

## State Water Resources Control Board

JAN 23 2014

Mr. Randy Bowersox  
Northern California Power Agency  
477 Bret Harte Drive  
Murphys, CA 95247

Dear Mr. Bowersox:

### RESPONSE TO REQUEST FOR COMMENTS REGARDING MANAGEMENT OF REMAINING WATER RESERVES AND MINIMUM INSTREAM FLOWS FOR LAKE ALPINE AND UTICA RESERVOIR; UPPER UTICA HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 11563; TUOLUMNE, CALAVERAS, AND ALPINE COUNTIES

On January 10, 2014, the State Water Resources Control Board (State Water Board) was copied on a letter from the Northern California Power Agency (NCPA) to the United States Forest Service (USFS). The letter solicited comments and feedback from the USFS and other relevant regulatory agencies regarding the preferred method of managing the remaining stored water in the Upper Utica Hydroelectric Project (Project).

### Background

Condition 1.a. of the water quality certification (certification) for the Project states in part:

*For protection of water quality and beneficial uses, NCPA shall provide a minimum bypass or release flow of 5 cfs [cubic feet per second]<sup>1</sup> for Silver Creek. NCPA also shall provide a minimum bypass or release flow of 3 cfs on the North Fork Stanislaus downstream of Utica Reservoir.*

On May 1, 2013 the Department of Water Resources (DWR) forecasted more than 500,000 acre-feet (af) of total unimpaired flow into New Melones Reservoir. Because a forecast of more than 500,000 af does not qualify as a "dry" water year type as defined in the Project certification, a minimum flow of 5 cfs must continue to be released into Silver Creek. The certification requires a minimum flow of 3 cfs be released into the North Fork Stanislaus River downstream of Utica Reservoir regardless of water year type.

<sup>1</sup> The minimum release to Silver Creek during dry years shall be 3 cfs. A dry year is defined as one for which the California Department of Water Resources' April 1 or May 1 forecast, whichever is most recent, indicates that the unimpaired inflow for the entire water year into New Melones Reservoir will be 500,000 af [acre-feet] or less.

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NCPA states in its letter that 2013 was the driest calendar year on record and is concerned about the remaining water stored in Lake Alpine, Union Reservoir, and Utica Reservoir. As of January 6, 2014, Lake Alpine storage was approximately 1,500 af, and the combined storage of Union and Utica Reservoirs was slightly less than 1,000 af. At the current release rate and assuming no additional contribution of rainfall or snowmelt, both Union and Utica reservoirs will have completely exhausted their reserves by approximately April 1, 2014. At this time Lake Alpine is expected to have a remaining reserve of 500 af.

NCPA recommends a reduction in required minimum flow releases from Alpine and Utica reservoirs to "maintain larger minimum pools and better aquatic habitats in the reservoirs during winter 2014." NCPA's specific recommendation includes a release of 3 cfs from Utica Reservoir into the North Fork Stanislaus River" until such time as Union and Utica Reservoirs' combined storage has rebounded to at least 2,000 af." NCPA states that, "We are not opposed to a similar reduction in Lake Alpine releases into Silver Creek, although the Lake Alpine situation does not appear as critical."

### Specific Comments

The minimum flow recommendation proposed by NCPA from Utica Reservoir is currently authorized by the Project certification for the protection of water quality and beneficial uses. The State Water Board therefore concurs with the proposed flow release of 3 cfs from Utica Reservoir. Should NCPA find it necessary to request a reduction in flow below the minimum flow releases required in the Project certification, the State Water Board suggests that NCPA submit such a request as early as possible. A timely request for modification of the required minimum flows will allow State Water Board staff time to make an informed assessment of the request and then take appropriate action.

If you have questions regarding this letter please contact me at (916) 341-5408 or by email at michael.maher@waterboards.ca.gov. Written correspondence should be directed to:

State Water Resources Control Board  
Division of Water Rights  
Water Quality Certification Program  
Attention: Michael Maher  
P.O. Box 2000  
Sacramento, CA 95812-2000

Sincerely,



Michael Maher  
Water Quality Certification Unit

cc: See next page.

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cc: Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

Ms. Pamela Creedon, Executive Officer  
Central Valley Regional Water Quality Control Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

ec: Ms. Beth Martinez  
United States Forest Service  
Email: bethmartinez@fs.fed.us

Ms. Deborah Giglio-Willoughby  
US Fish and Wildlife Service  
Email: Deborah\_Giglio@fws.gov

Ms. Sarah Bahm  
California Department of Fish and Wildlife  
Email: Sarah.Bahm@wildlife.ca.gov