

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Southern California Edison Company
(U 338-E) for a Certificate of Public
Convenience and Necessity Concerning
the Tehachapi Renewable Transmission
Project (Segments 4 through 11).

Application 07-06-031
(Filed June 29, 2007)

**DECISION GRANTING THE PETITION OF SOUTHERN CALIFORNIA EDISON
COMPANY FOR MODIFICATION OF DECISION 09-12-044, AS PREVIOUSLY
MODIFIED BY DECISION 13-07-018**

1. Summary

This decision grants, subject to all previously adopted environmental mitigation measures, Southern California Edison Company's (SCE's) Petition for Modification of Decision (D.) 09-12-044, as modified by D.13-07-018, to authorize certain design changes within multiple segments of the Tehachapi Renewable Transmission Project (TRTP) to conform to Federal Aviation Administration (FAA) recommendations. D.09-12-044 directed SCE to consult with the FAA and, following SCE's submission to that agency of final engineering plans, the FAA identified design changes necessary to avoid safety hazards in navigable airspace. The design changes consist of installation of marker balls on some wire spans, installation of aviation lights on some transmission towers and reduction in the heights of some structures near the Chino Airport.

The proposed design changes have required additional environmental review of the TRTP. As the lead agency for state environmental review, we certify that the Final Supplemental Environmental Impact Report meets the requirements of the California Environmental Quality Act and find that there are overriding considerations that merit approval of the proposed design changes, notwithstanding the significant and unavoidable environmental impacts identified in the area of Visual Resources.

2. Background and Procedural History

By Decision (D.) 09-12-044, issued on December 24, 2009, the Commission granted Southern California Edison Company (SCE) a Certificate of Public Convenience and Necessity (CPCN) to construct Segments 4 through 11 of the Tehachapi Renewable Transmission Project (the Project), using the Environmentally Superior Alternative, and subject to the mitigation measures and other conditions the decision adopts. The Commission determined that review of the Project had occurred in compliance with the California Environmental Quality Act (CEQA) and therefore, consistent with lead agency responsibilities under CEQA, the Commission certified the Final Environmental Impact Report (Final EIR or FEIR).¹ The Commission also determined that the Project complied with the Commission's electromagnetic field guidelines.

¹ Because approximately 47 miles of the Project cross national forest, SCE also filed an application for a Special Use authorization with the United States Forest Service (Forest Service), which is part of the United States Department of Agriculture. The Forest Service performed a concurrent review under the National Environmental Policy Act (NEPA) and prepared a Supplemental Environmental Impact Statement, or Supplemental EIS.

By D.13-07-018, issued on July 16, 2013, the Commission granted a petition for modification of D.09-12-044 filed by the City of Chino Hills (Chino Hills). That decision modifies the design for Segment 8A and requires SCE to underground approximately 3.5 miles within a Right-of-Way in Chino Hills; it also releases the construction stay on Segment 8A imposed by prior decisions in this docket. On September 9, 2013, SCE filed a petition for modification of D.13-07-018 regarding elements of the underground construction and the advice letter cost cap process; that petition is pending.

Before us now, and the sole focus of this decision, is SCE's petition for modification of D.09-12-044 to permit design changes necessary to implement mitigations the Federal Aviation Authority (FAA) recommends to improve aviation safety. This petition, filed on October 17, 2011, is unopposed. The Division of Ratepayer Advocates, now the Office of Ratepayer Advocates (ORA), filed a response to the petition on November 16, 2011, requesting that SCE provide additional costing information in a subsequent advice letter. At the December 5, 2011 prehearing conference ORA clarified that it does not dispute the need for the FAA mitigations but seeks a clear record on associated costs.

As context for our review of SCE's petition, we repeat D.09-12-044's summary description of the Project:

The Project is a portion of the Tehachapi Renewable Transmission Project (TRTP). The TRTP is designed to provide access to up to 4,500 megawatts (MW) of renewable energy generation, primarily wind energy, from the Tehachapi Wind Resource Area in Kern County and to deliver it to load in Los Angeles and San Bernardino counties. We approved Segment 1 in Decision (D.) 07-03-012 and Segments 2-3 in D.07-03-045, which together form the Antelope Transmission Project (ATP), which will deliver approximately 700 MW of the total TRTP carrying capacity. (D.09-12-044 at 2.)

Following D.09-12-044's convention, this decision will continue to refer to Segments 1-11, collectively, as the TRTP and to Segments 4-11 as the Project.

We discuss the petition's content in more detail below. The nature of the proposed changes required additional environmental review and pursuant to CEQA Guidelines § 15163(a), the Commission determined to prepare a Supplemental EIR (Supplemental EIR or SEIR) for the Project.² The Commission released the Draft SEIR for public review on April 11, 2013, and issued the Final SEIR on October 3, 2013.

3. Applicable Rule 16.4 Requirements

Rule 16.4 of the Commission's Rules of Practice and Procedure governs the filing of petitions for modification. We examine two aspects of Rule 16.4 in the context of this petition.

First, Rule 16.4(b) requires that a petition include "specific wording" to effectuate the modifications sought and that "[a]llegations of new or changed facts must be supported by an appropriate declaration or affidavit." SCE complies with both requirements. Attachment B to SCE's petition includes proposed revisions to the Findings of Fact, Conclusions of Law, and Ordering Paragraphs for D.09-12-044. Attachment C to the petition is the declaration of the Director of Special Projects within SCE's Transmission and Distribution Business Unit who has responsibility for the Project. Though we do not adopt SCE's proposed wording verbatim, SCE has supported its request within the context of Rule 16.4(b).

² The SEIR has been prepared jointly with the Supplemental Environmental Impact Statement required under NEPA, with the Forest Service as the federal lead agency.

Second, Rule 16.4(d) requires that if a petition is not “filed and served within one year of the effective date of the decision proposed to be modified,” the petitioner must explain the reason for the delay. SCE states that its petition could not have been filed within a year of the issuance of D.09-12-044 (i.e, within a year of December 24, 2009) given the time necessary to complete final engineering of the approved conceptual design for the Project. As summarized above, the EIR certified by D.09-12-044 required SCE to consult with the FAA to obtain its recommendations for avoiding safety hazards in navigable airspace. SCE did so after completing final engineering for the Project and, on July 19, 2011, met with the Commission’s Energy Division staff to discuss the changes the FAA’s recommendation would necessitate. Energy Division staff advised SCE to file a petition for modification within 75 days of that notification and SCE did so.³ We find that the petition is timely filed.

³ Energy Division confirmed this recommendation in a letter to SCE:

The ... Energy Division Staff has determined that the FAA required mitigation measures are so extensive in nature and so materially different from the originally approved TRTP that SCE will need to file a Petition for Modification ... for the project and a supplemental EIR review.

Unfortunately, there was no material discussion of tower lighting or catenary marker ball placement within the original EIR and no environmental review of the visual impacts and other resource impacts of these mitigation measures required by the FAA, which consist of changes to some 200 tower structures and catenaries. (SCE petition, Attachment A, August 3, 2011 letter from Mary Jo Borak, Energy Division to Thomas Burhenn, SCE.)

4. Proposed Changes to Project Design

SCE's petition seeks design changes to permit installation of marker balls on some of the Project's existing, approved catenaries (wire spans), installation of aviation lights on some transmission towers and reduction in the height of certain approved structures near the Chino Airport. The FAA has recommended these design changes to increase aviation safety by making hazardous structures (wire spans and transmission structures) more visible to pilots.

SCE's Project Modification Report, Attachment C to the petition, describes the proposed design changes in greater detail, based on input from the FAA as of October 17, 2011. The SCE report anticipates installation of marker balls on approximately 282 transmission line spans (later revised to 276) and installation of lights on approximately 88 transmission structures (later revised to 90). Table 2.4-1 of SCE's report identifies the approximate number of marker balls or aviation lights by Project segment and Table 2.4-2 identifies the approximate number of marker balls more particularly, by segment and structure name. The report assesses modifications to the Project as approved by D.09-12-044, with Segment 8A built as an above-ground transmission line. The Segment 8A underground design subsequently approved by D.13-07-018 yields a net reduction in aviation hazards and therefore, some of the Project modifications anticipated at the time SCE filed its petition have ceased to be necessary.

The report also describes the design changes needed "[t]o address the FAA concerns that certain transmission structures near the Chino Airport would interfere with the instrument approach procedures." (SCE petition, Attachment C at 26.) The proposed solution requires constructing seven structures as shorter, lattice steel towers, rather than tubular steel poles.

While SCE's petition acknowledges that the Project modifications, as proposed, require additional environmental review under CEQA, the petition suggests that preparation of an Addendum would be sufficient. However, given the nature of the design changes proposed, the Commission determined to prepare a Supplemental EIR (and the Forest Service, a Supplemental EIS).

5. Requirements Under CEQA for Preparation and Review of a Supplemental EIR

CEQA Guideline §15162(a) requires a lead agency to prepare a subsequent or supplemental EIR in the following situations:

- An EIR has been certified for a project;
- An agency has additional discretionary authority over the project;
- The later action concerns the same project; and
- One of the following three circumstances occurs:
 - (1) substantial changes in a project would result in new or worsened significant environmental impacts, or
 - (2) substantial changes in circumstances would result in new or worsened significant impacts, or
 - (3) new information of substantial impact shows that either that the project will have new or worsened significant effects, or mitigation measures or alternatives previously infeasible are now feasible but the project proponent declines to adopt them.

When only minor additions or changes to the prior EIR will enable it to apply adequately to a changed project, preparation of a supplemental EIR is appropriate. CEQA Guideline § 15163(b) specifies that a supplement need only contain that level of detail. Here, minor changes to the EIR certified by D.09-12-044 permit it to adequately address the substantial changes to the Project. Consequently, Energy Division staff and our environmental consultant

have prepared a Draft and a Final SEIR to the certified FEIR. The SEIR (draft and final versions) is available on the Commission's website at this link:

ftp://ftp.cpuc.ca.gov/gopher-data/envIRON/tehachapi_renewables/TRTP.htm

A supplement must be given the same kind of notice and public review as the EIR (CEQA Guideline § 15163(c)) and may be circulated by itself, without recirculation of the prior EIR (CEQA Guideline § 15163(d)). When the agency decides whether to approve the project, however, the agency must consider the previous EIR as revised by the supplemental EIR (CEQA Guideline § 15163(e)). Thus, here our consideration includes both the FEIR certified by D.09-12-044 and the Final SEIR prepared for this petition, together with the one-page Project Update that describes the need for fewer marker balls and lights in Segment 8A, given the underground design approved by D.13-07-018.

6. Discussion

6.1. Overview

D.09-12-044 granted SCE a CPCN to construct the Project subject to environmental conditions specified in the Mitigation Monitoring Plan (MMP). Mitigation Measure L-2b [Aircraft flight path and safety provisions and consultations], requires SCE to consult with the FAA regarding the new transmission structures to be installed as part of the approved Project and SCE has done so.⁴ The result, following D.13-07-018's approval of the undergrounding of approximately 3.5 miles of Segment 8A, affects Segments 5, 6,

⁴ The FAA's aviation safety assessment for the TRTP is complete with the exception of one transmission tower (M68-T2 in Chino - Segment 8, Phase 3) but the SEIR assumes that this tower will require aviation lighting.

7, 8, 10, and 11 and requires marking specific wire spans and lighting or reducing the height of specific transmission structures, as follows:

- install approximately 2,207 marker balls (2,248 less 41 no longer needed in Segment 8A/Chino Hills) on 271 transmission line spans (276 less 5 no longer needed in Segment 8A/Chino Hills);
- install aviation lights on 90 transmission structures; and
- reduce the height of 21 transmission structures near the Chino Airport by approximately 20 feet, requiring the replacement of seven tubular steel poles with specifically designed dead-end lattice steel towers.

The Draft and Final SEIR, and the one-page Project Update, analyze the impacts of the modified Project, which include all of these changes.

For the majority of the resource areas analyzed in the FEIR, the Project, as modified to include the FAA mitigations, would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In accordance with CEQA Guidelines §15163(b), a supplemental EIR need contain only the information necessary to make the previous EIR adequate for the project as revised. Therefore, the SEIR contains no additional analysis of the following resource areas: Agricultural Resources; Cultural Resources; Environmental Contamination and Hazards; Geology, Soils, and Paleontology; Hydrology and Water Quality; Land Use; Public Services and Utilities; Socioeconomics; Wilderness and Recreation; Wildfire Prevention and Suppression; Electrical Interference and Hazards. All mitigation measures proposed by SCE (Applicant Proposed Measures, or APMs) and all other mitigation measures developed through environmental review and specified in the MMP continue to be applicable to the Project, as modified.

The SEIR discusses the potential environmental consequences attributable to changes in the Project, as modified, in five resource areas: Air Quality;

Biological Resources; Noise; Visual Resources; and Traffic and Transportation. Except in the area of Visual Resources, the Final SEIR concludes that the Project, as modified, would not result in new impacts or substantially increase the severity of impacts identified in the FEIR. Thus, the Final SEIR does not propose additional mitigations.

However, the Project, as modified, would have additional adverse impacts in the area of Visual Resources that cannot be mitigated. We discuss these issues in greater detail, below.

6.2. Visual Resources

Installation of marker balls and aviation lights would create new, permanent, adverse and significant impacts that cannot be mitigated to a less-than-significant level. The Final SEIR analyzes the environmental impact of marker balls and aviation lights from all key observations points, or KOPs, reviewed in the Draft and Final EIR, as well a number of new KOPs. Permanent, adverse and significant impacts result because adding marker balls to approved transmission line spans significantly degrades “the landscape character and visual quality of landscape views.” (Final SEIR, Vol. 1, ES-15.) Likewise, in most instances “aviation lighting on Project transmission towers would create a new source of substantial night light that would adversely affect nighttime views.” (*Id.*) These lights “exceed source intensity light limitations for late night hours (post curfew) in low (wildland and rural) and medium (suburban) brightness areas based on guidance established by the Institute of Lighting Engineers.” (*Id.*)

The SEIR scoping process resulted in identification of one potentially feasible alternative, termed the Reduced Structure Height Alternative, which would meet the purpose and need of the TRTP. The SEIR summarizes the approach this alternative would take:

This alternative would re-design the Approved Project's transmission structures such that the overall height of the structures would be reduced to minimize the need for FAA marker balls and lighting, to the extent feasible. To maintain the ground clearance requirements of CPUC General Order 95 (GO 95), a greater number of transmission structures would be required along the Project alignment. (Final SEIR, Vol. 1, ES-11.)

This alternative was eliminated from consideration, however, because it failed to offer any environmental advantage over the modified Project. For one thing, additional ground disturbance associated with constructing a greater number of towers would result in substantially greater environmental impacts during construction. Further, in some instances, particularly in mountainous terrain, reducing structure heights might prove infeasible or ineffective, such that aviation marker balls and lights would continue to be needed.

Not all aspects of the proposed Project modifications result in additional, significant and unavoidable environmental impacts to Visual Resources, however. Redesign of the structures near the Chino Airport would have an adverse but less-than-significant impact on landscape character and on visual quality from some viewpoints and from others, might even have a beneficial Visual Resources impact. The Final SEIR concludes that "[r]edesign would require minor adjustments to tower designs and locations, and would not be readily noticeable from most viewing locations." (Final SEIR, Vol. 1, ES-15.)

Further, installation-related construction impacts would be temporary, since generally, marker balls and lights would be installed in conjunction with Project construction. In this regard the Final SEIR states: "[T]here would be no new construction or landing areas developed; the increase in helicopter installation time ... would be minor (seven percent) ..." (Final SEIR, Vol. 1, 4.5-33.)

In sum, the Final SEIR concludes that the Project, as modified to include the transmission infrastructure marking and lighting recommended by the FAA, “would contribute to the long-term loss and degradation of scenic highway viewsheds and the national scenic trail viewshed ... and visual impacts would be significant and unavoidable.” (Final SEIR, Vol. 1, ES-15.)

Under CEQA, environmental impacts that are significant and cannot be avoided or reduced to less-than-significant levels through the application of feasible mitigation measures are characterized as Class I impacts. The FAA’s recommendations lead to new Class I impacts. As noted previously, the recommendations are the result of SCE’s consultation with the FAA as required by Mitigation Measure L-2b and the FAA recommendations have been fashioned to increase public safety by making hazardous structures (transmission structures and wire spans) more visible to pilots.

6.3. Adjustment of Cost Cap

Next we turn to the cost cap issue ORA raises in its response, as clarified at the December 5, 2011 prehearing conference. As ORA reasonably requests, to the extent the costs of the FAA-recommended design changes are not included in the cost cap authorized by D.09-12-044, as modified by D.13-07-018, SCE should separately identify and quantify the costs of the FAA-recommended design changes in the subsequent advice letter filing that those decisions require. (See D.09-12-044, Ordering Paragraph 4.)

7. Certification of Final SEIR

In response to SCE’s petition, the Commission’s Energy Division has overseen preparation of a Draft SEIR, which among other things includes a new Executive Summary, a description of the Project modifications proposed (Section 2.0) and an examination of Affected Environment and Environmental

Consequences (Section 4.0). The Commission released the Draft SEIR for public comment on April 11, 2013.

The Final SEIR was completed after notice and opportunity for public comment on the Draft SEIR, as required by CEQA. The Final SEIR, which includes the Draft SEIR, documents all written and oral comments made on the Draft SEIR, and responds to the comments, as required by CEQA. The Final SEIR identifies the significant and unavoidable environmental impacts of the proposed changes to the project in the area of Visual Resources. No new mitigation is available to reduce the significance of these new impacts.

Therefore, the Final SEIR does not require any new mitigation (that is, no mitigation of an entirely different kind or type than the mitigation already specified in the MMP) but rather, requires that all previously identified mitigation be applied to the modified Project, which we make a condition of our approval. For this reason, a second MMP is unnecessary and has not been prepared.

The Final SEIR was presented to us; we have reviewed the Final SEIR and we have considered the information contained in it, in conjunction with the information in the previously certified FEIR. We certify that the Final SEIR has been completed in compliance with CEQA and that the Final SEIR reflects our independent judgment and analysis. Further, we have appended to today's decision, as Attachment A, the separate CEQA findings entitled "CPUC CEQA Findings of Fact."

8. Overriding Considerations

Pursuant to CEQA Guidelines §§ 15043 and 15093, the Commission may approve a project that results in significant and unavoidable impacts only upon a finding that overriding considerations exist.

D.09-12-044 approved the Project as the Environmentally Superior Alternative, adopted a statement of overriding considerations to explain why the Project's benefits outweigh its unavoidable impacts and certified the FEIR. In that statement of overriding considerations the Commission found that the approved Project would "provide substantial benefits, including but not limited to facilitating California's policy goals of renewable procurement within a reasonable period of time at the lowest environmental cost" and would meet all of the identified objectives for the transmission line, as further described throughout D.09-12-044. (D.09-12-044 at 64.) D.13-07-018, which authorized undergrounding of Segment 8A after consideration of the Addendum prepared in accordance with CEQA, did not alter this analysis in any fundamental way.

This analysis continues to be compelling. We acknowledge the continued existence of the benefits the Commission found in D.09-12-044. With respect to Segments 5, 6, 7, 8, 10, and 11 however, consultation with the FAA has shown the need for Project modifications to promote public safety in navigable airspace. Installation of marker balls and lights, as recommended by the FAA, is necessary to make hazardous structures (transmission structures and wire spans) more visible to pilots, even though the installation would result in significant and unavoidable environmental impacts to Visual Resources.

Thus, in light of all of these considerations and to the extent necessary, we find that there are overriding considerations that support our adoption of the proposed modifications to the Project. The benefits set forth above and throughout this decision, and the benefits set forth in D.09-12-044, constitute an overriding consideration approving the design modifications for the Project independent of the other benefits, despite each and every significant unavoidable impact.

9. Exhibits

Utilizing the identification system and process adopted by D.09-12-044 and D.13-07-018, we identify the SEIR and receive it into the record of this proceeding, as follows:

- Reference Exhibit D - Draft Supplemental Environmental Impact Report for the Tehachapi Renewable Transmission Project, April 2013
- Reference Exhibit E - Final Supplemental Environmental Impact Report for the Tehachapi Renewable Transmission Project, Volume I, October 2013
- Reference Exhibit F - Final Supplemental Environmental Impact Report for the Tehachapi Renewable Transmission Project, Volume II, October 2013
- Reference Exhibit G - Project Update to Final Supplemental Environmental Impact Report for the Tehachapi Renewable Transmission Project, October 2013

10. Waiver of Comment Period.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2) and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

11. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Jean Vieth is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The Supplemental EIR (draft and final versions) for the Project conforms to the requirements of CEQA.
2. The proposed changes to Segments 5, 6, 7, 8, 10, and 11 of the approved Project would have significant and unavoidable impacts on Visual Resources.

3. The Commission has reviewed and considered the information contained in the Supplemental Final EIR; the Commission used this information, together with the information in the Final EIR, in deciding to approve the proposed changes to the approved Project.

4. The Supplemental Final EIR reflects the Commission's independent judgment and analysis.

5. The CEQA Findings of Fact in Attachment A represent the independent findings of the Commission.

6. No new mitigation is available to reduce the significance of the new impacts associated with the FAA's recommendation to install marker balls and structure lighting. The Supplemental Final EIR does not require any entirely new type or kind of mitigation but requires that all previously identified mitigation be applied to the Project modifications.

7. The analysis supporting the statement of overriding considerations adopted in D.09-12-044 continues to be compelling. With respect to Segments 5, 6, 7, 8, 10, and 11 of the approved Project, however, the FAA has recommended the installation of marker balls on certain wire spans and lights on certain transmission structures to promote public safety. Installation of marker balls and lights, as recommended by the FAA is necessary to make hazardous structures (transmission structures and wire spans) more visible to pilots, even though the installation would result in significant environmental impacts to Visual Resources.

8. In light of all of these considerations and to the extent necessary, we find that there are overriding considerations that support our adoption of the proposed modifications to the Project. The benefits set forth above and throughout this decision, and the benefits set forth in D.09-12-044, as modified by

D.13-07-018, constitute an overriding consideration approving the design modifications for the Project independent of the other benefits, despite each and every significant unavoidable impact.

9. Utilizing the identification system adopted in D.09-12-044 and D.13-07-018, the following additional reference exhibits should be identified and received into the record of this proceeding: Reference Exhibit D – Supplemental Draft Environmental Impact Report, issued April 11, 2013; Reference Exhibit E – Supplemental Final Environmental Impact Report, Volume I, issued October 3, 2013; Reference Exhibit F – Supplemental Final Environmental Impact Report, Volume II, issued October 3, 2013; and Reference Exhibit G – Project Update to Final Supplemental Environmental Impact Report for the Tehachapi Renewable Transmission Project, October 2013.

10. To the extent the costs of the FAA-recommended design changes are not included in the cost cap authorized by D.09-12-044, as modified by D.13-07-018, SCE should separately identify and quantify the costs of the FAA-recommended design changes in the subsequent advice letter filing that those decisions require.

Conclusions of Law

1. SCE's petition complies with the requirements of Rule 16.4(b) and Rule 16.4(d) of the Commission's Rules of Practice and Procedure.
2. The Supplemental Final EIR was completed in compliance with CEQA and should be certified.
3. The CEQA Findings of Fact in Attachment A should be adopted in their entirety.
4. SCE's petition should be granted and the design modifications proposed for the Project should be approved, subject to all mitigation measures set forth in the Final EIR certified by D.09-12-044.

5. To the extent necessary, overriding considerations should be found to exist to approve the design modifications proposed for the Project.

6. This order should be effective immediately to ensure timely completion of the Project.

O R D E R

IT IS ORDERED that:

1. Consistent with these Ordering Paragraphs, the Petition for Modification filed on October 17, 2011, by Southern California Edison Company (SCE) is granted and Decision (D.) 09-12-044, as modified by D.13-07-018, is modified to authorize SCE to construct Segments 4 through 11 of the Tehachapi Renewable Transmission (the Project or TRTP) in accordance with the Project design modifications reviewed in the Supplemental Final Environmental Impact Report (EIR) for the TRTP, subject to all mitigations identified in the Final EIR.

2. The Supplemental Draft Environmental Impact Report (EIR) is received into the record of this proceeding as Reference Exhibit D; the Supplemental Final EIR, Volume I is received into the record of this proceeding as Reference Exhibit E; the Supplemental Final EIR, Volume II is received into the record of this proceeding as Reference Exhibit F; the Project Update to Final Supplemental Environmental Impact Report for the Tehachapi Renewable Transmission Project, is received into the record of this proceeding as Reference Exhibit G.

3. The Supplemental Final Environmental Impact Report (EIR), which modifies the Final EIR, is certified pursuant to the requirements of the California Environmental Quality Act, Pub. Res. Code §§ 21000 *et seq.*

4. Attachment A, entitled "CPUC CEQA Findings of Fact" is adopted in its entirety.

5. Southern California Edison Company must include in the advice letter filing required by Ordering Paragraph 4 of Decision 09-12-044 the costs of design changes recommended by the Federal Aviation Authority and authorized today, to the extent those costs are not included in the cost cap authorized by D.09-12-044, as modified by D.13-07-018.

6. Application 07-06-031 remains open.

This order is effective today.

Dated _____, at San Francisco, California.

Attachment A

CPUC CEQA FINDINGS OF FACT

Attachment A – CPUC CEQA Findings of Fact

Regarding the Final Supplemental Environmental Impact Report/ Environmental Impact Statement for the Tehachapi Renewable Transmission Project State Clearinghouse #2007081156

I. Certification

The California Public Utilities Commission (CPUC or Commission) hereby certifies the Tehachapi Renewable Transmission Project (TRTP) Final Supplemental Environmental Impact Report/Environmental Impact Statement (SEIR/SEIS) (State Clearinghouse No. 2007081156). In accordance with CEQA Guidelines §15090, the CPUC, as California Lead Agency for the TRTP, certifies that:

- (1) The Final SEIR/SEIS has been completed in compliance with the California Environmental Quality Act (CEQA);
- (2) The Final SEIR/SEIS was presented to the Commission, and the Commission has received, reviewed, and considered the information contained in the Final SEIR/SEIS and hearing documents prior to approving the modifications to the TRTP (Modified Project);
- (3) The Final SEIR/SEIS reflects the CPUC's independent judgment and analysis.

The CPUC has exercised independent judgment in accordance with Public Resources Code, Section 21082.1(c) in retaining its own environmental consultant and directing the consultant in preparation of the SEIR/SEIS as well as reviewing, analyzing, and revising material prepared by the consultant.

In accordance with Public Resources Code §21081 and CEQA Guidelines §15091, the Commission has made one or more specific written findings regarding significant impacts associated with the Modified Project. Per CEQA Guidelines §15163(e), the findings under §15091 are made for each significant effect shown in the previous Final EIR as revised. Those findings are presented below, along with the rationale behind each of the findings.

The documents and other materials that constitute the record of proceedings on which the Modified Project findings are based are located at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102. The custodian for these documents is the Energy Division, CEQA Unit. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and 14 California Code of Regulations §15091(e).

II. Project Background

II.1 Approved Project Description Summary

On June 29, 2007, Southern California Edison (SCE) submitted Application No. A.07-06-031 to the CPUC for a Certificate of Public Convenience and Necessity (CPCN) for the construction and operation of the TRTP. Because the TRTP traverses approximately 42 miles of National Forest System (NFS) lands, SCE also filed an application for a Special Use authorization with the United States Department of Agriculture (USDA) Forest Service (Forest Service) on June 29, 2007, seeking permission for construction, operation, and maintenance of the TRTP on NFS lands in the Angeles National Forest (ANF). The Final EIR was certified and a CPCN was granted by the CPUC on December 24, 2009 in Decision 09-12-044.

The TRTP, as originally approved by the CPUC in Decision 09-12-044 (Approved Project), includes new and upgraded transmission infrastructure along approximately 173 miles of new and existing rights-of-way (ROW) from the Tehachapi Wind Resource Area (TWRA) in southern Kern County south through Los Angeles County and the ANF and east to the existing Mira Loma Substation in Ontario, San Bernardino County, California. The major components of the TRTP, as originally approved, have been separated into eight distinct segments (Segments 4 through 11). Under separate application to the CPUC, SCE previously requested approval for Segments 1, 2, and 3 of the Antelope Transmission Project. The major components of the TRTP are as follows¹:

- Two new single-circuit 220 kilovolt (kV) T/Ls (T/Ls) traveling in parallel approximately 4 miles over new ROW from the Cottonwind Substation (not part of TRTP) to the proposed new Whirlwind Substation (Segment 4 - 220 kV).²
- A new single-circuit 500 kV T/L initially energized to 220 kV, traveling approximately 16.0 miles over new ROW from the proposed new Whirlwind Substation to the existing Antelope Substation (Segment 4 - 500 kV).
- Replace approximately 17.4 miles of the existing Antelope-Vincent 220 kV T/L and the existing Antelope-Mesa 220 kV T/L with one new T/L built to 500 kV standards in existing ROW between the existing Antelope Substation and the existing Vincent Substation (Segment 5).
- Rebuild approximately 31.9 miles of existing 220 kV T/L to 500 kV standards from existing Vincent Substation to the southern boundary of the ANF. This segment includes the rebuild of approximately 26.9 miles of the existing Antelope-Mesa 220 kV T/L and approximately 5 miles of the existing Rio Hondo-Vincent 220 kV No. 2 T/L (Segment 6).
- Rebuild approximately 15.8 miles of existing 220 kV T/L to 500 kV standards from the southern boundary of the ANF to the existing Mesa Substation. This segment will replace the existing Antelope-Mesa 220 kV T/L (Segment 7).
- Rebuild approximately 33 miles of existing 220 kV T/L to 500 kV standards from a point approximately 2 miles east of the existing Mesa Substation (the "San Gabriel Junction") to the existing Mira Loma Substation (Segment 8A; the construction stay applies to portions within the City of Chino Hills). This segment also includes the rebuild of approximately 7 miles of the existing Chino-Mira Loma No. 1 line from single-circuit to double-circuit 220 kV structures (Segment 8B). A new circuit between Chino Substation and approximately 0.8 mile west of the Mira Loma Substation (6.4 miles) will also be installed on the new double-circuit 500 kV structures built as part of Segment 8 (Segment 8C).
- Construct the Whirlwind Substation, a new 500/220 kV substation located near the intersection of 170th Street and Holiday Avenue in Kern County near the TWRA (Segment 9).
- Upgrade of the existing Antelope, Vincent, Mesa, Gould, and Mira Loma Substations to accommodate new T/L construction and system compensation elements (Segment 9).
- Build a new 500 kV T/L traveling approximately 16.8 miles over new ROW between the approved Windhub Substation (not part of this project) and the proposed new Whirlwind Substation (Segment 10).
- Rebuild approximately 18.7 miles of existing 220 kV T/L to 500 kV standards between the existing Vincent and Gould Substations. This segment would also include the addition of a new 220 kV

¹ See Section 2 of the Final EIR or Final EIS for a detailed description of the originally approved TRTP, which includes a combination of Alternative 2 (SCE's Proposed Project), Alternative 3 (West Lancaster Alternative), Alternative 6 (Maximum Helicopter Construction in the ANF), and Alternative 7 (66-kV Subtransmission).

² Since approval of the TRTP, the Cottonwind Substation has not been built; the two projects expected to connect to the Cottonwind Substation now connect directly to the Whirlwind Substation utilizing the two "Cottonwind-Whirlwind" positions. These positions are now energized with the Manzana Wind Power Project and the Pacific Wind Project. The two single-circuit 220-kV T/Ls approved as part of Segment 4 are no longer necessary and have not been built.

circuit on the vacant side of the existing double-circuit structures of the Eagle Rock-Mesa 220 kV T/L, between the existing Gould Substation and the existing Mesa Substation (Segment 11).

- Installation of associated telecommunications infrastructure.

Construction started in April 2010 with the establishment of some construction yards and expansion of the existing Vincent Substation in Acton. Notices to Proceed (NTPs) were issued by CPUC for each of these activities. The majority of construction started in June/July 2010 as CPUC issued NTPs for each segment. Issuance of NTPs is contingent upon SCE's compliance with pre-construction requirements as specified by the approved mitigation measures and responsible agency permitting requirements.

On July 11, 2013 the CPUC granted the *City of Chino Hills' Petition for Modification of Decision 09-12-044* (filed October 28, 2011) (Decision 13-07-018), which proposed undergrounding of the 500-kV T/L in the existing right-of-way ROW along an approximately 3.5-mile portion of the Approved Project alignment through the City of Chino Hills in lieu of the previously approved overhead transmission line. SCE will now be required to place the subject portion of the transmission line underground using a single-circuit, two cables per phase design (known as Option UG5) using cross-linked polyethylene (XLPE) cable. This will also include the construction of a ductbank system and structures for a third cable in the future, if necessary. The underground portion of the transmission line will run in a southwest to northeast direction, with the southwest end terminating in a transition station to be located just west of the end of Eucalyptus Avenue and the northeast end terminating in a transition station to be located adjacent to State Route (SR) 71 (Chino Valley Freeway). As such, the number of spans through the City of Chino Hills where marker balls will be installed with implementation of the Modified Project, as described in Section II.2 (Modifications to the Project (Modified Project)), will be reduced from 78 to 37, a reduction of 41 marker balls. No aviation lighting is proposed within the City of Chino Hills.

II.2 Modifications to the Project (Modified Project)

The Modified Project consists of the installation of marker balls and aviation lights on existing, approved TRTP catenaries (wire spans) and T/L structures to comply with FAA recommendations. Additionally, several of the approved TRTP transmission structures near the Chino Airport are to be modified to reduce the heights of the structures to address airport safety concerns.

Final engineering for a given structure is preferred prior to filing a Federal Aviation Administration (FAA) Form 7460-1 (as required by Mitigation Measure L-2b), as specific information regarding the structure height and location is required. Therefore, upon completion of final engineering for various portions of the TRTP, SCE identified the transmission structures and catenaries (wire spans) that met the FAA's reporting thresholds and submitted Form 7460-1 for each. In response, the FAA issued determinations recommending the installation of marker balls on certain T/L spans and aviation lights on certain transmission structures to increase aviation safety by making hazardous structures (transmission structures and wire spans) more visible to pilots. All determinations from the FAA for the TRTP have been completed, with the exception of one structure (M68-T2 in Chino – Segment 8, Phase 3, which is assumed to require aviation lighting).

Table 1 summarizes the FAA's determinations based on the originally approved overhead design (prior to approval of undergrounding in Chino Hills), and includes SCE's best estimate of the number of marker balls required based on FAA guidelines. In total, the FAA recommended that marker balls be installed along 276 T/L spans and aviation lights be installed on 90 transmission structures (and associated infrastructure, such as power sources). These modifications will occur within Segments 5, 6, 7, 8, 10, and 11. In addition, based on FAA concerns that certain structures near the Chino Airport would interfere with the instrument approach procedure, SCE proposes engineering refinements in Segment 8, Phase 3, of TRTP (Note: Segment 8, Phase 3, was previously referred to as Segment 8A/8C in the Final EIR) between Chino Substation in the City of Chino and Mira Loma Substation in the City of Ontario. These refinements include reducing the height of 21 transmission structures by approximately 20 feet through a combination of shorter tubular steel poles (TSPs) and specially designed dead-end lattice steel towers

(LSTs); seven (7) TSPs (previously approved) would be replaced with specially designed dead-end LSTs. The vast majority of the marker balls will be installed by helicopter, and in limited circumstances by spacer cart. Aviation lights will be installed by specialized tower crews after the transmission structures are erected.

Table 1. Marking and Lighting Requirements by Segment^{1,2}

Segment	Location	Transmission Structures for Aviation Lighting	Transmission Line Spans for Marker Balls	Approximate Number of Marker Balls
4	TWRA-Lancaster	TOTAL: 0	TOTAL: 0	TOTAL: 0
5	Lancaster-Palmdale	TOTAL: 11	TOTAL: 26	TOTAL: 186
6	Angeles National Forest	Total (NFS lands): 0 Total (non-NFS lands): 2 TOTAL: 2	Total (NFS lands): 65 Total (non-NFS lands): 13 TOTAL: 78	Total (NFS lands): 571 Total (non-NFS lands): 83 TOTAL: 654
7	Duarte-Irwindale-Baldwin Park-Industry	Total (USACE land): 4 Total (non-USACE land): 20 TOTAL: 24	Total (USACE land): 8 Total (non-USACE land): 29 TOTAL: 37	Total (USACE land): 54 Total (non-USACE land): 199 TOTAL: 253
8 ³	Chino-Chino Hills-Rose Hills-La Habra Heights	Total (USACE land): 5 (8-4) Total (non-USACE land): 39 TOTAL: 44 (Phase 8-1=1; Phase 8-2=12; Phase 8-3=22; Phase 8-4=9)	Total (USACE land): 7 (8-4) Total (non-USACE land): 74 TOTAL: 81 (Phase 8-1=19; Phase 8-4=62)	Total (USACE land): 23 (8-4) Total (non-USACE land): 606 TOTAL: 629
9	Whirlwind Substation	TOTAL: 0	TOTAL: 0	TOTAL: 0
10	TWRA	TOTAL: 1	TOTAL: 0	TOTAL: 0
11	ANF-Altadena-Pasadena-San Gabriel-Monterey Park	Total (NFS lands): 3 Total (non-NFS lands): 5 TOTAL: 8	Total (NFS lands): 46 Total (non-NFS lands): 8 TOTAL: 54	Total (NFS lands): 458 Total (non-NFS lands): 68 TOTAL: 526
TOTALS		90	276	2,248

Definitions: NFS (National Forest System); USACE (US Army Corps of Engineers).

- 1 - All determinations from the FAA have been received, with the exception of one structure (M68-T2 in Chino – Segment 8-3, which is assumed to require aviation lighting); all numbers presented are based on the FAA’s recommendations and SCE’s best estimate of the number of marker balls required based FAA guidelines.
- 2 - Lights and/or marker balls have already been installed following the FAA’s recommendations on several structures and T/L spans to avoid associated safety issues. Construction was halted by the CPUC on Segments 7 and 8 (Memo to Susan Nelson dated November 28, 2011 – CPUC, 2011); however, CPUC later directed SCE to complete installation of FAA recommendations on towers already constructed and presenting an aviation hazard, including some in Segments 7 and 8.
- 3 - On July 11, 2013 the CPUC granted the *City of Chino Hills’ Petition for Modification of Decision 09-12-044* (filed October 28, 2011), which approved undergrounding of the 500-kV T/L in the existing ROW along an approximately 3.5-mile portion of the Approved Project alignment through Chino Hills in lieu of the previously approved overhead T/L. The SEIR/SEIS analyzed the modifications based on the originally approved overhead design, including the addition of marker balls on eight (8) spans through Chino Hills. See Section VII (Basis for SEIR/SEIS Analysis).

II.3 Project Objectives

The three primary objectives and purpose and need for the TRTP include:

- Provide the electrical facilities necessary to reliably interconnect and integrate in excess of 700 MW and up to approximately 4,500 MW of new wind generation in the TWRA currently being planned or expected in the future, thereby enabling SCE and other California utilities to comply with the California RPS goals in an expedited manner (i.e., 20 percent renewable energy by year 2010 per California Senate Bill 107).
- Further address the reliability needs of the CAISO-controlled grid due to projected load growth in the Antelope Valley.

- Address the South of Lugo transmission constraints, an ongoing source of concern for the Los Angeles Basin.

III. Environmental Review Process

A joint Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was published in February 2009 by the CPUC and USDA Forest Service in compliance with CEQA and NEPA requirements. A Final EIR on the TRTP was published in October 2009. As noted above, the Final EIR for the TRTP was certified and a CPCN was granted by the CPUC on December 24, 2009 in Decision 09-12-044.

On October 17, 2011, SCE filed a *Petition for Modification of Decision 09-12-044* to address implementation of the FAA's recommendations, including installation of marker balls on certain T/L spans, installation of aviation lights on certain transmission structures, and engineering refinements to lower certain structures within Segment 8 between Chino and Mira Loma Substations. The CPUC determined that the changes to the TRTP recommended by the FAA would result in new or substantially different impacts than disclosed in the Final EIR; however, only minor additions or changes would be necessary to make the previous EIR adequate. Therefore, the CPUC determined that an SEIR is the appropriate document (CEQA Guidelines §15163(a)). Similarly, the Forest Service determined that the proposed changes to the TRTP would have the potential to result in a substantial change in the environmental impacts disclosed in the Final EIS, and therefore, determined that a SEIS is required. The Forest Service agreed to be a co-lead agency with the CPUC, and as such, a joint SEIR/SEIS was prepared.

As required by CEQA Guidelines §15163(c), the SEIR/SEIS was given the same kind of notice and public review as is given to a draft EIR under §15087. The public involvement milestones associated with the environmental review process for the Draft SEIR/SEIS and Final SEIR/SEIS are described below.

- **Draft SEIR/SEIS Public Review Process.** The CPUC published the Draft SEIR/SEIS for the TRTP on April 11, 2013. A 45-day public review period was provided, which started April 20, 2013, corresponding to the issuance of the *Federal Register* notice by the Forest Service, and ended on June 3, 2013. The public was invited to submit written comment on the topics included in the SEIR/SEIS (CEQA Guidelines §15088.5(f)(2)).
- **Final SEIR/SEIS.** The Final SEIR/SEIR was published on October 3, 2013. Per the requirements of California Public Resources Code §21092.5 and CEQA Guidelines §15088, the CPUC provided a response to each public agency, organization, and individual that commented on the Draft SEIR/SEIS; and documented text changes resulting from comments submitted during the Draft SEIR/SEIS comment period.

IV. New and Revised Environmental Impacts and Findings

Pursuant to Public Resources Code §21081 and CEQA Guidelines §15091, no public agency shall approve or carry out a project for which an EIR has been certified, which identifies one or more significant effects on the environment that will occur if the project is approved or carried out unless the public agency makes one or more of the following findings with respect to each significant impact:

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.
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 environmental impact report.

Pursuant to Public Resources Code §21081 and CEQA Guidelines §§15091 and 15163(e), the Commission has made one or more of these specific written findings regarding significant impacts associated with the modifications to the Approved Project (i.e., Modified Project). Such findings are made in Sections IV.1 through IV.4, below.

The Final SEIR/SEIS evaluates the change in impacts resulting from the Modified Project, as detailed in SCE's *Petition for Modification of Decision 09-12-044* (October 17, 2011). As discussed in SEIR/SEIS Section ES.9, the proposed modifications will result in an increase in the level of significant, adverse visual impacts. However, for all other issue areas the proposed modifications will not introduce any new adverse impacts, and will not substantially change any existing impacts described in the Final EIR or Final EIS. The construction methods required for the proposed modifications are essentially identical to those used for the Approved Project. There will be a small increase in the overall construction and operations and maintenance (O&M) activities as a result of the Modified Project, but it will not be significant in comparison to the long and complex process of constructing, operating, and maintaining the Approved Project, and will not result in new or substantially more severe impacts. The SEIR/SEIS discloses the environmental impacts expected to result from the construction, operation and maintenance of the Modified Project. Where feasible, mitigation measures have been identified to avoid or minimize significant environmental effects.

The Final SEIR/SEIS evaluation includes an analysis of impacts in 16 environmental disciplines, analyzing the incremental effects of the Modified Project compared to the Approved Project. Detailed analysis of the Modified Project and alternatives, including a No Project Alternative, is presented for five (5) environmental disciplines, where the proposed modifications were determined to have the potential to result in an increase in the level of significant, adverse impacts or new significant impacts when compared to the Approved Project. The Final SEIR/SEIS discloses the environmental impacts expected to result from the construction and operation of the Modified Project. Where possible, previously approved and new mitigation measures have been identified to avoid or minimize significant environmental effects. In addition, SCE committed in advance to implementing measures to reduce the direct and indirect impacts that will result from Project-related activities. These measures, referred to as Applicant Proposed Measures (APMs), were identified by SCE in its CPCN Application to the CPUC, and are presented throughout Chapter 4 of the Final SEIR/SEIS, in respective issue area analyses. The analysis in the Final SEIR/SEIS assumes the APMs are part of the Modified Project. The majority of the mitigation measures identified in the Final SEIR/SEIS are measures that have already been adopted by the Lead Agencies as part of the Approved Project and will continue to apply to the Modified Project. Newly proposed mitigation measures identified in the Final SEIR/SEIS are measures proposed by the Lead Agencies, responsible or trustee agencies or other persons, that were not included as part of the Approved Project, but will reduce or avoid adverse impacts in compliance with CEQA Guidelines §15126.4(a)(1)(A). Findings on mitigation measures proposed in public comments are provided below in Section VI.

Sections IV.1 (Findings on No Environmental Impacts), IV.2 (Findings on Environmental Impacts Found to be Less than Significant), IV.3 (Findings on Significant Environmental Impacts that Can Be Reduced to a Less than Significant Level), and IV.4 (Findings on Significant Environmental Impacts that Cannot Be Avoided or Reduced to a Less than Significant Level) provide discussions of the environmental impacts of the Modified Project in detail.

IV.1 Findings on No Environmental Impacts

The Commission finds that the Modified Project will not result in any new significant impacts or substantial increases in the severity of impacts of the TRTP, as previously approved (Approved Project), in the following environmental disciplines, for the reasons set forth in Final SEIR/SEIS Section 1.5.2: Agricultural Resources; Cultural Resources; Environmental Contamination and Hazards; Geology, Soils, and Paleontology; Hydrology and Water Quality; Land Use; Public Services and Utilities; Socioeconomics; Wilderness and Recreation; Wildfire Prevention and Suppression; and Electrical Interference and Hazards.

Impacts related to Mineral Resources and Population and Housing will not be altered as a result of the Modified Project and will continue to not be significant (No Impact).

Additionally, Air Quality Cumulative Impact AQ-6 (The Project would not conform to Federal General Conformity Rules), Cumulative Impact AQ-9 (The Project would not conform with applicable Air Quality Management Plans), AQ-10 (Emissions would contribute of climate change), and new Cumulative Impact AQ-11 (Emissions would conflict with applicable GHG reduction plan, policy or regulation) will result in no impact, as these impacts are already evaluated in a globally cumulative context such that cumulative impacts do not apply (see Section IV.2.1, Environmental Impacts Found to be Less than Significant – Air Quality).

IV.2 Findings on Environmental Impacts Found to be Less than Significant

Based on the impact analysis presented in the Final SEIR/SEIS, which assesses the impacts related modifications recommended by the FAA, and is limited to the issue areas of Air Quality, Biological Resources, Noise, Visual Resources, and Traffic and Transportation, the CPUC hereby finds that the following environmental impacts of the Modified Project are less than significant. Under CEQA, no mitigation measures are required for impacts that are less than significant (14 Cal. Code Regs. § 15126.4(a)(3)). However, the discussion below identifies applicant proposed measures (APMs) and mitigation measures that will be implemented to further reduce Modified Project impacts.

IV.2.1 Air Quality

The air quality significance criteria were developed considering the CEQA significance criteria developed by the local air quality districts in the Project area, approved CEQA air quality checklists, and considering other federal criteria. The most stringent of the adopted regional thresholds for construction activities and for Project operations in each jurisdiction affected by the Modified Project, including the South Coast Air Quality Management District (SCAQMD) and Antelope Valley Air Quality Management District (AVAQMD), were applied to the Modified Project. The SCAQMD recommends additional localized significance thresholds (LSTs) for toxic air contaminants (TACs), odors, and ambient air quality, and as such these were also applied to the Modified Project. In addition to the regional and local significance criteria, the General Conformity Rule applicability “de minimis” emission were applied to those Project areas in federal jurisdiction and control that are in nonattainment of the National Ambient Air Quality Standards (NAAQS). Finally, greenhouse gas (GHG) significance was determined based on whether the Modified Project will result in greenhouse gas emissions that substantially exceed baseline greenhouse gas emissions and that following construction will not impel a regional reduction in GHGs.

Impact AQ-2: Operating emissions would exceed the SCAQMD and/or AVAQMD regional emission thresholds.

O&M emissions associated with the Modified Project (marker ball replacements) do not exceed applicable SCAQMD and AVAQMD daily and annual emission thresholds. Therefore, the Modified Project will not result in significant direct operational emissions within any jurisdiction. Indirect emissions are comprised of the Project’s impact on the transmission grid and operation of existing and forecast power plants. The indirect emissions for the Project have not been calculated by CAISO, but it is assumed that the indirect emission reductions from the displacement of fossil-fuel fired power plant emissions are higher than the maximum daily direct emission increases and much high than the annual direct emission increase from the limited inspection and maintenance activities required to maintain the new T/Ls and associated facilities.

Finding. The CPUC finds that Impact AQ-2 will be less than significant. The direct operating emissions associated with the Modified Project do not exceed applicable SCAQMD and AVAQMD thresholds and will have a less-than-significant impact in all applicable jurisdictions. Additionally, the Modified Project will not alter the Approved Project’s transmission of renewable energy, which is assumed to help facilitate an

indirect emission decrease and an overall emissions decrease. Therefore, the operations of the Modified Project will continue to provide a beneficial operating emissions impact.

Rationale for Finding. The direct maximum daily operating emissions for the Modified Project are minimal and will not alter the Approved Project's ability to create an indirect emission reduction. The operating emissions associated with the Modified Project occur over a large area as a result of non-stationary activities, such as marker ball replacement, such that a significant amount of normal operating emissions will not occur in any single location in quantities that could approach the SCAQMD and/or AVAQM regional emission thresholds.

Reference. Final SEIR/SEIS Section 4.2.4, Table 4.2-4; Final EIR Section 3.3, Table ES-3.

Impact AQ-4: Operation of the Project would expose sensitive receptors to substantial pollutant concentrations.

Modified Project O&M activities will result in short-term direct and indirect impacts to ambient air quality. The Modified Project direct operating emissions are comprised of increased inspection and maintenance activities (marker ball replacement).

Finding. The CPUC finds that Impact AQ-4 will be less than significant. Operation of the Modified Project will not cause emissions above the SCAQMD LST thresholds, and operational activities will not have a significant impact on local sensitive receptors.

Rationale for Finding. The direct maximum daily operating emissions associated with the Modified Project are minimal, and the Project is assumed to create an indirect emission reduction. The operating emissions associated with the modifications occur over a large area as a result of non-stationary activities, such as marker ball replacement, such that a significant amount of normal operating emissions will not occur in any single location in quantities that could approach the SCAQMD LST thresholds.

Reference. Final SEIR/SEIS Section 4.2.4; Final EIR Section 3.3, Table ES-3.

Impact AQ-5: Construction or operation of the Project would generate toxic air contaminant emissions that would exceed SCAQMD risk thresholds.

The Modified Project will result in a nominal increase in construction emissions above those estimated for the Approved Project. The modifications will occur within a number of segments substantially supported by helicopters, which will not result in large quantities of emissions at any one location. Additionally, construction of the modifications will occur over a limited period of time that will further reduce the long term chronic exposures (carcinogenic and non-carcinogenic exposures) to diesel particulate matter (DPM) and other air toxic contaminants.

Finding. The CPUC finds the Impact AQ-5 will be less than significant. The toxic air contaminant emissions associated with the Modified Project will not exceed SCAQMD risk thresholds such that the Modified Project will have less-than-significant health risk impacts.

Rationale for Finding. The risk from construction of the Modified Project at any given receptor area will be well below the SCAQMD significance thresholds. Operation emissions of toxic air contaminants are negligible and as noted previously the TRTP will result in an indirect net emission decrease that will lower risk from toxic air contaminants.

Reference. Final SEIR/SEIS Section 4.2.4; Final EIR Section 3.3, Table ES-3.

Impact AQ-7: The Project would create objectionable odors.

Equipment utilized for the construction and operation of the Approved Project may create mildly objectionable odors. These odors will be temporary and will not affect a substantial number of people. The Modified Project will require similar equipment and methods for construction to those of the Approved

Project, and will result in a slight increase in total equipment use and overall construction time. As such, construction and operation of the modifications will only result in a nominal increase in minor odor sources from equipment exhaust.

Finding. The CPUC finds that the odor impacts from construction and operation of the Modified Project will be less than significant, and Impact AQ-7 will be less than significant without mitigation.

Rationale for Finding. These odors will be temporary and will not affect a substantial number of people. No mitigation measures for odor reduction are necessary for the Modified Project.

Reference. Final SEIR/SEIS Section 4.2.4; Final EIR Section 3.3, Table ES-3.

Impact AQ-10: Emissions would contribute to climate change.

The Modified Project will create a small incremental increase in construction and operation GHG emissions over the Approved Project; however, the Modified Project will continue to create a substantial indirect emissions decrease that will create an overall GHG emission decrease over the life of the TRTP. The construction and operating GHG emission increases associated with the modifications to the Approved Project will be more than offset by the TRTP providing greater renewable energy transmission and providing improved transmission effectiveness and efficiency, which partially implements one of the Intergovernmental Panel on Climate Change (IPCC) key strategies for mitigating climate change.

Finding. The CPUC finds that the direct construction and operation GHG emissions associated with the Modified Project are minor and will be less than significant. Additionally, the Modified Project will continue to create a substantial indirect emission decrease, resulting in a beneficial GHG emissions impact.

Rationale for Finding. The direct construction and operation GHG emissions associated with the Modified Project are minor. The TRTP will continue to create a substantial overall indirect GHG emissions decrease over the Project's life. Additionally, the Modified Project will continue to implement key strategies for mitigating climate change proposed by the California Energy Commission and the IPCC to improve transmission and increase renewable energy use. Therefore, the Modified Project will provide a beneficial GHG emissions impact.

Reference. Final SEIR/SEIS Section 4.2.4; Final EIR Section 3.3, Table ES-3.

Impact AQ-11 (NEW): Emissions would conflict with an applicable GHG reduction plan, policy or regulation.

As a renewable energy transmission distribution project, operation of the Modified Project will continue to enable a portion of the renewable portfolio that is mandated for California and reflected in the California Air Resources Board (CARB) AB32 Scoping Plan, partially satisfying the goals of the California Renewable Energy Programs. Additionally, the emission reductions enabled by the TRTP, as modified, will help reach the AB32 emission reduction goals for the electricity generation sector.

Finding. The CPUC finds the Impact AQ-11 will be less than significant. The Modified Project will continue to conform to applicable plans, policies, and regulations related to GHG emission reductions and will have a less-than-significant impact.

Rationale for Finding. The Modified Project will not hinder the transmission of renewable energy, thereby continuing to help reach the AB32 emission reduction goals for the electricity generation sector; therefore the minor increase in emission from the Project modifications will not conflict with applicable GHG reductions plans, policies or regulations.

Reference. Final SEIR/SEIS Section 4.2.4.

Cumulative Impact AQ-2: Operating emissions would exceed the SCAQMD and/or AVAQMD regional emission thresholds.

Marker ball replacement activities associated with the Modified Project will not occur on the same days as the Approved Project's O&M activities; therefore, the Modified Project will not result in new or substantially more severe cumulative air quality impacts than the Approved Project. Indirectly the Modified Project will continue to reduce operating emissions by providing greater renewable energy transmission and providing improved transmission effectiveness and efficiency.

Finding. The CPUC finds that operation of the Modified Project will not have a cumulatively considerable regional impact to air quality.

Rationale for Finding. Direct operating emissions for the Modified Project are minimal, occur over a large area, and will not have the potential to exceed regional emission thresholds; therefore, operating emissions will not be cumulatively significant. Furthermore, the Modified Project will continue to indirectly reduce operating emissions and therefore will not result in a cumulatively considerable air quality impact.

Reference. Final SEIR/SEIS Section 4.2.5; Final EIR Section 3.3, Table ES-3.

Cumulative Impact AQ-4: Operation of the Project would expose sensitive receptors to substantial pollutant concentrations.

The Modified Project will not alter the operation, maintenance, and inspection emissions of the Approved Project, as marker ball replacement activities will not occur on the same days as these other approved activities. Sensitive receptor locations will be subject to very infrequent periods of brief emissions, and will not result in new or substantially more severe cumulative air quality impacts by exceeding SCAQMD or AVAQMD significance thresholds. Indirectly the Modified Project will continue to reduce operating emissions.

Finding. The CPUC finds that operation of the Modified Project will not have a cumulatively considerable localized air quality impact to sensitive receptors.

Rationale for Finding. Since operation of the Modified Project will have minimum direct localized operating emissions and the Modified Project will continue to help create an overall net emission decrease, it will not have a cumulatively considerable localized impact to sensitive receptors.

Reference. Final SEIR/SEIS Section 4.2.5; Final EIR Section 3.3, Table ES-3.

Cumulative Impact AQ-5: Construction or operation of the Project would generate toxic air contaminant emissions that would exceed SCAQMD risk thresholds.

Construction activities associated with the Modified Project do not have large amounts of toxic air contaminant emissions, are of short duration, and do not have significant emissions in any single area that could create a significant risk to local populations. Similarly, the cumulative projects construction will not be expected to have significant emissions of toxic air contaminants, and will not have the potential to cumulatively exceed SCAQMD risk thresholds.

Finding. The CPUC finds that the Modified Project will have a less-than-significant cumulative health risk associated with toxic air contaminant emissions.

Rationale for Finding. Given the temporary nature and low toxic air contaminant emission level for the Modified Project and cumulative projects, the Modified Project will not have a cumulatively considerable health risk.

Reference. Final SEIR/SEIS Section 4.2.5; Final EIR Section 3.3, Table ES-3.

Cumulative Impact AQ-7: The Project would create objectionable odors.

Construction equipment and operations associated with the Modified Project may create temporary and mildly objectionable odors. Such odors will not significantly affect a substantial number of people. To have the potential to combine with odors from the Modified Project, odor-generating activities from other current and proposed projects will have to occur concurrently, occur in very close proximity with the odor-generating activities of the Modified Project, and result in a significant odor condition. The odor impacts of the Modified Project, in conjunction with those of other projects being constructed concurrently, are not cumulatively significant.

Finding. The CPUC finds that odor impacts related to the Modified Project will not be cumulatively considerable.

Rationale for Finding. Given the temporary nature and relative mildness of the construction and operation odors associated with the Modified Project, odor impacts are not cumulatively considerable.

Reference. Final SEIR/SEIS Section 4.2.5; Final EIR Section 3.3, Table ES-3.

IV.2.2 Biological Resources

For the purposes of the analysis in the Final SEIR/SEIS and based on CEQA requirements, biological resources identified for analysis include all plant and wildlife species and habitat observed during field studies and all those included in the results of the literature review. Those resources identified were analyzed in order to identify portions of the TRTP that are known to support listed and special-status plant and wildlife species, or are most likely to support habitat for listed and special-status plant and wildlife species.

Impact B-21: The Project could result in collision with overhead wires by State and/or federally protected birds.

Mortality of bird species due to collision with overhead power lines, towers, cranes, or other Project components could occur during construction as well as during operation of the Modified Project. APM BIO-9, included as part of the Approved Project, ensures the incorporation of raptor safety protection into the Project design. Based on a review of current literature, the addition of marker balls would slightly reduce, but not eliminate, the potential for daytime collisions along T/L spans that are outfitted with marker balls as the markers would increase visibility of the lines to birds. Aviation lighting will be installed onto transmission structures, which are comparable in height to the shortest communication towers, which have generally been associated with little to no known fatalities. Therefore, the risk to birds from the addition of aviation lighting would be slightly but not substantially greater than the collision risk associated with the originally approved transmission structures.

Finding. The CPUC finds that impacts to State and/or federally protected birds resulting from T/L collisions will be less than significant.

Rationale for Finding. The Modified Project will install marker balls to T/L spans, which will increase the visibility of the lines to birds. The addition of aviation lighting to transmission structures as part of the modifications, will only slightly increase collision risks and is less than significant. To further reduce this risk, SCE has consulted with the FAA and will reduce the use of steady burning red lights and use only flashing red lights on structures recommended for lighting within Segment 11 on NFS lands (Const. 14, 16, and 17). The TRTP continues to replace existing T/Ls with new T/Ls, such that the overall risk to birds for the Modified Project will be similar to the risks associated with the Approved Project. On NFS lands, avian safety measures in the form of swan wrap will be required on towers/shield/conductor lines where it is deemed necessary by the USDA Forest Service. APM BIO-9 will also be implemented as part of the Modified Project. This measure states that all transmission structures will be designed to be raptor-safe in

accordance with the *Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006* (APLIC, 2006).

Reference. Final SEIR/SEIS Section 4.3.4; Final EIR Section 3.4, Table ES-3.

Impact B-34: The Project could result in transmission line strikes by special-status bat species.

Special-status and Forest Service Sensitive bat species with the potential to occur in the Project area include the pallid bat, Townsend's big-eared bat, western red bat, hoary bat, spotted bat, western mastiff bat, big free-tailed bat, and pocketed free-tailed bat. A potential impact to these species resulting from Project implementation is the direct loss of individuals from fatal strikes with T/Ls.

Finding. The CPUC finds that impacts to special-status bats from collision with infrastructure related to the Modified Project will be less than significant.

Rationale for Finding. Because bats use echolocation, the Modified Project, which includes the addition of marker balls and aviation lights, is not expected to affect bats any differently than the Approved Project's infrastructure. The Modified Project will not increase the number or amount of T/Ls associated with the TRTP. Therefore, the number of fatal strikes is still expected to be quite low and insufficient to substantially reduce the number of these species.

Reference. Final SEIR/SEIS Section 4.3.4; Final EIR Section 3.4, Table ES-3.

Cumulative Impact B-34: The Project could result in transmission line strikes by special-status bat species.

The Antelope Transmission Project Segments 1-3 proposes the construction of approximately 51 miles of transmission lines for the western Antelope Valley in the vicinity of the TRTP. This transmission line project in combination with the TRTP will cumulatively increase the probability of transmission line strikes for special-status bat species in the Northern Region.

Finding. The CPUC finds that cumulative impacts resulting from transmission line strikes by special-status bats will be less than significant.

Rationale for Finding. The frequency of transmission line strikes by special-status bats is expected to be quite low, due to the ability of these bat species to detect and avoid transmission lines during echolocation. The Modified Project will not substantially increase or decrease the severity of cumulative effects to bats from collisions with Project features. Therefore, the cumulative impacts of transmission line strikes on special-status bat species resulting from the Modified Project and other past, present, and reasonably foreseeable projects will be less than significant. No mitigation is required.

Reference. Final SEIR/SEIS Section 4.3.5; Final EIR Section 3.4, Table ES-3.

IV.2.3 Traffic and Transportation

Impact T-10: Project transmission structures could present an aviation hazard.

According to FAA Advisory Circular AC 70/7460-2K (March 1, 2000), objects greater than 200 feet tall from the ground surface, or 200 feet above the elevation of the airport (whichever is higher), that are within three nautical miles of an airport could be considered an obstruction to aviation activities. Potential impacts to navigable airspace could occur during both construction and operation of a T/L project due to the presence of physical impediments attributable to the project. Additionally, projects located within potential military flight test pathways have the potential to result in conflicts between local communities and military installations and training activities.

The only military facilities with aviation-related activities in the Project area include Edwards Air Force Base, located 23 miles east of the Windhub Substation (Segment 10), and Naval Air Weapons Station China Lake,

located 55 miles northeast of the Windhub Substation (Segment 10). No Project modifications will occur in Segment 10; therefore, review by the US Armed Forces (Mitigation Measure T-10) is not necessary to implement the Modified Project. No portions of the Modified Project within the Central or South Regions will be located in an area that will require review by the US Armed Forces.

Finding. The CPUC finds that the Modified Project will reduce aviation hazards by making hazardous structures more visible to pilots through the addition of marker balls and aviation lights and reducing the heights of structures near Chino Airport, thereby reducing the impacts of the Approved Project (beneficial impact).

Rationale for Finding. The addition of marker balls and aviation lights will increase public safety by making hazardous structures (transmission structures and wire spans) more visible to pilots, and are necessary to comply with the recommendations of the FAA. The Modified Project will reduce Impact T-10 of the Approved Project resulting in a beneficial impact.

Reference. Final SEIR/SEIS Section 4.6.4; Final EIR Section 3.13, Table ES-3.

Cumulative Impact T-10: Project transmission structures could present an aviation hazard.

The Modified Project will continue to result in the construction of structures greater than 200 feet in height, which could result in an aviation hazard or obstruction hazard to nearby airports. The Modified Project, as well as any other project that will result in construction of features over 200 feet in height, will be required to submit a Notice of Construction to the FAA Air Traffic Division for review and approval.

Finding. Based on compliance with FAA requirements, the CPUC finds that the cumulative impact from aviation hazards will not be significant.

Rationale for Finding. The installation of marker balls and aviation lights will ensure compliance with the FAA's recommendations and would reduce the TRTP's potential to present an aviation hazard. As such, the Modified Project in combination with cumulative projects will not result in significant cumulative aviation hazard impacts. Furthermore, final design of all projects with structures greater than 200 feet in height will have to comply with FAA guidelines.

Reference. Final SEIR/SEIS Section 4.6.5; Final EIR Section 3.13, Table ES-3.

IV.3 Findings on Significant Environmental Impacts that Can Be Reduced to a Less than Significant Level

The CPUC hereby finds, pursuant to Public Resources Code §21081, that the following environmental impacts can and will be mitigated to below a level of significance based upon the implementation of previously approved mitigation measures in the Final EIR and new mitigation measures, as detailed in the Final SEIR/SEIS. These findings are based on the discussion of impacts in Chapter 4 (Affected Environment and Environmental Consequences) of the Final SEIR/SEIS. An explanation of the rationale for each finding is presented below.

IV.3.1 Air Quality

Impact AQ-6: The Project would not conform to Federal General Conformity Rules.

The Modified Project will result in significant impacts if it were to cause annual emissions that exceed the General Conformity *de minimus* thresholds and the Modified Project cannot be shown to conform to the State Implementation Plan (SIP). The Project modifications will add to the NOx emissions, which were determined to exceed the general conformity *de minimus* level within the South Coast Air Basin for the Approved Project (Final SEIR/SEIS Table 4.2-5).

Finding. The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact AQ-6 to a less-than-significant level. These mitigation measures, identified as AQ-1a through AQ-1j and AQ-6, have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. These measures are provided below for reference.

- **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** SCE shall develop a Fugitive Dust Emission Control Plan (FDECP) for construction work. The Plan shall be completed prior to construction and approved by the CPUC and FS. This Plan is in addition to any fugitive dust control plan required by the South Coast Air Quality Management District (SCAQMD). Measures to be incorporated into the plan shall include, but are not limited to the following:
 - Non-toxic soil binders, equivalent or better in efficiencies than the CARB approved soil binders, shall be applied per manufacturer recommendations to active unpaved roadways, unpaved staging areas, and unpaved parking area(s) throughout construction to reduce fugitive dust emissions. On NFS lands, SCE shall obtain FS approval of any soil binders to be used.
 - Unpaved road travel will be limited to the extent possible by; limiting the travel of heavy equipment in and out of the unpaved areas (move from construction site to construction site rather than back to marshalling or staging areas daily); through carpooling/busing construction workers to the maximum feasible extent; and by developing travel routes to each construction site that minimize unpaved road travel to the extent possible, according to FS or other regulatory agency road use restriction. The FDECP will include a road travel plan applicable for construction sites with unpaved access greater than one mile.
 - Water the disturbed areas of the active construction sites at least three times per day and more often if uncontrolled fugitive dust is noted.
 - Enclose, cover, water twice daily, and/or apply non-toxic soil binders according to manufacturer's specifications to exposed piles with a five percent or greater silt content.
 - Maintain unpaved road vehicle travel to the lowest practical speeds, and no greater than 15 miles per hour (mph), to reduce fugitive dust emissions.
 - All vehicle tires shall be inspected, are to be free of dirt, and washed as necessary prior to entering paved roadways.
 - Install wheel washers or wash the wheels of trucks and other heavy equipment where vehicles exit unpaved access to the construction sites.
 - Cover all trucks hauling soil and other loose material, or require at least two feet of freeboard.
 - Establish a vegetative ground cover (in compliance with biological resources impact mitigation measures) or otherwise create stabilized surfaces on all unpaved areas at each of the construction sites within 21 days after active construction operations have ceased.
 - Increase the frequency of watering, if water is used as a soil binder for disturbed surfaces, or implement other additional fugitive dust mitigation measures, to all active disturbed fugitive dust emission sources when wind speeds (as instantaneous wind gusts) exceed 25 mph.

SCAQMD Rule 403 Best Available Control Measures (BACM) are required to be proposed in the FDECP and implemented when and if the BACM are as strict or stricter than the control measures listed above. Additionally, mitigation measures provided on the SCAQMD CEQA website Tables XI-A through XI-E (http://www.aqmd.gov/ceqa/handbook/mitigation/fugitive/MM_fugitive.html or as updated by SCAQMD) must be implemented in the FDECP where applicable. This mitigation measure covers construction work performed within all three local air quality jurisdictions.

- **MM AQ-1b: Off-road Diesel-fueled Equipment Standards.** All off-road construction diesel engines not registered under CARB's Statewide Portable Equipment Registration Program, which have a rating of 50 horsepower (hp) or more, shall meet, at a minimum, the Tier 2 California

Emission Standards for Off-Road Compression-Ignition Engines as specified in California Code of Regulations, Title 13, section 2423(b)(1) unless that such engine is not available for a particular item of equipment. In the event a Tier 2 engine is not available for any off-road engine larger than 50 hp, that engine shall have tailpipe retrofit controls that reduce exhaust emissions of NOx and PM to no more than Tier 2 emission levels. Tier 1 engines will be allowed on a case-by-case basis only when the Project owner has documented that no Tier 2 equipment or emissions equivalent retrofit equipment is available for a particular equipment type that must be used to complete the Project's construction. This shall be documented with signed written correspondence by the appropriate construction contractor along with documented correspondence with at least two construction equipment rental firms. Equipment properly registered under and in compliance with CARB's Statewide Portable Equipment Registration Program are in compliance with this mitigation measure.

- **MM AQ-1c: Limit Vehicle Traffic and Equipment Use.** Construction worker carpooling will be encouraged and other vehicle trips and equipment use will be limited to the extent practical by efficiently scheduling staff and daily construction activities to minimize the use of unnecessary/duplicate equipment when possible.
- **MM AQ-1d: Heavy Duty Diesel Haul Vehicle On-road Equipment Standards.** Require the use of 2006 engines or pre-2006 engines with CARB certified Level 3 diesel emission controls for all on-road heavy duty diesel haul vehicles that are contracted on a continuing basis for use to haul equipment and waste for the Project.
- **MM AQ-1e: On-road Vehicles Standards.** All on-road construction vehicles, other than those meeting the requirements of Mitigation Measure AQ-1d (Heavy Duty Diesel Haul Vehicle On-road Equipment Standards), shall meet all applicable California on-road emission standards and shall be licensed in the State of California. This does not apply to construction worker personal vehicles.
- **MM AQ-1f: Properly Maintain Mechanical Equipment.** The construction contractor shall ensure that all mechanical equipment associated with Project construction is properly tuned and maintained in accordance with the manufacturer's specifications.
- **MM AQ-1g: Restrict Engine Idling to 5 Minutes.** Diesel engine idle time shall be restricted to no more than 5 minutes. Exceptions are vehicles that need to idle as part of their operation, such as concrete mixer trucks.
- **MM AQ-1h: Schedule Deliveries Outside of Peak Traffic Hours.** All material deliveries to the marshalling yards and from the marshalling yards to the construction sites shall be scheduled outside of peak traffic hours (6:00 to 9:30 am and 3:30 to 6:30 pm) to the extent feasible, and other truck trips during peak traffic hours shall be minimized to the extent feasible.
- **MM AQ-1i: Off-road Gasoline-fueled Equipment Standards.** As practicable, all off-road stationary and portable gasoline powered equipment shall have EPA Phase 1/Phase 2 compliant engines, where the specific engine requirement shall be based on the new engine standard in affect two years prior to the initiating Project construction. In the event that EPA Phase 1/Phase 2 compliant engines are determined not to be practicable, SCE shall provide documentation to the CPUC and FS with an explanation.
- **MM AQ-1j: Reduction of Helicopter Emissions.** Helicopter use will be limited to the extent feasible and helicopters with low emitting engines shall be used to the extent practical.
- **MM AQ-6: General Conformity Emission Offset Mitigation.** In the event that the final emission estimate for the selected Project alternative as provided in the Project's Conformity Analysis exceeds the NOx and/or VOC emission applicability thresholds, and assuming the SCAQMD does not provide confirmation that the Project's emissions are accounted for in the State Implementation Plan (SIP) emission estimates per 40 CFR §93.158(a)(1), then the Project will obtain emission reduction credits to fully offset the NOx and/or VOC emissions per 40 CFR §93.158(a)(2) for the years that the Project has been estimated to exceed the NOx and/or VOC emission applicability thresholds. Credits shall be submitted to the CPUC and FS for review and approval.

SCE will have several options for obtaining emission offset mitigation, including:

- Traditional NOx emission reduction credits (ERCs) that are in units of lbs/day, where 1 lb/day equals 365 lbs/year. These credits can now be subdivided into short-term yearly credits for purchase. These credits are available at market based prices that can be very expensive.
- Reclaim Trading Credits (RTCs) that are in units of lbs and are year specific. These credits have historically been much less expensive than traditional ERCs.
- Creation of new emission reduction credits, such as mobile source emission reduction credits (MSERCs), where considered enforceable by USEPA for purposes of General Conformity offsets, through methods such as the SCAQMD Regulation XVI Mobile Source Offset Programs or other methods similar to existing stationary source control programs such as the Carl Moyer Program.

While there are many options to obtain the necessary offset credits to comply with mitigation measure AQ-6, it is likely that RTCs will make up the bulk of the credits obtained by SCE.

Rationale for Finding. Mitigation measure AQ-1a will reduce fugitive dust through the reduction of the creation of emissions by stabilizing unpaved road surfaces and using water to bind active soil handling activities among other measures. Mitigation measures AQ-1b to AQ-1j will reduce the on-road and off-road construction equipment exhaust emissions to the extent feasible. Mitigation Measures AQ-6 requires that the Project applicant (SCE) obtain emission reduction credits to fully offset the NOx and/or VOC emissions per 40 CFR §93.158(a)(2) for the years that the Project is estimated to exceed the NOx and/or VOC emission applicability thresholds. Implementation of these mitigation measures ensures that the Modified Project will conform to Federal General Conformity Rules and this impact will be less than significant.

Reference. Final SEIR/SEIS Section 4.2.4, Table 4.2-5; Final EIR Section 3.3, Table ES-3.

Impact AQ-9: The Project would not conform with applicable Air Quality Management Plans.

The Modified Project will be constructed in compliance with applicable federal, State, and local requirements. Additionally, the Project's construction mitigation measures (AQ-1a through AQ-1j) were developed after consulting AQMD personnel to confirm that these measures are consistent with SCAQMD and AVAQMD approved Air Quality Management Plans (AQMP). The mitigation measures specifically required to comply with applicable AQMPs are AQ-1a, AQ-1b, and AQ-1d (as noted below). Furthermore, the Project modifications will have no impact on the operational emissions evaluated for the Approved Project, which were found to be consistent with all applicable and approved air quality plans.

Finding. The CPUC finds that changes or alterations have been incorporated into the Modified Project, which mitigate the significant effects on the environment from Impact AQ-9 to a less-than-significant level. These mitigation measures, identified as AQ-1a, AQ-1b, and AQ-1d, have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project.

- **MM AQ-1a** **Implement Construction Fugitive Dust Control Plan.** (See above for full text)
- **MM AQ-1b** **Off-road Diesel-fueled Equipment Standards.** (See above for full text)
- **MM AQ-1d** **Heavy Duty Diesel Haul Vehicle On-road Equipment Standards.** (See above for full text)

Rationale for Finding. Implementation of Mitigation Measures AQ-1a, AQ-1b, and AQ-1d, which limit fugitive dust and on- and off-road diesel fuel emissions, will ensure that the Modified Project is consistent with the currently approved AQMPs and this impact will remain less than significant.

Reference. Final SEIR/SEIS Section 4.2.4; Final EIR Section 3.3, Table ES-3.

IV.3.2 Biological Resources

Impact B-3: The Project would result in the establishment and spread of noxious weeds.

Construction and O&M activities associated with the Modified Project will include a small increase in ground disturbance which has the potential to result in the introduction of nonnative and invasive plant species. Weed seed sources exist throughout the Project area, and Modified Project activities can spread weeds into areas that currently support light infestations or are weed-free. Implementation of the Modified Project will result in a minor increase in construction activities to install marker balls and aviation lighting; however, an appreciable increase in construction ground disturbance compared to the Approved Project will not occur as most marker balls will be installed by helicopter and aviation lights will be installed on towers during erection for those not yet constructed.

There are no specific APMs designed to reduce the spread or establishment of noxious weeds in the Project area, but APMs that will reduce this impact include BIO-2, and BIO-4 through BIO-6. These APMs include minimizing vegetation removal at construction sites, implementation of best management practices, biological monitoring, personnel training, and coordinating and compensating for impacts to vegetation. However, these APMs will not reduce Impact B-3 to a less-than-significant level. Therefore, to further reduce impacts of the Modified Project from the spread or establishment of noxious weeds SCE shall implement Mitigation Measures B-1a, B-2, and B-3a through B-3c to reduce the establishment and spread of noxious weeds to a less-than-significant level.

Finding. The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate the significant effects on the environment from Impact B-3 to a less-than-significant level. These mitigation measures, identified as B-1a, B-2, and B-3a through B-3c, have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. These measures are provided below for reference.

- **MM B-1a: Provide restoration/compensation for impacts to native vegetation communities.** The intent of this mitigation measure is to require SCE to restore disturbed sites to pre-construction conditions or the desired future conditions per the Angeles National Forest (ANF), Land Management Plan (LMP). Prior to construction SCE shall have a qualified biologist, where concurrence on the biologist has been provided by the CPUC and FS, document the community type and acreage of vegetation that would be subject to project disturbance. Impacts to all oaks and native trees (with >3 inch diameter at breast height [DBH]) will be documented by identifying the species, number, location, and DBH. On non-Federal lands all protection and replacement measures shall be consistent with applicable local jurisdiction requirements, such as the Los Angeles County Oak Tree Ordinance. Tree removal shall not be permitted until replacement trees have been planted or transplanting sites are approved.

For NFS lands, the FS shall prepare a Habitat Restoration and Revegetation Plan in discussion with SCE for the Project, which shall include plans for restoration, enhancement/re-vegetation and/or mitigation banking. For non-Federal lands SCE shall prepare the Habitat Restoration and Revegetation Plan. Both plans shall include at minimum: (a) the location of the mitigation site (off site mitigation may be required); (b) locations and details for top soil storage (c) the plant species to be used; (d) seed and cutting collecting guidelines; (d) a schematic depicting the mitigation area; (e) time of year that the planting will occur and the methodology of the planting; (f) a description of the irrigation methodology for container, bareroot or other planting needing irrigation; (g) measures to control exotic vegetation on site; (h) success criteria; (i) a detailed monitoring program; j) locations and impacts to all oaks and native trees (over 3 inches DBH), k) locations of temporary or permanent gates, barricades, or other means to control unauthorized vehicle access on access and spur roads as deemed necessary by the FS (NFS lands only).

SCE shall utilize a CPUC/FS/USACE-approved locally collected seed mix, locally collected cuttings, bare-root stock, etc. to revegetate areas disturbed by construction activities. All habitats dominated by non-native species prior to Project disturbance shall be revegetated using appropriate native

species. FS approval is required for seeding on NFS land. The seed mix shall consist of native, locally occurring species collected from local seed sources. Cuttings and bare-root stock shall be of local origin. Restoration shall include the revegetation of stripped or exposed work sites and/or areas to be mitigated with vegetation native to the area. No commercially purchased seeds, stock, etc. will be accepted without the approval of the FS on NFS lands and must be certified to be free of noxious weeds. Revegetation shall include ground cover, grass, shrub, and tree species in order to match disturbed areas to surrounding conditions and to restore or improve wildlife habitat quality to pre-project or higher levels. The Habitat Restoration and Revegetation Plan shall also include a monitoring element. Post seeding and planting monitoring will be yearly from years one to five and every other year from years six to ten, or until the success criteria are met. SCE shall restore temporarily disturbed areas, including existing tower locations that are to be removed by the Project, to pre-construction conditions or the desired future conditions per the LMP. If the survival and cover requirements have not been met, SCE is responsible for replacement planting to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements as previously mentioned.

The FS will conduct a preconstruction evaluation of the probable impacts to all oaks and native trees in all construction-related disturbance areas. This evaluation shall be incorporated into the Habitat Restoration Plan and shall include the species and number of individuals, their DBH, location and potential impact type. Construction within the driplines of all native trees and oak trees/shrubs, and incidental trimming or damage to trees along the proposed access/spur routes shall not occur until the trees are evaluated by an FS botanist or qualified arborist. This person shall identify appropriate measures to minimize tree loss, such as the placement of fence around the dripline, padding vehicles, minimizing soil removal or addition around driplines, and the placement of matting under the existing dripline during construction activities. On the ANF, if a tree must have any construction-related activities such as equipment or soil staging within the drip zone, root pruning, or excessive branch pruning (greater than 25% in one year), then the tree must be monitored for five years for tree mortality. If any of these identified trees dies during the monitoring period, then the tree must be mitigated at the rate appropriate to the DBH.

The replacement ratios (using rooted plants in liners or direct planting of acorns [for oaks]) for native trees or any oaks which are to be removed shall be as follows: trees from 3 to 5 inches DBH shall be replaced at 3:1; trees from 5 to 12 inches shall be replaced at 5:1; trees from 12 to 24 inches shall be replaced at 10:1; trees from 24 to 36 inches shall be replaced at 15:1; and all oaks greater than 36 inches shall be replanted at a ratio of 20:1. The replacement ratio for damaged trees shall be 2:1 for trees with DBH less than 12 inches and a 5:1 ratio for trees with DBH greater than 12 inches. The DBHs for scrub oaks will be measured following DFG guidelines. On the ANF any oak or native tree which must be removed or killed as a result of construction or other Project-related activities shall be replaced in kind or mitigated at a comparable value. Compliance shall be evaluated annually for years one to five and bi-annually for years six to ten (years after tree planting). Trees shall be planted at locations acceptable to the landowner or managing agency. All planting locations, procedures, and results shall be evaluated by a qualified arborist and FS botanist. On non-Federal lands all protection and replacement measures shall be consistent with applicable local jurisdiction requirements, such as the Los Angeles County Oak Tree Ordinance.

Permanent impacts on federal lands shall be determined by the appropriate federal manager (FS and USACE) and on non-federal lands shall be determined by the CPUC at the ratios stated below or at a comparable value. On NFS lands impacts will be considered permanent if they are not likely to recover after ten years post-disturbance. Where onsite restoration is planned for mitigation of temporary impacts to vegetation communities, SCE shall identify a Habitat Restoration Specialist, where concurrence has been provided by the CPUC/FS, to implement the method of restoration outlined by the FS in the Habitat Restoration Plan.

The creation or restoration of habitat shall be monitored annually for years one to five on both FS lands and private/State/USACE lands and bi-annually for years six to ten on FS lands, or until the success criteria are met, after mitigation site construction to assess progress and identify potential problems with the restoration site. Remediation activities (e.g. additional planting, removal of non-

native invasive species, or erosion control) shall be taken during the ten-year period if necessary to ensure the success of the restoration effort. If the mitigation fails to meet the established performance criteria after the ten-year maintenance and monitoring period, monitoring and remedial activities shall extend beyond the ten-year period until the criteria are met or unless otherwise specified by the CPUC/FS/USACE (as appropriate). If a fire occurs in a revegetation area within the ten year monitoring period, SCE shall be responsible for a one-time replacement. If a second fire occurs, no replanting is required, unless the fire is caused by SCE activity. Off-site mitigation for NFS and non-NFS lands may be required if mitigation rates exceed what can be achieved on NFS land. This may be in the form of funding for land purchase for inclusion into the Angeles National Forest, mitigation banking, removing existing structures, or comparable restoration efforts.

During and after construction, FS-identified entrances to access roads on NFS lands shall be gated or blockaded in some manner and maintained to prevent the unauthorized use of these roads by the general public. Signs prohibiting unauthorized use of the access roads shall be posted on these gates.

Mitigation Ratios for Impacts to Vegetation Communities				
Vegetation Community	Mitigation Ratios – Non-NFS Lands		Mitigation Ratios – NFS/Federal Lands	
	Temporary Impacts	Permanent Impacts	Temporary Impacts	Permanent Impacts
Woodland Vegetation				
Bigcone Douglas Fir-Canyon Oak Forest	1:1	2:1	2:1	5:1
Canyon Oak Forest	-	-	1:1	5:1
California Bay Forest	1:1	2:1	1:1	5:1
California Walnut Woodland	1:1	1.5:1	-	-
Coast Live Oak Woodland	1:1	1.5:1	1:1	5:1
Coulter Pine Forest	-	-	1:1	3:1
Joshua Tree Woodland	1:1	2:1	-	-
Mojavean Pinyon Woodland	1:1	2:1	2:1	5:1
Non-native Woodland	1:1*	1:1*	1:1*	1:1*
Yellow Pine Forest (Plantation)	-	-	1:1	3:1
Shrub-dominated Vegetation				
Big Sagebrush Scrub	1:1	1:1	1:1	3:1
Coastal Sage Scrub	1:1	1.5:1	2:1	5:1
Desert Saltbush Scrub	1:1	1:1	-	-
Chamise Chaparral	-	-	1:1	3:1
Mixed Chaparral	1:1	1:1	1:1	3:1
Scrub Oak Chaparral	-	-	1:1	5:1
Interior Live Oak Scrub	-	-	1:1	5:1
Mojave Creosote Bush Scrub	1:1	1:1	-	-
Mojave Mixed Woody Scrub	1:1	1:1	-	-
Mojavean Juniper Woodland and Scrub	1:1	1.5:1	2:1	5:1
Mojavean Pinyon and Juniper Woodland, Recently Burned	-	-	2:1	5:1
Mulefat Scrub	1:1	3:1	2:1	5:1
Rabbitbrush Scrub	1:1	1:1	-	-
<u>Restoration – California Buckwheat Scrub</u>	-	-	<u>1:1</u>	<u>1:1</u>
Riversidean Alluvial Fan Sage Scrub	1:1	3:1	2:1	5:1
Riparian Vegetation				
Desert Wash	1:1	3:1	2:1	5:1
Ruderal Wetland	1:1*	1:1*	-	-

Mitigation Ratios for Impacts to Vegetation Communities				
Vegetation Community	Mitigation Ratios – Non-NFS Lands		Mitigation Ratios – NFS/Federal Lands	
	Temporary Impacts	Permanent Impacts	Temporary Impacts	Permanent Impacts
Exotic-Giant Reed	1:1*	1:1*	1:1*	1:1*
Southern Arroyo Willow Riparian Forest	1:1	3:1	2:1	5:1
Southern Coast Live Oak Riparian Forest	1:1	3:1	2:1	5:1
Southern Cottonwood Willow Riparian Forest	1:1	3:1	2:1	5:1
Southern Sycamore-Alder Riparian Forest	1:1	3:1	2:1	5:1
Southern Willow Scrub	1:1	3:1	2:1	5:1
Sparsely Vegetated Streambed	1:1	3:1	2:1	5:1
Herbaceous Vegetation				
Bunchgrass Grassland	1:1	1.5:1	-	-
California Annual Grassland	1:1	1:1	1:1	3:1
Deerweed and Chia Herbaceous Field, Recently Burned	1:1	1:1	2:1	3:1
Desert Bunchgrass Grassland	1:1	1.5:1	-	-
Wildflower Field	1:1	1:1	2:1	3:1
Anthropogenic Vegetation				
Agriculture	0:1	0:1	-	-
Barren/developed	1:1*	1:1*	1:1*	1:1*
Ruderal Grassland	1:1*	1:1*	1:1*	1:1*
Ratios on Non-NFS Lands may be adjusted based on existing site conditions and disturbance levels with approval of the CPUC. Ratios could range from 0.5 to maximum noted in this Table based on site evaluation. *Non-native habitats will be reseeded with a native seed mix. Barren areas will be mitigated at a 1:1 ratio if they are determined to support sensitive wildlife (i.e. burrowing owls, etc.)				

- MM B-2: Implement RCA Treatment Plan.** SCE shall not construct or modify any structure, culvert, or bridge or modify any habitat without the appropriate permits from regulatory agencies. SCE shall not construct or modify any structure, culvert, or bridge or modify any habitat on NFS lands in Riparian Conservation Areas (RCAs) without the authorization of the FS. Vegetation removal or road construction shall not occur in RCAs during the breeding season for nesting birds (February 1-August 15) unless otherwise approved by the FS. SCE shall prepare and implement a FS RCA Treatment Plan for the Project. This Plan shall include the specific activities that will occur at each of the RCA points crossed by the Project including the amount and type of vegetation to be cleared, the type of road crossing or improvement allowed for wet and dry crossings, and the methods that would be employed to reduce the effects of the Project on water quality. The Plan shall include timing restrictions for vehicle or equipment passage, restrictions on what activities may occur such as grading, vegetation removal or tree trimming, monitoring requirements, seasonal restrictions, and restoration requirements. This Plan shall be submitted to the FS for approval prior to construction or the grading of any access road. The Plan shall also be submitted to the CPUC for review.
- MM B-3a: Prepare and implement a Weed Control Plan.** SCE shall prepare and implement a comprehensive, adaptive Weed Control Plan on NFS lands for pre-construction and construction invasive weed abatement. The long term Weed Control Plan, including monitoring and eradication, will be defined as part of the 50 year Operations and Maintenance Permit. On the ROW easement lands administered by the FS, the Weed Control Plan shall incorporate all appropriate and legal agency-stipulated regulations. The Weed Control Plan shall be submitted to the FS for final authorization of weed control methods, practices, and timing prior to implementation of the Weed Control Plan on public lands. ROW easements located on private lands shall include adaptive

provisions such as wheel and equipment washing for the implementation of the Weed Control Plan. The Weed Control Plan shall include the following:

- A pre-construction weed inventory shall be conducted by surveying all areas subject to ground-disturbing activity, including, but not limited to, tower pad preparation and construction areas, tower removal sites, pulling and tensioning sites, assembly yards, and areas subject to grading for new or improved access and spur roads. Weed populations that: (1) are rated High or Moderate for negative ecological impact in the California Invasive Plant Inventory Database (Cal-IPC, 2006); and (2) aid and promote the spread of wildfires (such as cheatgrass, Saharan mustard, and medusa head); and (3) are considered by the FS as species of priority (for NFS lands only) shall be mapped and described according to density and area covered. In areas subject to ground disturbance, weed infestations shall be treated prior to construction according to control methods and practices for invasive weed populations designed in consultation with the FS. The Weed Control Plan shall be updated and utilized for eradication and monitoring post construction.
- Weed control treatments shall include all legally permitted herbicide, manual, and mechanical methods applied with the authorization of the FS. The application of herbicides shall be in compliance with all state and federal laws and regulations under the prescription of a Pest Control Advisor (PCA), where concurrence has been provided by the CPUC/FS, and implemented by a Licensed Qualified Applicator. Herbicides shall not be applied during or within 72 hours of a scheduled rain event. Herbicides shall not be used within Riparian Conservation Areas (RCAs) on the ANF without approval of the FS. In riparian areas only water-safe herbicides shall be used. Herbicides shall not be applied when wind velocities exceed 6 mph. Where manual and/or mechanical methods are used, disposal of the plant debris will follow the regulations set by the FS. The timing of the weed control treatment shall be determined for each plant species in consultation with the FS (on NFS lands) with the goal of controlling populations before they start producing seeds.

For the preconstruction and construction of the Project, measures to control the introduction and spread of noxious weeds in the Project work area shall be taken as follows.

- On the ANF, from the time construction begins until ten years after construction is complete, surveying for new invasive weed populations and the monitoring of identified and treated populations shall be required at all sites impacted by construction (tower pads, staging areas, landing zones, etc.), including access/spur roads disturbed during the Project. Surveying and monitoring for weed infestations shall occur annually for years one to five and bi-annually for years six to ten. Treatment of all identified weed populations shall occur at a minimum of once annually. When no new seedlings or resprouts are observed at treated sites for three consecutive, normal rainfall years, the weed population can be considered eradicated and weed control efforts may cease for that impact site.
- During Project preconstruction and construction, all seeds and straw materials shall be weed-free rice straw, and all gravel and fill material shall be certified weed free by the county Agriculture Commissioners' Offices. Any deviation from this will be approved by a FS botanist. All plant materials used during restoration shall be native, certified weed-free, and approved by the CPUC and FS.
- During Project preconstruction and construction, vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) before and after entering FS identified areas. On non-NFS lands vehicles and equipment shall be washed prior to commencing work in off road areas. Vehicles shall be cleaned at existing construction yards or legally operating car washes. SCE shall document that all vehicles have been washed prior to commencing project work. In addition, tools such as chainsaws, hand clippers, pruners, etc. shall be washed before and after entering all Project work areas. All washing shall take place where rinse water is collected and disposed of in either a sanitary sewer or landfill, unless otherwise approved by the FS. A written daily log shall be kept for all vehicle/equipment/tool washing that states the date, time, location, type of equipment washed, methods used, and staff present. The log shall include the signature of a responsible staff member. Logs shall be available to the CPUC and FS for inspection at any time and shall be submitted to the CPUC and FS on a monthly basis.

- During Project operation and maintenance activities, clear and dispose of weeds in assembly yards, helicopter landing areas, tower pads, spur roads, staging areas, and any other disturbance areas in a FS-approved method.
- **MM B-3b: Remove weed seed sources from construction access routes.** Prior to construction, SCE shall initiate invasive species eradication identified in the following Table. These populations were identified as small and isolated but having the potential to spread aggressively during construction. Post construction, these isolated populations will be included and treated according to the restoration plan. Per the FSM 2080 BMP guideline, SCE shall also remove or reduce sources of weed seed along the travel routes associated with Project construction identified in Figures A-2 through A-4 of Appendix A of the *Biological Specialist Report* (Aspen and H.T. Harvey & Associates, 2009) to prevent the introduction or control the spread of noxious weeds by mowing or other control methods to substantially reduce seed production in these infestations during Project construction. Following Project approval and during the time of year when weed species can be observed and identified, SCE shall identify, using a qualified plant ecologist, any other weed seed sources that could contribute to Project-related weed spread on the ANF. The following weed populations, and any other target infestations identified by Project surveys, should be controlled prior to construction. SCE shall initiate eradication of the following weed populations and any other isolated, target infestations discovered during pre-construction surveys along construction routes.

Weed Populations Along Construction Routes*	
ANF Road Location	Noxious Weeds Identified
4N41	Isolated patch of Spanish broom
3N20	Isolated patches of Spanish broom, Scotch broom, and rockrose
3N23	Giant reed population in creek adjacent to road
2N23	Scattered Spanish broom infestations of a range of population sizes and densities. Some of the large populations along these routes observed during project surveys had been recently brushed for weed control by SCE contractors, but these populations should be rechecked and control efforts reapplied as necessary. Also isolated patches of tree tobacco, rockrose, horehound, and tocalote.
2N24	Scattered, isolated patches of Spanish broom and rockrose
2N25.2	Scattered, isolated patches of Spanish broom, rosemary, rockrose, and horehound
2N30.1	One isolated patch of Spanish broom
2N30.2	Scattered Spanish broom, bull thistle, tree of heaven, black locust, tocalote, rockrose, eupatory, horehound, smilo grass, and tree tobacco infestations of a range of population sizes and densities.
3N27 north of Big Tujunga Creek to Mt. Gleason Rd	Scattered, isolated patches of Spanish broom
2N45	Moderate patch of giant reed and tree of heaven
2N65.1	Moderate infestation of tree spurge
2N65.2	Moderate infestation of Spanish broom and thoroughwort
2N66	Moderate patch of Spanish broom and tree of heaven
2N75	Moderate patch of Spanish broom
2N79	Isolated patch of Spanish broom
1N36	Scattered Spanish broom, bull thistle, tree of heaven, black locust, tocalote, rockrose, Canadian thistle, hairy vetch, smilo grass, and tree tobacco infestations of a range of population sizes and densities.
Road west out of Shortcut Station	Isolated patches of Spanish broom
*Specific locations are found in Figures A-2 through A-4 of Appendix A of the Biological Specialist Report Noxious Weed Assessment. [Aspen and H.T. Harvey & Associates, 2009]	

- **MM B-3c: Remove weed seed sources from assembly yards, staging areas, tower pads, pull sites, landing zones, and spur roads.** Prior to construction and during each year of use for construction at all assembly yards, staging areas, tower pads, pull sites, landing zones, and spur roads within the ANF, weed infested areas should be mowed and/or treated as appropriate for the

individual weed species under the guidance of a qualified plant ecologist or restoration ecologist, where concurrence on the ecologist has been provided by the FS. Unless otherwise authorized by the FS, weed control efforts in these areas shall be timed annually to reduce shortpod mustard, tocalote, and other noxious weed seed production, by mowing or weed-whacking infestations when flowering has just started, but before seeds have been produced. All plant debris shall be disposed of at a FS/CPUC-approved location. Weed control efforts shall commence in early spring (February – March), as indicated annually by a qualified plant ecologist or restoration ecologist in coordination with a FS botanist or Forest Weed Specialist.

Rationale for Finding. Restoration of disturbed areas with native vegetation will limit the introduction of nonnative and invasive weeds. The implementation of an RCA Treatment Plan will ensure that activities conducted within RCAs are approved by the USDA Forest Service prior to implementation and are conducted in such a way as to minimize disturbance to sensitive resources. The implementation of a Weed Control Plan will ensure that the spread and establishment of weeds due to Modified Project activities is minimized. Together these measures will reduce impacts related to the establishment and spread of nonnative and invasive weeds from the Modified Project to a less-than-significant level.

Reference. Final SEIR/SEIS Section 4.3.4; Final EIR Section 3.4, Table ES-3.

Impact B-4: Construction activities, including the use of access roads and helicopter construction, would result in disturbance to wildlife and may result in wildlife mortality.

Direct impacts to wildlife associated with construction of the TRTP could include mortality from trampling or crushing; increased noise levels due to heavy equipment and helicopter use; light impacts from construction during low-light periods; increased vehicular and human presence along existing access roads and riparian areas; displacement due to habitat modifications, including vegetation removal; alterations of existing soil conditions; fugitive dust; and increased erosion and sediment transport. Indirect effects to wildlife as a result of construction of the TRTP include the introduction of non-native, invasive plant species, alterations to existing hydrological conditions, and exposure to contaminants. The construction activities and equipment associated with the Modified Project are within the scope and magnitude, and are of the same types, as those analyzed for the Approved Project. Helicopters will be utilized to install the majority of marker balls and aviation lights with limited additional disturbance areas, as SCE proposes to use existing areas previously approved for helicopter support such as roads, contractor/material yards, wire set-up sites, structure work areas, crane pads, staging areas, and general disturbance areas.

APM BIO-1, included as part of the Project, requires SCE to conduct pre-construction clearance surveys for wildlife. Project-related effects on common species will be further minimized through the implementation of mitigation measures designed to educate workers of the presence and sensitivity of wildlife that may occur in the Project area; limitations on the work that may occur in RCAs; reducing the effect of fugitive dust on adjacent areas through dust control and reduced vehicle speeds; the restoration of habitat at the conclusion of construction; and the control of noxious weeds. The implementation of erosion control measures will also reduce the potential off-site transport of sediment to both aquatic and upland habitats. Mitigation Measures B-1a, B-1b, B-2, B-3a, H-1a, and AQ-1a will reduce construction-related impacts to wildlife from the Modified Project to a less-than-significant level.

Finding. The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate the significant effects on the environment from Impact B-4 to a less-than-significant level. These mitigation measures, identified as B-1a, B-1b, B-2, B-3a, AQ-1a, and H-1a, have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. These measures are provided below for reference.

- MM B-1a: **Provide restoration/compensation for impacts to native vegetation communities.** (See above for full text)

- **MM B-1b: Implement a Worker Environmental Awareness Program.** A Worker Environmental Awareness Program (WEAP) shall be implemented for construction crews by a qualified biologist(s) provided by SCE, where concurrence has been provided by the CPUC/FS prior to the commencement of construction activities. Training materials and briefings shall include but not be limited to: discussion of the Federal and State Endangered Species Acts, Bald and Golden Eagle Protection Act, and the Migratory Bird Treaty Act; the consequences of non-compliance with these acts; identification and values of plant and wildlife species and significant natural plant community habitats; fire protection measures; sensitivities of working on NFS lands and identification of FS sensitive species; hazardous substance spill prevention and containment measures; a contact person in the event of the discovery of dead or injured wildlife; and review of mitigation requirements. The WEAP shall also include the protocol to be followed when road kill is encountered in the work area or along access roads to minimize potential for additional mortality of scavengers, including listed species such as the California condor. On NFS lands, road kill shall be reported to the FS or other applicable agency within 24 hours. On non-NFS lands, road kill shall be reported to the appropriate local animal control agency within 24 hours. Training materials and a course outline shall be provided to the CPUC and FS for review and approval at least 30 days prior to the start of construction. Maps showing the location of special-status wildlife, fish, or populations of rare plants, exclusion areas, or other construction limitations (i.e., limited operating periods) will be provided to the environmental monitors and construction crews prior to ground disturbance. SCE shall provide to the CPUC and FS a list of construction personnel who have completed training prior to the start of construction, and this list shall be updated by SCE as required when new personnel start work. No construction worker may work in the field for more than 5 days without participating in the WEAP.
- **MM B-2: Implement RCA Treatment Plan.** *(See above for full text)*
- **MM B-3a: Prepare and implement a Weed Control Plan.** *(See above for full text)*
- **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** *(See above for full text)*
- **MM H-1a: Implement an Erosion Control Plan and demonstrate compliance with water quality permits.** SCE shall develop and submit to the CPUC and FS for approval 30 days prior to construction an Erosion Control Plan, and implement Best Management Practices (BMPs), as described below. (Note: The Erosion Control Plan may be part of the same document as the Stormwater Pollution Prevention Plan.) Within the Erosion Control Plan, the applicant shall identify the location of all soil-disturbing activities, including but not limited to new and/or improved access and spur roads, the location of all streams and drainage structures that would be directly affected by soil-disturbing activities (such as stream crossings by access roads), and the location and type of all BMPs that would be installed to protect aquatic resources. The Erosion Control Plan shall include a proposed schedule for the implementation and maintenance of erosion control measures and a description of the erosion control practices, including appropriate design details. As part of the Erosion Control Plan, SCE shall maintain a logbook of all precipitation events within the Project area that produce more than one inch of precipitation within a 24-hour period. The logbook shall contain the date of the precipitation event, the approximate duration of the event, and the amount of precipitation (measured as the largest amount recorded by a rain gage or weather station within one mile of the Project). Additionally, the logbook shall include a narrative evaluation (and/or a numerical evaluation, if required by the FS or other jurisdictional agency) of the erosion-prevention effectiveness of the existing BMPs, as well as a description of any post-storm modifications to those BMPs. The logbook shall be submitted to the CPUC and FS for review within 30 days following the first storm event (after construction has begun) that produces greater than one inch of precipitation within a 24-hour period. SCE shall re-submit the logbook annually after the first storm of the rainy season that produces more than one inch of precipitation within a 24-hour period. The logbook shall be retired 5 years after completion of construction.

In addition to the Erosion Control Plan, the applicant shall submit to the CPUC and the FS evidence of possession of all required permits before engaging in soil-disturbing construction/demolition activities, before entering flowing or ponded water, or before constructing a crossing at flowing or ponded water. Such permits may include, but are not limited to, a Streambed Alteration Agreement from the California Department of Fish and Game, a Clean Water Act (CWA) Section 404 permit

from the USACE, a CWA Section 402 NPDES General Permit for Storm Water Discharges Associated with Construction Activities (General Permit) from the applicable Regional Water Quality Control Board(s) (RWQCBs), and/or a CWA Section 401 certification from the applicable RWQCBs. In addition, if construction-related excavation activities on National Forest System (NFS) lands encounter perched groundwater, triggering the need for dewatering activities to occur in compliance with Applicant-Proposed Measure HYD-6 (Drilling and Construction Site Dewatering Management), SCE shall notify the Forest Service at the onset of dewatering and, upon the completion of dewatering activities at the affected site(s), SCE shall submit to the Forest Service written description of all executed dewatering activities, including steps taken to return encountered groundwater to the subsurface.

Rationale for Finding. The preparation and implementation of a Habitat Restoration and Revegetation Plan will compensate for impacts to habitat by restoring areas temporarily disturbed during construction. Where impacts are permanent, compensation for the loss of habitats will occur through the preservation, enhancement, or restoration of comparable off-site lands, or through funding for land purchase for inclusion into the Angeles National Forest, mitigation banking, removing existing structures, or comparable restoration efforts. The implementation of a Worker Environmental Awareness Program will ensure that all construction personnel are familiar with applicable regulations and laws regarding sensitive species that could be encountered in the Project area, the consequences of non-compliance with these laws and regulations, identification and values of plant and wildlife species and significant natural plant community habitats, fire protection measures, sensitivities of working on NFS lands and identification of USDA Forest Service sensitive species, hazardous substance spill prevention and containment measures, a contact person in the event of the discovery of dead or injured wildlife, and review of mitigation requirements. The implementation of an RCA Treatment Plan will ensure that activities conducted within RCAs are approved by the USDA Forest Service prior to implementation and are conducted in such a way as to minimize disturbance to sensitive resources. The implementation of a Weed Control Plan will ensure that the spread and establishment of weeds due to Modified Project activities is minimized. Implementation of a Construction Fugitive Dust Control Plan will minimize impacts to wildlife associated with fugitive dust generated during construction. Implementation of an Erosion Control Plan and compliance with water quality permits will minimize impacts associated with erosion and water quality. Together these measures will reduce impacts to wildlife associated with the Modified Project to a less-than-significant level.

Reference. Final SEIR/SEIS Section 4.3.4; Final EIR Section 3.4, Table ES-3.

Impact B-5: Construction activities conducted during the breeding season would result in the loss of nesting birds or raptors.

The Project area contains several vegetation communities that are known to support nesting for many bird species. Direct impacts to nesting birds or raptors as a result of construction activities for the TRTP could include the removal or disturbance of vegetation that supports nesting birds, increased noise levels from heavy equipment and helicopter operations, increased human presence, and exposure to fugitive dust. However, the Modified Project will result in no appreciable increase in ground disturbance. Indirect impacts could include the loss of habitat due to the colonization of noxious weeds and a disruption of breeding or foraging activity due to facilitated use of new or improved spur and access roads by the public.

APMs BIO-1 and BIO-8 are incorporated into the Modified Project to reduce impacts to nesting birds and raptors. These APMs include conducting clearance surveys for wildlife and completing Project-wide raptor surveys. However, these APMs will not reduce Impact B-5 to a less-than-significant level. Therefore, SCE shall implement Mitigation Measures B-1a, B-1b, B-3a, B-5, and AQ-1a to reduce impacts to nesting birds and raptors to a less-than-significant level.

Finding. The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate the significant effects on the environment from Impact B-5 to a less-than-significant level. These mitigation measures, identified as B-1a, B-1b, B-3a, B-5, and AQ-1a, have already been adopted by

the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. These measures are provided below for reference.

- **MM B-1a: Provide restoration/compensation for impacts to native vegetation communities.** *(See above for full text)*
- **MM B-1b: Implement a Worker Environmental Awareness Program.** *(See above for full text)*
- **MM B-3a: Prepare and implement a Weed Control Plan.** *(See above for full text)*
- **MM B-5: Conduct pre-construction surveys and monitoring for breeding birds.** SCE shall conduct pre-construction surveys for nesting birds if construction and removal activities are scheduled to occur during the breeding season. Surveys shall be conducted in areas within 500 feet of tower sites, laydown/staging areas, substation sites, and access/spur road locations. Surveys for birds shall be conducted for all areas from February 1 to August 15. The required survey dates may be modified based on local conditions (i.e., high altitude locations) with the approval of the CPUC, California Department of Fish and Game (CDFG), USACE, and/or FS. SCE shall be responsible for designating qualified biologists who can conduct pre-construction surveys and monitoring for breeding birds. The resume of the proposed biologists will be provided to the CPUC, USACE, and FS for concurrence prior to ground disturbance. On NFS lands, the FS shall apply the FS Land Management Plan Standard S18 (Part 3 of the Land Management Plan), which states "Protect known active and inactive raptor nest areas. Extent of protection will be based on proposed management activities, human activities existing at the onset of nesting initiation, species, topography, vegetative cover, and other factors. When appropriate, a no-disturbance buffer around active nest sites will be required from nest-site selection to fledging." On both NFS and non-NFS lands, if breeding birds with active nests are found, a biological monitor shall establish a 300-foot buffer around the nest for ground-based construction activities and a one-mile buffer for helicopter use if helicopters are flying below 300 feet, and no activities will be allowed within the buffer(s) until the young have fledged from the nest or the nest fails. If nesting bald or golden eagles are identified, a 660-foot no activity buffer will be implemented. The 300-foot (660-foot eagle and one-mile helicopter) buffer may be adjusted to reflect existing conditions including ambient noise, topography, and disturbance with the approval of the U.S. Fish and Wildlife Service (FWS), CPUC, USACE, CDFG, or FS, as appropriate. On NFS lands, the FS shall have the authority to define/redefine such buffers. The biological monitors shall conduct regular monitoring of the nest to determine success/failure and to ensure that Project activities are not conducted within the buffer(s) until the nesting cycle is complete or the nest fails. The biological monitors shall be responsible for documenting the results of the surveys and the ongoing monitoring and will provide a copy of the monitoring reports for impact areas to the respective agencies (e.g., On NFS lands documentation will be provided to the Forest Biologist). If for any reason a bird nest must be removed during the nesting season, SCE shall provide written documentation providing concurrence from the FWS and CDFG authorizing the nest relocation. On NFS lands, this will include coordination and written approval from the FS. On USACE lands, this will include coordination and written approval by the USACE. SCE shall provide a written report documenting the relocation efforts. The report shall include what actions were taken to avoid moving the nest, the location of the nest, what species is being relocated, the number and condition of the eggs taken from the nest, the location of where the eggs are incubated, the survival rate, the location of the nests where the chicks are relocated, and whether the birds were accepted by the adopted parent.
- **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** *(See above for full text)*

Rationale for Finding. The preparation and implementation of a Habitat Restoration and Revegetation Plan will compensate for impacts to habitat by restoring areas temporarily disturbed during construction. Where impacts are permanent, compensation for the loss of habitats will occur through the preservation, enhancement, or restoration of comparable off-site lands, or through funding for land purchase for inclusion into the Angeles National Forest, mitigation banking, removing existing structures, or comparable restoration efforts. The implementation of a Worker Environmental Awareness Program will ensure that all construction personnel are familiar with applicable regulations and laws regarding sensitive species that could be

encountered in the Project area, the consequences of non-compliance with these laws and regulations, identification and values of plant and wildlife species and significant natural plant community habitats, fire protection measures, sensitivities of working on NFS lands and identification of USDA Forest Service sensitive species, hazardous substance spill prevention and containment measures, a contact person in the event of the discovery of dead or injured wildlife, and review of mitigation requirements. The implementation of a Weed Control Plan will ensure that the spread and establishment of weeds due to Modified Project activities is minimized. Pre-construction surveys and monitoring for breeding birds by a qualified biologist, and protective buffers established around active nests, will ensure that impacts to breeding birds are minimized. Implementation of a Construction Fugitive Dust Control Plan will minimize impacts to breeding birds associated with fugitive dust generated during construction. Together these measures will reduce impacts to breeding birds, including raptors, from the Modified Project to a less-than-significant level.

Reference. Final SEIR/SEIS Section 4.3.4; Final EIR Section 3.4, Table ES-3.

Impact B-31: The Project could disturb nesting California spotted owls.

California spotted owls are known to nest within the ANF in Segments 6 and 11 of the TRTP. In many areas in the vicinity of these two segments, both access roads and tower locations cross occupied habitat including known nesting areas. Construction and O&M activities associated with the Modified Project, including vehicle use of access roads, use of cranes and helicopters, periodic replacement of marker balls, and general noise and disturbance have the potential to disturb nesting California spotted owls in the ANF. However, the activities and equipment associated with the Modified Project are within the scope and magnitude, and are of the same types, as those analyzed for the Approved Project. Direct and indirect impacts to nesting California spotted owls will be similar to the Approved Project. Direct impacts to nesting California spotted owls could include lower reproductive success, nest abandonment, predation, and increased stress levels due to chronic noise levels, fugitive dust, vibration, and air turbulence associated with heavy equipment and helicopter operations. Other direct impacts include the loss of suitable nest trees as a result of vegetation clearing for tower pads, tower removal sites, pulling and tensioning sites, and construction, grading, and widening of new spur roads and existing access roads. Operational impacts could include collisions with T/Ls and disturbance due to increased human presence as a result of public use of new or improved spur and access roads.

Biological Resources APMs BIO-1, BIO-2, and BIO-4 through BIO-9, which are part of the Modified Project, will help to reduce impacts to biological resources. These APMs include conducting clearance surveys for wildlife, minimizing vegetation removal at construction sites, implementation of best management practices, biological monitoring, personnel training, coordinating and compensating for impacts to wildlife with the regulatory agencies, raptor surveys and coordination with the Regulatory Agencies before moving nests, and design of the transmission and sub-transmission structures to be raptor-safe. However, these APMs will not reduce Impact B-31 to a less-than-significant level. Therefore, to reduce impacts to nesting California spotted owls to a less-than-significant level, the following mitigation measures shall be implemented: Mitigation Measures B-1b, B-30, and AQ-1a.

Finding. The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate the significant effects on the environment from Impact B-31 to a less-than-significant level. These mitigation measures, identified as B-1b, B-30, and AQ-1a, have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. These measures are provided below for reference.

- **MM B-1b: Implement a Worker Environmental Awareness Program.** (See above for full text)
- **MM B-30: Conduct pre- and during construction nest surveys for spotted owls.** Prior to tree removal or construction activities within suitable habitat, SCE shall have a qualified biologist conduct FS protocol surveys for the California spotted owl to establish or confirm the location of nests within the Project. The resumes of the proposed biologists shall be provided to the FS and

CPUC for concurrence. If nests or breeding pairs are found during the surveys, the limited operating period (LOP) will be applied according to the Forest Plan (Standard 20 – Part 3). No project-related activities will be allowed within these dates (February 1-August 15) or until chicks have fledged. Where a biological evaluation by a qualified ornithologist determines that a nest site would be shielded from planned activities by topographic or other features that would minimize disturbance, the buffer distance may be reduced upon approval of the FS on NFS lands. In addition, no helicopter construction will be allowed within 0.5 mile of breeding spotted owl territories. No helicopter overflights shall be authorized without FS approval. If approved minimum altitudes will be 300 feet above a territory at an altitude designated by the FS. This buffer may be adjusted through consultation with the FS and CPUC.

- **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** (*See above for full text*)

Rationale for Finding. The implementation of a Worker Environmental Awareness Program will ensure that all construction personnel are familiar with applicable regulations and laws regarding sensitive species that could be encountered in the Project area (including California spotted owls), the consequences of non-compliance with these laws and regulations, identification and values of plant and wildlife species and significant natural plant community habitats, fire protection measures, sensitivities of working on NFS lands and identification of USDA Forest Service sensitive species, hazardous substance spill prevention and containment measures, a contact person in the event of the discovery of dead or injured wildlife, and review of mitigation requirements. Nest surveys, Limited Operating Periods (LOPs), no helicopter construction within 0.5 mile of breeding spotted owl territories, and a buffer between territories and helicopter overflights will minimize impacts to California spotted owls. Implementation of a Construction Fugitive Dust Control Plan will minimize impacts to California spotted owls associated with fugitive dust generated during construction. Together these measures will reduce impacts to nesting California spotted owls from the Modified Project to a less-than-significant level.

Reference. Final SEIR/SEIS Section 4.3.4; Final EIR Section 3.4, Table ES-3.

Impact B-32: The Project could disturb nesting avian “species of special concern.”

Several passerine bird species listed as Species of Special Concern by the CDFG, including loggerhead shrike, yellow warbler, yellow-breasted chat, and tricolored blackbird, have been identified as either nesting or potentially nesting within the Project area.

The Modified Project will result in no appreciable increase in ground disturbance; although, additional construction activities will occur, including additional use of helicopters, to install marker balls and aviation lights. Noise and human disturbance associated with these activities could result in the disturbance to nesting birds, displacement from territories, interference with breeding, and abandonment of nests. Increased noise from helicopter construction could also adversely impact nesting birds, particularly where helicopters are required to hover in or adjacent to riparian areas for extended periods of time. Breeding birds and other wildlife may temporarily or permanently leave their territories to avoid construction activity, which could lead to reduced reproductive success and increased mortality.

Biological Resources APMs BIO-1 through BIO-7, which are part of the Approved Project, will help to reduce impacts to biological resources. These APMs include conducting clearance surveys for wildlife, minimizing vegetation removal at construction sites, avoiding streambeds to the extent practicable, implementation of best management practices, biological monitoring, personnel training, and coordinating and compensating for impacts to wildlife with the regulatory agencies. However, these APMs will not reduce Impact B-31 to a less-than-significant level. Therefore, to reduce impacts to nesting avian Species of Special Concern to a less-than-significant level, the following mitigation measures shall be implemented: Mitigation Measures B-1a, B-1b, B-2, B-3a, B-5, B-15, and AQ-1a.

Finding. The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate the significant effects on the environment from Impact B-32 to a less-than-significant level.

These mitigation measures, identified as B-1a, B-1b, B-1, B-3a, B-5, and AQ-1a, have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. These measures are provided below for reference.

- **MM B-1a: Provide restoration/compensation for impacts to native vegetation communities.** *(See above for full text)*
- **MM B-1b: Implement a Worker Environmental Awareness Program.** *(See above for full text)*
- **MM B-2: Implement RCA Treatment Plan.** *(See above for full text)*
- **MM B-3a: Prepare and implement a Weed Control Plan.** *(See above for full text)*
- **MM B-5: Conduct pre-construction surveys and monitoring for breeding birds.** *(See above for full text)*
- **MM B-15: Conduct protocol or focused surveys for listed riparian birds and avoid occupied habitat.** If construction activities occur during the breeding season at the Whittier Narrows Recreation Area, Whittier Narrows Nature Center, Puente Hills Landfill Native Habitat Preservation Authority lands, and/or the Rio Hondo, or other areas including the ANF that have the potential to support listed riparian species, a qualified ornithologist shall conduct protocol surveys of the Project and adjacent areas within 500 feet. Fish and Wildlife Service (FWS) protocol surveys will be conducted for southwestern willow flycatcher and least Bell's vireo. In known occupied habitat for listed riparian birds, SCE shall only conduct focused surveys of the Project and adjacent areas within 500 feet. The surveys shall be of adequate duration to verify potential nest sites if work is scheduled to occur during the breeding season.

Protocol or focused surveys, as appropriate, should be conducted within one year of start of construction and will continue annually until completion of construction activities. However, on NFS lands, annual surveys in suitable habitat may be required during construction. These surveys may be modified through the coordination with the FWS, CDFG, FS, USACE, and the CPUC based on the condition of habitat, the observation of the species, or avoidance of riparian areas during the breeding season.

If a territory or nest is confirmed in a previously unoccupied area, the FWS and CDFG shall be notified immediately. On NFS lands, USACE lands, or State Park (under Alternative 4) lands, these agencies would be notified immediately. In coordination with the FWS and CDFG, a 500-foot disturbance-free buffer shall be established and demarcated by fencing or flagging. This buffer may be adjusted provided noise levels do not exceed 60 dB(A) hourly Leq at the edge of the nest site as determined by a qualified biologist in coordination with a qualified acoustician. If the noise meets or exceeds the 60 dB(A) Leq threshold, or if the biologist determines that the construction activities are disturbing nesting activities, the biologist shall have the authority to halt the construction and shall devise methods to reduce the noise and/or disturbance in the vicinity. This may include methods such as, but not limited to, turning off vehicle engines and other equipment whenever possible to reduce noise, installing a protective noise barrier between the nest site and the construction activities, and working in other areas until the young have fledged. If noise levels still exceed 60 dB(A) Leq hourly at the edge of nesting territories and/or a no-construction buffer cannot be maintained, construction shall be deferred in that area until the nestlings have fledged. All active nests shall be monitored on a weekly basis until the nestlings fledge. No construction or vehicle traffic shall occur within this buffer during the breeding season for these species.

- **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** *(See above for full text)*

Rationale for Finding. The preparation and implementation of a Habitat Restoration and Revegetation Plan (MM B-1a) will compensate for impacts to habitat by restoring areas temporarily disturbed during construction. Where impacts are permanent, compensation for the loss of habitats will occur through the preservation, enhancement, or restoration of comparable off-site lands, or through funding for land purchase for inclusion into the ANF, mitigation banking, removing existing structures, or comparable restoration efforts. The implementation of a Worker Environmental Awareness Program (MM B-1b) will ensure that all

construction personnel are familiar with applicable regulations and laws regarding sensitive species that could be encountered in the Project area, the consequences of non-compliance with these laws and regulations, identification and values of plant and wildlife species and significant natural plant community habitats, fire protection measures, sensitivities of working on NFS lands and identification of USDA Forest Service sensitive species, hazardous substance spill prevention and containment measures, a contact person in the event of the discovery of dead or injured wildlife, and review of mitigation requirements. The implementation of an RCA Treatment Plan (MM B-2) will ensure that activities conducted within RCAs are approved by the USDA Forest Service prior to implementation and are conducted in such a way as to minimize disturbance to sensitive resources. The implementation of a Weed Control Plan (MM B-3a) will ensure that the spread and establishment of weeds due to Modified Project activities is minimized. Pre-construction surveys and monitoring for breeding birds by a qualified biologist (MM B-5), and protective buffers established around active nests (MM B-15), will ensure that impacts to breeding birds are minimized, including impacts related to helicopter use. Implementation of a Construction Fugitive Dust Control Plan (MM AQ-1a) will minimize impacts to breeding birds associated with fugitive dust generated during construction from vehicles and helicopters. Together these measures will reduce impacts to nesting avian “species of special concern” from the Modified Project to a less-than-significant level.

Reference. Final SEIR/SEIS Section 4.3.4; Final EIR Section 3.4, Table ES-3.

Cumulative Impact B-31: The Project could disturb nesting California spotted owls.

California spotted owls are known to nest within the ANF in Segments 6 and 11 of the TRTP. In many areas in the vicinity of these two segments, both access roads and tower locations cross occupied habitat including known nesting areas. Direct impacts to nesting California spotted owls include lower reproductive success, nest abandonment, predation, and increased stress levels due to chronic noise levels, fugitive dust, vibration, and air turbulence associated with heavy equipment and helicopter operations. Other direct impacts include the loss of suitable nest trees as a result of vegetation clearing for tower pads, tower removal sites, pulling and tensioning sites, and construction, grading, and widening of new spur roads and existing access roads. Operational impacts include collisions with T/Ls and disturbance due to increased human presence as a result of public use of new or improved spur and access roads.

Already approved mitigation measures include Mitigation Measures B-1b (Implement a Worker Environmental Awareness Program), B-30 (Conduct pre- and during construction nest surveys for spotted owl), and AQ-1a (Implement Construction Fugitive Dust Control Plan), which will minimize the incremental contribution of the Modified Project to this cumulative impact.

Finding. The CPUC finds that changes or alterations have been incorporated into the Modified Project which avoid or substantially lessen the Modified Project’s contribution to cumulative impacts to nesting California spotted owls. With the inclusion of the mitigation listed above, the Modified Project’s cumulative contribution to nesting California spotted owls will be less than significant.

Rationale for Finding. The construction and O&M activities and equipment associated with the Project modifications are within the scope and magnitude, and are of the same types as the Approved Project. Therefore, the Modified Project will not contribute additionally to the cumulative effects to nesting spotted owls during construction beyond the contributions of the Approved Project. Construction activities associated with the Modified Project will potentially result in disturbance to nesting California spotted owls in the Central Region of the TRTP. However, implementation of APMs BIO-2 and BIO-4 through BIO-6, which are included as part of the Approved Project, as well as Mitigation Measures B-1b, B-30, and AQ-1a will reduce the Modified Project’s incremental contribution to this cumulative impact. Cumulative impacts will not be significant and no additional mitigation is required.

Reference. Final SEIR/SEIS Section 4.3.5; Final EIR Section 3.4, Table ES-3.

IV.4 Findings on Significant Environmental Impacts that Cannot Be Avoided or Reduced to a Less than Significant Level

Based on the resource/issue area assessment in the Final SEIR/SEIS, the CPUC has determined that the Modified Project will continue to have significant impacts, as well as new significant impacts to Visual Resources as discussed below, and that these impacts cannot be avoided or reduced to a level that is less than significant. The CPUC hereby finds that the following environmental impacts will be significant and unavoidable, despite the incorporation of all feasible mitigation measures. These findings are based on the discussion of impacts in the detailed issue area analyses in SEIR/SEIS Chapter 4 (Affected Environment and Environmental Consequences). For each significant and unavoidable impact identified below, the CPUC has made a finding(s) pursuant to Public Resources Code §21081. An explanation of the rationale for each finding is also presented below.

IV.4.1 Air Quality

Impact AQ-1: Construction emissions would exceed the SCAQMD and/or AVAQMD regional emission thresholds.

Construction of the Modified Project will result in short-term impacts to ambient air quality. Maximum daily construction emissions associated with the Project modifications were calculated and added to the daily construction emissions of the Approved Project. The incremental daily construction emissions associated with the Project modifications will only slightly add to the existing exceedances of the Approved Project. As such, the Modified Project will continue to exceed the SCAQMD and AVAQMD regional planning thresholds for significance for NO_x, VOC, CO, PM₁₀, and PM_{2.5}.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate the significant effects on the environment from Impact AQ-1. Specifically, Mitigation Measures AQ-1a through AQ-1j, as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with the implementation of these measures, significant unavoidable impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact AQ-1 to a less-than-significant level.
 - **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** *(See above for full text)*
 - **MM AQ-1b: Off-road Diesel-fueled Equipment Standards.** *(See above for full text)*
 - **MM AQ-1c: Limit Vehicle Traffic and Equipment Use.** *(See above for full text)*
 - **MM AQ-1d: Heavy Duty Diesel Haul Vehicle On-road Equipment Standards.** *(See above for full text)*
 - **MM AQ-1e: On-road Vehicles Standards.** *(See above for full text)*
 - **MM AQ-1f: Properly Maintain Mechanical Equipment.** *(See above for full text)*
 - **MM AQ-1g: Restrict Engine Idling to 5 Minutes.** *(See above for full text)*
 - **MM AQ-1h: Schedule Deliveries Outside of Peak Traffic Hours.** *(See above for full text)*
 - **MM AQ-1i: Off-road Gasoline-fueled Equipment Standards.** *(See above for full text)*
 - **MM AQ-1j: Reduction of Helicopter Emissions.** *(See above for full text)*

Rationale for Finding. The NO_x, CO, VOC, PM₁₀ and PM_{2.5} emissions for the Modified Project, even after implementation of all feasible mitigation measures listed above, will remain above the SCAQMD and AVAQMD daily significance thresholds. Therefore, the daily regional and annual emissions from the Modified Project will continue to cause significant and unavoidable impacts in these jurisdictions.

Reference. Final SEIR/SEIS Section 4.2.4, Table 4.2-3; Final EIR Section 3.3, Table ES-3.

Impact AQ-3: Construction of the Project would expose sensitive receptors to substantial pollutant concentrations.

Construction activities within the SCAQMD will occur in many areas near residences, schools, or other sensitive receptors. Site-specific construction emissions of PM₁₀ and PM_{2.5} for the Approved Project were estimated and compared to the SCAQMD Localized Significance Thresholds (LSTs) (Final EIR Table 3.3-20), and were found to exceed the localized significance criteria during tower construction activities when those towers are located 25 meters, but less than 50 meters, from a receptor. Helicopter emissions were not included as part of this LST analysis, as they are not ground-level emissions, with the exception of the helicopter construction staging areas; however, helicopter staging areas were not separately evaluated as they are not known to be located within 500 meters of any sensitive receptors. Any ground level emissions from the increased use of helicopter staging areas to implement the Modified Project will be much lower than the ground-level emissions from tower construction activities due to the relatively minor increase in helicopter use (seven percent increase in total helicopter hours [working hours plus idle hours]), as shown in SEIR/SEIS Table 2.3-2). Therefore, the additional ground-level helicopter emissions from the Modified Project will not change the localized impact findings.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate the significant effects on the environment from Impact AQ-3. Specifically, Mitigation Measures AQ-1a through AQ-1j, as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, significant unavoidable impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact AQ-3 to a less-than-significant level.
 - **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** (See above for full text)
 - **MM AQ-1b: Off-road Diesel-fueled Equipment Standards.** (See above for full text)
 - **MM AQ-1c: Limit Vehicle Traffic and Equipment Use.** (See above for full text)
 - **MM AQ-1d: Heavy Duty Diesel Haul Vehicle On-road Equipment Standards.** (See above for full text)
 - **MM AQ-1e: On-road Vehicles Standards.** (See above for full text)
 - **MM AQ-1f: Properly Maintain Mechanical Equipment.** (See above for full text)
 - **MM AQ-1g: Restrict Engine Idling to 5 Minutes.** (See above for full text)
 - **MM AQ-1h: Schedule Deliveries Outside of Peak Traffic Hours.** (See above for full text)
 - **MM AQ-1i: Off-road Gasoline-fueled Equipment Standards.** (See above for full text)
 - **MM AQ-1j: Reduction of Helicopter Emissions.** (See above for full text)

Rationale for Finding. Construction of the Modified Project will continue to cause localized emissions above the SCAQMD LST thresholds within the South Coast Air Basin even after mitigating to the maximum

feasible extent; therefore, construction will have a significant and unavoidable impact to local sensitive receptors that are located within 50 meters of a new tower construction site.

Reference. Final SEIR/SEIS Section 4.2.4; Final EIR Section 3.3, Table ES-3, Table 3.3-20.

Cumulative Impact AQ-1: Construction emissions would exceed the SCAQMD and/or AVAQMD regional emission thresholds.

Construction activities associated with the Modified Project will result in air emissions that exceed the SCAQMD and AVAQMD regional emission thresholds for selected pollutants (Final SEIR/SEIS Table 4.2-3). For cumulative assessment purposes the potential existence of nearby concurrent cumulative projects will only add to these significant emission totals. The effect of downwind dispersion and the minimal amount of surface level helicopter emissions will reduce the potential for Modified Project construction emissions to extend beyond areas outside of one mile. Therefore, only cumulative projects within one mile of Modified Project construction areas are considered projects that could combine with Modified Project construction emissions and cause cumulative impacts. The cumulative project list in Final SEIR/SEIS Section 3 (see also Figures 3.5-1a through 3.5-1c) identifies a number of projects located within one mile of Modified Project activities within the SCAQMD jurisdiction. However, few if any cumulative projects are shown located within one mile of Modified Project activities in the AVAQMD jurisdiction in Segment 5. Given the assumption that any of these projects will be constructed concurrently with the Modified Project activities in the SCAQMD and AVAQMD jurisdictions, the impacts of the Modified Project in combination with other projects will have a cumulatively significant impact in those jurisdictions. However, the marginal increase in emissions associated with the Modified Project activities does not substantially increase the severity of cumulative air quality effects or change the cumulative construction emission impact determination of the Approved Project (as identified in the Final EIR), which was a significant and unavoidable impact.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Cumulative Impact AQ-1. Specifically, Mitigation Measures AQ-1a through AQ-1j, as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, significant unavoidable impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact AQ-1 to a less-than-significant level.
 - **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** (See above for full text)
 - **MM AQ-1b: Off-road Diesel-fueled Equipment Standards.** (See above for full text)
 - **MM AQ-1c: Limit Vehicle Traffic and Equipment Use.** (See above for full text)
 - **MM AQ-1d: Heavy Duty Diesel Haul Vehicle On-road Equipment Standards.** (See above for full text)
 - **MM AQ-1e: On-road Vehicles Standards.** (See above for full text)
 - **MM AQ-1f: Properly Maintain Mechanical Equipment.** (See above for full text)
 - **MM AQ-1g: Restrict Engine Idling to 5 Minutes.** (See above for full text)
 - **MM AQ-1h: Schedule Deliveries Outside of Peak Traffic Hours.** (See above for full text)
 - **MM AQ-1i: Off-road Gasoline-fueled Equipment Standards.** (See above for full text)
 - **MM AQ-1j: Reduction of Helicopter Emissions.** (See above for full text)

Rationale for Finding. Emissions from reasonable foreseeable projects occurring concurrently with the Modified Project in the SCAQMD and AVAQMD jurisdictions, combined with emissions from the Modified Project, will have cumulatively significant impacts in those jurisdictions. There are no other feasible mitigation measures or alternatives available to reduce this significant cumulative impact to a level that will be less than significant. This impact is cumulatively significant and unavoidable.

Reference. Final SEIR/SEIS Section 4.2.5, Table 4.2-3; Final EIR Section 3.3, Table ES-3.

Cumulative Impact AQ-3: Construction of the Project would expose sensitive receptors to substantial pollutant concentrations.

Construction activities associated with the Modified Project will expose sensitive receptors in the populated areas along the construction route in the SCAQMD. The SCAQMD Localized Significance Threshold (LST) lookup tables used to determine Modified Project significance do not apply to cumulative project evaluation; however, the significance criteria is based on downwind pollutant concentrations causing a new exceedance (NO_x and CO) of an air quality standard, substantially increasing current exceedances (PM₁₀ and PM_{2.5}) of an air quality standard, and these general criteria are applicable standards for localized impact cumulative project analysis. For the emissions of any two projects to have the potential for significant cumulative downwind concentrations, they must both be in close proximity to limit the downwind dispersion from one site to the other and generally one of the projects must be able to cause an air quality standard exceedance on its own (conservation of mass principles dictate that two exhaust plumes of stable criteria pollutants do not add concentration, they mix concentration with the plume of highest concentration being diluted by the plume with the lower concentration). Therefore, it can be assumed that the potential for cumulative impacts to sensitive receptors is the same as the impacts of the Modified Project to sensitive receptors. As such, the cumulative contribution of the Modified Project construction and operational emissions to LST thresholds would be less-than-significant; however, ground-level construction activities of the Approved Project will continue to have a significant and unavoidable cumulative impact to local sensitive receptors that are located within 50 meters of a construction site.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Cumulative Impact AQ-3. Specifically, Mitigation Measures AQ-1a through AQ-1j, as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, significant unavoidable impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact AQ-3 to a less-than-significant level.
 - **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** *(See above for full text)*
 - **MM AQ-1b: Off-road Diesel-fueled Equipment Standards.** *(See above for full text)*
 - **MM AQ-1c: Limit Vehicle Traffic and Equipment Use.** *(See above for full text)*
 - **MM AQ-1d: Heavy Duty Diesel Haul Vehicle On-road Equipment Standards.** *(See above for full text)*
 - **MM AQ-1e: On-road Vehicles Standards.** *(See above for full text)*
 - **MM AQ-1f: Properly Maintain Mechanical Equipment.** *(See above for full text)*
 - **MM AQ-1g: Restrict Engine Idling to 5 Minutes.** *(See above for full text)*
 - **MM AQ-1h: Schedule Deliveries Outside of Peak Traffic Hours.** *(See above for full text)*
 - **MM AQ-1i: Off-road Gasoline-fueled Equipment Standards.** *(See above for full text)*

- **MM AQ-1j: Reduction of Helicopter Emissions.** *(See above for full text)*

Rationale for Finding. While the contribution of the Modified Project to cumulative impacts to sensitive receptors is less than significant, the ground-level construction activities of the Approved Project will continue to have a significant and unavoidable cumulative impact to local sensitive receptors that are located within 50 meters of a construction site. There are no other feasible mitigation measures or alternatives available to reduce this significant cumulative impact to a level that will be less than significant. This impact is cumulatively significant and unavoidable.

Reference. Final SEIR/SEIS Section 4.2.5; Final EIR Section 3.3, Table ES-3.

IV.4.2 Biological Resources

Cumulative Impact B-3: The Project would result in the establishment and spread of noxious weeds.

Noxious weeds often establish following disturbance and/or water or nutrient addition. In addition, once established, populations of weeds are extremely difficult to eradicate. The spread and establishment of weeds can have direct effects on special-status species as habitat is lost. The construction and O&M activities and equipment associated with the Modified Project are within the scope and magnitude, and are of the same types, as those analyzed for the Approved Project. Therefore, the Modified Project will not increase the severity of previously analyzed contributions to cumulative effects related to noxious weeds. However, the spread of existing weeds or the introduction of new weed populations is a significant impact of the TRTP and will also contribute to the cumulative spread of weeds when combined with weed population establishment and spread occurring from other past and reasonably foreseeable projects.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Cumulative Impact B-3. Specifically, Mitigation Measures B-1a, B-2, and B-3a through B-3c, as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, significant unavoidable impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact B-3 to a less-than-significant level.
 - **MM B-1a: Provide restoration/compensation for impacts to native vegetation communities.** *(See above for full text)*
 - **MM B-2: Implement RCA Treatment Plan.** *(See above for full text)*
 - **MM B-3a: Prepare and implement a Weed Control Plan.** *(See above for full text)*
 - **MM B-3b: Remove weed seed sources from construction access routes.** *(See above for full text)*
 - **MM B-3c: Remove weed seed sources from assembly yards, staging areas, tower pads, pull sites, landing zones, and spur roads.** *(See above for full text)*

Rationale for Finding. The habitat degradation resulting from the spread of weeds is significant and any cumulative effects of weed invasion will be significant. Other projects that promote new, or worsen existing, weed invasions are likely to occur concurrent with and in the vicinity of the Modified Project, resulting in a significant cumulative impact. The incremental effect of the Modified Project will be cumulatively considerable, because it will contribute to the cumulative spread of weeds that are difficult to eradicate. There are no other feasible mitigation measures or alternatives available to reduce this significant cumulative impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.3.5; Final EIR Section 3.4, Table ES-3.

Cumulative Impact B-4: Construction activities, including the use of access roads and helicopter construction, would result in disturbance to wildlife and may result in wildlife mortality.

The construction and O&M activities and equipment associated with the Modified Project are within the scope and magnitude, and are of the same types, as those analyzed for the Approved Project. Therefore, the Modified Project will not increase the severity of previously analyzed contributions to cumulative effects. However, the Modified Project will likely result in additional disturbance to wildlife and wildlife mortality, including special-status species, during construction activities. Additionally, past, present and reasonably foreseeable future projects in the North, Central, and Southern Regions will also result in considerable disturbance to wildlife, especially common species.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Cumulative Impact B-4. Specifically, Mitigation Measures B-1a, B-1b, B-2, B-3a, H-1a, and AQ-1a, as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, significant unavoidable impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact B-4 to a less-than-significant level.
 - **MM B-1a: Provide restoration/compensation for impacts to native vegetation communities.** (See above for full text)
 - **MM B-1b: Implement a Worker Environmental Awareness Program.** (See above for full text)
 - **MM B-2: Implement RCA Treatment Plan.** (See above for full text)
 - **MM B-3a: Prepare and implement a Weed Control Plan.** (See above for full text)
 - **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** (See above for full text)
 - **MM H-1a: Implement an Erosion Control Plan and demonstrate compliance with water quality permits.** (See above for full text)

Rationale for Finding. The effect of the Modified Project, when combined with the effects created by other past, present and reasonably foreseeable future projects, is cumulatively significant because of the large amount of construction that is ongoing in the Project region, and the Modified Project's contribution to this impact is cumulatively considerable. There are no other feasible mitigation measures or alternatives available to reduce this significant cumulative impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.3.5; Final EIR Section 3.4, Table ES-3.

Cumulative Impact B-5: Construction activities conducted during the breeding season would result in the loss of nesting birds or raptors.

The construction and O&M activities and equipment associated with the Modified Project are within the scope and magnitude, and are of the same types, as those analyzed for the Approved Project. Therefore, the Modified Project will not increase the severity of previously analyzed contributions to cumulative effects. However, the Modified Project will result in loss of nesting birds, including special-status species, if construction activities are conducted during the breeding season. Past, present and reasonably foreseeable future projects in the Project region will also result in considerable loss of nesting birds if construction activities are spatially or temporally combined.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Cumulative Impact B-5. Specifically, Mitigation Measures B-1a, B-1b, B-3a, B-5, and AQ-1a, as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, significant unavoidable impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact B-5 to a less-than-significant level.
 - **MM B-1a: Provide restoration/compensation for impacts to native vegetation communities.** *(See above for full text)*
 - **MM B-1b: Implement a Worker Environmental Awareness Program.** *(See above for full text)*
 - **MM B-3a: Prepare and implement a Weed Control Plan.** *(See above for full text)*
 - **MM B-5: Conduct pre-construction surveys and monitoring for breeding birds.** *(See above for full text)*
 - **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** *(See above for full text)*

Rationale for Finding. The effect of the Modified Project, when combined with the effects created by other past, present and reasonably foreseeable future projects, is cumulatively significant because the combined impact will substantially reduce the acreage of several habitat types that are important for nesting birds and limited in distribution in southern California, such as riparian habitats. The incremental effect of the Modified Project is cumulatively considerable. There are no other feasible mitigation measures or alternatives available to reduce this significant cumulative impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.3.5; Final EIR Section 3.4, Table ES-3.

Cumulative Impact B-21: The Project could result in collision with overhead wires by State and/or federally protected birds.

The Modified Project, which include the installation of marker balls on select spans, may slightly decrease the potential for birds to collide with the T/Ls. Aviation lighting may, however, slightly increase the potential for night-migrating birds to collide with TRTP transmission structures. Overall, the Modified Project will not substantially alter the risk of birds colliding with Project features compared to the Approved Project. Therefore, the incremental contribution to cumulative impacts to state or federally protected birds will remain the same. As previously found for the Approved Project, impacts to State and federally protected birds as a result of T/L strikes are cumulatively significant within the Northern Region, where approximately 17 miles of T/Ls proposed in the Antelope Transmission Project Segment 2 will come within close proximity (>0.5 miles) to Segments 10 and 5 of the Project.

Finding.

- (1) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact B-21 to a less-than-significant level.

Rationale for Finding. Collision impacts from the Modified Project will not result in significant impacts to birds in the Project area due to the implementation of APM BIO-9 in accordance with the guidance on raptor protection found in Suggested Practices for Raptor Protection on Power Lines (APLIC, 2006), and the incorporation of raptor safety protection into the project design on NFS lands. However, as the flight paths become more constrictive and larger numbers of T/Ls, towers, structures, and vehicles occur in the region the numbers of birds subject to collision will continue to rise. When combined with impacts from other past, present, or reasonably foreseeable future projects, these impacts are cumulatively significant and

unavoidable, and the incremental impact of the Modified Project is cumulatively considerable. There are no other feasible mitigation measures or alternatives available to reduce this significant cumulative impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.3.5; Final EIR Section 3.4, Table ES-3.

Cumulative Impact B-32: The Project could disturb nesting avian “species of special concern.”

The construction and O&M activities and equipment associated with the Modified Project are within the scope and magnitude, and are of the same types, as those analyzed for the Approved Project. Therefore, the Modified Project will not increase the severity of previously analyzed contributions to cumulative effects. However, the Modified Project will result in the loss of nesting avian Species of Special Concern if construction activities are conducted during the breeding season in suitable habitat. Past, present and reasonably foreseeable future projects in these areas will also result in considerable loss of nesting birds if construction activities are spatially or temporally combined.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Cumulative Impact B-32. Specifically, Mitigation Measures B-1a, B-1b, B-2, B-3a, B-5, and AQ-1a, as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, significant unavoidable impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact B-32 to a less-than-significant level.
 - **MM B-1a: Provide restoration/compensation for impacts to native vegetation communities.** (See above for full text)
 - **MM B-1b: Implement a Worker Environmental Awareness Program.** (See above for full text)
 - **MM B-2: Implement RCA Treatment Plan.** (See above for full text)
 - **MM B-3a: Prepare and implement a Weed Control Plan.** (See above for full text)
 - **MM B-5: Conduct pre-construction surveys and monitoring for breeding birds.** (See above for full text)
 - **MM AQ-1a: Implement Construction Fugitive Dust Control Plan.** (See above for full text)

Rationale for Finding. The effects of the Modified Project when combined with the effects created by other past, present and reasonably foreseeable future projects, are cumulatively significant because construction activities will take place within or adjacent to habitats that are important for nesting avian Species of Special Concern in southern California. The incremental effect of the Modified Project is cumulatively considerable, although it will not be substantially more severe than the cumulative effects of the Approved Project. There are no other feasible mitigation measures or alternatives available to reduce this significant cumulative impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.3.5; Final EIR Section 3.4, Table ES-3.

IV.4.3 Noise

Impact N-1: Construction noise would substantially disturb sensitive receptors.

While the Modified Project will not introduce any new noise sources, the additional activities associated with the TRTP will nominally increase the frequency of noise events impacting sensitive receptors. Construction of the TRTP, as modified, will involve the use of heavy equipment, including helicopters, to transport material

and install T/L towers, conductors, marker balls, lights, and substation facilities for electrical tie-ins. As such, construction will result in temporary yet substantial increases in ambient noise levels in the vicinity of the TRTP route, substation locations, marshalling yards, staging locations, and along all access routes.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact N-1. Specifically, Mitigation Measures N-1a and N-1b, as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, as well as APMs NOI-1 (Limit Hours and Days for Construction), NOI-3 (Advance Notification), and NOI-4 (Establish Toll Free Number), significant unavoidable impacts will continue to occur as described above. These measures are provided below for reference.
- (2) The CPUC finds that specific economic, legal, social, technological, and other considerations make it infeasible to reduce Impact N-1 to a less than significant level.
 - **MM N-1a: Implement Best Management Practices for construction noise.** SCE shall implement the following noise-suppression techniques, at a minimum, to avoid possible violations of local rules, standards, and ordinances during construction:
 - On construction equipment, use noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
 - Install temporary sound walls or acoustic blankets around stationary noise sources (e.g., generators, pumps) to shield adjacent sensitive receptors. Where feasible, these sound walls or acoustic blankets shall have a height of no less than 8 feet, a Sound Transmission Class (STC) of 27 or greater, and a surface with a solid face from top to bottom without any openings or cutouts.
 - Minimize unnecessary construction vehicle idling time (see also Mitigation Measure AQ-1g, Restrict diesel engine idling to 5 minutes). The ability to limit construction vehicle idling time is dependent upon the sequence of construction activities and when and where vehicles are needed or staged. A “common sense” approach to vehicle use shall be applied; if a vehicle is not required for use immediately or continuously for construction activities, its engine shall be shut off. (Note: Certain equipment, such as large diesel powered vehicles, require extended idling for warm-up and repetitive construction tasks and would therefore not be subject to being shut off when not in use.)
 - **MM N-1b: Avoid sensitive receptors during mobile construction equipment use.** SCE shall route all construction traffic and helicopter flight away from residences, schools, and recreational facilities to the maximum extent feasible.

Rationale for Finding. Maximum construction noise levels associated with the Modified Project will continue to exceed ambient noise conditions along the TRTP route, and affect sensitive noise receptors throughout the Project area. Sensitive noise receptors are not located along every Project segment and therefore this impact will either not occur or will occur to a lesser magnitude for some Project segments (such as Segments 6 and 11 in the ANF). However, the CEQA impact significance determination for this impact is representative of the Project’s overall affect. Although construction noise will be temporary and will be reduced by implementation of APMs NOI-1, NOI-3, and NOI-4, and Mitigation Measures N-1a (Implement Best Management Practices for construction noise) and N-1b (Avoid sensitive receptors during mobile construction equipment use), the level of construction noise will be substantially higher than ambient noise and will disturb sensitive receptors. Impacts will continue to be significant and unavoidable.

Reference. Final SEIR/SEIS Section 4.4.4; Final EIR Section 3.10, Table ES-3.

Impact N-2: Construction noise levels would violate local standards.

A thorough review of all applicable ANF, county and city General Plans and Noise Control Ordinances was completed for all jurisdictions traversed by the Project. Construction noise that will occur within residential

areas and within close distance to sensitive receptors will violate the ordinances of Los Angeles County, the City of Baldwin Park, the City of Duarte, the City of La Habra Heights, the City of Montebello, the City of Pasadena, and the City of South El Monte. Temporary noise associated with the Modified Project will result in short-term, but substantial increases over ambient levels at sensitive receptor locations and will also not be compliant with several local standards (noted above). However, the Modified Project will not substantially increase the severity of temporary noise levels or change the local noise standard consistency determinations identified above and are consistent with newly promulgated noise policies, as shown in Final SEIR/SEIS Table 4.4-2.

APMs NOI-1 (Limit Hours and Days for Construction), NOI-3 (Advance Notification), and NOI-4 (Establish Toll Free Number), which are included as part of the Project, will help to reduce construction noise levels. However, construction noise will still result in a substantial increase (greater than five dBA) in ambient noise levels along the Project route and will not be compliant with several local standards, as discussed above and in Table 3.10-9 (Noise Policy Compliance Table – Construction) of the Final EIR.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact N-2. Specifically, Mitigation Measures N-1a (Implement Best Management Practices for construction noise), N-1b (Avoid sensitive receptors during mobile construction equipment use), and L-2b (Aircraft flight path and safety provisions and consultations), as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures and APMs NOI-1, NOI-3 and NOI-4, significant unavoidable impacts will continue to occur as described above. These mitigation measures are provided below for reference.
- (2) The CPUC finds that specific economic, legal, social, technological, and other considerations make it infeasible to reduce Impact N-2 to a less than significant level.
 - **MM N-1a: Implement Best Management Practices for construction noise.** *(See above for full text)*
 - **MM N-1b: Avoid sensitive receptors during mobile construction equipment use.** *(See above for full text)*
 - **MM L-2b: Aircraft flight path and safety provisions and consultations.** Prior to construction, SCE shall consult with the Federal Aviation Administration (FAA) and ensure the filing of all forms and associated specifications per the requirements of Federal Aviation Regulations (FAR) Title 14, Part 77. In addition, prior to the start of construction, SCE shall consult with all affected Airport Land Use Commissions (or their alternative process) and the FS to ensure that construction, operation, and maintenance of the Project does not conflict with local aircraft operations or associated safety provisions.

Rationale for Finding. To ensure construction equipment noise impacts to sensitive receptors will be reduced to the maximum extent feasible, the following APMs, which are included as part of the Modified Project, will be implemented to reduce construction noise levels: NOI-1 (Limit Hours and Days for Construction), NOI-3 (Advance Notification), and NOI-4 (Establish Toll Free Number). In addition, Mitigation Measures N-1a (Implement Best Management Practices for construction noise), N-1b (Avoid sensitive receptors during mobile construction equipment use), and L-2b (Aircraft flight path and safety provisions and consultations) will also be required in order to ensure that all appropriate agencies, including the FAA, are consulted with prior to the onset of helicopter operations, thereby ensuring that policies and regulations applicable to helicopter use for Project construction are fully observed. This impact would not occur along Segments 6 and 11 in the ANF because the 2005 Forest Plan does not address noise levels in the Forest; however, the CEQA impact significance determinations are based on the Project as a whole, and not for individual segments of the Project. Despite implementation of the Project APMs and approved mitigation measures listed above, the level of construction noise will continue to violate several local noise ordinances

and standards. Because local plan violations will occur regardless of mitigation measure implementation, this impact will continue to be significant and unavoidable.

Reference. Final SEIR/SEIS Section 4.4.4, Table 4.4-2; Final EIR Section 3.10, Table ES-3.

Cumulative Impact N-1: Construction noise would substantially disturb sensitive receptors.

Construction, including modifications to the Project, will continue to result in temporary, but substantial increases to ambient noise levels in the vicinity of the ROW and will disturb proximate sensitive receptors. The Modified Project will increase the frequency of such occurrences. Construction activities associated with other projects in close proximity to the Modified Project could occur at the same time as the Modified Project and also disturb nearby sensitive receptors. Sensitive receptors located directly adjacent to multiple construction sites will experience temporary noise impacts from construction activities. When construction activities of the Modified Project and other nearby projects occur concurrently, the combined effect of construction noise will be cumulatively significant. However, the Modified Project will not substantially increase the severity of cumulative construction noise effects or change the cumulative construction noise impact determination of the Approved Project (as identified in the Final EIR).

Since marker ball replacement will not commence until 10 to 25 years after initial marker ball installation, the cumulative noise analysis cannot account for cumulative projects that may be proximate and contribute cumulatively to temporary noise generated by marker ball replacement. However, when marker ball replacement activities and other nearby projects occur concurrently, it is expected that the combined effect of short-term noise will be cumulatively significant.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Cumulative Impact N-1. Specifically, Mitigation Measures N-1a (Implement Best Management Practices for construction noise), N-1b (Avoid sensitive receptors during mobile construction equipment use), and L-2b (Aircraft flight path and safety provisions and consultations), as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, and APMs NOI-1 (Limit Hours and Days for Construction), NOI-3 (Advance Notification), and NOI-4 (Establish Toll Free Number), included as part of the Project, significant unavoidable cumulative impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, and other considerations make it infeasible to reduce Cumulative Impact N-1 to a less than significant level.
 - **MM N-1a: Implement Best Management Practices for construction noise.** (See above for full text)
 - **MM N-1b: Avoid sensitive receptors during mobile construction equipment use.** (See above for full text)
 - **MM L-2b: Aircraft flight path and safety provisions and consultations.** (See above for full text)

Rationale for Finding. APMs NOI-1 (Limit Hours and Days for Construction), NOI-3 (Advance Notification), and NOI-4 (Establish Toll Free Number), as well as Mitigation Measures N-1a (Implement Best Management Practices for construction noise), N-1b (Avoid sensitive receptors during mobile construction equipment use), and L-2b (Aircraft flight path and safety provisions and consultations), will reduce the Modified Project's contribution to cumulative impacts, but not to a less-than-significant level. Therefore, this impact will combine with impacts of other past, present and reasonably foreseeable projects to result in a significant and unavoidable cumulative impact.

Reference. Final SEIR/SEIS Section 4.4.5; Final EIR Section 3.10, Table ES-3.

Cumulative Impact N-2: Construction noise levels would violate local standards.

Construction, including the modifications to the Project, will continue to result in temporary substantial increases to ambient noise levels in the vicinity of the ROW and will violate local noise standards. Similarly, construction activities associated with other projects in close proximity to the Modified Project could occur at the same time as the Modified Project also violating local standards and increasing construction noise to nearby sensitive receptors. When construction activities of the Modified Project and other nearby projects occur concurrently, the combined effect of construction noise will be cumulatively significant. However, the Modified Project will not substantially increase the severity of construction noise levels or change the local noise standard consistency determinations of the Approved Project (as identified in the Final EIR). Furthermore, the Modified Project will not violate newly promulgated noise policies provided in the updated City of Chino General Plan, which pertain to the control of sources of construction noise (Objective N-1.3, Policy P1 and Policy P2; See Final EIR/EIS Table 4.4-2).

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Cumulative Impact N-2. Specifically, Mitigation Measures N-1a (Implement Best Management Practices for construction noise) and N-1b (Avoid sensitive receptors during mobile construction equipment use), as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, Mitigation Measure L-2b, and APMs NOI-1, NOI-3 and NOI-4, significant unavoidable cumulative impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, and other considerations make it infeasible to reduce Cumulative Impact N-2 to a less than significant level.
 - **MM N-1a: Implement Best Management Practices for construction noise.** (See above for full text)
 - **MM N-1b: Avoid sensitive receptors during mobile construction equipment use.** (See above for full text)
 - **MM L-2b: Aircraft flight path and safety provisions and consultations.** (See above for full text)

Rationale for Finding. APMs NOI-1 (Limit Hours and Days for Construction), NOI-3 (Advance Notification), and NOI-4 (Establish Toll Free Number) as well as Mitigation Measures N-1a (Implement Best Management Practices for construction noise), N-1b (Avoid sensitive receptors during mobile construction equipment use), and L-2b (Aircraft flight path and safety provisions and consultations) will reduce the contribution to cumulative impacts from the Modified Project but not to a less-than-significant level. Therefore, this impact will be cumulatively considerable. The Modified Project, combine with impacts of other past, present and reasonably foreseeable future projects, will result in a significant and unavoidable cumulative impact.

Reference. Final SEIR/SEIS Section 4.4.5, Table 4.4-2; Final EIR Section 3.10, Table ES-3.

IV.4.4 Visual Resources***Impact V-1: Temporary visibility of construction, installation and maintenance activities and equipment involved with the Project would alter the landscape character and visual quality of landscape views.***

Construction and O&M activities associated with the Modified Project will result in alterations to the existing landscape character of visual quality of landscape views. Construction, installation and maintenance activities associated with the Modified Project will result in no new construction or landing areas; minimal increases in helicopter installation time along the TRTP alignment (seven percent increase); and minor construction alterations and minor placement adjustments associated with the redesigned towers in Segment 8, Phase 3, such that less-than-significant impacts from these modifications will occur. However,

the Modified Project will continue to result in temporary visibility of construction equipment or personnel at staging areas, storage areas, marshalling yards, helicopter staging areas, access and spur roads, and/or structure locations. Impact V-1 will require implementation of Mitigation Measure V-1 (Clean up staging areas, storage areas, marshalling yards, helicopter staging areas, access and spur roads, and structure locations on a regular periodic basis). With implementation of this mitigation measure, the effects of Impact V-1 will be reduced somewhat. However, temporary visibility of construction activities and equipment will remain a significant and unavoidable adverse visual impact.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact V-1. Specifically, Mitigation Measure V-1 (Clean up staging areas, storage areas, marshalling yards, helicopter staging areas, access and spur roads, and structure locations on a regular periodic basis), as set forth below, is feasible and has already been adopted by the CPUC as a condition of approval for the Approved Project (Decision 09-12-044) and remains applicable to the Modified Project. However, even with implementation of this measure, significant unavoidable impacts will continue to occur as described above. This measure is provided below for reference.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact V-1 to a less-than-significant level.
 - **MM V-1: Clean up staging areas, storage areas, marshalling yards, helicopter staging areas, access and spur roads, and structure locations on a regular periodic basis.** SCE shall keep construction-related operations areas clean and tidy by storing building materials and equipment within the proposed construction staging areas and/or generally away from public view when feasible. SCE shall remove construction debris promptly at regular intervals.

For areas of non-NFS lands where cleared vegetation would be visible from sensitive viewing locations, SCE shall dispose of cleared vegetation and woody material in a manner that is not visually evident and does not create visual contrasts. For NFS lands, in areas where cleared vegetation would be visible from sensitive viewing locations, SCE shall dispose of cleared vegetation and woody material off-site (not necessarily off-NFS lands), or the cleared vegetation shall be chipped and stored for restoration work, as approved by the FS, and in a manner that is not visually evident and does not create visual contrasts.

Rationale for Finding. Due to construction of the Modified Project, short-term visual impacts on landscape character and visual quality of landscape views as seen from various vantage points will be significant and unavoidable. There are no mitigation measures available to make vehicles, heavy equipment, helicopters, and other related components less visible during construction. To reduce the consequence of these potential visual impacts, Mitigation Measure V-1 (Clean up staging areas, storage areas, marshalling yards, helicopter staging areas, access and spur roads, and structure locations on a regular periodic basis) has been identified.

Mitigation Measure V-1 will help to minimize the adverse visual effects of construction activities and equipment as seen from sensitive receptor locations by minimizing and containing the visual clutter associated with construction. Mitigation Measure V-1 is similar to APM AES-15 and APM AES-17, and will augment these APMs by requiring specific procedures such as establishing a regular periodic interval for cleanup, not to exceed one week in duration. Mitigation Measure V-1 will create natural-appearing vegetation clearing shapes and patterns, instead of un-natural square or rectangular openings in vegetation. Implementation of Mitigation Measure V-1, as described above, will reduce Impact V-1 somewhat, but temporary visibility of construction activities and equipment will remain a significant and unavoidable adverse visual impact. There are no other feasible mitigation measures or alternatives available to reduce this significant impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.5.4; Final EIR Section 3.14, Table ES-3.

Impact V-3: For a landscape with an existing transmission line, increased structure size and new materials would result in adverse visual effects.

Impact V-3 in the Final SEIR/SEIS evaluated the visual effects of redesigning and reducing the height of towers in Segment 8, Phases 3 (previously referred to in the Final EIR as Segment 8A/8C) as part of the Modified Project. The Modified Project will result in the installation of shorter structures within Segment 8, Phase 3, and replacing seven structures originally approved as TSPs with specially designed dead-end LSTs. Redesign would require minor adjustments to the originally approved tower designs and locations, and would not be readily noticeable from most viewing locations. As compared to the Approved Project, these changes in tower structure are not readily noticeable due to the numerous towers seen in the area and the dominant line created by the massing of towers such that there appears to be little or no difference between LSTs and TSPs or tower height. Furthermore, the change in tower design does not noticeably alter the views of the T/L or result in blockage or disruption of views beyond the Approved Project, such that the visual impact of the Modified Project are less than significant.

However, the Approved Project will continue to result in the removal of smaller existing T/L structures (e.g., 220 kV) and replacement with structures of increased size (e.g., 500 kV) made of new materials resulting in adverse visual effects. Increased visual contrasts could be created by increased structure prominence, new or additional structure skylining, new or additional ridgeline obstruction, new or additional skyline intrusion, and/or view blockage to desirable landscape features. New, taller T/L structures could also increase the predominance of industrial landscape character by introduction of larger structures with more pronounced geometric forms, unnatural straight lines, increased visual complexity, and increased visual clutter. New metal surfaces tend to stand out more than older, more weathered surfaces, thereby making the new, taller structures even more visually prominent.

Certain Aesthetic APMs specifically address the visual effects of introducing new structures with increased sizes and new materials into a landscape with an existing T/L. APMs AES-1 through AES-8 specifically apply to this situation and were considered in the impact analysis. However, these APMs are general in nature and, except for the substation APMs, are not location-specific. To further reduce the impacts, Mitigation Measures V-2a (Use tubular steel poles instead of lattice steel towers in designated areas), V-2b (Treat surfaces with appropriate colors, textures, and finishes), V-3a (Match spans of existing transmission structures), and V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality) will be required. However, impacts will remain significant and adverse.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact V-3. Specifically, Mitigation Measures V-2a (Use tubular steel poles instead of lattice steel towers in designated areas), V-2b (Treat surfaces with appropriate colors, textures, and finishes), V-3a (Match spans of existing transmission structures), and V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality), as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, significant unavoidable impacts will continue to occur as described above. These measures are provided below for reference.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact V-3 to a less-than-significant level.
 - **MM V-2a: Use tubular steel poles instead of lattice steel towers in designated areas.** When feasible, SCE shall use tubular steel poles, rather than lattice steel towers, in locations designated by the CPUC to reduce visual impacts as seen from sensitive receptor locations and/or to match existing and/or future wind turbine generator monopoles and/or to accomplish community desires.

SCE shall submit a Structure Type and Treatment Plan to the CPUC as soon as possible after Project approval, demonstrating compliance with this.

- **MM V-2b: Treat surfaces with appropriate colors, textures, and finishes.** For all structures that are visible from sensitive viewing locations outside NFS lands, and for all NFS lands, SCE shall treat surfaces with appropriate galvanizing treatments, per APM AES-1, to most effectively blend the structures with the visible backdrop landscape, as determined by the CPUC (for non-NFS lands) and the FS (for NFS lands). For structures that are visible from more than one sensitive viewing location, if backdrops are substantially different when viewed from different vantage points, the darker color shall be selected, because dark colors tend to blend into landscape backdrops more effectively than lighter colors, which may contrast and reflect light, producing glare. At locations where a lattice steel tower or a tubular steel pole would be silhouetted against the skyline, non-reflective, light gray colors shall be selected to blend with the sky. The T/L conductors shall be non-specular and non-reflective, per APM AES-4, and the insulators shall be non-reflective and non-refractive, per APM AES-3. SCE shall consult with the CPUC and the FS to ensure that the objectives of this measure are achieved. SCE shall submit a Structure Type and Treatment Plan for the lattice steel towers, tubular steel poles, conductors, insulators, substation structures, fences/walls, retaining walls, and any other visible structures, to the CPUC and FS, as appropriate, after Project approval, demonstrating compliance with this measure.
- **MM V-3a: Match spans of existing transmission structures.** If the new Project components are adjacent to an existing transmission line, SCE shall, where feasible, match existing structure spacing and spans as closely as possible in order to reduce visual complexity as seen from sensitive receptor locations. All new structures should also match the heights of existing transmission line structures to the extent possible as dictated by variation in terrain and kV-capacity of lines.
- **MM V-3b: On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality.** All reasonable efforts shall be made to meet the Scenic Integrity Objectives (SIOs) shown on the SIO Map in the ANF Land Management Plan. SIO adjustments that exceed a drop of more than one SIO level would require a Project-specific amendment to Forest Plan (Part 3) Standards S9 and S10. In order to compensate for the Project's long-term visual impacts to the landscape character and visual quality, including but not limited to impacts to landscape character and visual quality of scenic highway and scenic trail viewsheds, SCE and the Forest Supervisor shall reach a consensus on what is a commensurate amount of restoration, monetary compensation, or landscape character/visual quality improvement.

Rationale for Finding. The Modified Project will reduce the height of the towers in Segment 8, Phases 3, which compared to the Approved Project will not result in a readily noticeable change. Due to the numerous towers seen in the area and the dominant line created by the massing of towers, there appears to be little or no difference between LSTs and TSPs or tower height with implementation of the Modified Project. Furthermore, the change in tower design does not noticeably alter the views of the T/L or result in blockage or disruption of views beyond the Approved Project.

However, the Approved Project will continue to result in adverse visual impacts. Implementation of Mitigation Measures V-2a (Use tubular steel poles instead of lattice steel towers in designated areas), V-2b (Treat surfaces with appropriate colors, textures, and finishes), and V-3a (Match spans of existing transmission structures) will reduce visual impacts and improve the overall visual environment by making the new structures more visually congruent with existing and planned features in the Project area. Mitigation Measure V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality) will not reduce the physical impacts to landscape character or visual quality, but will minimize and compensate for the adverse visual effects of these new transmission structures and features through restoration, compensation, and/or landscape character/visual quality improvements within the ANF. Implementation of all these mitigation measures will reduce Impact V-3, but the presence of the Approved Project's newer, taller, wider T/L structures and conductors (in some cases, very tall double-circuit structures) will remain a significant adverse visual impact.

The presence of new, taller, wider T/L structures, new conductors, newly constructed or re-opened access and spur roads, and enlarged substations will remain a significant adverse visual impact. There are no other feasible mitigation measures or alternatives available to reduce this significant impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.5.4; Final EIR Section 3.14, Table ES-3.

Impact V-8 (Impact V-3 PROXY): The addition of marker balls, aviation lighting, and supporting components required for the Project would alter the landscape character and visual quality of landscape views.

For the Modified Project, Impact V-8 is used as a proxy for Impact V-3, and is not a new or different impact from Impact V-3. Both impact statements address the adverse visual effects of the Modified Project on existing landscape character and visual quality. The analysis under Impact V-3 is focused on transmission structure size and materials for a landscape with existing T/L(s), and is limited to addressing the changes in T/L tower design in Segments 8A/8C. Impact V-8 has been added to specifically address the marker balls and night lighting power sources, which are new and different features associated with the Modified Project. Both of these impact *statements* address a single impact related to adverse effects on existing landscape character and visual quality along the TRTP alignment (Criterion VIS1). As such, Impact V-8 is not a new impact.

The Modified Project will add approximately 2,248 orange, yellow and white marker balls onto 276 spans of the Approved Project T/L, based on the originally approved overhead design. The marker balls will be most visible in the immediate foreground (0-300 feet) and foreground (300 feet to 0.5 mile) distance zones, but are designed to be visible up to 0.75 mile. The visual impact of the marker balls will be greatest when continuous spans of marker balls are seen receding into the distance from the immediate foreground. The marker balls add visual clutter and strengthen the overall industrial character of the T/L corridor thus adversely impacting the landscape character and visual quality of a broad range of landscape views along the TRTP alignment. The presence of marker balls will degrade the visual quality and landscape character of residential areas, open space, park and trails areas, and NFS lands, as well as adversely affect the views of surrounding hills and mountains seen from these locations.

Also considered under Impact V-8 are the power sources used to power the aviation lights (refer to Impact V-9 for impacts related to aviation lighting). Ninety (90) transmission towers will support aviation lighting, including base-mounted power sources which require chain-link fencing at the base of the transmission tower, and off-white power boxes on tower-mounted power sources. These ancillary structures will add visual clutter to the T/L and be seen in the immediate foreground and foreground viewing distance.

Impact V-8 will require implementation of Mitigation Measures V-2b (Treat surfaces with appropriate colors, textures, and finishes), and V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality). These measures will reduce the visual impact of the aviation power sources to a less-than-significant level. However, for marker balls there is no feasible mitigation to reduce or avoid the visual impacts as the very purpose of marker balls is to increase the visibility of the T/L conductors. On NFS lands, Mitigation Measure V-3b will apply, but will not mitigate the effects to a less-than-significant level.

As noted above, Impact V-8 is a proxy for Impact V-3 for the purposes of analyzing the new features of the Modified Project, and therefore does not result in a new impact. The Modified Project, however, will substantially increase the severity of the impacts identified for the Approved Project (under Impact V-3), and therefore visual impacts will continue to be significant and unavoidable.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project, which mitigate significant effects on the environment from Impact V-8 (Proxy for Impact V-3). Specifically, Mitigation Measures V-2b (Treat surfaces with appropriate colors, textures, and finishes) ,and V-3b

(On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality), as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, significant unavoidable impacts will occur as a result of the addition of aviation lighting to the T/L structures, as described above. These measures are provided below for reference.

- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact V-8 (Proxy for Impact V-3) to a less-than-significant level.
- **MM V-2b: Treat surfaces with appropriate colors, textures, and finishes.** (*See above for full text*)
 - **MM V-3b: On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality.** (*See above for full text*)

Rationale for Finding. With implementation of Mitigation Measure V-2b (Treat surfaces with appropriate colors, textures, and finishes), aviation lighting power sources will be designed to blend with the surrounding environment. Fencing for ground-based power sources will blend with the surrounding vegetation; power sources mounted on tower structures will be darkened to the extent visible to blend with the tower structure. This mitigation measure will reduce the visual impact of the aviation power sources to a less-than-significant level. However, for marker balls there is no feasible mitigation to reduce or avoid the visual impacts since the purpose of marker balls is to increase the visibility of the T/L conductors. On NFS lands, Mitigation Measure V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality) will apply, but will not mitigate the effects to a less-than-significant level. Therefore, visual impacts of will remain significant and unavoidable.

Reference. Final SEIR/SEIS Section 4.5.4.

Impact V-6: The Project would contribute to the long-term loss or degradation of a scenic highway viewshed or scenic trail viewshed.

The TRTP will continue to traverse the Pacific Crest National Scenic Trail (PCT) in the following three locations: Segment 4 MP 2.7 (North Area); Segment 11 MP 7.6 (Center Area); and, Segment 6 MP 7.3 (Center Area). The TRTP T/Ls will cross over the Angeles Crest Scenic Byway (SR 2) in four different locations (at approximately S11 MP 16.0, 17.7, and 18.4 for Segment 11 and at S6 MP 16.8 for Segment 6). The TRTP will continue to cross over the Silver Moccasin Trailhead at Shortcut Saddle at S6 MP 16.7. Portions of Segment 6 will be visible from West Fork San Gabriel River National Scenic Bikeway. The State has designated portions of the Orange Freeway (State Highway 57) as “Eligible” to become a State Scenic Highway where it traverses largely undeveloped hills between Brea and Diamond Bar, and the TRTP will cross State Highway 57 in this vicinity. Colima Road, Hacienda Road, and Harbor Boulevard are proposed as scenic corridors in the most recent update to the County of Los Angeles General Plan and the TRTP will be visible from these highways. Los Angeles County has designated several other roads in the Project area as Priority Two Scenic Highways, indicating a high sensitivity for scenic integrity of landscapes. Portions of Interstate 210 (I-210) and State Highways 39 and 57 are either designated as, or eligible for, State Scenic Highway status and portions of the TRTP will also be visible from these roadways.

Within the ANF (Center Area), spans of marker balls will be seen as the Modified Project T/L crosses directly over the PCT near Mount Gleason (Segment 11) and at Mill Creek Summit (Segment 6). There will be no aviation lights associated with the towers in these locations. Marker balls will also be seen from two areas of SR 2. North of Gould Substation, marker balls will be seen on Segment 11 in the immediate foreground and foreground of the scenic byway for about 2.5 miles as the road winds under and parallel to Segment 11 and both descend the mountainside. South of Vetter Mountain, marker balls will be seen on three spans of Segment 6 (MP 16-17) in the foreground distance zone of the scenic byway. Additionally,

marker balls will be seen from two national recreation trails within the ANF, including the National Scenic Bikeway and the Silver Moccasin National Recreation Trail. Where Segments 6 and 11 cross scenic highways, scenic byways, and national recreation trails marker balls will be seen in the immediate foreground and foreground and will be noticeable and draw attention. The presence of marker balls on the T/Ls in the ANF will have a noticeable and adverse effect on the visual quality of these scenic trails and highways.

In the South Area, travelers on the Orange Freeway will experience foreground and immediate foreground views of marker balls on two spans of Segment 8, Phase 4 (MP 17) while traveling on this freeway. At Colima Road, there will be a double span of marker balls over the road. At Hacienda Boulevard, there will be a double span of marker balls crossing over the road. At Harbor Boulevard, near Fullerton Avenue, there will be marker balls on the span across the road, and there will be aviation lighting on the transmission structures supporting the span that crosses the road. These marker balls and aviation lights will be seen in the immediate foreground and foreground by thousands of drivers.

The addition of marker balls and aviation lights as part of the Modified Project will contribute to the long-term loss and degradation of scenic highway viewsheds and the national scenic trail viewshed, such that visual impacts of the Modified Project will be significant and unavoidable.

There are no APMs for Aesthetics that address the long-term loss or degradation of a scenic highway viewshed or a scenic trail viewshed. Impact V-6 will require implementation of Mitigation Measure V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality). With implementation of this mitigation measure, the effects of Impact V-6 will be reduced somewhat. However, the long-term degradation of scenic highway and scenic trail viewsheds will be a significant and unavoidable adverse visual impact.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact V-6. Specifically, Mitigation Measure V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality), as set forth below, is feasible and has already been adopted by the CPUC as a condition of approval for the Approved Project (Decision 09-12-044) and remains applicable to the Modified Project. However, even with implementation of this measures, significant unavoidable impacts will occur as a result of the addition of marker balls and aviation lighting to the T/L structures, as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact V-6 to a less-than-significant level.
 - **MM V-3b: On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality.** (*See above for full text*)

Rationale for Finding. The introduction of marker balls and aviation lighting under the Modified Project, in addition to the already approved 500-kV transmission lines crossing over scenic highways and trails under the Approved Project, and visible within viewsheds of scenic highways and trails, will create a significant impact. Implementation of Mitigation Measure V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality) will minimize and compensate for the adverse visual effects of these new transmission structures and features through restoration, compensation, and/or landscape character/visual quality improvements within the ANF, but would not reduce the visual impact of the marker balls and aviation lights to a less than significant level. As such, the long-term degradation of scenic highway and/or scenic trail viewsheds will become significant and unavoidable with implementation of the Modified Project (Note: This impact was less-than-significant for the Approved Project).

Reference. Final SEIR/SEIS Section 4.5.4; Final EIR Section 3.14, Table ES-3.

Impact V-7: The Project would conflict with established visual resource management plans or landscape conservation plans.

The Modified Project will contribute to the adverse visual effect of the Approved Project and the Forest Service's Scenic Integrity Objectives (SIOs) will continue to decline and not meet Forest Plan Standard S9. The Modified Project will continue to conflict with Visual Goal-1 and Visual Objective-1.2 of the Puente Hills Landfill Native Habitat Preservation Authority Resource Management Plan. As such, Impact V-7 will continue to be significant and unavoidable.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact V-7. Specifically, Mitigation Measure V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality), as set forth below, is feasible and has already been adopted by the CPUC as a condition of approval for the Approved Project (Decision 09-12-044) and remains applicable to the Modified Project. is hereby adopted to mitigate significant effects from Impact V-7. However, even with implementation of this measure, significant unavoidable impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact V-7 to a less-than-significant level.
 - **MM V-3b: On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality.** (See above for full text)

Rationale for Finding. The Forest Service has determined that the Project-specific Forest Plan amendment for the Approved Project (see Record of Decision dated October 4, 2010) will apply to the Modified Project (36 CFR 219.17 (c)); therefore, the Modified Project will be consistent with the Forest Plan and result in a less-than-significant impact in regard to meeting SIO Land Use requirements. The Modified Project will continue to conflict with Visual Goal-1 and Visual Objective-1.2 of the Puente Hills Landfill Native Habitat Preservation Authority Resource Management Plan. As such, Impact V-7 will be significant and unavoidable, even after implementation of Mitigation Measure V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality). There are no other feasible mitigation measures or alternatives available to reduce this significant impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.5.4; Final EIR Section 3.14, Table ES-3.

Impact V-9 (NEW): Aviation lighting on Project towers would create a new source of substantial night light that would adversely affect nighttime views.

Impact V-9 is a new impact identified specifically for the Modified Project to address new impacts associated with the addition of aviation lighting on transmission towers. With implementation of the Modified Project there will be up to 90 towers with aviation lighting that have focused beacons. SCE anticipates the installation of two possible types of FAA-compliant obstruction lighting that will direct light upward and outward toward potential aviation traffic without creating illumination of nearby areas. The L-810 light is a steady-burning light visible for approximately 1.4 miles. The L-864 light is a flashing red light with a flash rate of 20 to 40 flashes per minute. The L-864 light can be seen for 10 miles during ideal visibility conditions (clear skies) with minor background lighting. These lighting sources were determined to exceed source intensity light limitations for late night hours (post curfew) in low (wildland and rural) and medium (suburban) brightness areas based on guidance established by the Institute of Lighting Engineers.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact V-9. Specifically, Mitigation Measure V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality), as set forth below, is feasible and has already been adopted by the CPUC as a condition of approval for the Approved Project (Decision 09-12-044) and remains applicable to the Modified Project. However, even with implementation of this measure, significant unavoidable impacts will occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Impact V-9 to a less-than-significant level.
 - **MM V-3b: On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality.** (*See above for full text*)

Rationale for Finding. Aviation lights will exceed source intensity light limitations for late night hours (post curfew) in low (wildland and rural) and medium (suburban) brightness areas based on guidance established by the Institute of Lighting Engineers. On NFS lands, Mitigation Measure V-3b (On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality) will apply, but will not reduce the visual impact of aviation lighting to a less-than-significant level. No other feasible mitigation was identified, such that visual impacts at night from aviation lights will be significant and unavoidable.

Reference. Final SEIR/SEIS Section 4.5.4.

Cumulative Impact V-1: Temporary visibility of construction activities and equipment involved with the Project would alter the landscape character and visual quality of landscape views.

Ongoing development throughout the cumulative effects area for visual resources is dominated by residential developments, clustered in and around community development, as well as large-scale public works projects for light rail system in the North and South areas. In the Center Area, on NFS lands, restoration and rehabilitation activities could occur on areas burned during the Station Fire. Construction activities associated with the Modified Project will be visible and will attract attention temporarily. All of these construction activities will be readily visible throughout the Project area, and will be cumulatively adverse and significant. However, the Modified Project will not substantially increase the severity of cumulative visual impacts associated with the construction activities, which for the Approved Project was a significant and unavoidable impact.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Cumulative Impact V-1. Specifically, Mitigation Measure V-1, as set forth below, is feasible and has already been adopted by the CPUC as a condition of approval for the Approved Project (Decision 09-12-044) and remains applicable to the Modified Project. However, even with implementation of this measure, significant unavoidable cumulative impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, and other considerations make it infeasible to reduce Cumulative Impact V-1 to a less-than-significant level.
 - **MM V-1: Clean up staging areas, storage areas, marshalling yards, helicopter staging areas, access and spur roads, and structure locations on a regular periodic basis.** (*See above for full text*)

Rationale for Finding. There are no mitigation measures available to reduce the visibility of vehicles, heavy equipment, helicopters, and other related components during construction. Mitigation Measure V-1 will reduce the contribution of the Modified Project to cumulative impacts, but not to a less-than-significant level. There are no other feasible mitigation measures or alternatives available to reduce this significant cumulative impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.5.5; Final EIR Section 3.14, Table ES-3.

Cumulative Impact V-3: For a landscape with an existing transmission line, increased structure size and new materials would result in adverse visual effects.

Increased visual contrasts would be created by increased structure prominence, new or additional structure skylining, new or additional ridgeline obstruction, new or additional skyline intrusion, and/or view blockage to desirable landscape features. Construction and operation of new T/Ls with increased structure size and new materials as part of the Approved Project will detract from existing landscape character and visual quality, and combined with existing T/Ls in the same vicinity, and future T/Ls that may be proposed in the same viewsheds, and will lead to cumulatively significant visual impacts. The redesign of transmission towers in Segment 8, Phase 3 (8A and 8C) with implementation of the Modified Project will result in only minor visual effects that are less than significant. The Modified Project will not substantially increase the severity of cumulative visual impacts associated with the new transmission structures, which for the Approved Project was a significant and unavoidable impact.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact V-3. Specifically, Mitigation Measures V-2a, V-2b, V-2c, V-3a, V-3b, V-4b and V-4d, as set forth below, are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, significant unavoidable cumulative impacts will continue to occur as described above. These measures are provided below for reference.
- (2) The CPUC finds that specific economic, legal, social, technological, and other considerations make it infeasible to reduce Cumulative Impact V-3 to a less-than-significant level.
 - **MM V-2a: Use tubular steel poles instead of lattice steel towers in designated areas.** (See above for full text)
 - **MM V-2b: Treat surfaces with appropriate colors, textures, and finishes.** (See above for full text)
 - **MM V-2c: Establish permanent screen.** At Antelope and Vincent Substations, SCE shall establish a permanent screen of sufficient height for immediate visual screening around the new expansion areas of the Antelope and Vincent Substations. Plant materials selected for screening shall be locally appropriate, wind-resistant, non-invasive, and acclimated to the particular environment and micro-climate. Other screening materials shall blend in with the local landscape. SCE shall consult with the CPUC to ensure that the objectives of this measure are achieved. SCE shall submit landscaping plans for Antelope and Vincent Substations that demonstrate compliance with this measure to the CPUC for review and approval at least 60 days prior to the start of construction at these substations.
 - **MM V-3a: Match spans of existing transmission structures.** (See above for full text)
 - **MM V-3b: On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality.** (See above for full text)
 - **MM V-4b: Slope-round and re-contour in areas as prescribed.** For areas of non-NFS lands where natural terrain includes rounded landforms, where soil types are conducive, and where cuts-and-fills and excavated materials would be visible from sensitive viewing locations, SCE shall employ slope-rounding techniques to blend earthwork with natural contours where feasible. Greater land area would be disturbed by this measure, possibly increasing exposure to soil erosion and possibly causing more vegetation disturbance, but the goal of this measure is a permanent landform that is natural-appearing in the long-term and may be more conducive to wildlife movement. During and following re-contouring, applicable mitigation measures of the other issue area sections shall be applied, including biological resources, cultural resources, geology and soils,

hydrology and water resources, wilderness and recreation, land use, and possibly agricultural resources. SCE shall submit plans for proposed new, upgraded, or newly maintained access roads and spur roads or structure pads to the CPUC for approval at least 60 days prior to construction.

- **MM V-4d: Dispose of excavated materials as prescribed.** For non-NFS lands, SCE shall dispose of excavated materials (soil, rocks, and concrete, and reinforcing steel) in a manner that is not visually evident and does not create visual contrasts. For NFS lands, SCE shall dispose of excavated materials (excess soil and rocks) in disposal areas (either on-NFS lands or off-NFS lands) as designated by the FS. For NFS lands, the FS will designate whether any footings from existing transmission structures need to be removed. Any designated footings designated for removal (concrete, reinforcing steel, angle steel, anchor bolts, etc.) shall be disposed off-NFS lands in disposal areas that do not create visual contrasts. These sites shall be pre-approved by the CPUC and FS.

Rationale for Finding. Construction and operation of the Modified Project combined with other past, present and reasonably foreseeable future projects will have cumulatively significant impacts. The Modified Project, which will reduce the height of the towers in Segment 8, Phase 3, will not result in a readily noticeable change. Mitigation Measures V-2a through V-2c, V-3a, V-3b, V-4b and V-4d, will reduce the contribution of the Modified Project to cumulative impacts to a less-than-significant level.

Reference. Final SEIR/SEIS Section 4.5.5; Final EIR Section 3.14, Table ES-3.

Cumulative Impact V-8 (Impact V-3 PROXY): The addition of marker balls to transmission line spans and aviation lighting power sources to transmission towers would alter the landscape character and visual quality of landscape views.

As noted above for Impact V-3, the addition of new T/Ls with increased structure size and new materials under the Approved Project will detract from existing landscape character and visual quality, and combined with existing T/Ls in the same vicinity, and future T/Ls that may be proposed in the same viewsheds, will lead to cumulatively significant visual impacts. The placement of approximately 2,248 marker balls across 276 spans of T/L with implementation of the Modified Project will adversely affect natural-appearing landscape character and visual quality, and will be cumulatively significant. As such, the contribution of the Modified Project will substantially increase the severity of cumulative visual impacts under Impact V-3 (for which Impact V-8 is a proxy), which was a significant and unavoidable impact for the Approved Project.

For the Modified Project, Cumulative Impact V-8 is used as a proxy for Cumulative Impact V-3, and is not a new or different cumulative impact. Both impact statements address the adverse cumulative visual effects of the Modified Project on existing landscape character and visual quality, with Cumulative Impact V-8 specifically focusing on the new and different features of the Modified Project.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact V-8 (Proxy for Impact V-3), specifically Mitigation Measures V-2b and V-3b. Mitigation Measures V-2b and V-3b are feasible and have already been adopted by the CPUC as conditions of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of these measures, significant unavoidable cumulative impacts will occur as a result of the addition of aviation lighting to the T/L structures, as described above.
 - (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact V-8 (Proxy for Impact V-3) to a less-than-significant level.
- **MM V-2b: Treat surfaces with appropriate colors, textures, and finishes.** (See above for full text)
 - **MM V-3b: On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality.** (See above for full text)

Rationale for Finding. Mitigation Measures V-2b and V-3b will reduce the contribution of the Modified Project to cumulative impacts, but not to a less-than-significant level. There are no other feasible mitigation measures or alternatives available to reduce this significant cumulative impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.5.5; Final EIR Section 3.14, Table ES-3.

Cumulative Impact V-6: The Project would contribute to the long-term loss or degradation of a scenic highway viewshed or scenic trail viewshed.

As urban and suburban build-out continues in the Project area (north and south of the ANF), it is reasonably foreseeable that remaining open space areas will either be occupied by development-related infrastructure, including new residential developments, electric infrastructures, or commercial and industrial developments. This pressure may result in increased demands for specific protections of open space qualities by conservation groups and resource agencies such as the USDA Forest Service, State Scenic Highways, the Puente Hills Landfill Native Habitat Authority, or other agencies. The Modified Project will affect the viewsheds of scenic highways and national scenic trails, where the addition of marker balls and aviation lighting will add to these significant and unavoidable impacts. The above described cumulative development, in combination with the Modified Project, is cumulatively significant, and the contribution of the Modified Project is cumulatively considerable.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact V-6. Specifically, Mitigation Measure V-3b, as set forth below, is feasible and has already been adopted by the CPUC as a condition of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of this measure, significant unavoidable cumulative impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, and other considerations make it infeasible to reduce Cumulative Impact V-6 to a less-than-significant level.
 - **MM V-3b: On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality.** (See above for full text)

Rationale for Finding. Mitigation Measure V-3b will reduce the contribution of the Modified Project to cumulative impacts, but not to a less-than-significant level. There are no other feasible mitigation measures or alternatives available to reduce this significant cumulative impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.5.5; Final EIR Section 3.14, Table ES-3.

Cumulative Impact V-7: The Project would conflict with established visual resource management plans or landscape conservation plans.

In the North Area (north of the ANF along the approved T/L alignment) there are no established visual resource management plans or visual resource conservation plans; therefore, past, present and reasonably foreseeable future projects will not add to cumulative visual effects for Impact V-7. In the Center Area (ANF), the majority of Segments 6 and 11 are situated within areas of natural-appearing landscapes designated with a High Scenic Integrity Objective (SIO) by the Forest Plan. The Approved Project and the Modified Project were both found to be inconsistent with the Forest Plan, but have been made consistent with the Project-specific Forest Plan amendment to Standard S9. Therefore, there is no cumulative visual effect under Impact V-7 in the North Area.

In the South Area (south of the ANF along the approved T/L alignment), the Modified Project, along with past, present and reasonably foreseeable future projects will cross lands administered by the Puente Hills

Landfill Habitat Preservation Authority (PHLHPA). The modifications to the Project will also conflict with Goal Visual-1 and Objective Visual-1.2 of the PHLHPA Resource Management Plan, as marker balls and aviation lights will be seen from this area. PHLNHPA Resource Management Plan Goal Visual-1 states: Protect and enhance views and distinctive landscape features that contribute to the setting, character and visitor experience of the Preserve. Objective Visual-1.2 states: Protect views from within the Preserve to outlying properties. Evaluate proposed projects surrounding the Preserve with a priority to retain the visual quality of the Preserve's undeveloped landscape. As such, the Modified Project's contribution to Impact V-7 will be cumulatively significant in the South Area.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact V-7. Specifically, Mitigation Measure V-3b, as set forth below, is feasible and has already been adopted by the CPUC as a condition of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of this measure, significant unavoidable cumulative impacts will continue to occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, and other considerations make it infeasible to reduce Cumulative Impact V-7 to a less-than-significant level.
 - **MM V-3b: On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality.** (See above for full text)

Rationale for Finding. Mitigation Measure V-3b will reduce the contribution of the Modified Project to cumulative impacts, but not to a less-than-significant level. There are no other feasible mitigation measures or alternatives available to reduce this significant cumulative impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.5.5; Final EIR Section 3.14, Table ES-3.

Cumulative Impact V-9 (NEW): The addition of aviation lights on transmission towers would affect nighttime views in the area.

The placement of aviation lights on approximately 90 transmission structures along the TRTP alignment, in combination with past, present and reasonably foreseeable future night lighting associated with residential, commercial, industrial and electrical infrastructure development and upgrades, including possible FAA aviation lights on new electrical infrastructure development, will adversely affect nighttime views. This is a new cumulatively significant impact associated with the Modified Project.

Finding.

- (1) The CPUC finds that changes or alterations have been incorporated into the Modified Project which mitigate significant effects on the environment from Impact V-9. Specifically, Mitigation Measure V-3b, as set forth below, is feasible and has already been adopted by the CPUC as a condition of approval for the Approved Project (Decision 09-12-044) and remain applicable to the Modified Project. However, even with implementation of this measure, significant unavoidable cumulative impacts will occur as described above.
- (2) The CPUC finds that specific economic, legal, social, technological, or other considerations make it infeasible to reduce Cumulative Impact V-9 to a less-than-significant level.
 - **MM V-3b: On NFS lands, provide restoration/compensation for impacts to landscape character and visual quality.** (See above for full text)

Rationale for Finding. Mitigation Measure V-3b will reduce the contribution of the Modified Project to cumulative impacts, but not to a less-than-significant level. There are no other feasible mitigation measures

or alternatives available to reduce this significant cumulative impact to a level that will be less than significant.

Reference. Final SEIR/SEIS Section 4.5.5; Final EIR Section 3.14, Table ES-3.

V. Findings Regarding Other CEQA Considerations

V.1 Growth Inducing Impacts

The growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population above what is assumed in local and regional land use plans, or in projections made by regional planning authorities. Significant growth impacts could also occur if a project provides infrastructure or service capacity to accommodate growth levels beyond those permitted by local or regional plans and policies.

Finding/Rationale: As outlined in Section II.3 (Project Objectives), the primary purposes of the TRTP is to provide the electrical facilities necessary to interconnect and integrate up to approximately 4,500 MW of new wind generation in the Tehachapi Wind Resources Area (TWRA) currently being planned or expected in the future, thereby enabling SCE and other California utilities to comply with the California Renewables Portfolio Standard in an expedited manner; to address the reliability needs of the CAISO-controlled grid due to projected load growth in the Antelope Valley; and to address the South of Lugo transmission constraints, an ongoing source of concern for the Los Angeles Basin. The Modified Project serves the same purposes and constitutes a minor alteration to the TRTP. Construction and O&M of the Modified Project will not change the growth-inducing effects of the Approved Project. Therefore, growth inducing impacts of the Modified Project were not evaluated in the SEIR/SEIS.

V.2 Significant Irreversible Changes and Irretrievable Commitments of Resources

Construction of the Modified Project will require the manufacture of a nominal increase in new materials, some of which will not be recyclable at the end of the Project's lifetime, and require energy for the production of these materials, which will also result in an irretrievable commitment of natural resources. The Modified Project will continue to facilitate the distribution of renewable wind energy from the TWRA and will continue to accommodate the area's potential for renewable power generation in order to achieve the goals of the California Renewables Portfolio Standard, as well as address projected load growth in the Antelope Valley and transmission constraints in the greater Los Angeles Basin.

Finding/Rationale. Construction of the Modified Project will result in generally the same irretrievable commitment of natural resources as the Approved Project. Maintenance and inspection of the Modified Project will not change appreciably from SCE's existing activities in the Project area, and thus will not cause a substantial increase in the consumption or use of nonrenewable resources. Therefore, irreversible and irretrievable commitments of resources of the Modified Project were not evaluated in the SEIR/SEIS.

The CPUC finds that the consumption of any additional resources is justified for the reasons described in the Statement of Overriding Considerations set forth in Section 8 of the CPUC's adopted Decision on the Modified Project.

VI. Findings on Rejected Mitigation Measures Suggested in Comments on the Draft SEIR/SEIS

Several comments on the Draft SEIR/SEIS suggested additional mitigation measures. However, where the suggestions requested minor modifications in adequate mitigation measures, requested mitigation for impacts that the Draft SEIR/SEIS determined were less than significant, or requested mitigation for impacts for which the Draft SEIR/SEIS already identified measures that would reduce the impact to less than significant, these requests were declined as unnecessary. The Commission adopts and incorporates by reference the specific reasons for declining such measures contained in the responses to comments in the Final SEIR/SEIS as its grounds for rejecting these measures.

Finding/Rationale. The CPUC finds that specific economic, legal, social, technological, or other considerations make infeasible the following mitigation measures identified in the Final SEIR/SEIS, for the reasons explained below.

VI.1 Biological Resources

Use of Flashing Red Lights. The County of Los Angeles Department of Parks and Recreation requested only flashing red lights be used for aviation lighting on the transmission towers to minimize the potential for bird collision, specifically within Legg Lake and Santa Fe Flood Control Basin as these “are places where the movements of susceptible species are greatest.” Additionally, the Puente Hills Habitat Preservation Authority (Habitat Authority) requested the installation of flashing lights (L-864) instead of steady-burning (L-810) lights to reduce bird impacts in the Puente Hills, as “this area is part of the Pacific Flyover and serves as an important migratory stopover point for birds migrating through southern California twice a year.”

Finding. The CPUC finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or project alternative identified.

Rationale. SCE has consulted with the FAA and will reduce the use of steady burning red lights and use only flashing red lights on structures recommended for lighting within Segment 11 on NFS lands (Const. 14, 16 and 17). This minimization was applied only to NFS lands due to the nature of the ANF as a relatively large, mostly undeveloped, higher elevation habitat that generally would support greater numbers and diversity of night-flying migrant birds. Smaller habitat areas south of the ANF are impacted much more by existing night lighting, lessening the risk, and therefore the need, to further consult with FAA on specific types of aviation lighting. No additional mitigation is required.

Restoration or Compensation to Affected Parks. The County of Los Angeles Department of Parks and Recreation also requested that mitigation measures be included to provide restoration or compensation to affected parks, specifically Whittier Narrows and Santa Fe Dam, to offset the degraded park service quality due to reduce bird-sighting opportunities (in the future) resulting from the TRTP.

Finding. The CPUC finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or project alternative identified.

Rationale. The addition of marker balls and aviation lights will not result in a substantial increase in the severity of biological resources impacts identified in the Final EIR and Final EIS, including impacts to nesting birds and raptors (Impact B-5) and impacts from collisions with overhead wires by State and/or federally protected birds (Impact B-21), and therefore would not be expected to impact bird watching opportunities at Whittier Narrows and the Santa Fe Dam. Adding marker balls to the existing transmission lines in the area under the Modified Project will slightly decrease the potential for birds to collide with the line as it will increase the line’s visibility during the day. However, this is not expected to reduce the number of birds in the area; it will only slightly alter flight patterns that may result in line collision. Use of aviation lighting at night will not substantially impact bird use of these areas either, and as bird watching is primarily a daytime activity, the aviation lights associated with the Modified Project will not be expected to impact this recreational activity either. No additional mitigation is required.

Proposed Modifications to Mitigation Measure B-5. The Habitat Authority requested the addition of the marker ball installation locations to the list of areas to be surveyed for nesting birds in approved Mitigation Measure B-5.

Finding. The CPUC finds that specific economic, legal, social, technological, or other considerations make these changes to the mitigation measure infeasible.

Rationale. While Mitigation Measure B-5 (Conduct pre-construction surveys and monitoring for breeding birds) does not specifically identify the marker ball installation locations as required survey areas, the measure requires SCE to conduct nesting bird surveys and establish appropriate buffers around active nests within 500 feet of all work areas, which would include marker ball installation locations. SCE has been implementing the requirements of adopted Mitigation Measure B-5 during construction of the Approved Project in association with all work areas, and will continue this practice as part of implementing the Modified Project. Further, SCE must comply with all State and federal laws and regulations protecting nesting birds, including California Fish and Game Code Sections 3503 and 3503.5, and the federal Migratory Bird Treaty Act (MBTA). No revisions to Mitigation Measure B-5 are required.

Additional Mitigation to Better Assess Bird Mortality Impacts. The Habitat Authority requested additional mitigation to better assess bird mortality impacts for future SCE and other transmission line projects, such as an independent study of the actual amount of impact to birds its towers and transmission lines cause.

Finding. The CPUC finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or project alternative identified.

Rationale. Because Impact B-21 (The Project could result in collision with overhead wires by State and/or federally protected birds) was not found to be substantially greater for the Modified Project than what was described for the Approved Project, and impacts were determined to be less than significant under CEQA, no further studies or additional mitigation is required.

Direct Mitigation for Bird Collisions. The Habitat Authority requests more direct mitigation for bird collision impacts in the form of donations to local wildlife rehabilitation centers that rehabilitate birds, including raptors. Local rehabilitation centers include South Bay Wildlife Rehab, California Wildlife Center, Wild Wings of California, The Fund for Animals Wildlife Rehabilitation Center, and the Pacific Wildlife Project.

Finding. The CPUC finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or project alternative identified.

Rationale. Because Impact B-21 (The Project could result in collision with overhead wires by State and/or federally protected birds) was not found to be substantially greater for the Modified Project than what was described for the Approved Project, and impacts were determined to be less than significant under CEQA, no additional mitigation is required.

Mitigation Measures for Cumulative Biological Resources Impacts. The Habitat Authority requests that mitigation measures be included to avoid installation of the marker balls during construction of the Whittier Main Oil Field Project, as well as for cumulative impacts to nesting birds, including avoidance of marker ball installation during nesting bird season.

Finding. The CPUC finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or project alternative identified.

Rationale. Construction activities associated with the installation of marker balls and aviation lighting, which will occur within the same ROW and along the same access roads as the Approved Project, will be subject to the same approved mitigation measures, including Mitigation Measures L-1a (Construction liaison – Property owners), L-1b (Advance notification of construction - Property owners), L-1c (Quarterly construction updates - Property owners), and L-2a (Construction plan provisions – Non-residential property).

Mitigation measures L-1a, L-1b, L-1c, and L-2a will reduce all construction-related impacts of the Modified Project to a less-than-significant level by providing for coordination and communication with affected property owners, minimizing the length of time required for construction-related activities, and restoring non-residential properties to their pre-construction conditions.

As discussed in SEIR/SEIS Section 4.3.5 (Biological Resources), while the contribution of the Modified Project will be cumulatively considerable, its contribution to significant cumulative construction-related impacts to nesting birds will be no greater than the contributions of the Approved Project. 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-5 (Conduct protocol or focused surveys for listed riparian birds and avoid occupied habitat), and AQ-1a (Implement Construction Fugitive Dust Control Plan) will reduce the incremental contribution of the Modified Project to cumulative impacts, but not to less-than-significant levels. However, the Modified Project activities do not substantially increase the severity of construction-related cumulative effects to nesting birds or change the cumulative impact determination identified in the Final EIR. As described in the SEIR/SEIS under Impact B-5 (Construction activities conducted during the breeding season would result in the loss of nesting birds or raptors) SCE will be required to avoid impacts to nesting birds. Implementation of Mitigation Measure B-5a will require SCE to surveys for nesting birds within 500 feet of all Project-related disturbances. This will ensure that Project construction does not result in impacts to nesting birds. Nests located in areas subject to Project-related disturbance, including marker ball installation, will be avoided or minimized through the implementation of this condition. No additional mitigation is required.

VI.2 Noise

Construction and Helicopter Use. The County of Los Angeles Department of Parks and Recreation requested mitigation measures that limit construction and helicopter use to avoid critical lifecycles, such as the nesting season for listed and sensitive species, and to schedule construction during off-peak use of the County's park and recreational facilities.

Finding. The CPUC finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or project alternative identified.

Rationale. While installation of marker balls will increase temporary noise impacts by increasing helicopter operations during construction, with implementation of Mitigation Measures N-1a (Implement Best Management Practices for construction noise) and N-1b (Avoid sensitive receptors during mobile construction equipment use), the Modified Project will not result in a substantial increase in the severity of noise impacts identified for the Approved Project. Light-duty helicopters, such as the 530F, will be utilized to install marker balls utilizing human external cargo (HEC). For HEC, a worker is harnessed to the end of a long line (typically 200-feet in length), which is attached to a light-duty helicopter. The worker takes the marker ball from the nearest construction yard and is flown to the transmission line span for installation. CPUC's recent monitoring of helicopter construction activities on transmission projects has shown a typical marker ball installation under normal wind conditions takes approximately 8 to 10 minutes to complete. Note that the 15 to 20 minute estimate for HEC installation provided in SEIR/SEIS Section 2.3.1.1 is considered a maximum/worst-case based on CPUC's recent monitoring of helicopter construction activities (including marker ball installation) on transmission projects including the TRTP, Sunrise Powerlink Project, and Devers-Palo Verde No. 2 Transmission Line Project). Due to the limited time required for marker ball installation, any one location is impacted for a short duration. Therefore, temporary noise impacts to the park facilities will be less than significant, and no additional mitigation is necessary.

As part of the CPUC's construction monitoring requirements of the TRTP Applicant and contractor, all construction-related helicopters are equipped with aviation specific Garmin GPS units. The GPS unit is uploaded daily with all current environmentally sensitive area (ESA) avoidance buffers (nesting bird locations, sensitive habitat/receptors, flight corridor restrictions, etc.). Because of this requirement, pilots are

able to view the helicopter's location in relation to all applicable ESA avoidance buffers, flight corridors, and other pertinent restrictions on the GPS screen. The onboard GPS unit also records flight data at four-second intervals, which is downloaded and archived at the end of each workday. CPUC environmental monitors review this flight data to ensure applicable ESA avoidance buffers (including nesting bird buffers) are not encroached upon by project-related helicopter construction activities.

Regarding impacts to nesting birds from helicopter activities associated with the Modified Project, construction activities and equipment associated with the Project modifications are within the scope and magnitude, and are of the same types, as those analyzed in the Approved Project. Implementation of already approved mitigation measures will reduce impacts to nesting birds or raptors during construction of the Project modifications. Mitigation Measure B-5 (Conduct pre-construction surveys and monitoring for breeding birds) requires surveys for active nests within 500 feet of work areas during the bird breeding season, and implementation of appropriate buffers around all active nests. Therefore, helicopter activity will not occur in proximity to nesting birds, and impacts to nesting birds from installation of the marker balls and lights will be minimal and will not require additional mitigation.

VI.3 Wilderness and Recreation

Multi-Use Recreational Trails. The County of Los Angeles Department of Parks and Recreation requested mitigation measures be implemented to avoid or minimize impacts to the County trails and trail users to provide for a safe and pleasant recreational experience to all trail users. These measures included limiting construction activities, specifically those which generate traffic and noise, to occur outside of high visitation days (weekends) and holidays; coordination with the Department sixty (60) days prior to the onset of construction activities if temporary trail closure, obstruction detour, and/or restrictions are necessary; notification of the public of construction forty-five (45) days prior to commencing construction, including use of local publications (print and online), signs within a one-mile radius of trail access points or existing trails, and notification of groups such as equestrian, mountain bike, and hiking groups in the general area.

Finding. The CPUC finds that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or project alternative identified.

Rationale. The installation of aviation lights will occur concurrently with transmission structure construction, except for those structures that have already been constructed. Marker balls will be installed after optical ground wire is installed and secured. These additional activities will result in a minor increase in helicopter use and on-road traffic. Construction activities will be subject to the same APMs and approved mitigation measures for the Approved Project, including APMs REC-1 through REC-3 and Mitigation Measures R-1a (Coordinate construction schedule and maintenance activities with managing officer/s for affected recreation areas), R-1b (Identify and provide noticing of alternative recreation areas), R-1c (Notification of temporary closure of OHV routes), and L-2b (Aircraft flight path and safety provisions and consultation), among others. Mitigation Measure R-1a will help to minimize the potential for construction activities to restrict access to or disrupt activities within established recreational areas. Similarly, Mitigation Measures R-1b and R-1c will help to minimize impacts through public awareness and outreach. Mitigation Measure R-1c is similar to APM REC-1 (Temporary Closures) and APM REC-2 (Closure Notices), and reinforces these APMs by requiring specific procedures, such as maintaining public notices and submitting coordination documentation to the CPUC and the Forest Service. Mitigation Measure L-2b ensures that all appropriate agencies are consulted with prior to the onset of helicopter operations. O&M activities will have minimal impact on wilderness and recreation areas due to the limited nature and infrequency of occurrence. Therefore, the installation of marker balls and aviation lights will not result in new significant effects or substantially increase the severity of previously identified significant effects for wilderness and recreation. As discussed in the Final EIR, all wilderness and recreation Project impacts, with the exception of cumulative impacts, were determined to be less than significant with implementation of the recommended mitigation measures. These measures were approved in CPUC Decision 09-12-044.

VII. Findings on Project Alternatives

During the scoping process agencies, organizations, and interested parties were consulted to determine a range of alternatives to the Modified Project. Alternatives were considered if they could feasibly avoid or lessen any significant environmental impacts of the Modified Project, while substantially attaining the basic objectives of the Project. Based on this process, only one alternative to the FAA's recommended modification was considered – The Reduced Structure Height Alternative. This alternative was considered as it would reduce the need for marker balls and aviation lights, which are the main components of the Modified Project leading to new significant visual resources impacts (see Section IV.4.4).

VII.1 Reduced Structure Height Alternative

The Reduced Structure Height Alternative would re-design the Approved Project's transmission structures such that the overall height of the structures would be reduced to minimize the FAA's recommendations for marker balls and aviation lights, to the extent feasible. The installation of fewer marker balls and aviation lights would reduce, if not eliminate in many instances, the significant visual impacts related to the Modified Project. However, to maintain the ground clearance requirements of CPUC General Order 95 (GO 95), a greater number of transmission structures would be required along the TRTP alignment. And, in some instances, such as in mountainous terrain, reduced structure heights may not be feasible and marker balls and aviation lights would continue to be recommended.

This alternative would meet the purpose and need of the TRTP; however, construction of this alternative would result in substantially greater environmental impacts during construction due to the additional ground disturbance. As such, this alternative offers no environmental advantage over the Modified Project without creating greater impacts of its own. Therefore, the Reduced Structure Height Alternative was eliminated from further consideration.

Finding/Rationale. The CPUC hereby finds that while the Reduced Structure Alternative would reduce the significant visual impacts of the Modified Project, it would result in other significant impacts which would outweigh this benefit, and therefore rejects this alternative.

VII.2 No Project Modifications/No Action Alternative

The No Project Modifications/No Action Alternative would implement the TRTP, as approved in CPUC Decision 09-12-044 (December 24, 2009) and the Forest Service Record of Decision (dated October 4, 2010). It is recognized, however, that on July 11, 2013 the CPUC granted the *City of Chino Hills' Petition for Modification of Decision 09-12-044* (filed October 28, 2011) in Decision 13-07-018, which approved undergrounding of the 500-kV T/L in the existing ROW along an approximately 3.5-mile portion of the TRTP alignment through Chino Hills in lieu of the previously approved overhead T/L.

The No Project Modifications/No Action Alternative would meet the Project objectives, and while visual impacts would be significant and unavoidable, would not result in the new significant visual impact related to the addition of marker balls and aviation lights. However, the No Project Modifications/No Action Alternative would not comply with FAA safety recommendations.

Finding/Rationale. The No Project Modifications/No Action Alternative is infeasible on the grounds that it conflicts with agency policies requiring the protection of consumers through the provision of safe utilities and infrastructure (See *City of Maywood v. Los Angeles Unified Sch. Dist.* (2012) [lead agency may determine that an alternative is infeasible on the basis of a conflict with relevant policies or regulatory limitations].) The CPUC Mission is to serve "the public interest by protecting consumers and ensuring the provision of safe, reliable utility service and infrastructure at reasonable rates, with a commitment to environmental enhancement and a healthy California economy." General Order 131-D states that no Certificate of Public Convenience and Necessity (CPCN) can be issued without the Commission "first having found that said

facilities are necessary to promote the safety, health, comfort, and convenience of the public...". The FAA recommendations regarding the installation of marker balls and aviation lights on certain transmission line spans and structures were made based on its determination that these structures and spans presented a potential hazard to air navigation. Failure to comply with the FAA recommendations would result in reduced aviation safety, in direct conflict with CPUC safety policies. For the above reasons, the CPUC hereby finds the No Project Modifications/No Action Alternative to be infeasible.

VIII. Basis for SEIR/SEIS Analysis

Following publication of the Draft SEIR/SEIS (April 2013), and as part of a separate proceeding for the TRTP, on July 11, 2013 the CPUC granted the *City of Chino Hills' Petition for Modification of Decision 09-12-044* (filed October 28, 2011) (Decision 13-07-018), which includes undergrounding of the 500-kV transmission line in the existing ROW along an approximately 3.5-mile portion of the TRTP alignment through Chino Hills in lieu of the previously approved overhead transmission line. SCE will now place the subject portion of the TRTP transmission line underground using a single-circuit, two cables per phase design (known as Option UG5) using cross-linked polyethylene (XLPE) cable. This will also include the construction of a ductbank system and structures for a third cable in the future, if necessary. The underground portion of the transmission line will run in a southwest to northeast direction, with the southwest end terminating in a transition station to be located just west of the end of Eucalyptus Avenue and the northeast end terminating in a transition station to be located adjacent to State Route (SR) 71 (Chino Valley Freeway).

The Final SEIR/SEIS analyzes the Modified Project, which includes the originally approved overhead design with all recommended FAA modifications (i.e., marker balls, aviation lights, and reduced transmission structure heights near Chino Airport). With implementation of underground construction in Chino Hills, 3.5 miles of the approved transmission line will now be placed underground through Chino Hills. The western transition station for undergrounding is expected to be located in the vicinity of Structures M59-T3 and M60-T1 (see SEIR/SEIS, Figure 2.1-1e) such that marker balls will continue to be recommended along three (3) spans within Chino Hills (M59-T1 to M59-T2, M59-T2 to M59-T3, and M59-T3 to the western transition station). Approximately 37 marker balls are recommended along these three spans (see SEIR/SEIS Table 2.3-1, Segment-Phase 8-1). Therefore, the number of marker balls within Chino Hills with implementation of the Modified Project will be reduced from 78 to 37, a reduction of 41 marker balls. No aviation lighting is proposed within Chino Hills, such that the number of transmission structures with lights remains unchanged (90 total).

IX. Findings on Responses to Comments on the Draft SEIR/SEIS and Revisions to the Final SEIR/SEIS

The Final SEIR/SEIS includes the comments received on the Draft SEIR/SEIS and responses to those comments. The focus of the responses to comments is on the disposition of significant environmental issues as raised in the comments, as specified by CEQA Guidelines §15088(b).

Finding/Rationale. The CPUC finds that responses to comments made on the Draft SEIR/SEIS and revisions made in the Final SEIR/SEIS merely clarify and amplify the analysis presented in the document and do not trigger the need to recirculate, per CEQA Guidelines §15088.5(b). As noted above in Section VII, the SEIR/SEIS analyzes the Modified Project, which includes a greater number of marker balls than will be needed with implementation of underground construction within Chino Hills. The reduction in marker balls does not constitute "significant new information" requiring recirculation.

X. Custodian of Records

The documents and other materials that constitute the record of proceedings on which these findings are based are located at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102. The custodian for these documents is the Energy Division, CEQA Unit. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and CEQA Guidelines §15091(e).

XI. Adoption of Revisions to the Mitigation Monitoring Plan for CEQA Mitigation Measures

Section 21081.6 of the Public Resources Code requires this Commission to adopt a monitoring or reporting program a project and mitigation measures imposed to lessen or avoid significant effects on the environment. A Mitigation Monitoring Plan (MMP) is adopted because it fulfills the CEQA mitigation monitoring requirements:

- The Mitigation Monitoring Plan is designed to ensure compliance with the changes in the Project and mitigation measures imposed on the Project during Project implementation.
- Measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures.

A MMP was previously adopted by the CPUC (Decision 09-12-044, Attachment 2); all mitigation measures continue to be applicable to the Modified Project. No additional mitigation measures are recommended.

(END OF ATTACHMENT A)