

State Water Resources Control Board

May 6, 2024

Ms. Jamie Visinoni
Hydro License Coordinator
Pacific Gas and Electricity Company
77 Beale Street
San Francisco, CA 94105
Sent via Email: JNVS@pge.com

**Bucks Creek Hydroelectric Project
Federal Energy Regulatory Commission Project No. 619
Plumas County
Bucks Creek, Grizzly Creek, Milk Ranch Creek, and Tributaries to Milk Ranch
Creek**

CONDITIONAL APPROVAL OF MILK RANCH CONDUIT DIVERSION NO. 3 PIPELINE REBUILD PROJECT DEWATERING AND DIVERSION PLAN

Dear Ms. Visinoni:

On January 18, 2024, Pacific Gas and Electric Company (PG&E) submitted a Dewatering and Diversion Plan (Plan) for the Milk Ranch Conduit Diversion No. 3 Pipeline Rebuild Project (Project). PG&E requests the State Water Resources Control Board (State Water Board) Deputy Director of the Division of Water Rights (Deputy Director) review and approve the Plan. PG&E's request for Plan approval has been submitted per Condition 23: *Dewatering and Diversion* of the Bucks Creek Hydroelectric Project (Bucks Project) water quality certification.¹ (certification).

Background

The Bucks Project is jointly owned by PG&E and the City of Santa Clara (City) and is located on lands managed by PG&E and the United States Department of Agriculture, Forest Service, in Plumas National Forest. The Bucks Project consists of four dams, two powerhouses, and associated facilities.

Three Lakes Dam impounds flow from Milk Ranch Creek and Three Lakes Reservoir.² The Milk Ranch Conduit (MRC) conveys flow from 17 diversions beginning at Three

¹ The State Water Board Executive Director issued the Bucks Project certification on October 22, 2020.

² Three Lakes Reservoir is comprised of three waterbodies: (1) Upper Lake; (2) Middle Lake; and (3) Lower Lake. Upper Lake is a naturally occurring waterbody, while Middle and Lower Lakes are formed by Three Lakes Dam.

Lakes Reservoir and the downstream outlet at Lower Bucks Lake. From Lower Bucks Lake water flows through the Grizzly³ Powerhouse Tunnel to Grizzly Forebay, which is impounded by Grizzly Forebay Dam. Water then flows from Grizzly Forebay to Bucks Creek Powerhouse and discharges into the North Fork Feather River above Rock Creek Powerhouse.

MRC Diversion No. 3 (Federal Energy Regulatory Commission [FERC] licensed Diversion No. 14) is the third diversion from the upstream end of the system and is located on South Fork Grouse Hollow Creek, an intermittent tributary to Milk Ranch Creek. MRC Diversion No. 3 consists of a concrete diversion structure, a concrete intake structure, and a 22-inch steel pipeline that connects to the MRC. In 1997, the slope that supported the pipeline failed and the resulting landslide caused a rupture in the pipeline. Flows through MRC Diversion No. 3 were halted to maintain the remaining slope integrity. Initial proposals to repair damage caused by the landslide and replace the pipeline were evaluated but not implemented due to continuing slope instability. PG&E now seeks to repair MRC Diversion No. 3 so that it can initiate diversions again. The Project includes the installation of 52 feet of 22-inch-diameter steel pipe, supported by two concrete pipe supports, that will span the slope failure area and re-connect MRC Diversion No. 3 to the MRC. Additionally, to help avoid future slope failures, following Project construction, PG&E plans to stabilize disturbed soil areas by reseeding the slope and covering it with clean, weed-free broadcast straw.

Construction is expected to take place in 2024, between the months of August and October to avoid seasonal flows and pools observed in the intermittent stream. In the event of an unseasonably wet year or late snowmelt, PG&E's Plan provides for contingencies if flows are present during Project construction. If flows are present, PG&E proposes to construct a sandbag berm to impound flows. The impoundment will be located immediately upstream of the in-channel work area. From the impoundment, flows will be diverted around the work area to a discharge point below the roadway crossing back into South Fork Grouse Hollow Creek.

The State Water Board's certification for the Bucks Project, which was incorporated in the FERC license issued on June 16, 2022, includes minimum instream flow (MIF) requirements for South Fork Grouse Hollow Creek at MRC Diversion No. 3.⁴ MIFs for South Fork Grouse Hollow Creek at MRC Diversion No. 3, as prescribed in Condition 1 (Table 6) of the Bucks Project certification, are as follows:

³ In 1988, FERC issued the Grizzly Amendment, which authorized the construction, operation, and maintenance of the Grizzly Development that was completed in 1993. In 1988, the City became a joint licensee for the Bucks Project with respect to the Grizzly Development and has no ownership of other portions of the Bucks Project aside from the Grizzly Development.

⁴ Per Ordering Paragraph D of the 2022 FERC license for the Bucks Project, the license is subject to the conditions submitted by the State Water Board under section 401(a)(1) of the Clean Water Act, 33 U.S.C. § 1341(a)(1).

Table 6. South Fork Grouse Hollow Creek Minimum Instream Flow Requirements at Milk Ranch Conduit Diversion No. 3 by Water Year Type (in cubic feet per second), as measured at Project ID MRC2

Water Year Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
All	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹

¹ 0.5 or natural inflow, whichever is less.

No changes to MIFs are expected during Project construction. An existing sand trap gate, located on the intake structure at the diversion, will be modified to provide passive flow to meet the MIF requirements of the Bucks Project FERC license.

No relocation of aquatic species is anticipated for the Project. South Fork Grouse Hollow Creek does not support any fish populations due to its steep channel, numerous passage barriers, and intermittent flows. The Project does not lie within critical habitat for Sierra Nevada yellow-legged frogs (SNYLFs), with the nearest critical habitat area located approximately one mile east of the Project area. Visual encounter surveys (VES) conducted from 2015 through 2017 and eDNA from 2017 near the Project area observed no SNYLFs in South Fork Grouse Hollow Creek or nearby ponds. Additional VES and eDNA surveys were repeated in 2023 and no frogs were detected.

Conditional Approval: State Water Board staff reviewed PG&E's Plan as submitted on January 18, 2024. The Plan is hereby approved with the following modifications:

- **Water Quality Monitoring:** As proposed in PG&E's Plan, if stream flow is present during the proposed construction window, a temporary sandbag barrier will be constructed to impound the flow and divert the water around the work area. If water is present, PG&E shall monitor turbidity directly downstream in a representative location of the bypass release point below the road crossing. PG&E shall monitor for background turbidity upstream of the temporary sandbag barrier. The Deputy Director and the Central Valley Regional Water Quality Control Board Executive Officer shall be notified promptly, and in no case more than 24 hours following a turbidity exceedance of a *Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin* (SR/SJR Basin Plan) turbidity water quality objective. Regardless of when such notification occurs, activities associated with the SR/SJR Basin Plan exceedance shall cease immediately upon detection of the exceedance. Work activities may resume after any appropriate corrective actions have been implemented, water quality meets the applicable SR/SJR Basin Plan water quality objective(s), and the Deputy Director has provided approval to proceed. If stream flow is present and dewatering occurs during construction, within 60 days of concluding Project work, PG&E shall submit a Water Quality Monitoring Report to the Bucks Project Manager. The Water Quality Monitoring Report shall include at a minimum:
 - The locations of the background and downstream monitoring locations provided as global positioning system (GPS) coordinates;
 - Turbidity measurements in Nephelometric Turbidity Units (NTUs) for all monitoring locations, as well as the applicable water quality objective from the SR/SJR Basin Plan;

- If applicable, a description of best management practices implemented to ensure turbidity levels remain in compliance with SR/SJR Basin Plan water quality objectives; and
- A summary of any exceedances and any corrective actions taken to address the exceedance(s).
- The Deputy Director may require additional actions in response to information provided in the Water Quality Monitoring Report.

PG&E intends to seek FERC review and concurrence for this project. PG&E will submit the project description and other required discretionary permits to FERC for review and approval. PG&E shall file this conditional approval with FERC.

If you have questions regarding this letter, please contact Bryan Muro, Bucks Project Manager, by email to: Bryan.Muro@waterboards.ca.gov or phone call to: (916) 327-8702. Written correspondence should be mailed to:

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
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Sincerely,



Erik Ekdahl, Deputy Director
Division of Water Rights

ec: Debbie-Ann Reese, Acting Secretary
Federal Energy Regulatory Commission
Via e-filing to FERC Project Docket

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