

1.0 Introduction

1.1 Legal Authority and Purpose

The California Environmental Quality Act (CEQA) of 1970 (as amended) requires that an Environmental Impact Report (EIR) be prepared for any project to be undertaken or approved by a state or local agency that has the potential to have a direct or indirect physical change in the environment. The purpose of this Draft Final EIR is to present information relevant to the regulatory settings for federal, state and local environmental policies, describe the existing physical conditions, evaluate potential environmental impacts, and recommend a mitigation program designed to reduce or avoid identified significant adverse environmental effects that could result from implementation of the proposed Eagle Mountain Pumped Storage Project (Project).

Approval of the proposed Project requires discretionary approval by the State Water Resources Control Board (State Water Board); and therefore constitutes a “project” under CEQA (CEQA Guidelines §15378). The State Water Board has primary state responsibility for carrying out and approving the Clean Water Act Section 401 Water Quality Certification for the proposed Project, and is therefore the designated Lead Agency under CEQA.¹ The proposed Project site is located north of the unincorporated town of Desert Center, within Riverside County, California. The proponent of the Project is the Eagle Crest Energy Company (ECE).

This Draft Final EIR was prepared by the State Water Board acting in its capacity as Lead Agency pursuant to CEQA and the CEQA Guidelines. It was prepared in compliance with CEQA (Public Resources Code §§21000-21178), and the 2012 CEQA Guidelines (California Code of Regulations [CCR], Title 14, Chapter 3, §15000-15387.) As described in the CEQA Guidelines §15121(a), an EIR is a public information document that assesses potential environmental impacts of a proposed project, and identifies mitigation measures and alternatives to the project that could reduce or avoid potential adverse environmental impacts.

CEQA requires that state and local government agencies consider the environmental consequences of projects over which they have discretionary authority. It is not the purpose of an EIR to recommend either approval or denial of a project. Rather, an EIR is a document whose primary purpose is to disclose the potential environmental impacts associated with an action or “project.”

¹ The proposed Project must also obtain a license from the Federal Energy Regulatory Commission (FERC); as such, the FERC is the Federal Lead Agency. The FERC is conducting a coordinated but independent environmental review of the project to satisfy its requirements under the National Environmental Policy Act (NEPA).

The purpose of this Draft Final EIR for the Project is to comply with CEQA requirements, respond to all comments received on the Draft EIR and integrate appropriate changes, additions, or corrections to the information presented in the Draft EIR. All written comments received by the State Water Board are included in this document (Volume IV).

This section discusses the legal authority and purpose of the EIR, explains the intended uses of the EIR including the regulatory requirements for the Lead Agency, provides an overview of the CEQA process, and an organizational layout of the EIR. Also included in this section is the summary of the scoping process and public outreach; issues of concern (as determined by the State Water Board during Project scoping and preliminary environmental analysis); a list of issues to be resolved and analyzed within this EIR; terminology used to describe the level of significance of impact; and components of the mitigation program.

1.2 Intended Uses of the EIR

This EIR is part of the environmental review process for the proposed Project. The intent of this EIR is to enable the State Water Board and other responsible agencies and interested parties to understand the potential environmental effects of the proposed Project. The EIR is expected to be used for the following purposes:

- To inform the public, decision-makers, elected officials and other stakeholders regarding the proposed Project.
- To disclose to the public, decision-makers, elected officials, and other stakeholders the potential environmental effects associated with short-term construction and long-term operation of the proposed Project, and to solicit input on the potential environmental effects.
- To identify ways to avoid or minimize potential environmental effects of the proposed Project and evaluate alternatives to the proposed action(s).
- To provide the State Water Board with a technically and legally adequate environmental document to be used as one basis for its decision-making process for developing a Water Quality Certification for the Project.
- To provide responsible and trustee regulatory agencies with information necessary to evaluate Project permitting requirements.

A detailed description of the proposed action, required entitlements, and agencies expected to utilize this EIR in their subsequent permitting for the Project is presented next in Section 2.0 Project Description.

1.2.1 Statutory and Regulatory Requirements

The proposed Project is subject to the Federal Power Act (FPA) and Clean Water Act (CWA), as well as various other regulatory federal, state and local requirements. For a complete listing of applicable regulatory settings please refer to the resource sections contained within Section 3.0 Environmental Analysis, of this EIR. A summary of the FPA and CWA is provided below.

1.2.1.1 Federal Power Act

An operating license is required for the Project, and is subject to numerous requirements under the FPA 16 U.S.C. §§791-828c (2000). As the Federal Lead Agency for the Project, the Federal Energy Regulatory Commission (FERC) issued an Environmental Impact Statement (EIS) in January 2012 for evaluation and assessment of the proposed Project to satisfy requirements of the National Environmental Policy Act (NEPA). ECE has submitted to FERC a Pre-Application Document (January 2008), and Draft and Final License Application (June 2008 and 2009, respectively). NEPA and CEQA documents, while not considered a joint document, have been drafted in consultation with federal and state coordination.

1.2.1.2 Clean Water Act

On September 26, 2008, ECE applied to the State Water Board for Water Quality Certification under Section 401 of the Clean Water Act. Because the State Water Board has primary approval authority for the proposed Project at the state level, it is the California Lead Agency for fulfilling requirements of CEQA. On October 15, 2008, the State Water Board determined that the Water Quality Certification application met the requirements for a complete application and was acceptable for processing. A public notice for Clean Water Act Section 401 Water Quality Certification was published December 17, 2008. A Draft EIR was issued by the State Water Board in July 2010. The final action on the application for Water Quality Certification is pending completion of environmental review based upon the findings of this EIR.

1.3 Environmental Review Process

1.3.1 Notice of Preparation

In accordance with Section 15082 of the CEQA Guidelines, the State Water Board prepared a Notice of Preparation (NOP) and sent it to the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit (SCH), responsible and trustee agencies, and interested persons and organizations on January 6, 2009. The public review and comment period on the NOP was extended to coincide with the federal scoping process and ended on February 16, 2009. A copy of the SCH's stamped NOP and the NOP distribution list are included in Appendix E of this EIR.

The purpose of the NOP is to provide the responsible agencies with sufficient information describing the proposed Project and the potential environmental effects to enable the responsible

agencies to make a meaningful response. The scoping process helps the Lead Agency identify the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR. The scoping process also helps to eliminate from further study issues found not to be significant. Section 15082(c)(1) of the CEQA Guidelines requires the Lead Agency to conduct at least one scoping meeting for projects of state-wide, regional, or area-wide significance.

Consistent with §21083.9 of the CEQA Statute (Public Resources Code Section 21000, et. seq.), the State Water Board held public scoping meetings to solicit public and agency comments on the scope and content of the EIR on January 15 and 16, 2009 at the University of California, Riverside (Palm Desert Extension) in the City of Palm Desert, California. In addition, a Project-area tour was conducted on January 16, 2009. The meetings were conducted in tandem with FERC, the federal Lead Agency, as it initiated its NEPA environmental review process concurrent with the state's process. The scoping meetings and Project-area tour were noticed in *The Desert Sun* news publication on December 12, 2008. As required by FERC's public record process, a court reporter recorded the scoping meeting, including all comments and statements (these transcripts are provided in Appendix E). Also as part of the NEPA process, a scoping document (SD-1) was distributed (prior to the scoping meetings) to interested agencies and others on December 17, 2008. It was noticed in the *Federal Register* on December 24, 2008. In addition to verbal comments provided at the scoping meetings, the following entities provided written comments:

- Kaiser Ventures, LLC (dated February 13, 2009)
- County Sanitation Districts of Los Angeles County (dated February 17, 2009)
- Metropolitan Water District of Southern California (dated February 10, 2009)
- National Parks Conservation Association (dated February 10, 2009)
- Citizens for the Chuckwalla Valley (dated February 17, 2009)
- Riverside County Fire Department (dated March 5, 2009)
- Department of Interior, Bureau of Reclamation (dated March 17, 2009)

A copy of comment letters submitted during scoping can be found in Appendix D.

On June 5, 2009, the State Water Board and FERC issued a second scoping document (SD-2), providing clarification regarding issues identified for analysis, and incorporating comments submitted in response to SD-1.

In determining the scope and content of the EIR, the State Water Board took into consideration comments received during the NOP public review period. The issues raised by agencies and the public during Project scoping are described in Table 1-1 below, and are the basis of the scope and content of the Draft and Draft Final EIR documents. Also included in this EIR is analysis of Agricultural Resources, Population & Housing, Noise, and Environmental Justice.

Table 1-1. Issues Raised during Project Scoping

Geology and Soils	Effects of Project construction, filling, and operation on geology and soil resources in the Project boundary, including assessment of potential geologic hazards such as soil liquefaction, Project-induced seismicity, and slope instability.
	Effects of Project construction, filling, and operation on soil erosion and sedimentation in the Project area.
	Effects of Project construction, filling, and operation on the potential for subsidence and hydrocompaction in the Project area and associated Chuckwalla Valley groundwater basin, including potential effects in adjacent river basins (e.g., the Pinto Basin) and on the Aqueduct.
Water Resources (Groundwater & Surface Water)	Effects of construction activities on water quality in the Project area.
	Effects of reservoir and tunnel on seepage and on groundwater levels in the Project area.
	Effects of seepage from the reservoirs and brine pond(s) on groundwater quality in the Project area.
	Effects of groundwater pumping on groundwater levels, including assessment of groundwater level changes in relation to: other groundwater users; local springs; the Colorado River Aqueduct; and Reclamation's accounting surface elevation for monitoring use of Colorado River water.
	Effects of groundwater pumping on groundwater quantity and quality in the Project area.
	Effects on long-term water quantity and quality in the reservoirs and brine ponds, including the potential for colonization by avian organisms.
Terrestrial Resources	Effects of the reservoirs as a rare water source in the desert environment on the attraction of waterfowl and bats, attraction of predators (e.g., coyotes, badger, and ravens), and establishment and composition of riparian communities.
	Effects of Project construction (i.e., disturbance and habitat fragmentation) and operation (i.e., lighting, physical and noise disturbance, and migration barriers) on desert bighorn sheep migration patterns, foraging habitat, and breeding and lambing behavior; including an assessment of consequences to desert bighorn sheep populations in the area.
	Potential effects of the Project's reservoirs on deer, big horn sheep, and desert tortoise drowning in the reservoirs, and effectiveness of fencing.
	Effects of the brine ponds on birds, and measures to minimize adverse effects.
	Effects of Project construction and operation, including, but not limited to, construction of the access roads, water pipeline, transmission line, powerhouse, brine ponds and reservoirs, staging areas, transmission line pulling areas, and waste spoil and disposal sites on vegetation.
	Effects of changes in local springs on wildlife, including desert bighorn sheep.
	Effects of Project construction and operation on the spread of invasive species including the consequences of the spread of noxious weeds on vegetation species composition and wildlife habitat values.
	Effects of Project construction and operation on special status species, including BLM sensitive species and state threatened and endangered species.
	Effects of Project facilities and operations on raven populations.

Threatened and Endangered Species	Effect of Project construction and operation on federally-threatened and endangered species: (1) desert tortoise and its critical habitat, (2) Coachella Valley milkvetch.
	Potential conflicts between the proposed Pumped Storage Project and the terms of Kaiser's incidental take statement for the proposed landfill project.
Aesthetic Resources	Effects of proposed Project facilities on visitors who view the landscape (i.e., Riverside County has designated the section of Interstate 10 from Desert Center to Blythe as a scenic corridor).
	Effects of Project construction and operation on visitors to the area, including visitors to wilderness and non-wilderness areas within the Joshua Tree National Park, and effects on the park's wilderness values.
Cultural Resources	Effects of construction and operation of the proposed Project on historic, archeological, and traditional resources that may be eligible for inclusion in the National Register of Historic Places.
	Effects of Project's construction and operation on the Project's defined area of potential effects.
Land Use / Public Services / Utilities	Effects of Project construction and operation on the Colorado River Aqueduct and other local land uses, including future mineral development, and solar farms.
	Effects of Project construction and operation on the proposed Eagle Mountain Landfill project, including assessment of potential areas of incompatibility between the proposed Project and the landfill.
	Effects of Project-related desalinization ponds (from the reverse osmosis system) and associated removal of an estimated 2,500 tons of salt from the Upper Reservoir on land use.
	Effects of the proposed Project on the Riverside County Fire Department's ability to provide an acceptable level of service.
Recreation	Effects of Project construction and operation on recreational use within the Project area, including lands administered by the BLM for dispersed recreational use and at the Joshua Tree National Park.
	Effects of Project construction and operation on special designated areas, including BLM's Chuckwalla Valley Dune Thicket Area of Critical Environmental Concern, and Chuckwalla Critical Habitat Unit (an area designated by the U.S. Fish and Wildlife Service as desert tortoise habitat), and federally-designated wilderness areas within the Joshua Tree National Park.
Transportation	Effects of increased traffic and potential congestion on local roads due to the combination of existing mining-related and landfill traffic and Project construction and operation.
Air Quality	Effects of construction and operation of the Project on air quality in the region.
Greenhouse Gas Emissions	Effects of the Project on carbon production emissions.

1.3.2 Draft Environmental Impact Report

The State Water Board filed a Notice of Completion (NOC) with the SCH on July 23, 2010 indicating that the Draft EIR for the Project was complete and available for review (CEQA Guidelines §15085-15086 and §15105(a)). The Draft EIR was made available for public review and comment for a period of 76-days beginning on July 23, 2010 and ending on October 7, 2010.

The NOC was distributed to applicable public agencies, responsible agencies, and interested individuals. A copy of the SCH stamped NOC is provided below.

Pursuant to CEQA Guidelines §15087, the State Water Board filed a Notice of Availability (NOA) with the Riverside County Clerk on July 23, 2010.

An electronic version of the Draft EIR was made available at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/eagle_mountain_pumped_ferc13123/2_eagltmntn_deir_voll_2.pdf

Hardcopies of the Draft EIR were made available for review at the following locations:

State Water Resources Control Board
1001 I Street, 2nd Floor
Water Rights File Room
Sacramento, California 91706

Lake Tamarisk Library
PO Box 260
43-880 Tamarisk Drive
Desert Center, California 92239

Indio Civic Library
200 Civic Center Mall
Indio, California 92201

Palo Verde Valley District Library
125 W. Chanslorway
Blythe, California 92225

The NOC & NOA were posted within the Project vicinity at the following locations:

McGoos Liquor
26401 Rice Road
Desert Center, California 92239

Desert Center Post Office
44300 Ragsdale Road
Desert Center, California 92239

Lake Tamarisk Recreation Center
26250 Parkview Drive
Desert Center, California 92239

Along Kaiser Road near the Project site

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # 2009011010

Project Title: Eagle Mountain Pumped Storage Project
Lead Agency: State Water Resources Control Board **Contact Person:** Paul Murphy
Mailing Address: 1001 I Street, 14th Floor **Phone:** (916) 341-5435
City: Sacramento **Zip:** 95814 **County:** Sacramento

Project Location: County: Riverside County City/Nearest Community: Eagle Mountain, CA
 Cross Streets: Kaiser Road (map attached) Zip Code: 92239
 Longitude/Latitude (degrees, minutes and seconds): 33 ° 51 ' 54.1 " N / 115 ° 28 ' 18.1 " W Total Acres: 2364
 Assessor's Parcel No.: _____ Section: 36 Twp.: 3S Range: 14E Base: SBB&M
 Within 2 Miles: State Hwy #: 177 Waterways: Eagle Creek (ephemeral)
 Airports: _____ Railways: _____ Schools: Eagle Mountain

Document Type:
 CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplemental/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) _____ Draft EIS Other: _____
 Mit Neg Dec Other: _____



Local Action Type:
 General Plan Update Specific Plan Record Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Use Change (Subdivision, etc.) Other: Water Quality C

Development Type:
 Residential: Units _____ Acres _____ Transportation: Type _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Power: Type Hydro MW 1300
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Waste Treatment: Type _____ MGD _____
 Educational: _____ Hazardous Waste: Type _____
 Recreational: _____ Other: _____
 Water Facilities: Type _____ MGD _____

Project Issues Discussed in Document:
 Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Sepsic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Growth Inducement
 Coastal Zone Noise Solid Waste Land Use
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Cumulative Effects
 Economic/Jobs Public Services/Facilities Traffic/Circulation Other: Greenhouse Gas

Present Land Use/Zoning/General Plan Designation:
open desert land

Project Description: (please use a separate page if necessary)
 The Project is a pumped storage hydroelectric project which will provide 1,300 MW of generating capacity, using reversible pump-turbine units, with four units of 325 MW each. The Project will use off-peak energy to pump water from a lower reservoir to an upper reservoir during periods of low electrical demand and generate energy by passing the water from the upper to the lower reservoir through the generating units during periods of high electrical demand. The Project reservoirs will be formed by filling existing mining pits with water. A 500 kilovolt (kV) double circuit transmission line will convey power to and from the Project through an interconnection collector substation located west of the unincorporated town of Desert Center, California. Groundwater from the Chuckwalla Aquifer will be used to fill the reservoirs for the initial fill and makeup water.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.
 Revised 2008

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".
If you have already sent your document to the agency please denote that with an "S".

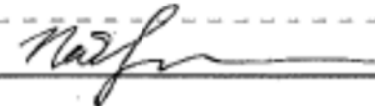
- | | |
|---|--|
| <input checked="" type="checkbox"/> Air Resources Board | <input type="checkbox"/> Office of Emergency Services |
| <input type="checkbox"/> Boating & Waterways, Department of | <input checked="" type="checkbox"/> Office of Historic Preservation |
| <input type="checkbox"/> California Highway Patrol | <input type="checkbox"/> Office of Public School Construction |
| <input checked="" type="checkbox"/> Caltrans District #8 | <input type="checkbox"/> Parks & Recreation, Department of |
| <input type="checkbox"/> Caltrans Division of Aeronautics | <input type="checkbox"/> Pesticide Regulation, Department of |
| <input checked="" type="checkbox"/> Caltrans Planning | <input checked="" type="checkbox"/> Public Utilities Commission |
| <input type="checkbox"/> Central Valley Flood Protection Board | <input checked="" type="checkbox"/> Regional WQCB # 7 |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy | <input checked="" type="checkbox"/> Resources Agency |
| <input type="checkbox"/> Coastal Commission | <input type="checkbox"/> S.F. Bay Conservation & Development Comm. |
| <input type="checkbox"/> Colorado River Board | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Conservation, Department of | <input type="checkbox"/> San Joaquin River Conservancy |
| <input type="checkbox"/> Corrections, Department of | <input type="checkbox"/> Santa Monica Mtns. Conservancy |
| <input type="checkbox"/> Delta Protection Commission | <input checked="" type="checkbox"/> State Lands Commission |
| <input type="checkbox"/> Education, Department of | <input type="checkbox"/> SWRCB: Clean Water Grants |
| <input checked="" type="checkbox"/> Energy Commission | <input checked="" type="checkbox"/> SWRCB: Water Quality |
| <input checked="" type="checkbox"/> Fish & Game Region #6 | <input checked="" type="checkbox"/> SWRCB: Water Rights |
| <input type="checkbox"/> Food & Agriculture, Department of | <input type="checkbox"/> Tahoe Regional Planning Agency |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Toxic Substances Control, Department of |
| <input type="checkbox"/> General Services, Department of | <input checked="" type="checkbox"/> Water Resources, Department of |
| <input type="checkbox"/> Health Services, Department of | <input checked="" type="checkbox"/> Other: Department of Safety of Dams |
| <input type="checkbox"/> Housing & Community Development | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Integrated Waste Management Board | |
| <input checked="" type="checkbox"/> Native American Heritage Commission | |

Local Public Review Period (to be filled in by lead agency)

Starting Date _____ Ending Date _____

Lead Agency (Complete if applicable):

Consulting Firm: <u>GEI Consultants, Inc</u>	Applicant: <u>Eagle Crest Energy Company</u>
Address: <u>10860 Gold Center Drive, Suite 350</u>	Address: <u>74-199 El Paseo Drive, Suite 204</u>
City/State/Zip: <u>Rancho Cordova, CA 95670</u>	City/State/Zip: <u>Palm Desert, CA 92260</u>
Contact: <u>Ginger Gillin</u>	Phone: <u>916-799-6065</u>
Phone: <u>916-662-6233</u>	

Signature of Lead Agency Representative:  Date: 7/22/2010

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

Notice of the Draft EIR's availability was distributed to all agencies and persons commenting on the Notice of Preparation (NOP) prepared for the Project, as well as other interested agencies, groups, and individuals. The complete distribution list for the Draft EIR is provided in Appendix D which is found in Volume III of this EIR.

The State Water Board received Draft EIR comment letters from the following list of agencies, groups, and persons. For the purpose of responding to each Draft EIR comment letter, each comment was numbered and summarized. A response to each comment immediately then follows. A copy of each comment letter received, with State Water Board responses, is provided in Volume IV of this EIR.

LIST OF DRAFT EIR COMMENTORS	
COMMENTER	DATE OF LETTER
FEMA – Federal Emergency Management Agency	August 3, 2010
USFWS – US Fish and Wildlife Service	October 7, 2010
BLM – Bureau of Land Management	October 7, 2010
NPS – National Park Service	October 4, 2010
NAHC – Native American Heritage Commission	July 27, 2010
MWD – Metropolitan Water District	October 6, 2010
CDFW – California Department of Fish and Wildlife (formerly known as California Department of Fish and Game)	September 30, 2010
District – County Sanitation Districts of Los Angeles County (County Sanitation District No. 2)	October 4, 2010
CRB – Colorado River Board of California	August 30, 2010
CSLC – California State Lands Commission	November 10, 2010
BH – Brendan Hughes (citizen)	August 21, 2010
JC – Ms. Johnney Coon (citizen)	September 30, 2010
ECE – Eagle Crest Energy Company	October 5, 2010
NPCA – National Parks Conservation Association (national environmental group)	October 5, 2010
Tribe – Morongo Band of Mission Indians (local tribe)	October 7, 2010
CCV – Citizens for Chuckwalla Valley	October 7, 2010
Kaiser – Kaiser Ventures, LLC	October 7, 2010

The regulations for implementing CEQA direct the lead agency to respond to substantive public comments on the Draft EIR. All comments received by the State Water Board are responded to individually in this Draft Final EIR. Editorial revisions to the Draft EIR in response to comments are shown in Appendix E, Responses to Comments (*see* Volume IV).

1.3.3 Requirements For, and Consideration of Recirculation

If significant new information is added to an EIR after public review, the lead agency is required to recirculate the revised document (CEQA Guidelines, §15088.5, and 40 CFR 1502.9).

Significant new information includes, for example, a new significant environmental impact or a substantial increase in the severity of an impact. New information is not considered significant unless the document is changed in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project, or a feasible way to mitigate or avoid such an effect that the proponent has declined to implement. In response to comments, several changes have been made to the Draft EIR; however, no impacts described as

less than significant in the Draft EIR have been reevaluated as significant as a result of these changes. Also, no substantial increase in the severity of impacts has been identified as a result of information brought forward in the comments. In summary, no new significant impacts have been identified and, as a result, the State Water Board has determined that there is no need to recirculate the Draft EIR.

1.3.4 Final Environmental Impact Report

This document constitutes the Draft Final EIR. The Draft Final EIR contains a description of the Project, regulatory settings, description of the physical environmental setting, analysis of Project implementation, identification of Project impacts, and mitigation measures for impacts found to be potentially significant, as well as an analysis of Project alternatives, growth inducing effects, cumulative impacts, and other considerations.

The Draft Final EIR includes written responses to the comments received on the Draft EIR (*see* Volume IV, Appendix E, Responses to Comments). The Draft Final EIR also contains additional information clarifying the Project or addressing comments received on the Draft EIR, where necessary.

1.3.5 Certification of the Environmental Impact Report

CEQA applies to discretionary projects proposed to be carried out or approved by public agencies. (Pub. Resources Code, §21080.) The State Water Board's process under Section 401 of the Clean Water Act is a discretionary act subject to the CEQA Guidelines. Prior to approving a project, the State Water Board must certify that: (1) the Final EIR has been completed in compliance with CEQA; (2) that the State Water Board has reviewed and considered the information contained in the Final EIR; and (3) that the Final EIR reflects the State Water Board's independent judgment and analysis. (CCR, Title 14, §15090.) The State Water Board has delegated to the Executive Director the authority for this certification. The Executive Director may refer the decision to the State Water Board for final approval. In the event this happens, the State Water Board would be responsible for certifying the document as described above. The State Water Board must make findings for each significant effect identified in the EIR, and prepare a mitigation monitoring and reporting plan. If approved, mitigation measures will be incorporated into the terms of the water quality certificate issued for the project.

1.3.6 Project Consideration

Once the Final EIR is certified, the State Water Board will make its final decision regarding Project approval, including which Project alternative to select for implementation. At that time, and after consideration of the Final EIR, the State Water Board must make findings of fact that the Project will not have a significant effect on the environment, or that mitigation measures will eliminate or substantially lessen any significant effects on the environment (CCR, Title 14,

§§15091 and 15092). If the Project will cause unavoidable adverse effects, the State Water Board must balance the benefits of the Project against its significant and unavoidable environmental risks. If the benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” If the State Water Board makes such a determination, it must support the action by writing the specific reasons for approval, called a Statement of Overriding Considerations, which must be included in the record of Project approval and Notice of Determination (NOD) (CCR, Title 14, §15093).

The Draft Final EIR identifies the environmentally superior development alternative as Alternative #1A, the proposed Project with incorporation of all identified project design features and all identified mitigation measures, using the Eastern Substation Alternative and Interconnection Alternative #1A (Figure 1-1). State Water Board staff is proposing to issue a water quality certification for this alternative. A statement of overriding considerations will be required for the selection of the environmentally superior development alternative because not all project impacts can be mitigated to a less-than-significant level. Within five days after approval of the Project, the State Water Board must file a NOD (CCR, Title 14, §15094).

1.3.7 Mitigation Monitoring and Reporting Program

Public Resources Code §21081.6(a) requires lead agencies to adopt a reporting or monitoring program to describe measures that have been adopted or made a condition of Project approval in order to mitigate or avoid significant effects on the environment. The mitigation program adopted by the State Water Board as conditions for approval of the Project is included in a Mitigation Monitoring and Reporting Program (MMRP), presented in Section 6 of this Draft Final EIR. (CEQA Guidelines §15097). The MMRP is design to ensure compliance during Project implementation.

1.4 Organization and Scope of the EIR

This Project Draft Final EIR is organized as follows:

Volume I. Executive Summary. This section presents a summary of the proposed Project and Alternatives considered in this EIR, identifies areas of controversy, significant unavoidable impacts, and provides a summary of potential environmental impacts and the mitigation program directly related to each impact. Also within the section is a comprehensive table that lists the threshold of significance, environmental impact, trigger point, related mitigation program, and residual impact of each identified effect.

Volume II. Final Environmental Impact Report, broken into 9 Sections as follows:

Section 1.0 – Introduction. This section describes the purpose and scope of the EIR which is based on the CEQA EIR process. Public scoping efforts are discussed, including

identification of the environmental issues to be analyzed in the EIR. The public review process and intent of the EIR document are addressed, followed by an organizational list of EIR sections.

Section 2.0 – Project Description. This section describes the Project, including definition of project objectives, and the location and identification of all physical structures, construction requirements and operational characteristics. This section also includes a discussion of the existing environment and identification of potential environmental impacts. Lastly, this section concludes with a list of agencies expected to use the EIR document as a basis for other approvals and permits required for implementation of the proposed Project.

Section 3.0 – Environmental Analysis. This section describes the regional and local environmental setting for the proposed Project. The section also describes the regulatory setting (if applicable), thresholds of significance, and includes a discussion of potentially significant adverse environmental impacts associated with the proposed Project for each environmental issue area. Where applicable, this section outlines a mitigation program based on project design features and/or mitigation measures to reduce or avoid potentially significant impacts and identifies the residual level of significance of the impact once the mitigation program is implemented.

Section 4.0 – Alternatives Analysis. The purpose of the alternatives analysis is to identify ways to mitigate or avoid the significant effects a project may have on the environment; as such, this section begins by providing an overview of the alternative selection process. This section describes the alternatives to the proposed Project and compares their relative impacts to those of the proposed Project while considering the Project objectives and specific evaluation criteria. This section also provides a description of alternatives considered but rejected from further analysis, as well as the determination of the environmentally superior alternative.

Section 5.0 – CEQA Mandated Discussions. This section discusses potentially significant irreversible effects and irretrievable commitments of resources, the potential for growth inducing impacts, and cumulative impacts. The purpose of this section is to evaluate the potential for growth-inducing effects of the proposed Project. Additionally, this section considers the effects of the proposed Project that would result in a commitment of resources and uses of the environment that could not be recovered if the proposed Project were constructed, as well as describing the potential for unavoidable adverse impacts from the proposed Project. Cumulative impacts are those impacts that are individually less than significant but, when considered together with related impacts of other projects in the affected area, could result in a combined effect that is significant.

Section 6.0 – Mitigation Summary. This section presents a comprehensive matrix of the mitigation program recommended within the Draft Final EIR which catalogs the potential

environmental impact, level of significance, related mitigation program, and residual impact after implementation of the mitigation program (Table 6-1). In addition, a Mitigation Monitoring and Report Program (Table 6-2) is presented.

Section 7.0 – References. This section provides a list of the sources of information cited in the Draft Final EIR.

Section 8.0 – Organizations and Persons Consulted. This section identifies the individuals, agencies, and organizations consulted in preparing the Draft Final EIR.

Section 9.0 – List of Draft Final EIR Preparers. This section provides the names and resumes of the State Water Board staff and consulting scientists and planners who contributed to preparation of the Draft Final EIR. Staff who led major elements of the technical analysis also prepared statements regarding the analytical methods used in the Draft Final EIR. These statements are included in this section.

Figures

Volume III. Appendices A, B and D as follows, containing supporting data and technical information referenced in the Draft Final EIR.

Section 10.0 – Appendix A – Sensitive Species in the Project Area

Section 11.0 – Appendix B – Fish and Wildlife Observed in the Project Area

Section 13.0 – Appendix D – Scoping Materials

1. State Clearinghouse Notice of Preparation (NOP)
2. Distribution List
3. FERC Notice of Scoping
4. Scoping Document 1
5. Scoping Document 2
6. Transcript of Scoping Meeting
7. Comments Received During Comment Period

Volume IV. Section 15.0 – Appendix E – Responses to Comments. Includes comment letters submitted on the Draft EIR, and the State Water Board’s responses to these comments.

Volume V. Appendix C, Technical Memoranda prepared in support of the Environmental Impact Report.

- 12.1 Stage 1 Design Level Site Investigation Plan
- 12.2 Erosion and Sediment Control Plan
- 12.3 Preliminary Groundwater Supply Wells, Pipeline, and Operating Costs: Eagle Mountain Pumped Storage Project
- 12.4 Groundwater Supply Pumping Technical Memorandum
- 12.5 Eagle Mountain Pumped Storage Project: Seepage Analysis for Upper and Lower Reservoirs
- 12.6 Seepage Recovery Wells, Groundwater Modeling Report
- 12.7 Schedule, Manpower, and Equipment Utilization during Construction of the Eagle Mountain Pumped Storage Project
- 12.8 Eagle Mountain Pumped Storage Project- Landfill Compatibility
- 12.9 Project Drainage Plan and Reservoir Spillway Designs
- 12.10 Appendix to Air Quality Analysis, Construction-Related Data
- 12.11 Class I Cultural Resources Investigation for the Proposed Eagle Mountain Pumped Storage Project
- 12.12 Class III Cultural Resources Report
- 12.13 Final Historic Properties Management Plan
- 12.14 Biological Mitigation and Monitoring Reports
- 12.15 Golden Eagle Aerial Surveys for Eagle Mountain Pumped Storage Project in the Mojave Desert Region, California
- 12.16 Addendum to the Class III field inventory of Eagle Mountain Pumped Storage Project

Volume VI. Privileged Information; Redacted from the Publicly Available Volumes

This volume includes locational information regarding cultural resources in the project area and project design details classified by FERC as Critical Energy Infrastructure Information.

1.5 Threshold of Impact / Impact Terminology

The threshold of impact utilized throughout this EIR to assess potential environmental impact as a result of Project implementation was developed by the State Water Board (Lead Agency) based upon the CEQA Guidelines. Within Section 3.0 Environmental Analysis, each resource section provides specific criteria for determining environmental impact assessment.

The following terminology is used throughout the Draft Final EIR to describe the level of significance of potential environmental impacts:

- A finding of **no impact** is appropriate if the analysis concludes that the Project would not affect the particular resource in any way.

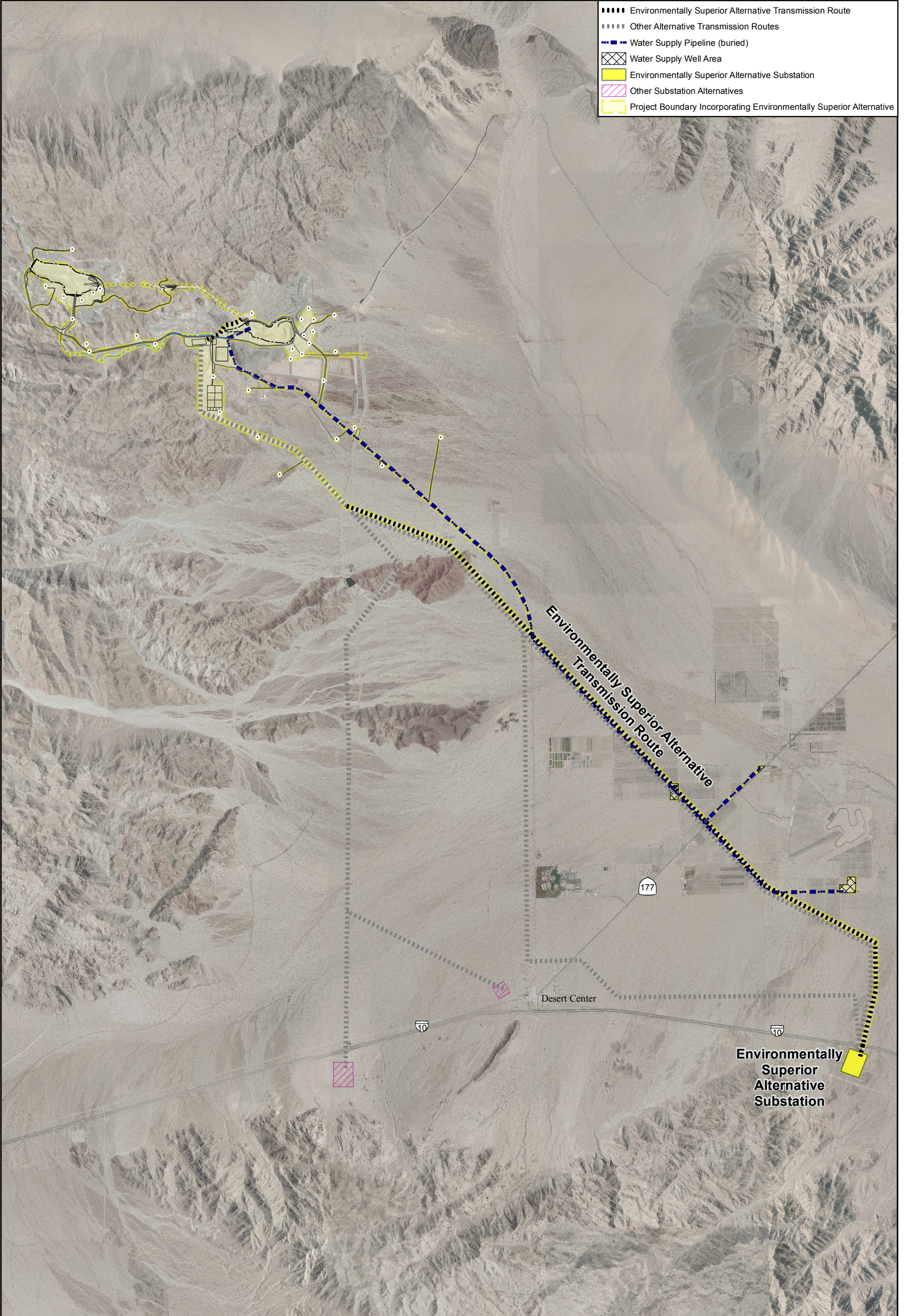
- An impact is considered **less than significant** if the analysis concludes that it would not cause substantial adverse change to the environment and requires no mitigation.
- An impact is considered **potentially significant and subject to the mitigation program** if the analysis concludes that it could have a substantial adverse effect on the environment and requires implementation of a mitigation program.
- An impact is considered **significant and unavoidable** if the analysis concludes that it would cause substantial adverse change to the environment and no feasible mitigation program was developed taking into account economic, environmental, legal, social, and technological factors.

1.6 Mitigation Program

The mitigation program includes both project design features (PDFs) and mitigation measures (MMs). PDFs are elements proposed as a part of the Project Description that have been incorporated with the intent to reduce or eliminate potential impacts. Because PDFs are incorporated into the Project, either in the Project design or by law as part of Project implementation, they do not constitute MMs, which are required to reduce or avoid a potentially significant impact. For clarity, PDFs are described within the mitigation program and are described within the analysis of each CEQA resource topic.

1.7 Disposition of this Draft Final EIR

The Draft Final EIR is available to the public on the State Water Board's website, at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/ceqa_projects.shtml#eagle



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SOURCE: USDA FSA Aerial Photography Field Office: County image mosaic for Riverside, CA (2010)



Environmental Impact Report
prepared for State Water Resources Control Board
by GEI Consultants, Inc.

Eastern Riverside County, California



ENVIRONMENTALLY
SUPERIOR ALTERNATIVE
AND OTHER ALTERNATIVES

January 2013

Figure 1-1