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A. Environmental Review

On September 12, 2012, LADWP, as lead agency, certified a Final Environmental Impact Report/Environmental Impact Statement (FEIR/S) (State Clearinghouse (SCH) No. 2008041038) Barren Ridge Renewable Transmission Line Project¹ (Project) and filed a Notice of Determination (NOD) at the SCH on September 26, 2012. The State Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and, in making its determinations and findings, must presume that LADWP's certified environmental document comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3, subd. (b).) State Water Board staff has reviewed and considered the environmental document and finds that the environmental document prepared by LADWP is adequate. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The document includes the mitigation monitoring and reporting program (MMRP) developed by LADWP for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR/S and the application for a water quality certification and waste discharge requirements (with attachments) (Application).

All CEQA project impacts, including those discussed in subsection C below, are analyzed in greater detail in the Project FEIR/S which is incorporated herein by reference. The Project FEIR/S is available from Los Angeles Department of Water and Power, 111 North Hope Street, Room 1044, Los Angeles, CA 90012, and at: www.ladwp.com/ladwp/faces/ladwp/aboutus/a-power.

Requirements under the purview of the State Water Board in the MMRP are additionally incorporated herein by reference and included in Attachment E of this Order.

Finally, LADWP's Application with all attachments is incorporated herein by reference, which includes detailed project maps, a detailed project description, copies of information provided to other resource agencies, and other supporting information.

¹ The Project as described in the FEIR/S includes three project elements that are not included in the Project authorized in this Order: the Haskell Canyon Switching Station construction, expansion of the Barren Ridge Switching Station, and installation of new circuits on existing transmission line between Haskell Canyon and Castaic Power station.

C. Findings

The FEIR/S describes the potential significant environmental effects to waters of the state. Having considered the whole of the record, State Water Board staff makes the following findings for Impacts 1 through 5:

1. Findings regarding impacts that will be mitigated to a less than significant level (Pub. Resources Code, § 21081, subd. (a)(1); Cal. Code Regs., tit. 14, § 15091, subd. (a)(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 FEIR.

Note: Some impacts were not numbered in the original FEIR/S provided by LADWP. To help facilitate reference to impacts and associated mitigation measures, impact numbers provided in this analysis were assigned by State Water Board staff.

Impact 1: Impacts to Native Vegetation

Project activities may cause significant temporary and permanent impacts to native vegetation, including special status plant species and wetland and riparian species. Potential impacts may be caused by conversion of land to new uses such as roads and tower footings; excavation; road grading; trampling, crushing, mowing or cutting; inadvertent introduction or spread of invasive plants or noxious weeds; and use of herbicides. Impacts to native vegetation may also occur from increased erosion and sedimentation. These impacts would adversely affect the beneficial uses of fish migration (MIGR), municipal and domestic supply (MUN), preservation of rare and endangered species (RARE), water contact and water noncontact recreation (REC1 and REC2), warm and cold freshwater habitat (WARM, COLD), wetland habitat (WET), wildlife habitat (WILD), and spawning, reproduction, and/or early development (SPWN).

Facts Supporting the Finding (Rationale): Mitigation measures are proposed that are sufficient to reduce impacts to vegetation to a level that is less than significant. These measures include providing restoration/compensation for impacted sensitive vegetation communities (BIO-1 and BIO-4), preventing the spread of invasive weeds with a revegetation and weed control plan (BIO-2), avoiding riparian areas (BIO-3), implementing a worker training program on environmental measures (BIO-6) and confining work to marked or flagged work areas (BIO-13). Erosion control measures will also be implemented through the General Practices that will be integrated into the Project. These measures are consistent with widely accepted practices for mitigation of impacts to vegetation and have been demonstrated to be effective when properly implemented.

In addition, the United States Forest Service (USFS), the lead agency for the Project's analysis pursuant to the National Environmental Policy Act (NEPA), is requiring certain additional mitigation measures as detailed in their Special Use Authorization that would reduce impacts to native vegetation on National Forest lands. Such mitigation measures include helicopter construction for any towers which are more than 300 feet from an existing road and across slopes greater than approximately 25 percent; use of the "micropile" method of foundation construction to limit ground disturbance; construction of three-circuit towers within existing rights-of-way (ROW) where there are ROW expansion constraints and where LADWP has existing 230 kV transmission lines; specific requirements for access roads, including exclusion of NFS Road Drinkwater Canyon

5N27; specific requirements for construction area sites; and restrictions on use of herbicides.

Impact 2: Impacts to Special-Status Wildlife

The Project may impact special-status wildlife species including the arroyo chub, arroyo toad, California legless lizard, California red-legged frog, coast horned lizard, coastal rosy boa, two-striped garter snake, least Bell's vireo, western yellow-billed cuckoo, southwestern willow flycatcher, western spadefoot toad, southwestern pond turtle, and unarmored threespine stickleback, through crushing or disruption of life and habitat during construction, from vehicle and equipment run-off upstream, from soil erosion and sedimentation, and from other activities. These impacts would adversely affect the beneficial uses such as WILD, SPWN, and WARM.

Facts Supporting the Finding (Rationale): Mitigation measures are proposed that are sufficient to reduce impacts to special-status wildlife species to a level that is less than significant. These measures include general practices listed in Attachment E such as preparing a Hazardous Materials and Waste Management Plan and a Stormwater Pollution Prevention Plan; designing the Project to avoid riparian areas and water courses; installing drainage control features to minimize the amount of stormwater flow from areas of active construction; refueling and maintenance practices to avoid contamination of waters; erosion control measures for re-grading access roads; managing excavated soil to prevent run-off into waters; and avoiding use of heavy equipment in a flowing channel.

Other measures that reduce these impact so less than significant include utilizing existing stream crossings to the extent feasible and permanently closing new access roads after construction that aren't needed for ongoing maintenance (HYD-1), building roads at right angles to streams and washes and minimizing disturbance to vegetation, drainage channels, and intermittent or perennial stream banks (HYD-2), restoring and compensating for impacts to sensitive vegetation communities including a Habitat Restoration and Revegetation Plan (BIO-1), developing a weed control plan (BIO-2), avoiding riparian areas (BIO-3), restoring and compensating for riparian areas where avoidance is not feasible (BIO-4), covering steep-walled trenches or excavations to prevent entrapment of wildlife (BIO-5), conducting worker training in environmental measures (MM-BIO-6), avoidance and protection measures for least Bell's vireo, western yellow-billed cuckoo, southwestern willow flycatcher (BIO-14), monitoring for special-status herpetofauna (BIO-22), and avoidance measures for arroyo toad and California red-legged frog (BIO-24).

Impact 3: Soil Loss and Erosion

Ground-disturbing activities associated with the Project, such as excavation, grading, and trenching activities for access roads, tower sites, and pulling and tensioning sites could alter drainage patterns within work areas and result in soil erosion. Soil erosion can cause impacts to aquatic resources through increased turbidity and sedimentation. These impacts would adversely affect the beneficial uses WILD, SPWN, and WARM.

Facts Supporting the Finding (Rationale): Mitigation measures are proposed that are sufficient to reduce impacts from soil loss and erosion to a level that is less than significant. These measures include general practices listed in Appendix E such as preparing a Stormwater Pollution Prevention Plan; designing the Project to avoid riparian areas and water courses; installing drainage control features to minimize the amount of stormwater flow from areas of active construction; erosion control measures for re-

grading access roads; managing excavated soil to prevent run-off into waters; and avoiding use of heavy equipment in a flowing channel. Other mitigation measures include restoring new impervious areas associated with temporary construction to existing conditions (HYD-3), and designing stormwater drainage to minimize erosion and increase sediment control (HYD-4).

In addition, the USFS, the lead agency for the Project's analysis pursuant to NEPA for the Project, is requiring certain additional mitigation measures as detailed in their Special Use Authorization that would reduce impacts to native vegetation on National Forest lands. Such mitigation measures include helicopter construction for any towers which are more than 300 feet from an existing road and across slopes greater than approximately 25 percent; use of the "micropile" method of foundation construction to limit ground disturbance; construction of three-circuit towers within existing ROW where there are ROW expansion constraints and where LADWP has existing 230 kV transmission lines; specific requirements for access roads, including exclusion of NFS Road Drinkwater Canyon 5N27; and specific requirements for construction area sites.

Impact 4: Stormwater Runoff

The Project has the potential to create new sources of runoff through creation of new permanent access and spur roads or widening of existing roads; blading and other methods of vegetation removal for clearance of roads and construction areas would decrease the ability of the soil to absorb water and increase stormwater runoff from disturbed areas. These impacts would adversely affect the beneficial uses WILD, SPWN, and WARM, and could affect watershed functions leading to impacts to groundwater recharge, and flood peak attenuation.

Facts Supporting the Finding (Rationale): Mitigation measures are proposed that are sufficient to reduce impacts to stormwater runoff to a level that is less than significant. These measures include general practices such as preparing a Stormwater Pollution Prevention Plan; designing the Project to avoid riparian areas and water courses; installing drainage control features to minimize the amount of stormwater flow from areas of active construction; erosion control measures for re-grading access roads; managing excavated soil to prevent run-off into waters; and avoiding use of heavy equipment in a flowing channel. Other mitigation measures include restoring new impervious areas associated with temporary construction to existing conditions (HYD-3), and designing stormwater drainage to minimize erosion and increase sediment control (HYD-4).

In addition, the USFS, the lead agency for the Project's analysis pursuant to NEPA for the Project, is requiring certain additional mitigation measures as detailed in their Special Use Authorization that would reduce impacts to native vegetation on National Forest lands. Such mitigation measures include helicopter construction for any towers which are more than 300 feet from an existing road and across slopes greater than approximately 25 percent; use of the "micropile" method of foundation construction to limit ground disturbance; construction of three-circuit towers within existing ROW where there are ROW expansion constraints and where LADWP has existing 230 kV transmission lines; specific requirements for access roads, including exclusion of NFS Road Drinkwater Canyon 5N27; and specific requirements for construction area sites.

Impact 5: Floodplain Impacts

The Project will result in some tower structures within 100-year flood hazard area. This could impede flood flows or redirect flood flows to areas not currently within a flood hazard area by raising the base flood elevation level. These impacts could affect watershed functions leading to impacts to groundwater recharge and flood peak attenuation.

Facts Supporting the Finding (Rationale): Mitigation measures are proposed that are sufficient to reduce impacts to floodplains to a level that is less than significant. These measures include engineering structures and new access roads in 100-year floodplains to not impede or redirect flood flows or raise flood elevation (HYD-5), and designing structures within the 100-year floodplain of rivers and streams to minimize capture of flood debris and to prevent flow obstructions and scouring during flood flows (HYD-6).

2. Findings regarding infeasible mitigation measures or project alternatives due to specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers (Pub. Resources Code, § 21081, subd. (a)(3); Cal. Code Regs., tit. 14, §1 5091, subd. (a)(3)).

Specific economic, legal, social, technological, or other considerations make the mitigation measure(s) or Project alternative(s) infeasible.

Aquatic and biological resources may be affected by the Project and other reasonably foreseeable projects. Avoidance, minimization, and mitigation measures would minimize impacts to aquatic and biological resources. Nevertheless, cumulative impacts would likely have substantial intensity and be cumulatively considerable under CEQA (LADWP resolution 013-064, pages 61 and 62).

Facts in Support of Finding:

Various and numerous mitigation measures are proposed in the FEIR/S to mitigate Project impacts to aquatic resources, including wetlands. Mitigation measures incorporated into the Project requiring compensatory mitigation for special-status species and aquatic resources, when implemented along with the conditions of this Order, are adequate to minimize these cumulative impacts, but not to a level that is less than significant. No feasible mitigation measures are available to reduce this cumulative impact to a less-than-significant level. A statement of overriding considerations for this impact is presented in section D below.

D. Statement of Overriding Considerations

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

The significant and unavoidable impacts and the benefits related to implementing the Project are disclosed in the LADWP's CEQA Findings of Fact. The unavoidable impacts to resources are discussed in subsection C above, and include impacts to native vegetation and special-status wildlife, soil loss and erosion, stormwater runoff, and floodplain impacts.

The State Water Board has considered the benefits of the Project against its unavoidable environmental risks and finds that the benefits of implementing the Project outweigh the significant and unavoidable environmental impacts. The impacts from the Project are significant, but are dispersed among small impact sites ranging in size from less than 0.003 acre to less than 1 acre and 25 linear feet to 500 linear feet along about 75 miles of land and through multiple watersheds. The State Water Board finds that the distribution of impacts across such a large area will diminish the cumulative impact to beneficial uses of waters of the state. In addition the State Water Board finds that the mitigation measures that LADWP will implement at each impact site will further diminish the impacts. These mitigation measures include, but are not limited to, restoration/compensation for impacted sensitive vegetation communities (BIO-1), creation of a soil management plan (General Practice 7), installation of drainage control features to minimize the amount of stormwater flow from areas of active construction (General Practice 12), and avoiding slopes or drainages outside of grading areas (General Practice 35).

Overall, the Project would reduce environmental impacts associated with greenhouse gas emissions, such as reduced air quality and climate change, because it would increase delivery of renewable energy to the City of Los Angeles. Renewable energy, such as wind and solar power, does not result in greenhouse gas emissions like burning of natural gas and coal does. In 2009, natural gas and coal made up about 70 percent of LADWP's resource mix. Renewable energy, such as wind, solar, hydroelectricity, and geothermal, made up 21 percent of LADWP's resource mix. By allowing LADWP to interconnect and expand to the Tehachapi Mountains and Mojave Desert areas, the Project would increase the percentage of renewable energy in its resource mix by about 15 percent (using 2009 figures). In addition the Project presents benefits for the residents of Los Angeles by allowing them access to continued energy. The Project would diversify LADWP's energy mix, thereby increasing reliability in the event that one energy source becomes unavailable.

These benefits are supported by substantial evidence in the record and are adequate to support a Finding of Overriding Considerations that offset the unavoidable adverse environmental effects.

E. Determination

The State Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order (Cal. Code Regs., tit. 14, §§ 15096, subd. (i), 15094, subd. (a)). The environmental document and other materials, which constitute the record, are located at 1001 I Street, Sacramento, CA 95814, and online at: http://www.swrcb.ca.gov/water_issues/programs/cwa401/#certifications (Pub. Resources Code, § 21081.6, subd. (a)(2)).