



Central Valley Regional Water Quality Control Board

24 October 2022

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ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; PACIFIC GAS AND ELECTRIC (PG&E), PG&E R-1385 DFM-0630 MERIDIAN SACRAMENTO RIVER CROSSING REPLACEMENT/DECOMMISSIONING PROJECT (WDID# 5A51CR00130A2), SUTTER COUNTY

This Order responds to the 30 September 2022 request for an amendment of the PG&E R-1385 DFM-0630 Meridian Sacramento River Crossing Replacement/Decommissioning Project (Project) Section 401 Water Quality Certification (WDID#5A51CR00130). The original Water Quality Certification (Certification) was issued on 19 September 2022. A clerical amendment was issued for the Certification on 28 September 2022 (WDID#5A51CR00130A1). The requested second amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

PG&E is requesting to amend California Environmental Quality Act (CEQA) mitigation measures MM BIO-1 and MM BIO-2 to be consistent with the revised language for the mitigation measures in the final Mitigation Monitoring Program (MMP) that was submitted to the Central Valley Regional Water Board on 30 September 2022.

The Certification is amended as shown below:

MM BIO-1: Swainson's Hawk Nesting Season Avoidance or Pre-Construction Surveys. In accordance with the Swainson's Hawk Technical Advisory Committee (TAC) Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley, Project activities occurring between (March 1 and August 15) shall require surveys conducted by a qualified biologist, approved by CSLC staff, for active Swainson's hawk nests within a 0.5-mile radius of the Project area. Pre-construction surveys will be completed for the two survey periods immediately prior to the start of construction and within 15 days prior to any

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

construction disturbance. A pre-construction survey report shall be prepared and submitted to CDFW and CSLC within one week of pre-construction surveys, that outlines the surveys conducted, nest locations identified, and recommend nest protection buffers for CDFW approval. If active Swainson's hawk nests are identified near the Project area, then based on nest protection buffers outlined in PG&E's Nesting Bird Management Plan the following shall be required:

- Apply a CDFW-approved nest protection buffer, with a minimum distance of 0.25 mile from an active nest. Postpone Project activities within the approved nest protection buffer until after the young have fledged and are no longer dependent on the nest tree; and
- If it is not possible to postpone Project activities, construction activities may only proceed with both CDFW approval and nest monitoring by a qualified raptor biologist. If the monitoring biologist observes signs of distress, then they shall stop construction work and coordinate with CDFW to establish additional protection measures to ensure avoidance of nest abandonment prior to the start of Project activities.

Monitoring/Reporting Action: Submit pre-construction survey report to CSLC and CDFW prior to vegetation removal or ground disturbance, if a reduction in nest protection buffer is necessary, submit proposed buffers to CDFW for review if needed, submit request to CDFW if needed, and observation reports.

Effectiveness Criteria: Compliance with buffers, nest monitoring if needed

Responsible Party: PG&E and contractors

Timing: Phases 1 and 2, prior to the start and throughout Project activities

MM BIO-2: Nesting Bird Season Avoidance or Pre-Construction Surveys. If Project-related vegetation removal and ground-clearing activities are scheduled between February 1 and September 15, then pre-construction surveys shall be conducted within 15 days prior to the start of construction in potential nesting habitat within 500 feet of the Project area to identify raptor and passerines nest sites. If an active raptor or passerine bird nest is identified, an appropriate species-specific nest protection buffer shall be identified based on PG&E's Nesting Bird Management Plan and site-specific conditions. A pre-construction nesting survey report shall be prepared and submitted to CDFW and CSLC within one week of pre-construction surveys, that outlines the surveys conducted, nest locations identified, and recommended nest protection buffers. Each recommended nest protection buffer will be approved by CDFW prior to the start of construction activities. Construction activities shall be prohibited within the established buffer zones until the young have fledged. If a lapse in Project-related activities occurs for 14 days or longer, another focused survey is required before project activities can be reinitiated.

Monitoring/Reporting Action: Submit pre-construction survey report to CSLC and CDFW prior to vegetation removal or ground disturbance during the nesting bird season, submit proposed buffers to CDFW for review if needed, and observation reports.

Effectiveness Criteria: Compliance with buffers

Responsible Party: PG&E and contractors

Timing: Phases 1 and 2, prior to the start and throughout Project activities conducted between February 1 and September 15.

APPLICATION FEE RECEIVED:

No fee was required for this amendment.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

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CALIFORNIA ENVIRONMENTAL QUALITY ACT:

On August 23, 2022, the California State Lands Commission Sacramento, as lead agency, adopted an initial study/mitigated negative declaration (IS/MND) (State Clearinghouse (SCH) No. 2022060045) for the Project and filed a Notice of Determination (NOD) at the SCH on August 24, 2022.

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the PG&E R-1385 DFM-0630 Meridian Sacramento River Crossing Replacement/Decommissioning Project (WDID#5A51CR00130A2). All other conditions and provisions of the original Water Quality Certification and any previously approved amendments remain in full force and effect, except as modified based on the conditions of this Order. Failure to comply with the terms and conditions of the original Water Quality Certification, previously approved amendments, or of this Order may result in suspension or revocation of the Water Quality Certification.

Original Signed by Adam Laputz for:
Patrick Pulupa
Executive Officer

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