Attachment G

CEQA Findings

Attachment G

TRTP: SEGMENT 7 & 8 CEQA Findings

CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA), these Findings of Fact and Statement of Overriding Considerations (Findings) supporting the issuance of this Certification are based on the information contained in the Final Environmental Impact Report/Statement (FEIR/S) for the TRTP Segments 4-11, the Supplemental Environmental Impact Statement, and the Chino Hills Underground (CHUG) Addendum (collectively, Environmental Documents); and, other supplemental documentation including, the California Public Utilities Commission (CPUC) *Decision Granting a Certificate of Public Convenience and Necessity for the Tehachapi Renewable Transmission Project (Segments 4-11)* (Decision 09-12-044), the CPUC *Decision Granting the City of Chino Hills' Petition for Modification of Decision 09-12-044 and Requiring Undergrounding of Segment 8a of the Tehachapi Renewable Transmission Project* (Decision 12-17-018), the Project *Mitigation Monitoring and Reporting Plan* (MMRP) and the application for this Certification with attachments. (Cal. Code Regs., tit. 14, §§ 15091, 15093 & 15096, subd. (h).)

To prepare the Findings, the State Water Resources Control Board (State Water Board) has utilized the Environmental Documents, the MMRP, and other relevant material in the State Water Board's administrative record. (Cal. Code Regs., tit. 14, § 15096, subd. (f).)

Note that the CPUC's CEQA analysis of the TRTP projects addresses numerous subprojects. The current Certification only applies to Segments 7 and 8 of the TRTP. Thus the CPUC's CEQA analysis, mitigation measures and findings tend to address broad areas that include Segments 7 and 8. Text of impact statements, mitigation measures, etc., which contains reference to TRTP project areas not included in Segments 7 and 8 is retained for convenience.

Also, some of the mitigation measures and impacts are applicable only to the Southern Region of the TRTP. As defined by the FEIR/S, the Southern Region includes all Project components located south of the Angeles National Forest (ANF) within Los Angeles, Orange and San Bernardino Counties. Therefore, any impacts or mitigation measures that are applicable only to the Southern Region are deemed to be applicable to the Project and this Certification for the purposes of these findings.

CEQA Finding Requirement

Prior to approving or carrying out a project for which an EIR has been certified which identifies one or more significant environmental effects, all public agencies must make one or more written findings for each of those significant impacts, accompanied by a brief explanation of the rationale for each finding. (Pub. Resources Code, § 21081, subd. (a); Cal. Code Regs., tit. 14, §§ 15091, subd. (a).)

As specified in the CEQA Guidelines, the possible findings are:

> (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment;

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

The State Water Board is a responsible agency under CEQA for purposes of approving the Certification for the Project. As a responsible agency, the State Water Board's CEQA obligations are more limited than those of the lead agency (Cal. Code Regs., tit. 14, § 15096, subd. (g)(1)). The State Water Board, in particular, is "responsible for considering only the effects of those activities involved in the Project which it is required by law to carry out or approve." (Pub. Resources Code, § 21002.1, subd. (d).) Thus, while the State Water Board must "consider the environmental effects" of the Project as disclosed in the Environmental Documents, the State Water Board "has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve." (Cal. Code Regs., tit. 14, § 15096, subds. (f), (g)(1).) To that end, the Findings provide the specific reasons supporting the State Water Board's decisions under CEQA as they relate to the issuance of the Certification Order. The Findings are supported by substantial evidence in the State Water Board's administrative record. (Cal. Code Regs., tit. 14, § 15091 subd. (b).)

B. INCORPORATION BY REFERENCE

All Project impacts and mitigation measures are analyzed in greater detail in the Environmental Documents, which are incorporated herein by reference. The Environmental Documents and other relevant documents are available at: ftp://ftp.cpuc.ca.gov/gopher-data/environ/tehachapi_renewables/TRTP.htm

Documents are also available from:

California Public Utilities Commission
Energy Division – Infrastructure Permitting & CEQA
505 Van Ness Avenue
San Francisco, CA 94102

Project mitigation measures and reporting responsibilities are also summarized in the MMRP, which is incorporated herein by reference. The MMRP is available with the web posting of this Certification at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml

C. ENVIRONMENTAL REVIEW

On October 1, 2009, the CPUC, as lead agency, certified a FEIR/S (State Clearinghouse (SCH) No. 2007081156) for the TRTP in accordance with CEQA. As directed by CEQA, the

State Water Board must presume that the FEIR/S complies with CEQA. (Pub. Resources Code, § 21167.3, subd. (b); Cal. Code Regs., tit. 14, § 15231.) Based on the administrative record, the State Water Board finds that no subsequent EIR or supplement to the FEIR/S is necessary per the requirements of CEQA (Cal. Code Regs., tit. 14, §§ 15162 & § 15163)

Prior to reaching a decision on the issuance of Certification for the Project, the State Water Board has considered the environmental effects of the Project as shown in the Environmental Documents and the administrative record. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The FEIR/S specifies mitigation measures for identified impacts, and a MMRP is in place to document the mitigation measures and how they are to be implemented. The Findings specified below are provided for each of those significant environmental impacts of the Project identified in the FEIR/S that are subject to the State Water Board's jurisdiction. Part D addresses potentially significant impacts which cannot be avoided or substantially lessened to a less-than-significant level. Part E addresses potentially significant impacts which can be avoided or lessened to a less-than-significant level.

D. FINDINGS ON SIGNIFICANT AND UNAVOIDABLE IMPACTS WHICH CANNOT BE AVOIDED OR SUBSTANTIALLY LESSENED TO A LESS-THAN-SIGNIFICANT LEVEL.

This section addresses potentially significant impacts which cannot be avoided or substantially lessened to a less-than-significant level. Only cumulative impacts are addressed. The FEIR/S does not contain any individual Project impacts to water resources that cannot be reduced to less-than-significant levels through the implementation of the applicant-proposed measures (APMs), mitigation measures (MMs), and the conditions of this Certification.

CUMULATIVE IMPACTS:

The FEIR/S evaluates *cumulative* impacts pertaining to water resources that are significant and unavoidable.

Hydrology and Water Quality section of the FEIR/S:

Impact H-1: Construction activities would degrade surface water quality through erosion and accelerated sedimentation.
Construction of the overhead transmission line towers and substations would require several types of soil disturbance. If construction activities for other projects in the area also result in erosion and sedimentation of nearby surface waters, and such impacts occur at the same time as they would for the proposed Project's construction activities, the resulting impacts would be cumulatively considerable to hydrology and water quality in the Project area.

Findings: Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the FEIR/s.
Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project (as

described in Section G below) outweigh any significant and unavoidable or irreversible environmental impact of the Project.

Rationale: Although mitigation measures that would be implemented for the proposed Project would reduce this impact to a less-than-significant level for the proposed Project itself, several residential development projects with construction activities substantial enough to contribute to erosion and sedimentation within the cumulative effects area, such as the Aera Master Planned Community near the City of Diamond Bar and the New Model Colony near the City of Ontario, are currently scheduled to occur at the same time and in the same vicinity as the proposed Project. These residential projects would likely implement best management practices that would reduce erosion and sedimentation impacts to less-than-significant levels. However, the effectiveness of best management practice implementation for these residential projects is unknown. Therefore, it is possible that this impact of the proposed Project could combine with similar impacts of other projects to result in a cumulatively significant and unavoidable impact. A statement of overriding considerations for this impact is presented in Section G below.

Impact H-2: Construction activities would degrade water quality through the accidental release of potentially harmful or hazardous materials.
Surface water and groundwater quality could be degraded through the accidental release of hazardous materials during Project-related construction activities. If construction activities for other projects in the area also result in the accidental release of potentially harmful or hazardous materials, and such impacts occur at the same time as they would for the proposed Project's construction activities, the resulting impacts would be cumulatively considerable to hydrology and water quality in the Project area.

Findings: Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the FEIR/S. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project (as described in Section G below) outweigh any significant and unavoidable or irreversible environmental impact of the Project.

Rationale: Although mitigation measures that would be implemented for the proposed Project would reduce this impact to a less-than-significant level for the proposed Project itself, several large residential development projects, such as the Aera Master Planned Community near the City of Diamond Bar and the New Model Colony near the City of Ontario, would occur at the same time and in the same vicinity as the proposed Project. It is not possible to predict the accidental release of a hazardous material during construction of these residential development projects, nor is it possible to ensure proper implementation of best management practices for these projects. Therefore, this impact of the proposed Project could combine with similar impacts of other projects to result in a cumulatively significant and unavoidable impact. A statement of overriding considerations for this impact is presented in Section G below.

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Biological Resources section of the FEIR:

Impact B-2: Project would result in the loss of desert wash or riparian habitat.

The Project would result in the temporary disturbance to, and permanent loss of, desert wash and riparian habitat. Past and foreseeable future actions in these areas would also result in considerable loss of, or degradation of, desert wash and riparian habitat. Southern California Edison (SCE or Applicant) has indicated that impacts to most drainages, desert washes, and riparian areas would not occur as these areas would be spanned by the Project. However, considerable riparian habitat would be impacted from the expansion of the existing access roads and creation of spur roads to structures. The incremental effect of the proposed Project, when combined with the effects created by other past and reasonably foreseeable projects, would be significant, because the impact would reduce and/or degrade desert wash and riparian habitat types that are limited in distribution within southern California.

Findings: Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the FEIR/S. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project (as described in Section G below) outweigh any significant and unavoidable or irreversible environmental impact of the Project.

Rationale: Mitigation measures proposed for this Project for these impacts (B-1a: Provide restoration/compensation for impacts to native vegetation communities, B-1b: Implement a Worker Environmental Awareness Program, B-2: Implement RCA Treatment Plan, H-1a: Implement an Erosion Control Plan and demonstrate compliance with water quality permits, and AQ-1a: Implement Construction Fugitive Dust Control Plan) would reduce these impacts, but they would still be cumulatively considerable effects. Therefore, the impacts to desert wash and riparian habitat types has the potential to combine with similar impacts of other projects and would be considered cumulatively significant and unavoidable. A statement of overriding considerations for this impact is presented in Section G below.

Impact B-8: Project could result in the loss of California red-legged frogs and mountain yellow-legged frogs.

Construction activities within suitable habitat in the Project area may result in “take” of California red-legged frogs and mountain yellow-legged frogs. Project impacts, should they occur, would contribute substantially to the incremental take of, and loss of, habitat for these species when combined with the effects of take and loss of habitat caused by other past and reasonably foreseeable projects. These impacts would be cumulatively considerable because the aforementioned past actions and natural events have so severely impacted California red-legged frog and mountain yellow-legged frog populations that both species are now at the brink of extirpation in southern California.

Findings: Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the FEIR/S. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project (as described in Section G below) outweigh any significant and unavoidable or irreversible environmental impact of the Project.

Rationale: Implementation of APMs BIO-1 through BIO-7 and Mitigation Measures B-1a (Provide restoration/compensation for impacts to native vegetation communities), B-1b (Implement a Worker Environmental Awareness Program), B-2 (Implement RCA Treatment Plan), B-3a (Prepare and implement a Weed Control Plan), AQ-1a (Implement Construction Fugitive Dust Control Plan), H-1a (Implement an Erosion Control Plan and demonstrate compliance with water quality permits), H-1b (Dry weather construction), B-8a (Conduct protocol surveys for California red-legged frogs and implement avoidance measures), and B-8b (Conduct biological monitoring) would reduce the proposed Project's incremental contribution to cumulative impacts. However, the impacts to California red-legged frog and mountain yellow-legged frog or their habitat have the potential to combine with similar impacts of other projects and would be cumulatively significant and unavoidable. A statement of overriding considerations for this impact is presented in Section G below.

Impact B-9: Project would result in the loss of arroyo toads.

Construction activities within suitable habitat in the Project area may result in "take" of arroyo toad. Project impacts, should they occur, would contribute substantially to the incremental take of, and loss of habitat for, arroyo toad when combined with the effects of take and loss of habitat caused by other past and reasonably foreseeable projects, and therefore, would be cumulatively considerable.

Findings: Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the FEIR/S. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project (as described in Section G below) outweigh any significant and unavoidable or irreversible environmental impact of the Project.

Rationale: APMs BIO-1 through BIO-7 and Mitigation Measures B-1a (Provide restoration/compensation for impacts to native vegetation communities), B-1b (Implement a Worker Environmental Awareness Program), B-2 (Implement RCA Treatment Plan), B-3a (Prepare and implement a Weed Control Plan), H-1a (Implement an Erosion Control Plan and demonstrate compliance with water quality permits), H-1b (Dry weather construction), AQ- 1a Implement Construction Fugitive Dust Control Plan), B-9 (Conduct protocol surveys for arroyo

toads and implement avoidance measures in occupied areas), and B-8b (Conduct biological monitoring), which collectively, would mitigate for loss of habitat, provide for ANF staff oversight of Project activities in riparian conservation areas, minimize the likelihood of habitat alteration through the proliferation of weeds, and minimize the likelihood of take of individual toads, would reduce cumulative impacts. However, the impacts to arroyo toad have the potential to combine with similar impacts of other projects and would be cumulatively significant and unavoidable. A statement of overriding considerations for this impact is presented in Section G below.

Impact B-12: Project could result in the loss of special-status fish.

Four special-status fish species have the potential to occur in the proposed Project area. These include the federally listed Santa Ana sucker (*Catostomus santaanae*); the State and federally listed unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*); and two Forest Service sensitive species and California Species of Special Concern, the arroyo chub (*Gila orcuttii*) and Santa Ana speckled dace (*Rhinichthys osculus* ssp. 8) The unarmored threespine stickleback is also a State designated fully protected species. Project activities that may adversely affect special status fish species include stream crossing structures, release or spill of toxic substances and sedimentation caused by project construction.

Findings: Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the FEIR/S. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project (as described in Section G below) outweigh any significant and unavoidable or irreversible environmental impact of the Project.

Rationale: Implementation of Mitigation Measures B-1a (Provide restoration/ compensation for impacts to native vegetation communities), B-1b (Implement a Worker Environmental Awareness Program), B-2 (Implement RCA Treatment Plan), B-3a (Prepare and implement a Weed Control Plan), H-1a (Implement an Erosion Control Plan and demonstrate compliance with water quality permits), H-1b (Dry weather construction), B-8b (Conduct biological monitoring), and B-12 (Implement avoidance and minimization measures for Santa Ana sucker and other aquatic organisms) would reduce the cumulative impacts of the Project on special-status fish species. However, the impacts to special status fish species or their habitat have the potential to combine with similar impacts of other projects and would be cumulatively significant and unavoidable. A statement of overriding considerations for this impact is presented in Section G below.

Impact B-24: Project could result in mortality or injury of, and loss of nesting habitat for southwestern pond turtles.

Construction activities may result in mortality or injury of individual southwestern pond turtles. Project impacts, should they occur, would contribute substantially to the incremental mortality,

injury, and loss of nesting habitat for southwestern pond turtles when combined with these effects resulting from other past and reasonably foreseeable projects, and therefore, would be cumulatively considerable.

Findings: Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the FEIR/S. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project (as described in Section G below) outweigh any significant and unavoidable or irreversible environmental impact of the Project.

Rationale: Implementation of APMs BIO-1 through BIO-3 and BIO-5 through BIO-7 and Mitigation Measures B-1a (Provide restoration/compensation for impacts to native vegetation communities), B-1b (Implement a Worker Environmental Awareness Program), B-3a (Prepare and implement a Weed Control Plan), B-12 (Implement avoidance and minimization measures for Santa Ana sucker and other aquatic organisms), B-24 (Conduct focused presence/absence surveys for southwestern pond turtle and implement monitoring, avoidance, and minimization measures), H-1a (Implement an Erosion Control Plan and demonstrate compliance with water quality permits), H-1b (Dry weather construction), and AQ-1a (Implement Construction Fugitive Dust Control Plan) would reduce cumulative impacts. However, the impacts to southwestern pond turtles have the potential to combine with similar impacts of other projects and would be considered cumulatively significant and unavoidable. A statement of overriding considerations for this impact is presented in Section G below.

Impact B-25: The Project could result in injury or mortality of, and loss of habitat for, two-striped garter snakes and south coast garter snakes.

Construction activities may result in mortality or injury of individual two-striped garter snakes and south coast garter snakes. Furthermore, Project implementation may result in loss of habitat due to the construction of permanent structures and/or roads and temporary loss of habitat from construction activities. Past actions and natural events (e.g., development, urbanization, recreation, fire, and drought) within the geographic extent have resulted in considerable incremental injury or mortality of, and loss of habitat for, these species. Foreseeable future actions in this area will also result in considerable impacts of this kind to these species. Foreseeable future actions include projects such as the Amargosa Creek Improvements Project; Corridor Management Plan - Angeles Crest Scenic Byway, CA State Route 2 Enhancement; and California High Speed Train System and Maglev. Numerous small- and large-scale residential and planned community developments are also planned within the geographic extent. Project impacts, should they occur, would contribute substantially to the incremental injury or mortality of, and loss of habitat for, two-striped garter snakes and south coast garter snakes when combined with these effects resulting from other past and reasonably foreseeable projects, and therefore, would be cumulatively considerable.

Findings: Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the FEIR/S. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project (as described in Section G below) outweigh any significant and unavoidable or irreversible environmental impact of the Project.

Rationale: Implementation of APMs BIO-1 through BIO-7, Mitigation Measure B-1a (Provide restoration/ compensation for impacts to native vegetation communities), Mitigation Measure B-1b (Implement a Worker Environmental Awareness Program), Mitigation Measure B-3a (Prepare and implement a Weed Control Plan), Mitigation Measure, B-12 (Implement avoidance and minimization measures for Santa Ana sucker and other aquatic organisms), B-25 (Conduct focused surveys for two-striped garter snake and south coast garter snake and implement monitoring, avoidance, and minimization measures), Mitigation Measure H-1a (Implement an Erosion Control Plan and demonstrate compliance with water quality permits), Mitigation Measure H-1b (Dry weather construction), and Mitigation Measure AQ-1a (Implement Construction Fugitive Dust Control Plan) would reduce cumulative impacts. However, the impacts to two-striped garter snakes and south coast garter snakes have the potential to combine with similar impacts of other projects and would be considered cumulatively significant and unavoidable. A statement of overriding considerations for this impact is presented in Section G below.

Impact B-26: Project could result in injury or mortality of, and loss of habitat for, Coast Range newts.

Construction activities and vehicular crossings at wet fords across occupied drainages have the potential to result in mortality or injury to Coast Range newts. Furthermore, Project implementation may result in permanent loss of habitat due to the construction of permanent structures and/or roads and temporary loss of habitat due to disturbance from construction activities. Primarily as a result of considerable past effects, Project impacts, should they occur, would contribute substantially to the incremental injury or mortality of, and loss of habitat for, Coast Range newts when combined with these effects resulting from other past and reasonably foreseeable projects, and therefore, would be cumulatively considerable.

Findings: Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the FEIR/S. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project (as described in Section G below) outweigh any significant and unavoidable or irreversible environmental impact of the Project.

Rationale: Implementation various mitigation measures would reduce cumulative impacts. Measures include APMs BIO-1 through BIO-7, Mitigation Measure B-1a (Provide restoration/compensation for impacts to native vegetation communities), Mitigation Measure B-1b (Implement a Worker Environmental Awareness Program), Mitigation Measure B-3a (Prepare and implement a Weed Control Plan), Mitigation Measure B-26 (Conduct focused surveys for coast range newt and implement monitoring, avoidance, and minimization measures), Mitigation Measure H-1a (Implement an Erosion Control Plan and demonstrate compliance with water quality permits), Mitigation Measure H-1b (Dry weather construction), and Mitigation Measure AQ-1a (Implement Construction Fugitive Dust Control Plan). However, the impacts to coast range newts have the potential to combine with similar impacts of other projects and would be considered cumulatively significant and unavoidable. A statement of overriding considerations for this impact is presented in Section G below.

Impact B-27: Project could result in injury or mortality of, and loss of habitat for, terrestrial California Species of Special Concern and Forest Service Sensitive amphibian and reptile species.

Project-related construction activities could result in injury or mortality of 11 terrestrial California Species of Special Concern and Forest Service designated Sensitive amphibian and reptile species (the special-status terrestrial herpetofauna). Furthermore, Project implementation may result in permanent loss of habitat due to the construction of permanent structures and/or roads and temporary loss of habitat from construction activities such as preparation and use of staging areas. Project impacts, should they occur, would contribute substantially to the incremental injury or mortality of, and loss of habitat for, the special-status terrestrial herpetofauna when combined with these effects resulting from other past and reasonably foreseeable projects, and therefore, would be cumulatively considerable.

Findings: Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the FEIR/S. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level. The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project (as described in Section G below) outweigh any significant and unavoidable or irreversible environmental impact of the Project.

Rationale: Implementation of various mitigation measures would reduce cumulative impacts. Measures include: APMs BIO-1 through BIO-7 and Mitigation Measures B-1a (Provide restoration/compensation for impacts to native vegetation communities), B-1b (Implement a Worker Environmental Awareness Program), B-3a (Prepare and implement a Weed Control Plan), B-27 (Monitoring, avoidance, and minimization measures for special-status terrestrial herpetofauna), and AQ-1a (Implement Construction Fugitive Dust Control Plan). However, the impacts to special-status terrestrial herpetofauna have the potential to combine with similar impacts of other projects and would be considered cumulatively significant and unavoidable. A statement of overriding considerations for this impact is presented in section G below.

Impact B-39: The Project could result in the loss of wetland habitats.

The project, as originally approved by CPUC, included electric transmission lines that would will largely span and avoid waters of the U.S. and state. However, impacts due to road crossings would occur. This type of impact could contribute to sediment loading, alter special status species habitats, and directly result in "take" of those species. These impacts remain the same for this amended Certification, with the exception of new surface water impacts caused by the CHUG segment of the project. These CHUG-specific impacts include direct permanent fill and excavation in streams and wetlands. Potential impacts due to inadvertent release of horizontal directional drilling (HDD) drilling fluids also exist.

Specific construction-related impacts to jurisdictional waters are discussed in detail under Impact B-2 (The Project would result in the loss of desert wash or riparian habitat). I Surveys recorded 1,116 acres of riparian habitats in the project area; of these, approximately 12 acres are anticipated to be affected by construction of the proposed Project. Any permanent impacts to any waters of the U.S. and state are significant and would require mitigation. As such, any Project impacts, should they occur, would also contribute to the cumulative loss of these habitat types when combined with the loss of these habitat types caused by other past and reasonably foreseeable projects, and therefore would be significant.

Findings: Changes or alterations have been required in, or incorporated into, the Project, which minimizes the significant environmental effect as identified in the FEIR/S.

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures to reduce this impact to a less-than-significant level.

The remaining unavoidable and irreversible impacts of the Project are acceptable in light of economic, legal, social, technological, and other considerations set forth herein because the benefits of the Project (as described in Section G below) outweigh any significant and unavoidable or irreversible environmental impact of the Project.

Rationale: Implementation of Mitigation Measures B-1a (Provide restoration/compensation for impacts to native vegetation communities), B-1b (Implement a Worker Environmental Awareness Program), Mitigation Measure B-2 (Implement RCA Treatment Plan), B-3a (Prepare and implement a Weed Control Plan), H-1a (Implement an Erosion Control Plan and demonstrate compliance with water quality permits), and AQ-1a (Implement Construction Fugitive Dust Control Plan) for impacts to these habitats will reduce Project impacts. However, though impacts to wetlands from this Project are anticipated to be minor based on the acres anticipated to be affected, the impacts to wetland habitats have the potential to combine with similar impacts of other projects and would be considered cumulatively significant and unavoidable. A statement of overriding considerations for this impact is presented in Section G below.

E. SIGNIFICANT IMPACTS THAT ARE AVOIDED OR SUBSTANTIALLY REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES INCORPORATED INTO, OR REQUIRED AS A CONDITION OF APPROVAL OF, THE PROJECT

Attachment G

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This section addresses potentially significant impacts which can be avoided or lessened to a less-than-significant level. Both individual Project impacts and cumulative impacts are addressed.

INDIVIDUAL PROJECT IMPACTS:

The State Water Board reviewed and evaluated the significant and potentially significant *individual* Project impacts to water quality identified for TRTP Segments 4-11 in the FEIR/S. The impacts to water quality that result from Project activities are described in Attachments B and C of this Certification. The APMs and MMs discussed in the FEIR/S were adopted to reduce and minimize Project impacts. The various APMs and MMs related to water quality include development of a storm water pollution prevention plan (SWPPP) with accidental spill control procedures, establishment of an environmental training program, implementation of flood and erosion structure damage protection measures, implementation of compensatory mitigation for impacts to special status species, and cessation of construction in the ANF during heavy precipitation. The APMs and MMs are incorporated into this Certification in Attachment F. When incorporating the APMs and MMs, the word "would" has been replaced by the word "shall" to clarify that these measures shall be implemented in this Project in accordance with this Certification. The State Water Board finds that these mitigation measures for significant and potentially significant individual Project water quality impacts as identified in the FEIR/S, along with the measures proposed by SCE and set forth in the MMRP, and the conditions in the Certification to be adequate to reduce non-cumulative water quality impacts to less-than-significant levels.

Hydrology and Water Quality section of the FEIR/S:

Impact H-1, Construction activities would degrade surface water quality through erosion and accelerated sedimentation: Construction and/or demolition of overhead transmission line towers and construction and/or upgrades of substations would require several types of soil disturbance that could subsequently cause localized, short term water quality degradation. Disturbance of soil during construction and/or demolition could result in soil erosion and temporarily lowered water quality through increased turbidity and accelerated sediment deposition into local streams. In particular, road construction for both temporary and permanent roadways has the potential to cause soil instability resulting in accelerated erosion and sedimentation, which could temporarily degrade surrounding water quality. Land disturbance associated with road construction and improvements would include the following activities: removal of vegetation, blade grading, soil compaction, installation of drainage structures and stream crossings, installation of footings and foundations, and installation of slope-strengthening structures as needed. Construction of any type of stream crossing through an actively flowing stream channel would cause some amount of unavoidable, temporary, localized sedimentation.

The potential for localized, short-term degradation of surface water quality through erosion and sedimentation would be low to moderate within the Southern Region.[1] This region is highly urbanized and most of the stream crossings are channelized and lined with concrete. The vast

[1] The Project is located within the Southern Region of the TRTP. As defined by the FEIR/S, the Southern Region includes all Project components located south of the ANF within Los Angeles, Orange and San Bernardino Counties.

majority of all Project work would occur outside of drainages, with the exception of Project structures that would be placed in detention basins and construction activities that could affect drainages in open areas such as the Puente Hills and Chino Hills. The topography is relatively flat compared to the Central Region. Most runoff quickly enters the municipal storm drain system. Erosion from disturbed and/or stockpiled soil would have a low to moderate potential to enter nearby streams during storm events.

Findings: 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 FEIR/S.

Rationale: Implementation of Mitigation Measures H-1a (Implement an Erosion Control Plan and demonstrate compliance with water quality permits), H-1b (Dry weather construction), and B-2 (Implement RCA Treatment Plan) would substantially reduce the potential for erosion and sedimentation by ensuring that construction activities employ the most effective erosion control practices, avoid periods of heavy precipitation, and minimize disturbance to riparian conservation areas. These measures would minimize the potential for disturbed or stockpiled soil to be carried into nearby streams. Therefore, Impact H-1 would be reduced to a less-than-significant level. These mitigation measures are incorporated in Attachment F in the Certification and in the MMRP.

Impact H-2: Construction activities would degrade water quality through the accidental release of potentially harmful or hazardous materials.

Impact H-3: Operation and maintenance activities would degrade water quality through the accidental release of potentially harmful or hazardous materials.

Surface water and groundwater quality could be degraded through the accidental release of hazardous materials into a dry or flowing stream channel during Project-related construction, operation and maintenance activities. The release of one or more hazardous materials into a stream channel could occur at any stream crossing within the Project area, or at any of the Project staging areas, such as marshalling yards and helicopter staging areas, that are crossed by or directly adjacent to a stream channel.

The potential for degradation of water quality through accidental release of potentially harmful or hazardous materials would be relatively low within the Southern Region. Most streams are channelized and lined with concrete, and most construction activities would occur outside of these concrete stream channels. Accidental release of hazardous materials could enter a surface water body through the storm drain system; however, except during rare periods of heavy precipitation, any accidental release of hazardous materials could be contained before entering the storm drain system.

Findings: 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 FEIR/S.

Rationale: For Impacts H-2 and H-3, Implementation of Mitigation Measure H-1b (Dry weather construction) would substantially reduce the potential for water quality degradation

through accidental release of potentially harmful or hazardous materials by minimizing the potential for such materials to directly contact surface water or leach into the groundwater, and would therefore reduce Impacts H-2 and H-3 to a less-than-significant level. These mitigation measures are incorporated in Attachment F in the Certification and in the MMRP.

Impact H-4: Project structures would cause erosion, sedimentation, or other flood-related damage by impeding flood flows.

Encroachment of a Project structure into a stream channel or floodplain could result in flooding of or erosion damage to the encroaching structure, diversion of flows and increased flood risk for adjacent property, or increased erosion on adjacent property. In the Southern Region, the proposed Project would cross several Flood Hazard Areas, including those associated with the following waterways: Whittier Narrows Flood Control Basin (which includes the San Gabriel River and the Rio Hondo), Santa Fe Flood Control Basin, Little Chino Creek, Carbon Canyon, Chino Creek, Cypress Channel and Cucamonga Creek (SCE, 2007).

Findings: 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 FEIR/S.

Rationale: Implementation of Mitigation Measure H-1a would substantially reduce the potential for damage due to flooding or erosion of the encroaching structure, diversion of flood flows and increased flood risk for adjacent property, or increased erosion on adjacent property through implementation of an erosion control plan and demonstrated compliance with applicable permits, such as local floodplain management ordinances. Because this measure would minimize the potential for damage due to flooding or erosion of either the encroaching structure or adjacent property, Impact H-4 would be reduced to a less-than-significant level. These mitigation measures are incorporated in Attachment F in the Certification and in the MMRP incorporated by reference above.

Impact H-5: Project structures would be inundated by mudflow.

Mudflows are a type of mass wasting or landslide, where earth and surface materials are rapidly transported downhill under the force of gravity. Mudflow events are caused by a combination of factors, including soil type, precipitation, and slope. Mudflow may be triggered by heavy rainfall that the soil is not able to sufficiently drain or absorb. As a result of this super-saturation, soil and rock materials become unstable and eventually slide away from their existing location. The majority of the Southern Region is characterized by generally flat terrain that would not be conducive to a mudflow event. However, the steeper portions of the Puente and Chino Hills do contain soils that could form a mudflow under heavy precipitation.

Findings: 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 FEIR/S.

Rationale: Implementation of Mitigation Measure G-3 (Conduct geological surveys for landslides and protect against slope instability) would substantially reduce the potential for

inundation by mudflow during the construction phase of the proposed Project. By avoiding areas prone to landslide, and by installing appropriate protection where those areas cannot be avoided, Project structures will not be placed in locations that are prone to landslide and/or mudslide without proper protection. Because this measure would minimize the potential for damage due to inundation by mudflow, Impact H-5 would be reduced to a less-than-significant level. These mitigation measures are incorporated in Attachment F in the Certification and in the MMRP.

Impact H-6: Discharge of contaminated groundwater during dewatering operations would degrade surface water quality.

This impact would result from the improper discharge of dewatered contaminated groundwater. The Chino Subbasin exceeds maximum contaminant levels (MCLs) for total dissolved solids (TDS), inorganics, radiology, nitrates, pesticides, volatile organic compounds (VOCs) and perchlorate. Construction of the eastern access shaft for this alternative would require excavation down to 100 feet, and the groundwater level is at approximately 75 feet below ground surface (bgs) in that area. Therefore, dewatering likely would be required. Improper design and/or implementation of a dewatering plan could result in discharge of contaminated groundwater to a surface waterbody, which would subsequently lead to degradation of surface water quality. A proper dewatering plan would include testing of the groundwater to be dewatered, and subsequent treatment of that groundwater prior to discharge if contamination is discovered. Discharge of the dewatered effluent would be regulated under the National Pollutant Discharge Elimination System (NPDES) permit required by the appropriate Regional Water Board.

Compliance with the conditions of the NPDES permit would ensure that contaminated groundwater is properly tested and treated, if necessary, prior to discharge to any surface water. If dewatering occurs, SCE will collect the water in tanks, and haul the water offsite to an approved disposal facility. In some cases, the water will be collected and used for dust control. All dewatering activities will be in compliance with applicable Project mitigation measures and local/state regulations. If discharge of groundwater to surface water is required, SCE will notify the Regional Water Board for coverage under General WDR Order 98-67 (NPDES No. CAG998001).

Findings: 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 FEIR/S.

Rationale: Implementation of Mitigation Measure H-1a (Implement an Erosion Control Plan and demonstrate compliance with water quality permits) would ensure proper design and implementation of any dewatering activities through demonstrated compliance with NPDES requirements, and would substantially reduce the likelihood that surface water would be contaminated. With implementation of the mitigation measure H-1a, Impact H-6 for Alternative 5 would be less than significant. These mitigation measures are incorporated in Attachment F in the Certification and in the MMRP.

CUMULATIVE IMPACTS:

The remaining cumulative impacts related to water quality are considered to less-than-significant and are as follows:

- Operation and maintenance activities would degrade water quality through the accidental release of potentially harmful or hazardous materials (Impact H-3)
- Project structures would cause erosion, sedimentation, or other flood-related damage by impeding flood flows (Impact H-4)
- Project structures would be inundated by mudflow (Impact H-5)
- The Project could result in the loss of Critical Habitat for the Santa Ana sucker (B-13)

F. MITIGATION AND MONITORING PROGRAM

As mentioned in the discussion of Project impacts above, the CPUC has approved the MMRP to guide implementation of all Project mitigation measures by assigning implementation and reporting responsibilities and specifying timelines. The MMRP lists all Project mitigation measures and reporting and is incorporated herein by reference. The MMRP is available at the web posting for this Certification: http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml

G. STATEMENT OF OVERRIDING CONSIDERATIONS

As noted in part A above, the CPUC's CEQA Findings of Fact concludes that implementing the Project will result in certain significant impacts to the environment that cannot be avoided or substantially lessened with the application of feasible mitigation measures or feasible alternatives. The evidence supporting the various benefits can be found in the CPUC's Opinion Granting a Certificate of Public Convenience and Necessity for Decision 09-12-044, and the CPUC's Modification of Decision 09-12-044 which ordered the Chino Hills undergrounding, both of which may be found in the web posting of this Certification at: http://www.waterboards.ca.gov/water_issues/programs/cwa401/certifications.shtml

Because there are significant and unavoidable impacts within the State Water Board's jurisdiction, the State Water Board provides this Statement of Overriding Considerations in compliance with CEQA (Pub. Resources Code, § 21081; Cal. Code Regs., tit. 14, §§ 15093 & 15096, subd. (h)).

The significant and unavoidable impacts and the benefits related to implementing the Project are disclosed in the CPUC's CEQA Findings of Fact. The unavoidable impacts to resources under the jurisdiction of the State Water Board are discussed in Section D above.

The State Water Board has determined that changes have been required in, or incorporated into, the Project which avoid or substantially lessen the environmental effect as identified in the Environmental Documents and described in Part E above to levels that are less than significant. However, for those cumulative impacts identified in Part D, all of the alternate mitigation measures and Project alternatives set forth in the FEIR/S are either infeasible or fail

to avoid or substantially lessen the cumulative environmental effects to hydrology and water quality when compared to those alternatives adopted by CPUC. These environmental effects remain significant and unavoidable cumulative impacts.

In the State Water Board's judgment, the Project and its benefits outweigh its cumulative unavoidable significant impacts to water quality. The statement below identifies the reasons why, in the State Water Board's judgment, the benefits outweigh these unavoidable significant impacts. Any one of these reasons is sufficient to justify approval of the Project.

The State Water Board recognizes the benefits of the Project, which outweigh the impacts of the Project, listed below. The Project's benefits include:

- Enabling compliance with the state's Renewable Portfolio Standard (RPS) Program, which requires retail sellers of electricity such as SCE to increase their sale of electricity produced by renewable energy sources to 20 percent by 2010;
- Enabling the interconnection of various wind generation projects in the Antelope Valley-Tehachapi region to the SCE transmission system;
- Eliminating existing constraints to the transmission of renewable energy from the Tehachapi and Antelope Valley areas to Southern California; and
- Eliminating potential system-wide power flow and reliability problems due to overloading of the existing transmission system.

Specifically, without system improvements provided by the Project, SCE and others could not deliver the necessary amount of wind power from the region. As discussed above, wind provides one of the most economical sources of renewable power. The Tehachapi area offers the largest wind resource in California, and has the undeveloped potential of generating about 1,400 gigawatt-hours per year, with about 4,500 megawatts MWs of installed capacity. Additionally, significant industry commitment to develop the area for RPS purposes exists; utilities have received winning bids from, and SCE has signed contracts with, developers of wind projects, the output of which cannot be fully delivered without increased transmission capacity that the proposed Project will provide.

The State Water Board has balanced these Project benefits against the unavoidable, cumulative water quality impacts identified in the FEIR/S and has concluded that those impacts are outweighed by the Project benefits. These benefits are supported by substantial evidence in the record and are adequate to support these Findings and Statement of Overriding Considerations. Each benefit set forth above constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every significant unavoidable impact.