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A. Environmental Review

On August 18, 2016, the California Public Utilities Commission (CPUC), as lead agency, certified a Final Environmental Impact Report (FEIR) (State Clearinghouse (SCH) No. 2014051041) for the Project and filed a Notice of Determination (NOD) at the SCH on August 22, 2016. The CPUC's Project website is accessible at: <http://www.cpuc.ca.gov/environment/info/asp/westofdevers/westofdevers.htm>. 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 CPUC'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 CPUC 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 CPUC 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 lead agency's "Decision Granting Certification of Public Convenience and Necessity" (available at <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M166/K441/166441910.PDF>).

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/asp/westofdevers/toc-feir.htm>

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

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:

1. Findings regarding impacts that will be avoided or 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.

Some Applicant Proposed Mitigation Measures (APMs) that were presented in the FEIR are superseded by revised measures as presented in the CPUC's Mitigation Monitoring,

Compliance, and Reporting Plan (MMCRP), which serves as the mitigation monitoring and reporting plan for the Project (Pub. Res. Code, section 21081), and which is incorporated herein by reference. The following findings are based on review and analysis of these revised measures as well as the original measures in the FEIR.

a.i. Potential Significant Impact: ***Impact VEG-1: Land clearing for construction and future operations and maintenance would cause loss or degradation of vegetation and habitat, including sensitive habitats.*** Road construction and improvements, and site preparation for transmission structure demolition or construction, pull sites, staging areas, equipment yards, parking areas, administrative functions, and other project activities would necessitate removing existing vegetation. This could directly and indirectly reduce habitat value, facilitate spread of invasive plants, and contribute to soil erosion. Existing vegetation includes some areas of sensitive habitats which may in turn include areas within waters of the state. In addition to activity directly related to the project, trespass activity may also contribute to impacts to sensitive vegetation and habitat areas.

a.ii. Facts in Support of Finding: Various mitigation measures are provided to reduce the effects of Impact VEG-1 to a level that is less than significant.

Mitigation Measure (MM) VEG-1a, *Conduct Biological Monitoring and Reporting*, requires that qualified biologists be on duty to monitor and report on construction activity and compliance with resource protection mitigation measures and permit conditions.

MM VEG 1b, *Prepare and Implement Worker Awareness Program*, requires that project workers be informed of resource protection requirements, including limits of disturbance. Workers must also acknowledge that they have understood the training content and will abide by the guidance described in the training.

MM VEG 1c, *Minimize Native Vegetation and Habitat Loss*, requires Southern California Edison (SCE) to minimize habitat loss as safe and feasible through project design, and clearly demarcate authorized work and disturbance areas in the field.

MM VEG 1d, *Restore or Revegetate Temporary Disturbance Areas*, requires restoration or revegetation of areas where vegetation and habitat are temporarily removed. For temporary disturbances in areas mapped as agriculture, developed/disturbed, and most grassland/forb land, restoration or revegetation will be designed to minimize weed invasion, dust generation, and erosion. Separate criteria are provided for specified special status land covers and habitats. Quantitative success criteria for each revegetation or restoration site or category are required.

MM VEG-1e: *Compensate for permanent habitat loss*: Compensatory mitigation is to be provided for any unavoidable permanent or long-term habitat loss through off-site habitat acquisition and management or through an approved in-lieu fee program. This MM includes detailed requirements for selection, acquisition, financing and management (short term and long term) of compensation lands.

These measures are commonly in use throughout California and are widely accepted as being adequate, when implemented along with associated mitigation measures discussed below and permit conditions, to mitigate for impacts associated with land clearing impacts to vegetation, including sensitive habitats in waters of the state.

b.i. Potential Significant Impact: *Impact VEG-2: Project activities could cause indirect degradation of surrounding vegetation and habitat from dust, interrupted sand transport, interruption of surface water flows, or introduction and spread of invasive weeds.* In addition to the direct impacts to native vegetation and habitat (see Impact VEG-1 discussed above), the proposed Project activities could have several indirect impacts to surrounding vegetation and habitat. These impacts may include interruption of surface flows and water or sediment supply to downstream habitat, and the introduction or spread of invasive species.

Project activities could interrupt localized surface hydrology. For example, berms or channel crossings could impound stormwater runoff and sediment on the upstream sides. This impoundment could affect native vegetation and habitat by inundating, burying, or covering it in sediment. In addition, interruption, impoundment, or redirection of natural flows (including infrequent storm flows) could cause substantial erosion to downstream soils where flow is redirected, and prevent water and sediment from reaching downstream vegetation and habitat.

b.ii. Facts in Support of Finding: Various mitigation measures are provided to reduce the effects of Impact VEG-2 to a level that is less than significant.

The proposed Project's indirect impacts to biological resources caused by interrupted surface hydrology would be mitigated through SCE's APMs and mitigation measures referenced above from the Air Quality and Waters sections.

In addition to MM 1e (previously discussed), the following MMs are required.

MM VEG-2a, *Prepare and Implement an Integrated Weed Management Plan*, which requires systematic planning and implementation of weed management practices and actions for all Project activities. Required actions include conduct of a pre-project weed inventory and treatment in the Project area and ongoing monitoring for new or previously undiscovered weed populations. In addition, implementation of preventive practices and actions are required such as: logged vehicle and equipment inspections; installation and use of wash stations; requirements for use of certified weed-free erosion control materials, mulches, gravel, soil or fill material.

MM VEG-3a, *Minimize Impacts and Ensure No Net Loss for Jurisdictional Waters and Wetlands*, requires that Project design and construction activities shall minimize impacts to drainage features, including ephemeral or intermittent washes, streams, and wetlands to the extent feasible. For unavoidable impacts to jurisdictional waters, this measure requires preparation of a Habitat Mitigation and Monitoring Plan (HMMP) which will include restoration or compensation mitigation to assure no net loss of wetland acreage or wetland habitat value from direct or indirect project impacts, including reduction of wetland acreage, and downstream or upstream effects to channels or their associated habitat.

These measures are commonly in use throughout California and are widely accepted as being adequate, when implemented along with associated mitigation measures discussed below and permit conditions, to mitigate for indirect impacts associated with

land clearing impacts to vegetation, including sensitive habitats in waters of the state, including introduction or spread of invasive plants and disruption of surface water flows.

c.i. Potential Significant Impact: *Impact VEG-3: Construction, operations, and maintenance activities would affect state jurisdictional waters and wetlands through vegetation removal, placement of fill, erosion, sedimentation, or degradation of water quality.* The proposed Project could affect waters of the state. During construction, these impacts would include placing fill material into jurisdictional waters to provide level, dry work areas, tower pads, or roadways; constructing roadways, culverts, or other crossing structures across jurisdictional channels; installing channel armoring (such as riprap) in a channel near a work site to prevent flooding or erosion; constructing impoundments or detention basins on jurisdictional channels; or grading or other site preparation that eliminates or redirects natural runoff. Construction impacts to jurisdictional waters, including intermittent channels, could also affect downstream wetlands, riparian, or aquatic habitat and the biological resources found in those downstream habitats.

c.ii. Facts in Support of Finding: Mitigation measures are provided to reduce the effects of Impact VEG-3 to a level that is less than significant.

Mitigation Measure VEG-3a *Minimize impacts and ensure no net loss for jurisdictional waters and wetlands.* Requires that Project design and construction activities shall minimize impacts to drainage features, including ephemeral or intermittent washes, streams, and wetlands to the extent feasible. This mitigation measure is not limited to wetlands or mapped “blueline” streams, but encompasses all jurisdictional waters, generally including intermittent channels or washes.

In addition, SCE shall prepare a Habitat Mitigation and Monitoring Plan (HMMP), which will include restoration or compensation mitigation to assure no net loss of wetland acreage or wetland habitat value from direct or indirect project impacts, including reduction of wetland acreage, and downstream or upstream effects to channels or their associated habitat. The no net loss standard shall be reached through (1) ecological restoration or revegetation of temporarily disturbed areas to fully replace habitat extent and habitat value, and (2) compensation at a ratio of 1:1 to replace permanently impacted non-wetland jurisdictional areas, and at 3:1 to replace permanently impacted jurisdictional wetland areas (note: these ratios have been revised in this Order).

Measure VEG-3a also requires compliance with the CWA and the Fish and Game Code.

Mitigation Measure WR-2a, *Implement an Erosion Control Plan and demonstrate compliance with water quality permits,* would address impacts to jurisdictional waters due to project related soil erosion. This measure requires development of a comprehensive erosion control plan that would include mapping, BMPs specifications, inspection schedules, reporting, and post-construction measures.

In addition, mitigation measures discussed above that would serve to prevent erosion include VEG-1d, which would require revegetation or restoration of temporarily disturbed areas, including drainage features; VEG-1e, which would require compensation for permanent habitat loss, including drainage features; and VEG-3a, which would require restoration or compensation to achieve no net loss of wetland and watercourse habitat values.

These measures would also be supported by implementation of a Storm Water Pollution Prevention Plan (SWPPP) including Best Management Practices (BMPs) as described in Section 4.9 of the Proponent's Environmental Assessment (PEA, page 4.9-21, accessible at <http://www.cpuc.ca.gov/environment/info/aspern/westofdevers/westofdevers.htm>), and compliance with the conditions set forth in state and federal permits and authorizations (including California Fish & Game Code Sections 1600-1616 and CWA Sections 401 and 404).

These measures are commonly in use throughout California and are widely accepted as being effective. When implemented along with conditions of this Order, these measures are likely to adequately mitigate for Project impacts to jurisdictional drainages.

d.i. Potential Significant Impact: Impact VEG-4: Construction, operations, and maintenance activities could cause direct or indirect loss of listed and special-status plants and direct or indirect effects to habitat for listed and special-status plants. Potential indirect impact to special-status plants include alterations to upstream or downstream hydrology, leading to alteration of special-status plant habitat (e.g., removing surface or soil water source, or causing inundation of an upland species occurrence); introduction or facilitation of invasive species (particularly Sahara mustard) that may compete with rare plants or alter natural fire regimes or other processes.

d.ii. Facts in Support of Finding: In addition to the conditions that may be imposed under federal Section 7 consultation, the following mitigation measures would help to reduce or offset project impacts to special-status plants

As discussed above, MM VEG 1a through e and 2a would be implemented.

In addition, Mitigation Measure VEG-4a - *Minimize and mitigate impacts to special-status plants*, would be implemented to determine presence or absence of special status plant species. SCE shall conduct focused surveys for federal- and state-listed and other special-status plants. All special-status plant species (including listed threatened or endangered species, and all California Rare Plant Rank (CRPR) 1A, 1B, 2, 3, and 4 ranked species) impacted by project activities shall be documented in pre-construction survey reports. Findings of presence would trigger required management actions, including avoidance, compensation or salvage, to protect discovered plants or populations.

In particular, conditions of this water quality certification and the National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities requires that upstream and downstream hydrology be maintained throughout construction and post-construction phases of the Project. Water Resource mitigation measures, discussed in more detail below, would also help avoid and minimize impacts to listed and special-status plants through requirements that mediate some impacts to hydrology.

These measures are commonly in use throughout California and are widely accepted as being adequate, when implemented along with associated mitigation measures and

permit conditions, to mitigate for indirect and indirect impacts to special status plants - including plants dependent on or associated with habitats found in or adjacent to delineated waters of the state that could arise from Project construction.

e.i. Potential Significant Impact: *Impact G-3: Erosion could be triggered or accelerated due to construction activities [p. D.9-22 in FEIR].* This would include excavation and grading for tower foundations, foundations for new equipment at substations, underground conduits and vaults, work areas, access roads, and spur roads. These activities could loosen soil and accelerate erosion. Current regulations would require that the project obtain under Clean Water Act regulations an NPDES General Permit for Storm Water Discharges.

e.ii. Facts in Support of Finding: A Storm Water Pollution Prevention Plan (SWPPP), prepared for NPDES storm water compliance, will require development and implementation of BMPs to identify and control erosion, which would reduce the potential for construction to trigger erosion. As noted in Section B.6 of the Applicant Proposed Measures APM BIO-1 would require preparation of a revegetation plan for areas subject to temporary project impacts and APM HYDRO-3 would require development of and adherence to erosion-control and hazardous material plans during construction. However, these APMs have been superseded by more detailed mitigation measures: Mitigation Measures WR-2a (Implement an Erosion Control Plan and demonstrate compliance with water quality permits) and VEG-1d (Restore or revegetate temporary disturbance areas). These measures require more specific erosion control planning, and more detailed revegetation plans. While enrollment in the NPDES permits would not in and of itself prevent erosion, compliance with those permit conditions would ensure that erosion is sufficiently controlled. Implementation of the detailed revegetation plans required by VEG-1d would ensure more rapid and effective revegetation of disturbed sites, thus preventing erosion triggered by loss of vegetation.

These measures are commonly in use throughout California and are widely accepted as being effective. This combination of mitigation measures and permit conditions is likely to be sufficient to reduce any Project erosion impacts to a level that is less than significant.

f.i. Potential Significant Impact: *Impact HH-1: Improper handling, storage, or accidental spills or releases of hazardous materials could result in harm to the public, project workers, or the environment.* Construction of the proposed Project has the potential to result in leaks and accidental spills of hazardous materials at staging yards and construction sites. During construction operations, hazardous materials such as vehicle fuels, oil, hydraulic fluid, and other vehicle maintenance fluids would be used and stored in construction staging yards. Gasoline, diesel fuel, oil, hydraulic fluid, lubricants paints, solvents, adhesives, and cleaning chemicals used in construction activities, equipment, and vehicles can be released during construction as a result of accidents, and/or leaking equipment or vehicles. Spills and leaks of hazardous materials during construction activities could result in soil, water or groundwater contamination.

f.ii. Facts in Support of Finding: Mitigation measures and compliance with NPDES storm water permits are proposed to address the potential for release of hazardous materials into the environment, including to water and ground water.

Mitigation Measure HH-1a, *Prepare a Hazardous Materials and Waste Management Plan*, requires that a project-specific hazardous materials and waste plan be developed and implemented. Measure HH-1a would require specific practices for hazardous materials handling, storage, transport, and disposal. Measure HH-1a also requires that fueling and maintenance be conducted under procedures that would include use of containment and absorption materials, daily inspections, and proper material storage. Measure HH-1a also includes special procedures for helicopter fueling and emergency release response.

These measures to be implemented through the Hazardous Materials and Waste Management Plan are commonly in use throughout California and are widely accepted as being effective. This combination of mitigation measures and permit conditions is likely to be sufficient to reduce any Project impacts due to release of hazardous materials to a level that is less than significant.

g.i. Potential Significant Impact: *Impact HH-2: Ground disturbance could result in mobilization of contaminants currently existing in the soil, creating potential pathways of exposure to humans or other sensitive receptors.* Unanticipated soil contamination could exist along the proposed alignment due to illegal dumping or other historical activities (e.g., mining). Possible types of contamination include gasoline and diesel fuel residuals, heavy metals, solvents, and/or other hazardous materials. Contaminated soil could be inadvertently handled and disposed of improperly, resulting in additional environmental contamination or exposure of workers to contaminated materials. Waters of the state, including groundwater, could be impacted by mobilized contaminated soils.

g.ii. Facts in Support of Finding: Mitigation measures are proposed to minimize potential impacts due to mobilization of contaminants during ground disturbing activities.

Mitigation measure HH-2a *Prepare a Soil Management Plan* requires that a soil management plan be developed and implemented. This Plan must provide guidance on the proper handling, management, documentation and disposal of any contaminated soils that might be discovered during ground-disturbing activities. The Plan also requires coordination with local jurisdictions.

These measures to be implemented through the Soil Management Plan are commonly in use throughout California and are widely accepted as being effective for management of contaminated soils. This combination of mitigation measures and permit conditions is likely to be sufficient to reduce any Project impacts due to contaminated soils to a level that is less than significant.

2. Findings regarding mitigation measures which are the responsibility of another agency. (Pub. Resources Code, § 21081, subd. (a)(2); Cal. Code Regs., tit. 14, §15091, subd.(a)(2).)

There are changes or alterations that are within the responsibility and jurisdiction of another public agency and not the jurisdiction of the State Water Board. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

a.i. Potential Significant Impact: Impact WIL-2: Construction, restoration, operations, and maintenance activities could cause direct or indirect loss of listed and special-status wildlife and direct or indirect effects to habitat for listed and special-status wildlife. Affected habitats for listed and special-status species may include aquatic and riparian areas. Direct or indirect impacts to beneficial uses associated with wildlife (WILD) or rare (i.e., listed or special-status) wildlife species (RARE) are possible.

In general, all wildlife are affected by stream and wetland condition that may be impacted by the Project. In particular, species typically associated with aquatic or riparian habitats that may be affected by the Project include: southwestern willow flycatcher, little willow flycatcher, and mountain yellow-legged frog. However, these impacts would most appropriately be addressed through regulatory actions of the state trustee agency, the California Department of Fish and Wildlife, along with actions by the U.S. Fish and Wildlife Service. In addition to the wildlife agencies' regulatory actions, the EIR/EIS provides numerous wildlife mitigation measures that would serve to protect and replace habitat values for aquatic and riparian species.

a.ii. Facts in Support of Finding:

Various mitigation measures are provided to avoid and minimize project impacts to listed and special-status wildlife species.

The proposed Project's potential impacts to listed wildlife species that are associated with aquatic and riparian habitats should be mitigated through the following mitigation measures:

- VEG-1a Conduct biological monitoring and reporting
- VEG-1b Prepare and implement worker environmental awareness program
- VEG-1c Minimize native vegetation and habitat loss
- VEG-1d Restore or revegetate temporary disturbance areas
- VEG-1e Compensate for permanent habitat loss
- VEG-2a Prepare and implement an integrated weed management plan
- WIL-1a Conduct pre-construction biological resource surveys
- WIL-1b Ensure wildlife impact avoidance and minimization
- WIL-1c Prepare and implement a Nesting Bird Management Plan
- APM BIO-6 Least Bell's Vireo, Southwestern Willow Flycatcher, And Western Yellow-Billed Cuckoo
- WIL-2c Conduct surveys and avoidance for threatened or endangered riparian birds

It is expected that these mitigation measures, along with the regulatory actions of the wildlife agencies, would be effective and sufficient to mitigate for potential project impacts to listed and special-status wildlife species associated with aquatic and riparian habitats, including those protected under beneficial use designations such as RARE, WILD and WARM.

b.i. Potential Significant Impact: Impact WF-1: Construction or maintenance activities would increase the probability of a wildland fire. Wildland fires can harm water quality and watershed

function. Wildland fire fighting activities can cause ground disturbance, including disturbance to waters such as dry stream channels. Fire-fighting chemicals can be a source of water pollution.

b.ii. Facts in Support of Finding: Mitigation measures are proposed to minimize the risk of ignition of wildfires, and to provide rapid response if wildfires are started.

WF-1a Prepare and implement a Fire Management Plan. Under WF-1a, a Project-specific fire prevention plan for both construction and operation of the project shall be prepared. The plan should cover all aspects of wildfire prevention, preparedness and response, including coordination with fire management officials in the project area.

In addition, Measure VEG-1b (discussed above) would include fire prevention and preparedness in the worker environmental awareness program.

These measures are commonly in use throughout California and are widely accepted as being effective for fire prevention and response. This combination of mitigation measures and permit conditions, as enforced by Calfire, local fire departments, and federal land management agencies, is likely to be sufficient to reduce any Project impacts due to wildfire ignition as a result of construction or maintenance activity to a level that is less than significant.

c.i. Potential Significant Impact: *Impact WF-4: Construction or maintenance activities would result in a vegetation fuel mix that increases ignition potential and rate of fire spread.*

Disturbed ground is vulnerable to being colonized by invasive vegetation (weeds) that can be more fire prone than the vegetation that was present before the disturbance. Fire impacts to water quality that were exacerbated by expansion of invasive plant populations would be similar to those discussed under Impact WDF-1 above.

c.ii. Facts in Support of Finding: Mitigation measures are proposed to minimize impacts due to increased fuel loading as a result project-related expansion of invasive plant populations. Measure VEG-2a, discussed above, requires preparation and implementation of an integrated weed management plan. Implementation of the plan would effectively minimize new or expanded invasive plant populations in the project area.

These measures are commonly in use throughout California and are widely accepted as being the best available practices for management of excess fuel loads caused by invasive plants. This combination of mitigation measures and permit conditions, as enforced by Calfire, local fire departments, and federal land management agencies, is likely to be sufficient to reduce any Project impacts due to wildfire ignition as a result of construction or maintenance activity to a level that is less than significant.

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).)

