

Attachment D
THE STATE WATER RESOURCE CONTROL BOARD'S
CEQA FINDINGS FOR THE SUNRISE POWERLINK PROJECT

On December 18, 2008, the California Public Utility Commission (CPUC), as lead agency, certified the final Sunrise Powerlink Final Environmental Impact Report/ Environmental Impact Statement (Sunrise FEIR) (SCH No. 2006091071) for the Project in accordance with the California Environmental Quality Act (CEQA). The State Water Board, as a responsible agency, consulted with the CPUC, reviewed and submitted comments on the draft environmental document, and designated appropriate staff to attend meetings and coordinate with the CPUC. In making its determinations and findings, the State Water Board must presume that the Sunrise FEIR comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3, subd. (b).) As such, the State Water Board has reviewed and considered the environmental documents and all proposed mitigation measures.

The State Water Board has determined that different or additional mitigation measures would not substantially lessen or avoid any significant effect of the Project on water quality. (Pub. Resources Code, § 21002.1, subd. (d).) The State Water Board makes the following findings:

The Sunrise Powerlink Project will cause permanent impact to waters of the State by filling one wetland area, building numerous access roads which cross streams, and by constructing numerous tower pads in or immediately adjacent to streams. The Project will also cause temporary impacts to waters of the State by the installation of numerous temporary construction areas, temporary fly yards, and temporary access road crossings of streams. Potential temporary impacts from construction activities, such as spills and leaks, could also occur.

Avoidance and minimization mitigation measures for significant and potentially significant water quality impacts that will or could arise as a result of these activities include development of a Construction Stormwater Pollution Prevention Plan (SWPPP) with accidental spill control procedures, establishment of an environmental training program, adoption of BMPs for prevention and control of erosion, and development of a Habitat Mitigation and Monitoring Plan. Avoidance and minimization measures also include Project routing adjustments to minimize or eliminate numerous stream crossings.

Compensatory mitigation for significant and potentially significant water quality impacts includes the acquisition of four properties and funding for transfer of ownership of existing state lands to Anza Borrego State Park for preservation as park land designated for protection of wildlife habitats (the primary beneficial use affected by project impacts to dry washes). Funding for management of all sites in perpetuity is also provided for all mitigation sites, as specified in site-specific Habitat Management Plans for all compensatory mitigation sites that are to be developed.

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The State Water Board finds these mitigation measures for significant and potentially significant water quality impacts in the Sunrise EIR, supplemented with the provisions in the Water Quality Certification Order, are adequate to reduce water quality impacts to less than significant levels. The State Water Board will file a Notice of Determination for the above referenced Sunrise EIR with the State Clearinghouse within five days of the adoption of this Certification Order.