
State Water Resources Control Board

June 22, 2021

Ms. Elisabeth Rossi
Supervisor, Hydro Licensing
Mail Code N11D
P.O. Box 770000
San Francisco, CA 94177
Sent via e-mail: Elisabeth.Rossi@pge.com

**Pit 3, 4, and 5 Hydroelectric Project
Federal Energy Regulatory Commission Project No. 233
Shasta County
Pit River**

TEMPORARY AMENDMENT TO RECREATION FLOWS

Dear Ms. Rossi:

On August 12, 2020, the Pacific Gas and Electric Company (PG&E) requested a temporary amendment of the water quality certification (certification) for the Pit 3, 4, and 5 Hydroelectric Project (Project). The temporary amendment would reschedule recreation stream flow releases required by Condition 8 of the certification.

The State Water Resources Control Board (State Water Board) provided public notice of the temporary amendment request (request) on September 4, 2020 and received no comments. Information regarding the request is on the [Water Quality Certification Program Public Notices webpage](#).¹

BACKGROUND

The State Water Board issued the [Project certification](#) on August 10, 2006.² On July 2, 2007, the Federal Energy Regulatory Commission (FERC) issued a new license for the Project, which includes the Project certification conditions. Condition 8, *Recreation Stream Flow Releases*, requires PG&E to release recreation stream flows from Pit 5 Dam for two consecutive weekend days in August and September of each year.

¹ The public notices webpage is available online at:
https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/wqcertnotices.html

² The Project certification was amended via Order WQ 2007-0001 on January 18, 2007.

To provide the required recreation stream flows (1,500 cubic feet per second [cfs] for August and 1,200 cfs for September), the Pit 5 Powerhouse must be offline. PG&E must obtain approval from the California Independent System Operator (CAISO) for any discretionary powerhouse outages; further, CAISO requires PG&E to make up for lost generation due to outages.

PG&E originally scheduled recreation stream flow releases for August 8-9, 2020, and September 12-13, 2020. PG&E submitted this schedule to CAISO on July 27, 2020. On July 28, 2020, CAISO denied PG&E's request to take the Pit 5 Powerhouse out of service for the August 2020 recreation stream flows because PG&E was unable to make up for the lost generation associated with the powerhouse outage. PG&E was unable to make up for the lost generation due to adjustments in PG&E's outage schedule related to the coronavirus (COVID) emergency and several unplanned and forced powerhouse outages.

PG&E consulted with the California Department of Fish and Wildlife, American Whitewater, and State Water Board staff to reschedule the August 2020 recreation stream flows. American Whitewater proposed October 17-18, 2020 and California Department of Fish and Wildlife concurred with these dates. PG&E notified State Water Board staff on September 29, 2020 that CAISO approved these dates.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Issuance of a certification amendment is a discretionary action that requires the State Water Board to comply with the California Environmental Quality Act (CEQA). For this temporary amendment, and for the purpose of CEQA compliance, the State Water Board is the lead agency. On December 21, 2005, the State Water Board issued a Notice of Intent to Rely on Federal Environmental Impact Statement (FEIS) and on August 8, 2006, adopted final CEQA findings for the Project.

On October 29, 2013, PG&E filed with FERC protection, mitigation, and enhancement measures including a *Recreation Streamflow Releases* measure, which detailed recreation streamflow requirements and adaptive management measures that became the basis for certification Condition 8. The adaptive management component requires recreation stream flow releases in October if certain boater usage criteria are met. Since FERC's FEIS and the State Water Board's CEQA analysis evaluated the *Recreation Streamflow Releases* measure, and the recreation stream flows were rescheduled for October, no additional CEQA analysis is necessary.

The State Water Board will file a Notice of Determination with the Office of Planning and Research within five days of issuance of this temporary certification amendment. (Cal. Code Regs., title 14, § 15094.)

CONDITIONAL APPROVAL

The State Water Board finds the proposed temporary amendment to be protective of state water quality and to comply with water quality standards and other appropriate requirements of state law.

The State Water Board hereby approves the temporary amendment of Condition 8 of the Project certification to reschedule the August 2020 recreation stream flows to October 17-18, 2020. This approval is granted with the following conditions:

1. This certification amendment is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330 and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).
2. This certification amendment is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification amendment is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28 and owed by the applicant.

All documents and other information that constitute the public record for this amendment will be maintained by the Division of Water Rights and are available for public review at the following address:

State Water Resources Control Board
Division of Water Rights
1001 I Street, Sacramento, CA 95814

Documents are available at this location by appointment only. Please email dwr@waterboards.ca.gov to discuss options for document review.

If you have questions regarding this amendment please contact Savannah Downey, Project Manager, by email at Savannah.Downey@waterboards.ca.gov. Written correspondence should be directed to:

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
Attn: Savannah Downey
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



Eileen Sobek
Executive Director

cc: On next page.

cc: Interested Parties List

ec: Ms. Megan Young, Hydro License Coordinator
PG&E

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Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission

Via e-filing