

Central Valley Regional Water Quality Control Board

29 January 2025

John McVaigh
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ORDER AMENDING CLEAN WATER ACT SECTION 401 TECHNICALLY CONDITIONED WATER QUALITY CERTIFICATION; MULQUEENEY WIND ENERGY, LLC, MULQUEENEY RANCH WIND REPOWERING PROJECT (WDID#5B01CR00042A1), ALAMEDA COUNTY

This Order responds to the 5 November 2024 request for an amendment of the Mulqueoney Ranch Wind Repowering Project (Project) Section 401 Water Quality Certification (WDID#5B01CR00042). The original Water Quality Certification (Certification) was issued on 2 June 2021. The requested amendment is hereby approved. The original Certification is therefore amended as described below. Please attach this document to the original Certification.

AMENDMENT:

Mulqueoney Wind Energy LLC has provided documentation from the United States Army Corps of Engineers (SPK-2020-00499) authorizing in-water construction activities to continue until 1 June 2026. Additionally, Mulqueoney Wind Energy LLC is requesting changes to the project scope, impacts and compensatory mitigation. Overall impacts to waters of the state have decreased from those authorized in June 2021 due to design changes, including the number of wind turbines constructed with a commensurate reduction in the associated impacts from access roads, collection lines, and other project infrastructure. Temporary impacts as a result of dredge or fill activities increased by 0.244 acre and permanent impacts decreased by 0.31 acre, resulting in a net decrease of 0.066 acre of impacts to waters of the state.

Given the changes to the Project impacts outlined above, the compensatory mitigation requirement for the Project has also changed. If restoration of temporary impacts to 0.258 acre of waters of the state are not restored within 90 days of the temporary disturbance, the Permittee will purchase 0.044 aquatic resource re-establishment credits for impacts to steam channel habitat and 0.214 aquatic resource re-establishment credits for impacts to wetland habitat from an approved mitigation bank.

For permanent impacts to 0.033 acre of waters of the state, Mulqueeney Wind Energy LLC will purchase 0.033 acre of floodplain mosaic wetland credits from the Johnson Consumnes Mitigation Bank.

The Certification is amended to extend the authorization of in-water work to 1 June 2026.

Table 1 of the Certification is amended to reflect the following changes:

Table 1: Summary of Changes to project aquatic resource impacts

Impact Type	Aquatic Feature Type	Project Impacts (acres)
Permanent	Alkali Wetland	0.011
Permanent	Ephemeral Stream	None
Permanent	Intermittent Stream	0.022
Permanent	Scrub Shrub Wetland	None
Permanent Total		0.033
Temporary	Alkali Wetland	0.184
Temporary	Ephemeral Stream	None
Temporary	Intermittent Stream	0.044
Temporary	Scrub Shrub Wetland	0.030
Temporary Total		0.258
Grand Total		0.291

APPLICATION FEE RECEIVED:

No fee was required for this amendment. Total fees of \$6,629.00 for the original Certification were received on 28 May 2021. The fee amount was determined as required by California Code of Regulations, title 23, sections 3383(b)(3) and 2200(a)(3), as was calculated as category A - Fill & Excavation Discharges (fee code 84) with the dredge and fill fee calculator.

CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD CONTACT:

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PUBLIC NOTICE:

The Central Valley Water Board provided public notice of the application pursuant to California Code of Regulations, title 23, section 3858 from 15 November 2024 to 6 December 2024. The Central Valley Water Board did not receive any comments during the comment period.

WATER QUALITY CERTIFICATION:

I hereby issue an Order amending the existing Clean Water Act, Section 401 Technically Conditioned Water Quality Certification for the Mulqueeney Ranch Wind Repowering Project (WDID#5B01CR00042A1). 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 Anne Walters for:
Patrick Pulupa
Executive Officer

Attachment: Figure 1 – Project Location Map

cc: Distribution List, page 3

DISTRIBUTION LIST
[Via email only]

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Figure 1 – Project Location Map

