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## State Water Resources Control Board

April 14, 2023

Mr. Scott Magrini, Senior Land Planner  
Pacific Gas and Electric Company  
**Sent via email: [s4m7@pge.com](mailto:s4m7@pge.com)**

### **NOTICE OF APPLICABILITY, CLEAN WATER ACT SECTION 401 GENERAL WATER QUALITY CERTIFICATION FOR PACIFIC GAS AND ELECTRIC COMPANY'S MCCLOUD SPILLWAY DRILLING PROJECT, SHASTA COUNTY**

Dear Mr. Magrini:

On March 2, 2023, the State Water Resources Control Board (State Water Board) received the Pacific Gas and Electric Company's (PG&E) Notice of Intent (NOI) to enroll the McCloud Spillway Drilling Project (Project) under the *General Order for Clean Water Act Section 401 Water Quality Certification Action, Order No. WQ 2021--0048-DWQ for State Water Board Certification and Denial of the Corps' Nationwide Permits (General Order)*.<sup>1,2</sup> PG&E's NOI notes that the Project would be covered by United States Army Corps of Engineers' (USACE) Nationwide Permit (NWP) No. 6 – Survey Activities.

State Water Board staff reviewed PG&E's NOI and determined the Project meets the requirements of the General Order. The Project is hereby enrolled under the General Order. PG&E may proceed with the Project in accordance with the requirements contained in this Notice of Applicability (NOA) and the General Order following any additional federal and/or state approvals, such as USACE notification of coverage under NWP No. 6.

PG&E is responsible for complying with all applicable General Order requirements. Failure to comply with the General Order constitutes a violation of the California Water Code and may result in enforcement action or termination of enrollment under the General Order.

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<sup>1</sup> State Water Board staff notified PG&E that the application was complete on March 30, 2023.

<sup>2</sup> The General Order is available online at:  
[https://www.waterboards.ca.gov/water\\_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf](https://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/2021/certification-denial-corps-nationwide-permit-project-general-order-10122021.pdf).

**PROJECT DESCRIPTION**

The Project is located at the McCloud Dam on the McCloud River in Shasta County. The McCloud Dam is part of the McCloud-Pit Hydroelectric Project (Federal Energy Regulatory Commission Project No. 2106). The purpose of the Project is to obtain baseline geotechnical data from McCloud Dam to inform preferred design alternatives for the future McCloud Dam Spillway Replacement Project. Project activities are anticipated to occur from May through December 2023.

The Project involves drilling 50 boreholes in the McCloud Dam spillway and right abutment. Four boring locations will require re-grading a small portion of an existing access road below the dam. Three boring locations will be accessed from a barge-mounted drill rig. To ensure compliance with the turbidity water quality objective established in the *Water Quality Control Plan for the Sacramento River Basin and San Joaquin River Basin*, prior to drilling in the McCloud Reservoir PG&E will install a turbidity curtain and monitor turbidity outside of the turbidity curtain. PG&E will also monitor turbidity while drilling on land if there is the potential for boring fluids and/or excavated sediment to enter the McCloud River.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The certification of projects under NWP No. 6 is exempt from the California Environmental Quality Act (CEQA). The proposed Project activities are not expected to have a significant effect on the environment and the State Water Board has determined that the Project is categorically exempt from CEQA under California Code of Regulations, title 14, sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), and 15306 (Information Collection). Additionally, the State Water Board finds that no exceptions to these exemptions apply to the Project activities approved by this NOA.

The State Water Board will file a Notice of Exemption with the Office of Planning and Research within five days of issuance of this NOA. (Cal. Code Regs., tit. 14, § 15062.)

**APPLICATION FEE RECEIVED**

An application fee of \$2,734 was received electronically on April 3, 2023. The 2022-2023 Application Fee for Category A: *Fill and Excavation*<sup>3</sup> Discharges is \$2,734. Due to the Project's limited discharge area, no project fee is required. (Cal. Code Regs., tit. 23, § 2200, subd. (a)(4).) No additional payment is needed at this time. Annual fees may apply if Project implementation, including any required monitoring, notification, or reporting, exceeds 12 months from this NOA.

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<sup>3</sup> "Excavation" refers to removing sediment or soil in shallow waters or under no flow conditions, typically for purposes other than navigation. Examples include, but are not limited to, trenching for utility lines; other earthwork preliminary to discharge; removing sediment to increase channel capacity; and other flood control and drainage maintenance activities (e.g., debris removal, vegetation management and removal, detention basin maintenance and erosion control of slopes along open channels and other drainage facilities). (Cal. Code Regs., tit. 23, § 2200.)

**AUTHORIZED IMPACTS**

Excavation and fill activities authorized by this NOA are limited to 0.0001 acres of temporary impacts<sup>4</sup> to a streambed or stream channel.

**PROJECT SPECIFIC AVOIDANCE AND MINIMIZATION MEASURES**

PG&E shall implement the avoidance and minimization measures listed in the Environmental Resources section of its March 2, 2023, NOI.

**REQUIREMENTS**

PG&E shall comply with all applicable conditions of the General Order, including but not limited to the following:

- Pursuant to section VI.D.4 of the General Order, PG&E shall implement the Project in conformance with the information provided in its March 2, 2023, NOI. Any proposed changes to the Project design described in the NOI must be submitted to and approved by the Deputy Director of the Division of Water Rights (Deputy Director) prior to implementation.
- Pursuant to section VI.E.3.a of the General Order, PG&E shall submit a Commencement of Construction notification to the Deputy Director at least seven days prior to starting initial ground disturbance activities.
- Pursuant to section VI.E.3.b of the General Order, PG&E shall submit a Request for Notice of Project Complete letter to the Deputy Director within 30 days following completion of all Project activities. Upon approval of the request, the Deputy Director will issue a Notice of Project Complete Letter to PG&E. Annual fees will be terminated concurrent with the date the Notice of Project Complete Letter is issued by the Deputy Director.

If you have questions about this NOA, please contact Savannah Downey by email to: [Savannah.Downey@waterboards.ca.gov](mailto:Savannah.Downey@waterboards.ca.gov).

Sincerely,



Eileen Sobeck  
Executive Director

Enclosure: General Order for Clean Water Act Section 401 Water Quality Certification Action, Order No. WQ 2021-0048-DWQ

ec: Continued on next page.

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<sup>4</sup> Temporary impacts would result from drilling into the spillway and storing spoil piles on-site.

ec: Kimberly D. Bose, Secretary  
Federal Regulatory Energy Commission  
**Via eFiling under Docket P-2106-000**

Matt Walker, Manager  
PG&E  
**Email: [mssl@pge.com](mailto:mssl@pge.com)**

Martha Guzman, Regional Administrator  
United States Environmental Protection Agency  
Region 9, Water Division  
**Email: [R9cwa401@EPA.gov](mailto:R9cwa401@EPA.gov)**

Zachary Fancher  
United States Army Corps of Engineers  
**Email: [Zachary.Fancher@usace.army.mil](mailto:Zachary.Fancher@usace.army.mil)**

Patrick Pulupa, Executive Officer  
Central Valley Regional Water Quality Control Board  
**Email: [Patrick.Pulupa@waterboards.ca.gov](mailto:Patrick.Pulupa@waterboards.ca.gov)**

Lynn Coster, Senior Environmental Scientist  
Central Valley Regional Water Quality Control Board  
**Email: [Lynn.Coster@waterboards.ca.gov](mailto:Lynn.Coster@waterboards.ca.gov)**

CWA Section 401 WQC Program  
State Water Resources Control Board  
**Email: [Stateboard401@waterboards.ca.gov](mailto:Stateboard401@waterboards.ca.gov)**