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A. Environmental Review

On July 29, 2015, the California Public Utilities Commission, as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2013041070) for the Project and filed a Notice of Determination (NOD) at the SCH on November 10, 2015. The State Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that the California Public Utilities Commission's certified environmental document comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.3.) The State Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by the California Public Utilities Commission addresses the Project's water resource impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by the California Public Utilities Commission 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, the application for this Order, and other supplemental documentation, including the MMP and Hydrologic Features Mitigation and Monitoring Plan.

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: <http://www.cpuc.ca.gov/Environment/info/ene/sbcrp/sbcrp.html>

Requirements under the purview of the State Water Board in the MMRP are incorporated herein by reference.

Finally, the Permittee's application for this Order, including all supplemental information provided, is incorporated herein by reference.

C. Findings

The FEIR describes the potential significant environmental effects to water resources. Having considered the whole of the record the State Water Board makes the following findings. Please note that impacts and mitigation measures proposed for those impacts are intended to minimize impacts to sensitive areas, which include waters of the state.

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).)

There are changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the FEIR.

a.i. Potential Significant Impact BR-2:

Direct impacts could result in substantial adverse effects on riparian habitat or other sensitive natural communities.

a.ii. Facts in Support of Finding:

Substantial adverse effects have been found to be less than significant with mitigation. In order to mitigate for **Impact BR-1** the Permittee will implement limits to construction activities (**MM BIO-1**) by clearly marking Project boundaries and sensitive areas. All locations within the Project, construction activities (including traffic), and storage of materials will be restricted to approved access roads. Established construction areas will be clearly marked with flags, fencing, and/or signage. In addition, exclusionary fencing will be installed prior to construction activities to prevent inadvertent encroachment into the native habitat adjacent to areas of impact. Identified sensitive resources, such as hydrologic features, special status plants, and natural communities, known wildlife habitat or special status species will be assigned an appropriate buffer (approved by a qualified biologist) and will be clearly marked. Surveys will be conducted in order to identify special status plant and wildlife species in all active areas where suitable habitat is present (**MM BIO-2**). However, preconstruction surveys will not include searches for special status fish; they will be assumed to be present at streams that have been designated as critical habitat. Biological monitors will be present to record any loss, injury, or interaction with special status fish species, if necessary.

The Permittee will implement a Noxious and Invasive Weed Control Plan (**MM BIO-3**) that will be implemented before, during and after construction, and during restoration. This plan will include measures designed to avoid the introduction or spread of noxious weeds and invasive plant species. The Permittee will limit the removal of native plants, trees, and associated natural communities (**MM BIO-4**). Wildlife protection measures will be implemented to prevent entrapment of wildlife. All trenches, holes, and/or excavated areas will be covered at the end of each day and will be monitored by a qualified biologist throughout the life of the project (**MM BIO-6**).

Fugitive dust will be controlled by minimizing the areas disturbed by clearing, grading, earth-moving, or excavation operations and shall include watering the area (**MM AQ-1**).

The Permittee will ensure that all areas that are temporarily impacted are restored as closely to pre-construction conditions as possible (**MM BIO-5**). Restoration of temporary impacts will be in accordance with the Hydrologic Features Mitigation and Monitoring Plan. In addition, the Permittee will provide compensatory mitigation for unavoidable permanent impacts.

The Permittee will implement practices that will ensure that impacts to hydrologic features and aquatic habitat are reduced (**MM BIO-8**). The practices include establishing an exclusionary buffer of 50 feet from features that are not proposed impact sites. If the Permittee cannot maintain a 50 foot exclusionary buffer, they will consult with the appropriate agencies to determine if adjustments in regulation are needed.

Ongoing Operation and Maintenance that would require ground disturbance and/or vegetation clearing will require additional environmental review provided by the Permittee and submitted to the CPUC and all other appropriate agencies for approval (**MM BIO-14**).

b.i. Potential Significant Impact BR-3:

Direct impacts could result in substantial adverse effect on federally protected wetlands.

b.ii. Facts in Support of Finding:

Substantial adverse effects have been found to be less than significant with mitigation. Fifteen streams have been identified to be impacted, with a total of 24 impact sites throughout those streams, but no wetlands have been identified within the project areas.

The Permittee will implement the following mitigation measures as described above: MM BIO-1, MM BIO-2, MM BIO-3, MM AQ-1, MM BIO-4, MM BIO-5, MM BIO-8, and MM BIO-14.

In addition, the Permittee will develop a Worker Environmental Awareness Plan (**GEN-1**) which will include a presentation used to train all personnel prior to Project commencement. The Worker Environmental Awareness Plan, in addition to instruction on compliance with mitigation measures, will include the following:

- Contact lists for environmental specialists associated with the Project;
- Instruction on fugitive dust rules;
- Instruction on biological resources;
- Review of applicable local, state, and federal ordinances, laws and regulations;
- Procedures to be followed should the Project result in the discovery of cultural resources;
- Training on maintaining a clean construction site;
- Instruction regarding the individual responsibilities under the Clean Water Act, the project SWPPP, site specific BMPs, and location of Material Safety Data sheets;
- Instructions on notification and response in the case of a hazardous materials spill or leak from equipment and/or soil or groundwater contamination;
- Truck routes to be used for material delivery;
- Instruction that noncompliance with any laws, rules, regulations, or mitigation measures could result in being barred from participating in any remaining construction activities associated with the Project.

c.i. Potential Significant Impact BR-4:

Direct impacts could result in substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impedance of the use of native wildlife nursery sites.

c.ii. Facts in Support of Finding:

Substantial adverse effects have been found to be less than significant with mitigation. The Permittee will implement the following mitigation measures as described above: MM BIO-1, MM BIO-2, MM BIO-3, MM BIO-4, MM BIO-5, MM BIO-8, MM BIO-14, and GEN-1.

In order to prevent entrapment of wildlife, all excavated areas will be covered at the closing of each day. At all excavated areas that cannot be covered, earthen escape ramps will be maintained. A biological monitor will inspect excavated areas during the course of the project (**MM BIO 6**).

D. Determination

The State Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water quality or supply impacts. (Cal. Code Regs., tit. 14, § 15096, subd. (h).) 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).)