
CEQA Findings of Fact

I. FINDINGS FOR A CERTIFIED ENVIRONMENTAL IMPACT REPORT WHEN THE STATE WATER BOARD IS A RESPONSIBLE AGENCY

A. Environmental Review

On 31 December 2021, the California Department of Fish and Wildlife, as lead agency, certified a Final Environmental Impact Report (FEIR)) (State Clearinghouse (SCH) No. 2017122028 for the Project and filed a Notice of Determination (NOD) at the SCH on July 7, 2022. The Water Board is a responsible agency under CEQA (Pub. Resources Code, § 21069) and in making its determinations and findings, must presume that California Department of Fish and Wildlife's certified environmental document comports with the requirements of CEQA and is valid. (Pub. Resources Code, § 21167.2.) The Water Board has reviewed and considered the environmental document and finds that the environmental document prepared by California Department of Fish and Wildlife addresses the Project's water resource impacts. (Cal. Code of Regs., title 14, § 15096, subd. (f).) The environmental document includes the mitigation monitoring and reporting program (MMRP) developed by California Department of Fish and Wildlife for all mitigation measures that have been adopted for the Project to reduce potential significant impacts. (Pub. Resources Code, § 21081.6, subd. (a)(1); Cal. Code of Regs., tit. 14, § 15091, subd. (d).)

B. Incorporation by Reference

Pursuant to CEQA, these Findings of Facts (Findings) support the issuance of this Order based on the Project FEIR, the application for this Order, and other supplemental documentation.

The Program Environmental Impact Report (EIR), which includes analyses of broad impacts and serves as a first tier document for the FEIR, is available at: [Pacific Gas and Electric Company Bay Area Operations & Maintenance Environmental Impact Report](https://ceqanet.opr.ca.gov/2017122028/2) (https://ceqanet.opr.ca.gov/2017122028/2).

All CEQA project impacts, including those discussed in subsection C below, are analyzed in detail in the Project FEIR which is incorporated herein by reference. The Project FEIR is available at: [Pacific Gas and Electric Company Bay Area Operations & Maintenance Incidental Take Permit](https://ceqanet.opr.ca.gov/2017122028/3) (https://ceqanet.opr.ca.gov/2017122028/3).

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

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

C. Findings

The FEIR describes the potential significant environmental effects to water resources. Having considered the whole of the record, the Water Board makes the following findings:

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

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

- a. Potential Significant Impact to Biological Resources:

Impact BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS:

The FEIR describes potential impacts to wetlands and riparian areas that support special status plant and wildlife species due to Operation and Maintenance and minor new construction activities.

- b. Facts in Support of Finding:

Mitigation measures will be provided through purchase of high-quality habitat, purchase or placement of conservation easements, purchase of credits from approved mitigation or conservatory banks, partnerships with and/or contributions to existing conservation planning and recovery efforts, placement of conservation easements on existing PG&E lands, implementation of and contributions to recovery plan strategies, and habitat enhancement and restoration on lands already protected.

Temporary impacts would be mitigated at a ratio of 0.5:1 or 1:1, depending on the species and timing of the mitigation, and permanent impacts would be mitigated at a ratio of 3:1.

Mitigation measures will be provided in advance of impacts on covered species and will be assessed on a project by project basis in an approved mitigation plan.

D. Determination

The Water Board has determined that the Project, when implemented in accordance with the MMRP and the conditions in this Order, will not result in any significant adverse water quality or supply impacts. (Cal. Code of Regs., tit. 14, § 15096, subd. (h).) The Water Board will file a NOD with the SCH within five (5) working days from the issuance of this Order. (Cal. Code of Regs., tit. 14, § 15096, subd. (i).)

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