

State Water Resources Control Board

June 11, 2025

Mr. Matthew Joseph
Supervisor, Hydro License Management
Pacific Gas and Electric Company
Sent via Email: MWJA@pge.com

**Poe Hydroelectric Project
Federal Energy Regulatory Commission Project No. 2107
Butte County
North Fork Feather River**

TEMPORARY AMENDMENT TO POE HYDROELECTRIC PROJECT WATER QUALITY CERTIFICATION FOR MINIMUM INSTREAM FLOWS AND TRIBUTARY ACCESS MONITORING

Dear Mr. Joseph:

On October 15, 2024, the State Water Resources Control Board (State Water Board) received a request from the Pacific Gas and Electric Company (PG&E) for a temporary amendment to the Poe Hydroelectric Project (Project) water quality certification (certification). PG&E is requesting temporary changes to the minimum instream flows (MIFs) (Condition 1: Minimum Instream Flows) and monitoring (Condition 13: Tributary Access) requirements of the Project certification. The temporary changes are requested to support the repair of the Poe Dam bypass gate and related work to address recommendations¹ from the Department of Water Resources, Division of Safety of Dams (DSOD).

PG&E requests to temporarily decrease MIFs from the current Project license requirements to 100 cubic feet per second (cfs) from June 1, 2025, through November 15, 2025,² to facilitate construction starting in August 2025. Additionally, PG&E requests to delay tributary access monitoring to the first Critically Dry water year following the 2025 water year (under the current Tributary Access requirements, if 2025 was a Critically Dry water year, tributary access monitoring would be required).

¹ This work includes the recoating of the radial bypass gate and replacement of its seals, hoist, and controls.

² On April 25, 2025, PG&E sent an email to State Water Board staff supplementing its application for the temporary amendment with an update to extend the end date for the temporary MIFs reduction from November 1, 2025, to November 15, 2025.

BACKGROUND

The Executive Director of the State Water Board issued the Project certification on December 28, 2017. On December 17, 2018, the Federal Energy Regulatory Commission (FERC) issued a new Project license that includes the Project certification conditions.

In 2019, DSOD recommended that PG&E recoat the Poe Dam bypass gate and replace the gate seals to maintain gate functionality. PG&E first proposed to complete this work between August 1 and November 1, 2023. The State Water Board approved a certification amendment on June 30, 2023, that approved temporary changes to certification Condition 1: Minimum Instream Flows and Condition 5: Interim and Long-Term Ramping Rates. However, dam maintenance did not occur as planned in 2023 and was rescheduled for August 2025. PG&E's current temporary amendment request includes temporary changes to the Project certification conditions, as follows:

- Condition 1: Minimum Instream Flows: Condition 1 of the Project certification requires MIFs, which are based on water year type and listed in Table 1 of the Project certification. PG&E will install a cofferdam to complete dam safety work. The use of the cofferdam will require that MIFs be temporarily reduced from the current Project license requirements to 100 cfs³ from June 1, 2025, through November 15, 2025. The bypass gate is the only regulating valve on Poe Dam; while out of service, PG&E will bypass MIFs through an existing 36-inch pipe with a capacity of 100 to 150 cfs. PG&E plans to leave this pipe fully open during work associated with this amendment to allow the highest flows possible in the Poe Bypass Reach.⁴ To preserve operational flexibility and allow a compliance buffer, PG&E requests the MIF requirement be temporarily lowered to 100 cfs.
- Condition 13: Tributary Access: If 2025 is determined to be a Critically Dry water year, PG&E proposes to postpone tributary access monitoring (Condition 13) until the next Critically Dry water year following the 2025 water year. Based on hydrology this year and Condition 2 of the Project certification, 2025 is a Wet water year. Therefore, there is no need to modify Condition 13 as part of this temporary amendment of the Project certification.

To facilitate flow reductions associated with Poe Dam repairs, PG&E plans to implement the spill recession protocols outlined in the Ramping Rates Plan required by Condition 5: Interim and Long-Term Ramping Rates of the Project certification. After MIFs are reached, PG&E plans to implement a multi-week ramp down at a target rate of one foot over three weeks, as measured at NF-23 (near the community of Pulga), until 100 cfs plus buffer is reached. PG&E states in its application that down ramping would

³ 2025 is designated as a Wet water year; per the Project certification, the MIF in the Poe Bypass Reach is 500 cfs for June through August, 400 cfs for September, 250 cfs for October, and 275 cfs for November.

⁴ The Poe Bypass Reach is defined as the 7.6-mile stretch of the North Fork Feather River from Poe Dam to Poe Powerhouse.

be met by making downward adjustments in flow three times per week.⁵ PG&E's proposed down-ramp rate of one foot over three weeks, to decrease flows from the Project license-required MIFs to the proposed temporary MIF of 100 cfs, is slower than the down-ramp rates required in the Ramping Rates Plan. As part of this amendment, PG&E requests flexibility to follow the Ramping Rates Plan requirements if there is insufficient time to provide its proposed slower ramp down rate.

NOTICING

The State Water Board provided public notice of the amendment request online and via email on November 13, 2024. On November 21, 2024, the State Water Board received comments from the United States Fish and Wildlife Service (USFWS) recommending that PG&E and FERC complete a formal Endangered Species Act (ESA) Section 7 consultation for potential impacts to foothill yellow-legged frog (FYLF, *Rana boylei*) prior to amendment implementation. USFWS's comment letter: (a) notes that implementation of the 2023 temporary Project license amendment resulted in tadpole stranding; (b) requests monitoring and adaptive management (including FYLF tadpole and egg mass rescue and rearing); and (c) requests weekly meetings with PG&E and other interested parties throughout implementation of the temporary amendment.

On May 7, 2025, PG&E requested formal ESA Section 7 consultation with USFWS. On May 20, 2025, USFWS circulated a draft Biological Opinion that included measures for the protection of FYLFs. A final Biological Opinion was issued on June 9, 2025.

On May 9, 2025, the State Water Board filed a revised public notice for PG&E's temporary amendment to update the end date of PG&E's proposed temporary reduction in MIFs from November 1, 2025, to November 15, 2025. No comments were received.

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 certification amendment, and for the purpose of CEQA compliance, the State Water Board is the lead agency. The State Water Board reviewed the proposed amendment and determined that the request meets the criteria for a Class 1 categorical exemption – Existing Facilities (Cal. Code Regs., tit. 14, § 15301, subd. (m)) and that there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

⁵ The original amendment request submitted in October 2024 proposed a flow adjustment frequency of one to two times per week. In April 2025, PG&E updated the flow adjustment frequency to three times per week. This update is reported in PG&E's *Biological Assessment for Section 7 Endangered Species Act Consultation for the Temporary Minimum Instream Flow Variance*, which PG&E sent to FERC on April 10, 2025.

The State Water Board will file a Notice of Exemption with the Governor's Office of Land Use and Climate Innovation within five working days of issuance of this Project certification amendment. (Cal. Code Regs., tit. 14, § 15062.)

CONDITIONAL APPROVAL

State Water Board staff reviewed PG&E's proposed amendment and agree that the requested temporary MIF variance is necessary to complete the dam safety repairs. PG&E's amendment request does not include a request to temporarily amend ramping rates. PG&E's proposed ramping rates are slower than those required in the Ramping Rates Plan and therefore do not require a Project certification amendment.

Staff note that the current water year for the North Fork Feather River is a Wet water year. As such, modification to the requirements of Condition 13 to alter the timeline for tributary access monitoring during a Critically Dry water year is not necessary.

The State Water Board finds the proposed amendment to be protective of state water quality standards and other appropriate requirements of state law when combined with the conditions outlined below. Approval of this Project certification amendment is granted with the following conditions:

- PG&E shall implement Reasonable and Prudent Measures 1 and 2 of the USFWS's June 9, 2025, Biological Opinion unless otherwise approved by the Deputy Director in response to changes to the Biological Opinion approved by the USFWS.
- To the extent feasible, PG&E shall schedule flow recession such that the MIF of 100 cfs is reached on or before August 1, 2025. Ramping rates shall be consistent with the USFWS Biological Opinion and shall not exceed those set forth in the approved Ramping Rates Plan. PG&E shall notify USFWS and the Division of Water Rights' Water Quality Certification Program Manager if PG&E is unable to implement the slower ramp down rate proposed in its certification amendment application for the Project.
- By January 15, 2026, PG&E shall provide the Deputy Director of the Division of Water Rights with a Completion Report that comprehensively summarizes:
 - Activities performed pursuant to this temporary amendment.
 - Documentation of compliance with each condition of this temporary amendment.
- PG&E shall include in the Completion Report a summary of FYLF translocations, including photo documentation, with data on how many FYLFs were translocated, the life stage when translocated, and locations of origination⁶ sites and translocation sites. PG&E shall also include information on any FYLF mortality associated with translocation.

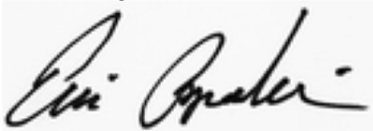
⁶ The origination site is where the FYLF is rescued from in the Poe Bypass Reach.

- 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).
- 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.
- 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.

The State Water Board hereby amends the Project certification to include a one-time temporary modification to Condition 1: Minimum Instream Flows for repairs to Poe Dam's bypass gate. PG&E shall file this amendment with FERC.

If you have questions regarding this certification amendment please contact Jessica Dyke, Project Manager, by email to: Jessica.Dyke@waterboards.ca.gov, or phone call to: (916) 341-5448.

Sincerely,



Eric Oppenheimer
Executive Director

ec: Debbie-Anne A. Reece, Secretary
Federal Energy Regulatory Commission
Via FERC Online eFiling

Anna Urias, PG&E
AXUS@pge.com

Sky Ramirez-Doble, PG&E
S9RV@pge.com

Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board
Patrick.Pulupa@waterboards.ca.gov

United States Environmental Protection Agency
Region 9 Water Division
R9cwa401@epa.gov

Beth Lawson, California Department of Fish and Wildlife
Beth.Lawson@wildlife.ca.gov

Michael Maher, California Department of Fish and Wildlife
Michael.Maher@wildlife.ca.gov

Kurt Sable, United States Forest Service
Kurt.Sable@usda.gov

Dawn Alvarez, United States Forest Service
Dawn.Alvarez@usda.gov

Erika Brenzovich, United States Forest Service
Erika.Brenzovich@usda.gov

Leigh Bartoo, United States Fish and Wildlife Service
[Aondrea Bartoo@fws.gov](mailto:Aondrea_Bartoo@fws.gov)

Dave Steindorf, American Whitewater
Dave@americanwhitewater.org

Chris Shutes, California Sportfishing Protection Alliance
blancapaloma@msn.com