

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of Tuolumne
2 South Green Street
Sonora, CA 95370

From (Public Agency):
State Water Resources Control Board
Division of Water Rights
Attention: Mr. Jeffrey Parks
P.O. Box 2000
Sacramento, CA 95812

Project Title: Spring Gap-Stanislaus Hydroelectric Project (Spring Gap Project) and Beardsley/Donnells Hydroelectric Project (Beardsley Project), Federal Energy Regulatory Commission (FERC) Project Nos. 2130, 2005 - 401 Water Quality Certification (certification) Request for Temporary Cessation of Supplemental (Conditions 3, 7) and Recreation (Condition 11) Flows in 2014

Project Applicant: Pacific Gas and Electric Company (PG&E) and Tri Dam Project (Tri Dam)

Project Location - Specific: PG&E's Spring Gap Project is located on the Middle and South Fork Stanislaus River near the city of Strawberry in Tuolumne County, California. The Sand Bar Diversion Dam, below which the supplemental flows in certification condition 3 would be released, is located on the Middle Fork Stanislaus River (MFSR) below Beardsley Reservoir. Tri Dam's Beardsley Project is located above the Sand Bar Diversion Dam on the MFSR. The supplemental flows required in certification Condition 7 would be released in the MFSR between Donnells and Beardsley Reservoirs.

Project Location - City: Strawberry

Project Location - County: Tuolumne

Description of Nature, Purpose, and Beneficiaries of Project: PG&E operates the Spring Gap Project, FERC Project No. 2130, for which FERC issued a new operating license on January 13, 2010. The FERC license for the Project includes the State Water Resources Control Board's (State Water Board's) certification, which requires PG&E to release supplemental flows below Sand Bar Diversion Dam to mimic a natural hydrograph in that reach of the MFSR. Tri Dam's Beardsley Project, FERC Project No. 2005 was issued a new operating license on January 30, 2006, with a State Water Board certification that requires both supplemental flows in the MFSR below Donnells Reservoir (Condition 7) and coordinated operations with the Spring Gap Project. This proposed action is for the temporary suspension of supplemental flows required under certification Conditions 3 and 7 of the respective Project's certifications in order to protect Foothill Yellow-legged Frogs (FYLFs), which have a highly increased chance of breeding earlier than normal due to dry water year conditions. The water stored in lieu of providing the supplemental and recreation flows will also be used to maintain minimum instream flows throughout the summer, and provide hydroelectric generation in late summer.

Name of Public Agency Approving Project: State Water Resources Control Board

Name of Person or Agency Carrying Out Project: PG&E and Tri Dam

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Class 7, §15307
Statutory Exemptions. State code number: _____

Reasons why project is exempt: The temporary suspension of supplemental and recreation flows for one year will not have a significant adverse effect and is categorically exempt from the requirements to prepare environmental documents under California Code of Regulations, title 14, section 15307, (Class 7, Actions by Regulatory Agencies for Protection of Natural Resources). The suspension of supplemental and recreation flows is being implemented to protect FYLFs in the MFSR, and to store water for instream flows and hydropower generation during late summer.

Lead Agency

Contact Person: Jeffrey Parks

Area Code/Telephone/Extension: (916) 341-5240

Signature: [Handwritten Signature] Date: 5/1/14 Title: Executive Director

