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STATE WATER RESOURCES CONTROL BOARD
Power Generation
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March 28, 2013

Ms. Barbara Evoy
Deputy Director, Division of Water Rights
California State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

**RE: Pit 1 Hydroelectric Project; FERC No. 2687
§ 401 Water Quality Certification, Condition 13: Request for Temporary
Cessation of Flushing Flows in 2013**

Dear Ms. Evoy:

Pacific Gas and Electric Company's (PG&E) Pit 1 Hydroelectric Project¹ license (Federal Energy Regulatory Commission (FERC) Project No. 2687) includes a California State Water Resources Control Board (State Water Board) §401 Water Quality Certification (Certification). Condition 13 of the Certification requires PG&E to release flushing flows to control nuisance aquatic vegetation and mosquito production in Fall River Pond.

On May 26, 2009, the U.S. Fish and Wildlife Service (USFWS) sent a letter to FERC and the State Water Board expressing concern regarding a decline in the federally and state-endangered Shasta crayfish (*Pacifastacus fortis*). That letter requested suspension of summer flushing flows at PG&E's Pit 1 Project.

On August 28, 2009, the State Water Board sent a letter to PG&E indicating that amending the License was a discretionary action that required the State Water Board to comply with the California Environmental Quality Act (CEQA).

The State Water Board issued orders in 2010² and 2012³ that temporarily suspended these flushing flows in 2010, 2011 and 2012, while a CEQA process is implemented to analyze the effects of permanently suspending the flushing flow requirements. FERC, in turn, issued orders in 2010⁴ and 2012⁵ temporarily amending the Pit 1 license to suspend flushing flows.

¹ See 102 FERC ¶ 61,309 Order Issuing New License (Issued Marh19, 2003).

² State of California State Water Resources Control Board Order WQ 2010-0009-EXEC. *Order Approving Temporary Suspension of Flushing Flow Requirements* (State Water Board 2010 Order, issued July 6, 2010).

³ State of California State Water Resources Control Board Order WQ 2012-0008-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2012 Order, issued June 14, 2012).

⁴ 132 FERC ¶ 62.101. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (issued August 10, 2010).

⁵ 140 FERC ¶ 62.080. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (issued July 26, 2012).

With this letter, PG&E respectfully requests a one-year extension, in 2013, of the suspension of flushing flows required by Certification Condition 13. The proposed suspension is to facilitate completion of the CEQA analysis. }

If you have any questions regarding this letter, please email me at J3AD@pge.com, or contact me at (415) 973-5747.

Sincerely,



Jessica Albietz, License Coordinator
Hydro Licensing

cc: Mr. Peter Barnes
State Water Resources Control Board
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