence for measures required for federally or state-listed plant species, if observed.

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:

- Salvaged plants shall be transplanted expeditiously to either their final on-site location or to an approved off-site area. If the 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).
- Transplanted plants shall be watered prior to and at the time of transplantation. Watering of the transplanted plants shall continue for one year.

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:

- 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.
- 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.

MM-BIO-14. Burrowing Owl Protocol Surveys.

LADWP shall implement the relevant steps identified in the *Staff Report on Burrowing Owl Mitigation, Project Impact Evaluations* (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 (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.

- 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.
- 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.

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.

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.

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 placed 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 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 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.

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:

- USACE Section 404 Permit
- RWQCB Section 401 Water Quality Certification

- RWQCB Waste Discharge Requirements
- CDFW Section 1602 Notification of Lake or Streambed Alteration

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.

- 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.
- 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 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.
- 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:
 - 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.

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 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).

Reference: Draft EIR, pp. 4.2-1 through 4.2-76

Finding: Implementation of MM-BIO-1 through MM-BIO-19 will reduce impacts to special-status species to less-than-significant levels. Implementation of these measures will ensure impacts to western Joshua tree are appropriately permitted and mitigated, that biological monitoring will take place during project construction activities, and that the duties of the biological monitor are appropriately outlined including development of an educational training program for construction workers. Additionally, all project impact boundaries will be demarcated. Impacts to desert tortoise will be reduced by conducting protocol-level surveys and determine appropriate levels of mitigation in coordination with regulatory agencies, and authorization for potential take shall be obtained with USFWS through Section 7 consultation or Section 10 permitting, and with CDFW through a consistency determination or Section 2081 ITP as necessary. Protocol-level surveys will also be conducted for Mohave Ground Squirrel in suitable habitat, for Listed riparian birds, Crotch's bumble bee, and for burrowing owl if the project will impact burrowing owl habit. Pre-construction surveys and minimization measures for special-status plants will be instituted and if applicable, will replace native desert plants pursuant to the California Desert Native Plants Act. In project areas where Golden Eagle nests are discovered, avoidance and minimization measures will be undertaken. Mitigation measures are also designed to avoid desert Bighorn Sheep and minimize impacts to special-status meso-carnivores such as desert kit fox, American badger, or ringtail. Compensatory mitigation shall be provided for permanent impacts to special-status vegetation communities. Finally, mitigation will also be implemented for aquatic resources and for ground disturbance. Accordingly, LADWP therefore finds that mitigation measure MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7, MM-BIO-8, MM-BIO-9, MM-BIO-10, MM-BIO-11, MM-BIO-12, MM-BIO-13, MM-BIO-14, MM-BIO-15, MM-BIO-16, MM-BIO-17, MM-BIO-18, MM-BIO-19 are feasible, are adopted, and will reduce the potentially significant impacts of the proposed project to riparian habitat and other sensitive natural communities to less than significant levels. LADWP finds that, pursuant to Public

Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Threshold B

Potential Effect: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or USFWS

Mitigation Measures: MM-BIO-3, MM-BIO-4, MM-BIO-5, and MM-BIO-17

Finding: Implementation of MM-BIO-3 through MM-BIO-5 and MM-BIO-17 will reduce impacts to riparian habitat or other sensitive natural communities to less-than-significant levels. Implementation of these measures will ensure biological monitors are present during work and impact boundaries are appropriately demarcated. Additionally, sensitive resources would be discussed during the educational program required in the mitigation measures. Where permanent impacts have been identified, off-site mitigation lands will be acquired to compensate for these impacts to special-status vegetation communities at a one-to-one (1:1) ratio. LADWP, therefore, finds that mitigation measure MM-BIO-3, MM-BIO-4, MM-BIO-5, and MM-BIO-17 are feasible, are adopted, and will reduce the potentially significant impacts of the proposed project to riparian habitat and other sensitive natural communities to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp. 4.2-1 through 4.2-76

Threshold C

Potential Effect: Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Mitigation Measures: MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, and MM-BIO-18

Finding: Implementation of MM-BIO-2 through MM-BIO-5, and MM-BIO-18 will reduce impacts to state or federally protected wetlands to less-than-significant levels. Implementation of these measures will ensure biological monitors are present during work and impact boundaries are appropriately demarcated. Additionally, sensitive resources would be discussed during the educational program required in the mitigation measures. Finally, permits will be acquired from

each of the regulatory agencies and entail providing mitigation to offset the impacts and loss of beneficial uses, functions, and values to the jurisdictional waters and habitats. LADWP, therefore, finds that mitigation measure MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, and MM-BIO-18 are feasible, adopted, and will reduce the potentially significant impacts of the proposed project to federally protected wetlands to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp. 4.2-1 through 4.2-76

Threshold E

Potential Effect: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Mitigation Measures: MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7, MM-BIO-8, MM-BIO-9, MM-BIO-10, and MM-BIO-11

Finding: Implementation of MM-BIO-1 through MM-BIO-11 will reduce the potential impacts pertaining to the proposed project's conflict with local policies or ordinances protecting biological resources to a less than significant level. The measures will ensure that impacts to the species and habitats that are protected under applicable local policies are protected to the extent feasible during project construction. MM-BIO-1 through MM-BIO-11 will ensure that the project will not conflict with local policies established for the protection of biological resources. LADWP, therefore, finds that mitigation measures MM-BIO-1, MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7, MM-BIO-8, MM-BIO-9, MM-BIO-10, and MM-BIO-11 are feasible, adopted, and will reduce the potentially significant conflicts of the proposed project with local policies or ordinances protecting biological resources to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp. 4.2-1 through 4.2-76

Threshold F

Potential Effect: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Mitigation Measures: MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, and MM-BIO-19

Finding: Implementation of MM-BIO-2 through MM-BIO-6 and MM-BIO-19 will reduce impacts to less-than-significant levels. Implementation of the above-referenced mitigation measures will result in pre-construction surveys, take avoidance measures, biological monitoring, and compensatory mitigation. These measures are designed to ensure consistency with the West Mojave Plan and the Northern and Eastern Mojave Desert Management Plan. LADWP, therefore, finds that mitigation measures MM-BIO-2, MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, and MM-BIO-19 are feasible, are adopted, and will reduce potentially significant impacts associated with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp. 4.2-1 through 4.2-76

5.2.2 Cultural Resources

Threshold A

Potential Effect: Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

Mitigation Measures: MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, and MM-CUL-8

MM-CUL-1: Retain a Qualified Project Archeologist.

Prior to Project implementation, a Project Archaeologist 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 Archaeologist shall be sent to LADWP and BLM for their records.

MM-CUL-2: Treatment Plan.

Prior to start of construction, the Project Archaeologist shall develop and implement a Treatment Plan specific to those significant eligible resources 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.

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.

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 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.

At a minimum, the Plan shall:

- 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;
- 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.

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:

- A detailed discussion of applicable laws, and penalties under the law;
- Samples or visuals of artifacts that might be found in the project vicinity;
- 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
- 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.

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.

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 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.

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 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.

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.

Finding: Implementation of MM-CUL-1 through MM-CUL-8 will reduce the potential impacts on historical resources to a less than significant level. Implementation of these measures will ensure a qualified Project Archaeologist will be retained to oversee cultural resources compliance for the project. A treatment plan will be developed by the Project Archaeologist specific to resources that cannot be avoided during construction, and a cultural resources monitoring plan (CRMP) will be developed which will protect resources from inadvertent adverse effects during construction. Construction monitoring will also be required for initial grading and ground-disturbance activities in undisturbed soil, areas of high sensitivity, or within 500 feet of known resources. A comprehensive monitoring report will be developed and provide evidence of artifacts encountered and their treatment protocols. Finally, prior to construction, if the existing towers along MCC-VIC L1 & L2 cannot be replaced with in-kind structures, a Built Environment Treatment Plan will be developed and implemented to ensure the historical character is properly documented. LADWP, therefore, finds that mitigation measures MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, and MM-CUL-8 are feasible, are adopted,

and will reduce the potentially significant impacts of the proposed project to historical resources to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp. 4.3-1 through 4.3-22

Threshold B

Potential Effect: Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5

Mitigation Measure: MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, and MM-CUL-8

Finding: Implementation of MM-CUL-1 through MM-CUL-8 will reduce the potential impacts to archaeological resources to a less than significant level. Implementation of these measures will ensure a qualified Project Archaeologist will be retained to oversee cultural resources compliance for the project. A treatment plan will be developed by the Project Archaeologist specific to resources that cannot be avoided during construction, and a cultural resources monitoring plan (CRMP) will be developed which will protect resources from inadvertent adverse effects during construction. Construction monitoring will also be required for initial grading and ground-disturbance activities in undisturbed soil, areas of high sensitivity, or within 500 feet of known resources. A comprehensive monitoring report will be developed and provide evidence of artifacts encountered and their treatment protocols. Finally, prior to construction, if the existing towers along MCC-VIC L1 & L2 cannot be replaced with in-kind structures, a Built Environment Treatment Plan will be developed and implemented to ensure the historical character is properly documented. LADWP, therefore, finds that mitigation measures MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, and MM-CUL-8 are feasible, are adopted, and will reduce the potentially significant impacts of the proposed project to archaeological resources to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp. 4.3-1 through 4.3-22

Threshold C

Potential Effect: Disturb any human remains, including those interred outside of formal cemeteries

Mitigation Measure: MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, MM-CUL-8, and MM-CUL-9

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 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.

Finding: Implementation of MM-CUL-1 through MM-CUL-9 will reduce the potential impacts to human remains a less than significant level. Specifically, MM-CUL-9 will ensure that if human remains are encountered, in coordinate with State of California law, work shall halt within 165 feet of the discovery and proper notification shall be made to the BLM and County Coroner. If the County Coroner determines that the remains are believed to be Native American, the Coroner will notify the Native American Heritage Commission which will in turn notify the persons believed to be the Most Likely Descendant (MLD), who may recommend means for the dignified treatment or disposition of the human remains and any associated grave goods. As previously outlined for MM-CUL-1 through MM-CUL-8, implementation of these measures will ensure a qualified Project Archaeologist will be retained to oversee cultural resources compliance for the project. A treatment plan will be developed by the Project Archaeologist specific to resources that cannot be avoided during construction, and a cultural resources monitoring plan (CRMP) will be developed which will protect resources from inadvertent adverse effects during construction. Construction monitoring will also be required for initial grading and ground-disturbance activities in undisturbed soil, areas of high sensitivity, or within 500 feet of known resources. A comprehensive monitoring report will be developed and provide evidence of artifacts encountered and their treatment protocols. Finally, prior to construction, if the existing towers along MCC-VIC L1 & L2 cannot be replaced with in-kind structures, a Built Environment Treatment Plan will be developed and implemented to ensure the historical character is properly documented. LADWP, therefore, finds that mitigation measures MM-CUL-1, MM-CUL-2, MM-

CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, MM-CUL-8, and MM-CUL-9 are feasible, are adopted, and will reduce the potentially significant impacts of the proposed project to archaeological resources to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp. 4.3-1 through 4.3-22

5.2.3 Geology and Soils

Threshold F

Potential Effect: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature

Mitigation Measure: MM-PALEO-1

MM-PALEO-1. Paleontological Resources Monitoring and Mitigation Plan.

The following recommendations will ensure that impacts to paleontological resources are maintained below a level of significance.

- 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.
- 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.

Finding: Implementation of MM-PALEO-1 will reduce the potential impacts to paleontological resources to a less than significant level. Specifically, MM-PALEO-1 will ensure that paleontological monitoring is conducted for ground-disturbing activities in areas with high paleontological sensitivity. In the case of inadvertent discovery, MM-PALEO-1 will ensure appropriate handling, documentation, and collection of paleontological resources. LADWP, therefore, finds that mitigation measure MM-PALEO-1 is feasible, is adopted, and will reduce the potentially significant impacts of the proposed project to paleontological resources to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp. 5-4 through 5-7

5.2.4 Noise

Threshold A

Potential Effect: Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Mitigation Measure: MM-NOI-1

MM-NOI-1. Construction Noise Reduction.

The Los Angeles Department of Water and Power and/or its construction contractor(s) shall comply with the following measures during construction:

- 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.
- 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.

Finding: Implementation of MM-NOI-1 will reduce the potential impacts pertaining to exposure of persons to or generation of noise levels in excess of applicable standards to a less than significant level. Specifically, MM-NOI-1 will ensure that construction activities are limited to the allowable hours for construction noise as established in the applicable jurisdiction’s noise ordinance. Implementation of MM-NOI-1 will also involve several methods of construction noise reduction and requires LADWP to notify nearby sensitive receptors of construction activities. MM-NOI-1 will reduce construction noise to the extent practicable, will ensure compliance with local construction noise ordinances, and will ensure that sensitive receptors are aware of the nearby construction activities and can plan accordingly. LADWP, therefore, finds that mitigation measure MM-NOI-1 is feasible, is adopted, and will reduce the potentially significant impacts of the proposed project pertaining to exposure of persons to or generation of noise levels in excess of applicable standards to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp. 5-13 through 5-15

5.2.5 Tribal Cultural Resources

Tribal Cultural Resources

Threshold A(i)

Potential Effect: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a(i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

Mitigation Measures: MM-TCR-1, MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, and MM-CUL-9

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.

Finding: Implementation of MM-TCR-1, MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, and MM-CUL-9 will reduce potential impacts to unknown subsurface TCRs that could be encountered and impacted during construction to a less than significant level. Implementation of this measure will ensure that a Native American monitor is present during ground disturbance activities, and that coordination is conducted prior to construction, to outline all processes for monitoring and to identify specific cultural concerns. This measure, in addition to MM-CUL-1 through MM-CUL-7 and MM-CUL-9, will ensure that any TCRs that may be encountered during construction are identified and properly treated such that significant impacts do not occur. LADWP, therefore, finds that mitigation measures MM-TCR-1, MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, and MM-CUL-9 are feasible, are adopted, and will reduce the potentially significant impacts of the proposed project pertaining to a substantial adverse change in the significance of a TCR to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp. 4.5-1 through 4.5-10

Threshold A(ii)

Potential Effect: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a(ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Mitigation Measures: MM-TCR-1, MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, and MM-CUL-9

Finding: Implementation of MM-TCR-1, MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, and MM-CUL-9 will reduce potential impacts to unknown subsurface TCRs that could be encountered and impacted during construction to a less than significant level. Implementation of this measure will ensure that a Native American monitor is present during ground disturbance activities, and that coordination is conducted prior to construction, to outline all processes for monitoring and to identify specific cultural concerns. This measure, in addition to MM-CUL-1 through MM-CUL-7 and MM-CUL-9, will ensure that any TCRs that may be encountered during construction are identified and properly treated such that significant impacts do not occur. LADWP, therefore, finds that mitigation measures MM-TCR-1, MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-CUL-4, MM-CUL-5, MM-CUL-6, MM-CUL-7, and MM-CUL-9 are feasible, are adopted, and will reduce the potentially significant impacts of the proposed project pertaining to a substantial adverse change in the significance of a TCR to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp. 4.5-1 through 4.5-10

5.2.6 Cumulative Impacts

Cumulative Impacts

Potential Effects: The proposed project could result in potentially significant cumulative impacts in the categories of Biological Resources; Cultural Resources; Geology and Soils; Noise; and Tribal Cultural Resources during project construction.

Mitigation Measures: MM-BIO-1 through MM-BIO-19; MM-CUL-1 through MM-CUL-9; MM-PALEO-1; MM-NOI-1; and MM-TCR-1.

Finding: Implementation of MM-BIO-1 through MM-BIO-19; MM-CUL-1 through MM-CUL-9; MM-PALEO-1; MM-NOI-1; and MM-TCR-1, as listed above, will reduce project-specific effects to below a level of significance. After mitigation, the proposed project is not expected to result in cumulatively considerable impacts in the categories of biological resources, cultural resources, geology and soils (paleontology), noise, and tribal cultural resources. LADWP, therefore, finds that MM-BIO-1 through MM-BIO-19; MM-CUL-1 through MM-CUL-9; MM-PALEO-1; MM-NOI-1; and MM-TCR-1 are feasible, are adopted, and will reduce the potential cumulative impacts of the proposed project to less than significant levels. Accordingly, LADWP finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental impact identified in the Final EIR.

Reference: Draft EIR, pp 4.1-1 through 4.5-10, 5-13 through 5-16

5.3 Significant and Unavoidable Impacts

For this project, the following impacts were identified as significant and unavoidable. These impacts remain significant, despite the incorporation of all feasible mitigation measures to substantially lessen or avoid these impacts. In accordance with CEQA Guidelines Section 15091(a), a specific finding is made for each significant and unavoidable impact and its associated mitigation measures in the discussions below.

5.3.1 Air Quality

Threshold A

Potential Effect: Conflict with or obstruct implementation of the applicable air quality plan.

Mitigation Measures: MM-AQ-1, MM-AQ-2

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:

- 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.
- 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.

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. 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 Final equipment could not be located within the High Desert and San Bernardino County Region.

Finding: Implementation of MM-AQ-1 and MM-AQ-2 will substantially reduce construction-related air emissions by implementing fugitive dust controls and exhaust controls. Unmitigated criteria air pollutant emissions from Project construction would result in exceedances of regional thresholds for emissions of NO_x, PM₁₀, and PM_{2.5}, primarily from off-road equipment, helicopter exhaust, and vehicular travel over unpaved roads. With implementation of Mitigation Measure (MM)-AQ-1 (Fugitive Dust Controls) and MM-AQ-2 (Exhaust Controls), emissions of NO_x, PM₁₀, and PM_{2.5} would be substantially reduced but would still exceed the respective MDAQMD significance thresholds. LADWP finds that mitigation measures MM-AQ-1 and MM-AQ-2 are feasible and is adopted but will not reduce the potentially significant impacts to emissions during construction to below a level of significance. Accordingly, LADWP finds that the proposed project would result in a significant unavoidable impact in the category of air quality. LADWP finds that there are no additional mitigation measures beyond the requirements of MM-AQ-1 and MM-AQ-2 that are feasible and that would lessen this impact to a level below significance, taking into consideration specific economic, legal, social, technological, and other factors. Specifically, there are no technologies available, such as alternatively fueled or otherwise low-emission heavy-duty helicopters, that could be used to aurally transport and/or install transmission structure components. With implementation of MM-AQ-1 and MM-AQ-2, available technologies and techniques will be used to reduce the emissions of construction equipment to the extent feasible. With regard to alternatives that would reduce this impact, LADWP finds that there are specific economic, legal, social, technological, and other considerations that make infeasible the alternative identified in the EIR, as discussed in Section 5.4 of these findings (CEQA Section 21081(a)(3); CEQA Guidelines Section 15091(a)(3)). As described in the statement of overriding considerations (Section 6 of this document), LADWP has determined that this impact is acceptable because specific overriding economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment (CEQA Guidelines Section 15093).

Reference: Draft EIR, pp. 4.1-1 through 4.1-38

Threshold B

Potential Effect: 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

Mitigation Measure: MM-AQ-1, MM-AQ-2

Finding: Implementation of MM-AQ-1 and MM-AQ-2 will substantially reduce construction-related air emissions by implementing fugitive dust controls and exhaust controls. However, even through the implementation of all feasible emissions reduction measures, the MDAQMD thresholds for NO_x, PM₁₀, and PM_{2.5} would be exceeded, primarily from off-road equipment, helicopter exhaust, and vehicular travel over unpaved roads. With implementation of Mitigation Measure (MM)-AQ-1 (Fugitive Dust Controls) and MM-AQ-2 (Exhaust Controls), emissions of NO_x, PM₁₀, and PM_{2.5} would be substantially reduced but would still exceed the respective MDAQMD significance thresholds. As such, the project would result in a cumulatively considerable net increase of criteria pollutants in the Mojave Desert Air Quality Management District, even after mitigation. LADWP finds that mitigation measures MM-AQ-1 and MM-AQ-2 are feasible and are adopted but will not reduce the potentially significant impacts related to a cumulatively considerable net increase of criteria pollutants to below a level of significance. Accordingly, LADWP finds that the proposed project would result in a significant unavoidable impact in the category of air quality. LADWP finds that there are no additional mitigation measures beyond the requirements of MM-AQ-1 and MM-AQ-2 that are feasible and that would lessen this impact to a level below significance, taking into consideration specific economic, legal, social, technological, and other factors. Specifically, there are no technologies available, such as alternatively fueled or otherwise low-emission heavy-duty helicopters, that could be used to aurally transport transmission structure components. With implementation of MM-AQ-1 and MM-AQ-2, available technologies and techniques will be used to reduce the emissions of other construction equipment to the extent feasible. With regard to alternatives that would reduce this impact, LADWP finds that there are specific economic, legal, social, technological, and other considerations that make infeasible the alternative identified in the EIR, as discussed in Section 5.4 of these findings (CEQA Section 21081(a)(3); CEQA Guidelines Section 15091(a)(3)). As described in the statement of overriding considerations (Section 6 of this document), LADWP has determined that this impact is acceptable because specific overriding economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment (CEQA Guidelines Section 15093).

Reference: Draft EIR, pp. 4.1-1 through 4.1-38

Threshold C

Potential Effect: During construction, could the project expose sensitive receptors to substantial pollutant concentrations

Mitigation Measure: MM-AQ-1, MM-AQ-2

Finding: Implementation of MM-AQ-1 and MM-AQ-2 will substantially reduce construction-related air emissions by implementing fugitive dust controls and exhaust controls. However, even through the implementation of all feasible emissions reduction measures, the MDAQMD thresholds for NO_x, PM₁₀, and PM_{2.5} would be exceeded, and no additional feasible mitigation measures beyond those already identified exist that would reduce these emissions to levels that are less than significant. Implementation of MM-AQ-1 and MM-AQ-2 will, however, reduce Toxic Air Contaminant exposure during construction and would not be expected to result in concentrations causing significant health risks. LADWP finds that mitigation measures MM-AQ-1 and MM-AQ-2 are feasible and are adopted but will not reduce the potentially significant impacts related to a cumulatively considerable net increase of criteria pollutants to below a level of significance. Accordingly, LADWP finds that the proposed project would result in a significant unavoidable impact in the category of air quality. LADWP finds that there are no additional mitigation measures beyond the requirements of MM-AQ-1 and MM-AQ-2 that are feasible and that would lessen this impact to a level below significance, taking into consideration specific economic, legal, social, technological, and other factors. Specifically, there are no technologies available, such as alternatively fueled or otherwise low-emission heavy-duty helicopters, that could be used to aurally transport and install transmission structure components. With implementation of MM-AQ-1 and MM-AQ-2, available technologies and techniques will be used to reduce the emissions of other construction equipment to the extent feasible. With regard to alternatives that would reduce this impact, LADWP finds that there are specific economic, legal, social, technological, and other considerations that make infeasible the alternative identified in the EIR, as discussed in Section 5.4 of these findings (CEQA Section 21081(a)(3); CEQA Guidelines Section 15091(a)(3)). As described in the statement of overriding considerations (Section 6 of this document), LADWP has determined that this impact is acceptable because specific overriding economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment (CEQA Guidelines Section 15093).

Reference: Draft EIR, pp. 4.1-1 through 4.1-38

5.3.2 Cumulative Impacts

Cumulative Impacts

Potential Effects: The proposed project could result in potentially significant cumulative impacts in the category of air quality during construction.

Mitigation Measures: MM-AQ-1, MM-AQ-2

Finding: Implementation of MM-AQ-1 and MM-AQ-2, as listed above, will not reduce project-specific effects to below a level of significance in the category of air quality. While MM-AQ-1 and MM-AQ-2 requires the use of a water truck to minimize visible fugitive dust emissions, ensure all ground vehicle speeds are limited to 15 miles per hour, ensure all perimeter fencing will be wind fencing or an equivalent, ensure all maintenance and access vehicular roads and parking areas to be stabilized with chemical dust suppressants, obtain all MDAQMD permits for equipment that may not be exempt under Rule 219, and the use of all internal combustion engines/construction equipment greater than 75 horsepower operating on the Project site shall meet US EPA-certified Tier 4 emissions standards whenever possible, the project may still result in significant, unavoidable air quality impacts during construction due to exceedances of thresholds for NO_x, PM₁₀, and PM_{2.5} emissions. Because the proposed project alone already exceeds this threshold and would continue to exceed the threshold after implementation of MM-AQ-1, its impact related to construction air pollutant emissions would be cumulatively considerable. LADWP finds that mitigation measures MM-AQ-1 and MM-AQ-2 are feasible and are adopted but will not reduce cumulative air quality impacts to below a level of significance. Accordingly, LADWP finds that the proposed project would result in a significant unavoidable cumulative impact in the category of air quality. LADWP finds that there are no additional mitigation measures beyond the requirements of MM-AQ-1 and MM-AQ-2 that are feasible and that would lessen this impact to a level below significance, taking into consideration specific economic, legal, social, technological, and other factors. Specifically, there are no technologies available, such as alternatively fueled or otherwise low-emission heavy-duty helicopters, that could be used to aurally transport transmission structure components. With implementation of MM-AQ-1 and MM-AQ-2, available technologies and techniques will be used to reduce the emissions of other construction equipment to the extent feasible. With regard to the alternative that would reduce this impact, LADWP finds that there are specific economic, legal, social, technological, and other considerations that make infeasible the alternative identified in the EIR, as discussed in Section 5.4 of these findings (CEQA Section 21081(a)(3); CEQA Guidelines Section 15091(a)(3)). As described in the statement of overriding considerations (Section 6 of this document), LADWP has determined that this impact is acceptable because specific overriding economic, legal, social, technological, and other benefits, including region-wide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment (CEQA Guidelines Section 15093).

Reference: Draft EIR, pp. 4.1-1 through 4.1-38

5.4 Findings Regarding Project Alternatives

Public Resources Code Section 21002 states that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects.” Section 21002 further states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” When a lead agency has determined that a project will cause significant environmental effects that cannot be substantially lessened or avoided through mitigation, the agency must determine whether there are any project alternatives that are environmentally superior and feasible prior to approving the project as mitigated. As such, LADWP’s goal in evaluating project alternatives was to select an alternative that feasibly attains the project objectives, while further reducing the project’s significant and unavoidable construction air quality impact.

The alternatives that were evaluated by LADWP are summarized in Chapter 6 of the Draft EIR. In accordance with CEQA Guidelines Section 15126.6(a), the EIR described “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project...” The selection of alternatives is governed by a “rule of reason” that requires an EIR to evaluate only those alternatives necessary to permit a reasoned choice (Section 15126.6(f)). However, CEQA Guidelines Section 15126.6(a) provides that an EIR need not consider alternatives that are infeasible. CEQA Guidelines Section 15126.6(f)(1) provides that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” A number of alternatives were rejected from further evaluation in the EIR due to one or more of these reasons for infeasibility. Those alternatives are described and analyzed in Section 6.3 of the Draft EIR. One alternative was ultimately carried forward for further discussion and evaluation in the EIR: the “No Project” alternative, which is required to be included pursuant to CEQA Guidelines Section 15126.6(e). This alternative and associated findings are presented below.

Although an EIR must evaluate a range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. Thus, even if a project alternative will avoid or substantially lessen the significant environmental effects of the project,

the decision makers may reject the alternative if they determine that specific considerations make the alternative infeasible, or if the alternative does not meet the objectives of the project.

Alternative 1 (“No Project” Alternative)

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate the specific alternative of “no project” along with its impact. As stated in this section of the CEQA Guidelines, the purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. As specified in Section 15126.6(e)(3) of the CEQA Guidelines, for projects other than land use plans or regulatory plans, the “no project” alternative is the circumstance under which the project does not proceed. The CEQA Guidelines state that the discussion then compares the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project would result in predictable actions by others, such as the proposal of some other project, this “no project” consequence should be discussed.

Accordingly, Alternative 1 assumes the proposed project would not proceed. The existing McCullough-Victorville Transmission Lines 1 and 2 would continue to operate without modification within the WOR Path 46 transmission corridor. Alternative 1 would not result in upgrades to the transmission lines and operations would remain as-is.

Environmental Effects

Under Alternative 1, the “No Project Alternative” that is detailed in section 6.4.2 of the Draft EIR, no new construction activities would occur, and the existing towers and transmission lines would remain in place and continue to operate as they are under existing conditions. Therefore, because no new emissions would occur under the No Project Alternative, there would be no construction air quality impacts. This Alternative would result in a significant reduction in air emissions when compared to the proposed Project.

Similarly, as there would be no new construction activities with the potential to affect biological, cultural, paleontological, or Tribal cultural resources, this alternative would result in a significant reduction in impacts when compared to the proposed Project.

Finding

LADWP finds the No Project Alternative to be infeasible due to specific economic, legal, social, technological, and other considerations (CEQA Section 21081(a)(3); CEQA Guidelines Section 15091(a)(3)). Under current conditions, the No Project Alternative fails to meet the project objectives, with the exception of minimizing environmental disturbance of transmission line upgrades, as this would not result in any construction activities. While the No Project Alternative

would reduce construction air quality impacts, under the No Project Alternative the transmission line upgrades would not occur, and overall GHG emissions associated with LADWP's energy portfolio would remain unchanged. Therefore, the GHG emission reductions through renewable energy generation and supply would not be achieved. The No Project Alternative would not be a step in creating a more sustainable environment. Under the No Project Alternative, the WOR Path 46 line would remain a constraint for transference of renewable energy. LADWP is required to comply with state and local policies for reducing GHG emissions and increasing the percent of its energy portfolio that is sourced from renewables (generally referend to as "Renewable Portfolio Standards" (RPS)).

The No Project Alternative would prevent LADWP from realizing an opportunity to further reduce GHG emissions and increase its renewable portfolio. Further, this alternative would not achieve any of the objectives of the proposed project. Alternative 1 would not allow for increased transmission of renewable energy across the WOR Path 46 line to the highly populated Los Angeles basin. It would not assist LADWP in reducing GHG emissions and meeting RPS goals, since no change would occur in the amount of renewable energy that can be transmitted. This Alternative would not improve the safety and operational flexibility of the existing transmission lines. Instead, Alternative 1 would result in safety and reliability issues along the existing lines. Alternative 1 would likely result in disturbances along the transmission corridor to address line sag and clearance issues as is a stated Project objective.

In summary, the No Project Alternative fails to meet the project's underlying purpose of alleviating constraints for transferring renewable energy supplies across the WOR Path 46 transmission corridor to the highly populated Los Angeles basin in order to help LADWP achieve state and local requirements for GHG reductions and an increased renewable energy portfolio. Furthermore, the No Project Alternative would not meet the project objectives that support this underlying purpose. LADWP finds that the No Project Alternative would not meet the project objectives, would potentially result in increased ground disturbance for future maintenance, would fail to implement GHG reduction policies and RPS, and may result in safety and reliability problems. For these reasons, LADWP rejects the No Project Alternative in favor of the proposed project, pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3).

5.5 Other CEQA Findings

Findings Regarding Growth Inducing Impacts

The CEQA Guidelines Section 15126.2 requires that an EIR analyze ways in which projects may "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." The proposed project's potential to induce substantial population growth is addressed in Section 5.5 of the Draft EIR and in Section 3.13 of the Initial Study (contained in Appendix A of the Draft EIR). As explained in these sections, the

proposed project would not include construction or operation of any new residential or commercial land uses and, therefore, would not result in a direct population increase from construction of new homes or businesses. During the proposed construction activities, construction personnel would be required. The need for these workers would be accommodated within the existing and future labor market. When the new transmission line is operational, the proposed project would be unmanned, requiring only periodic maintenance, and would therefore not require permanent employees for operation. As such, implementation of the proposed project would not result in a direct increase in the permanent population of the area due to increases in employment opportunities.

As further explained in Section 5.5 of the Draft EIR and in Section 3.13 of the Initial Study, the proposed project would involve replacement of an existing transmission line within an existing transmission corridor and equipment upgrades. The project would not extend electrical service to areas that are not currently served. Rather, the project would replace and upgrade an existing line that has been in place since the 1930s. While the portion proposed for replacement would increase in voltage relative to existing conditions, the increased transfer capacity is required to accommodate the increasing renewable power sources that are being developed and will be transmitted across the WOR Path 46 transmission corridor to Los Angeles. Although the system upgrades included in the proposed project would accommodate increased loads in the WOR Path 46 transmission corridor, indirect growth can occur by a project installing infrastructure that can support future growth. The proposed Project does not include any new residences or businesses and is not intended to induce growth, but rather, to serve existing and projected electricity demands. No residential development would be allowed. The Project would be served by existing public services and connected to existing utilities. Therefore, indirect growth inducement into a new area would not occur. Based on the conclusions outlined above and the analysis provided the EIR, LADWP finds that the proposed project would not directly or indirectly induce substantial population growth.

Findings Regarding Significant Irreversible Environmental Changes

California Public Resources Code, Section 21100(b)(2)(B), and Section 15126.2 of the CEQA Guidelines require that an EIR analyze the extent to which the proposed project's primary and secondary effects would impact the environment and commit nonrenewable resources to uses that future generations will not be able to reverse. Section 5.4, Significant Irreversible Environmental Changes, of the Draft EIR specifically addresses the extent to which the project would commit nonrenewable resources. As described in Section 5.4, construction of the proposed project would result in the use of nonrenewable resources, including fossil fuels, natural gas, water, and building materials, such as concrete, structure hardware, and rebar. However, the proposed project involves the installation of transmission line upgrades and associated infrastructure and does not represent an uncommon construction project that would use an extraordinary amount of raw material in comparison to other development projects of similar scope and magnitude. As such, the proposed project is not anticipated to consume

substantial amounts of energy or use other resources in a wasteful manner. Although the proposed project would result in the consumption of nonrenewable resources, the impact would not be considered significant. Section 5.2.4 of the Draft EIR also discusses the proposed project's energy consumption. Based on the analysis in that section, impacts were determined to be less than significant.

Because the proposed project involves upgrades to a transmission line, project operation would involve conveyance of electricity for eventual consumption. While the project involves upgrading an existing transmission line that is already conveying electricity, it would increase the voltage of the line, allowing for additional electricity conveyance, relative to existing conditions. However, the purpose of the project is to alleviate constraints, and increase the capability for, transferring renewable energy supplies across the WOR Path 46 transmission corridor to the highly populated Los Angeles basin. The project would ensure that renewable energy supplies can be successfully, safely, and reliably delivered to the City of Los Angeles. As such, the proposed project is important for ongoing efforts to increase the percent of renewable energy in the City's energy portfolio; in this case representing more than a 15% increase in the RPS. While the capacity of the line is increasing, that increase would support use of renewable energy, thereby contributing to local and statewide efforts to reduce reliance on nonrenewable resources.

For the reasons set forth in Section 5.2.4 and Section 5.4 of the Draft EIR, the proposed project is not anticipated to consume substantial amounts of nonrenewable resources, such as energy, in a wasteful manner, and the proposed project would not result in significant impacts from consumption of energy, utilities, or construction materials. Based on the conclusions outlined above and the analysis provided in the EIR, LADWP finds that although irreversible environmental changes would result from the proposed project, such changes would not be considered significant.

Findings Regarding Recirculation

LADWP finds that the EIR does not require recirculation under CEQA (CEQA Section 21092.1, CEQA Guidelines Section 15088.5). CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when "significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review." As described in CEQA Guidelines Section 15088.5:

New information added to an EIR is not "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. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

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 significant 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.

In addition, CEQA Guidelines Section 15088.5(b) provides that "recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR."

With regard to the above recirculation requirements, LADWP makes the following findings:

1. None of the public comments submitted to LADWP regarding the Draft EIR present any significant new information that would require the EIR to be recirculated for public review.
2. No new or modified mitigation measures are proposed that would have the potential to create new significant environmental impacts.
3. The Draft EIR adequately analyzed project alternatives and there are no feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project.
4. The Draft EIR was not fundamentally and basically inadequate and conclusory in nature and did not preclude meaningful public review and comment.

The revisions to the Draft EIR that are shown in the Final EIR are provided merely to clarify or amplify information in the Draft EIR, and the revisions do not reveal that the project would cause significant new impacts not previously identified in the Draft EIR. Recirculation of the EIR prior to certification is not warranted.

Findings Regarding the Mitigation Monitoring and Reporting Program

In accordance with CEQA and the CEQA Guidelines, LADWP must adopt an MMRP to ensure that the adopted mitigation measures are implemented. LADWP adopts, and incorporates as conditions of approval of the proposed project, the mitigation measures set forth in the MMRP

to reduce the potentially significant impacts of the project to below a level of significance to the extent feasible. The City makes the finding that the measures included in the MMRP constitute changes or alterations which avoid or substantially lessen the potentially significant effects of the proposed project on the environment to the extent feasible. The MMRP is attached to these findings as Attachment A.

6. Statement of Overriding Considerations

Pursuant to CEQA Section 21081 and CEQA Guidelines Section 15093, LADWP hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the project, as set forth below, independently and collectively outweighs the significant and unavoidable impacts of the project and is an overriding consideration warranting approval of the project. Any one of the reasons for approval cited below is sufficient to justify approval of the project. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents found in the Record of Proceedings, as listed in Section 4 of this document.

On the basis of the above findings and the substantial evidence in the record of this proceeding, LADWP specially finds that there are significant benefits of the project to support approval of the project in spite of the unavoidable significant impacts, and therefore makes this Statement of Overriding Considerations.

Significant and unavoidable environmental impacts resulting from the project were identified in the category of construction air quality. Proposed project construction would require use of heavy-duty helicopters. Such helicopters produce higher levels of NO_x relative to standard construction equipment, and project construction would exceed air quality thresholds on construction days where use of heavy-duty helicopters is needed. While use of helicopters would result in short-term, intermittent air quality impacts (up to 42 days throughout the 4-year construction period), they enable LADWP to reduce impacts in difficult-to-reach and/or environmentally sensitive areas. Although LADWP finds that the project will result in significant and unavoidable impacts, LADWP also finds that the project benefits outweigh these impacts.

LADWP finds that, as part of the process of obtaining project approval, all significant effects on the environment from implementation of the project have been eliminated or substantially lessened, where feasible. All mitigation measures proposed in the Final EIR are adopted as part of project approval. Furthermore, LADWP has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technical, legal, social and other considerations. Any alternatives proposed are rejected for the reasons set forth in the EIR and the reasons set forth in this document.

Project benefits include the following:

- **Adapt to recent changes in renewable energy generation and transmission:** The initial McCullough-Victorville transmission line was placed into service by LADWP in 1936 at a capacity of 287.5 kV and constructed a second parallel transmission line in 1939. The current transmission line upgrade is required to accommodate incoming renewable

energy resources along the West of Colorado River (WOR) Path 46 transmission corridor. This Project would enable an additional 475 MW to contribute over 15% towards LADWP's Renewable Portfolio Standard (RPS) as part of LADWP's most recent commitment under the RPS to provide 100% carbon-free energy to customers by 2035, 10 years ahead of the State's target. In recent years, additional renewable energy generating facilities have been developed in the desert areas and are continually expanding, bringing the potential for more renewable energy to be delivered to Los Angeles. The project will assist LADWP in adapting to these recent changes in the location of energy generation.

- **Increase system safety, reliability, and flexibility:** The McCullough-Victorville transmission lines 1 and 2 were previously upgraded in 1970 and 1980, respectively. While the current high-voltage transmission corridor continues to operate safely, upgrades to the transmission infrastructure is critical to ensure long-term operational viability and flexibility. Upgrades to the transmission lines include replacing insulators and hardware assemblies, re-tensioning and replacing conductors, raising or replacing lattice steel structures, and installing additional grounding. These improvements are necessary to accommodate the additional renewable energy resources that will be transmitted through the WOR Path 46 transmission corridor. Operational capacity will be limited and strained without performing these upgrades, potentially reducing the ability of LADWP to provide renewable energy across this transmission corridor. Once the upgrades are completed, the transmission corridor will be appropriately retrofitted to ensure Los Angeles will be a part of the renewable energy future.
- **Harness renewable energy resources:** It is anticipated that over 15 % of LADWP's RPS will be accommodated through renewable resources generated along the WOR Path 46 transmission corridor. This line upgrade will allow additional renewable resources to be transmitted to Los Angeles in a safe and reliable manner. The project will expand the transmission capability of this corridor, thereby eliminating this constraint and allowing renewable energy to be transferred from key resource areas to key areas of demand. The project would thus enable LADWP to maximize the use of existing and anticipated renewable energy resources.
- **Implement state regulations for GHG reductions & increased renewable energy portfolios:** The need for renewable resources across the WOR Path 46 transmission corridor is driven in part by a variety of state policies dictating GHG reductions and increased renewable portfolios. Assembly Bill (AB) 32, Senate Bill (SB) 32, and AB 197 have been passed at the state level and establish an overall goal of reducing California's statewide GHG emissions by 40% below 1990 levels by 2030. Additionally, the state has established Renewable Portfolio Standards (RPS) requiring utilities to obtain certain percentages of their energy from renewable sources by target years. SB 100 (passed in 2018) states that 44% of the total electricity sold to retail customers in California per year

must be secured from qualifying renewable energy sources by December 31, 2024. This percentage will increase to 52% by December 31, 2027, and 60% by December 31, 2030. SB 100 states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of the retail sales of electricity to California by 2045. This bill requires that the achievement of 100% zero-carbon electricity resources do not increase the carbon emissions elsewhere in the western grid and that the achievement not be attained through resource shuffling. LADWP is required to comply with state laws and mandates, and the project will contribute to LADWP's ability to meet these requirements by allowing for increased transmission of renewable resources to areas of demand. This will allow LADWP to increase its RPS, which in turn leads to GHG reductions.

- **Implement local regulations for GHG reductions & increased renewable energy portfolios:** The City of Los Angeles (City) adopted the City of Los Angeles Sustainable City Plan ("pLAn") in 2015, which establishes measures and goals for sustainability in Los Angeles, including GHG reduction targets and goals for use of renewable energy. The plan establishes the goal of reducing GHG emissions below the 1990 baseline by at least 45% by 2025, 60% by 2035, and 80% by 2050. Additionally, the plan sets forth goals of deriving 50% of LADWP's electricity from renewable sources by 2030, having no ownership stake in coal-fired power plants by 2025, and ceasing delivery of power from the Navajo Generating Station. (Note that SB 100, passed at the state level in 2018, increases the required percentage of renewable sources to 60% by 2030. As such, the City will be required to exceed the renewable targets set forth in the pLAn.) Subsequent to adopting the pLAn, the City began exploring its ability to obtain 100% of its energy from renewable sources. In 2016, the City Council passed a motion directing LADWP to investigate what investments would be necessary to achieve a 100% renewable energy portfolio. This is called the "100% Clean Energy Research and Partnership effort." By allowing for increased transmission of renewable energy, the project will increase the portion of energy consumed in the Los Angeles basin that is sourced from renewables, allowing for reduced reliance on coal-fired power plants and helping LADWP work towards a 100% renewable energy portfolio.
- **Implement long-term resource planning strategies:** LADWP's Final Power Strategic Long-Term Resource Plan (SLTRP), dated for December 2017, aligns with statewide GHG emissions goals that were in place at the time and incorporates the possibility of a 100% renewable energy portfolio in the future. The SLTRP examines several scenarios through which LADWP could achieve RPS and GHG reduction requirements. As of 2016, LADWP obtained approximately 29% of its power from renewable sources. In order to achieve the RPS goals described above, LADWP's renewable portfolio would need to increase by more than 20% over the next 10 years. The planned increases in use of renewable energy dictated by the SLTRP and by the state have associated system reliability challenges, because renewable energy often comes from different locations than traditionally

generated energy and because renewable energy such as wind and solar are generated intermittently. Increasing RPS will require LADWP to replace or install new equipment and technologies for generation, transmission, distribution, and substations and to determine approaches for integrating intermittent sources of energy into the system. The proposed project fits into the framework of the SLTRP by ensuring that increasing renewable supplies along the WOR Path 46 transmission corridor will not overload transmission infrastructure and by ensuring that such supplies can be successfully, safely, and reliably delivered to the City, thereby contributing to the state and local goals of increasing its RPS.

- **Minimize new disturbance areas:** The project will be located within an existing transmission corridor that has been used for electricity transmission for about a century. As such, expansion of renewable energy transmission capability will be achieved in a manner that minimizes new environmental disturbances and avoids land use changes. Because the project is located within an existing, established transmission corridor, existing access roads and existing disturbed, graded areas exist along the alignment and will be used for project construction to the extent feasible, further minimizing environmental disturbances. Through survey work, geotechnical engineering, and evaluation of environmental constraints in the area, LADWP selected transmission structure locations to minimize effects to sensitive resources and adjacent land uses (such as biological resources, cultural resources, neighborhoods, and recreational facilities). Additionally, helicopters will be used to access difficult-to-reach and/or environmentally sensitive areas along the alignment, and site rehabilitation will be used to restore work areas to pre-project conditions.

Having considered these benefits, LADWP finds that the benefits of the project outweigh its unavoidable, adverse environmental impacts, and that the adverse impacts are therefore acceptable. LADWP further finds that each of these public benefits serves as an independent basis for overriding the project's significant and unavoidable impacts and that any one of the reasons set forth above is separately and independently sufficient to outweigh, on its own, the significant and unavoidable impacts of the project and therefore to justify approval of the project.

Attachment A

McCullough-Victorville Lines 1 and 2 Upgrade Project

Mitigation Monitoring and Reporting Program



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 | | | |

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| <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 the California Department Fish and Wildlife (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. | | | | | | |

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| <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> | | | | | | |

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| <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 take authorization from USFWS and CDFW 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 U.S. 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. LADWP shall obtain take authorization federally with USFWS through</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>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. Upon Project implementation, LADWP shall adhere to any additional measures and conditions that USFWS and/or CDFW may require in the applicable take authorizations. 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.</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 consultation and permitting processes with USFWS and CDFW. 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</p> | | | | | | |

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| <p>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).</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 | | | | | | |

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| <p>shall be cleared by an authorized biologist within 48 hours of the onset of construction at any work location.</p> <ul style="list-style-type: none"> • 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. | | | | | | |

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| <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. • Within 30 days following completion of project activities, LADWP and the authorized | | | | | | |

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| <p>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. 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</p> | <p>Prior to start of construction and during construction</p> | <p>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.</p> | <p>LADWP, CDFW, BLM</p> | | | |

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| <p>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 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> LADWP shall acquire an ITP from CDFW for the</p> | | | | | | |

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| <p>species prior to the start of Project activities in areas where the habitat assessment has determined that suitable habitat is present or for areas where occupancy has been confirmed. Protocol surveys will be conducted in 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 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</p> | | | | | | |

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| 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>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</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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| July 31; southwestern willow flycatcher – May 15 through July 17. | | | | | | |
| <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</p> | Prior to start of construction and during construction | 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 | LADWP, CDFW | | | |

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| distances from proposed work areas, visual or acoustic barriers, and existing level of 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. | | | | | | |
| 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. | Prior to start of construction and during construction | Presence/absence surveys for the species shall be conducted prior to construction. A written survey report shall be submitted to CDFW | LADWP, CDFW | | | |

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| <p>Within the known distribution range for Crotch’s bumble bee, presence/absence surveys for the species shall be conducted prior to construction 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>within 30 days of the survey.</p> | | | | |

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| <p>The focused surveys will be performed by a biologist with expertise in surveying for bumble 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</p> | | | | | | |

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| <p>entering/exiting them depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey 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</p> | | | | | | |

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| <p>method on a variety of other bumble bee species, they become active shortly after removal 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 surrounding open space areas that support suitable hibernacula resources.</p> | | | | | | |

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| <p>A written survey report will be submitted to CDFW within 30 days of the survey. The report will 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</p> | | | | | | |

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| fulfilled through compensatory mitigation at a ratio determined by the ITP nesting habitat 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</i></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>multinervatus</i>), Mojave monkeyflower (<i>Diplacus mohavensis</i>), nine-awned pappus grass (<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><i>Avoidance and Minimization.</i> If special-status plant species are detected during focused survey</p> | | | | | | |

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| <p>efforts described above, the full extent of the occurrence within the area shall be recorded. 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</p> | | | | | | |

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| (i.e., CDFW and/or USFWS) and obtain written concurrence 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 | 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>location or to an approved off-site area. If the 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> (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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| <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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| <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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| <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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| <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 | | |
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| 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 | | |
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| <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 | | |
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| <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> | | | | | | |