

## INITIAL STUDY

### INTRODUCTION

This Initial Study addresses the environmental impacts associated with the issuance of a Federal Clean Water Act Section 401 Water Quality Certification and Permit to Appropriate Water by the State Water Resources Control Board (State Water Board) for the Pacific Gas and Electric Company's (PG&E) Spring Gap-Stanislaus Project [Federal Energy Regulatory Commission (FERC) Project No. 2130]. Issuance of the water quality certification by the State Water Board is a discretionary action under the California Environmental Quality Act (CEQA). Cal. Pub. Resources Code § 21000 et. seq. Accordingly, the State Water Board is required to comply with CEQA before considering issuance of water quality certification.

Under CEQA, a Project may be analyzed for its incremental effects over existing baseline conditions. In an analysis of an existing hydroelectric Project, reauthorizing the Project will not yield many environmental impacts because most of the impacts have already occurred and, when compared to the existing condition, do not register as significant. Thus, most of the potentially significant impacts identified in this Initial Study are associated with the proposed measures.

#### **Approvals for Which This Initial Study will be Used**

The State Water Board will use this Initial Study in its decision-making process for the granting or denial of a Federal Clean Water Act Section 401 Water Quality Certification, and also in its consideration of PG&E's Application to Appropriate Water for power production at the Philadelphia Diversion Dam on the South Fork Stanislaus River (SFSR).

Should PG&E's plans to install a fish screen facility at the Stanislaus Tunnel, and/or to remove the Stanislaus Afterbay Dam be implemented, it may be necessary for PG&E to secure Section 404 Clean Water Act Permits from the U.S. Army Corps of Engineers (USACE) and Streambed Alteration Agreements from the California Department of Fish and Game (DFG). In those cases, this Initial Study could also be utilized by the USACE as its Environmental Assessment and by DFG in its decision making process.

#### **Water Quality Certification**

Section 401 of the Clean Water Act (33 USC §1341: CWA) requires any applicant for a federal license or permit, which may result in any discharge to navigable waters, to obtain certification from the State that the discharge will comply with the applicable water quality parameters in the Act. In this case the federal agency issuing the license is the FERC. States are further authorized to condition any water quality certification to assure compliance with appropriate state law related to water quality.