



March 31, 2015

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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 2016**

Dear Ms. Evoy:

Pacific Gas and Electric Company's (PG&E) Pit 1 Hydroelectric Project<sup>1</sup> license (Federal Energy Regulatory Commission (FERC) Project No. 2687) includes a California State Water Resources Control Board (State Water Board) Clean Water Act §401 Water Quality Certification (Certification). Condition 13 of the Certification requires PG&E to release flushing flows during the summer months 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*). USFWS's 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 2010<sup>2</sup>, 2012<sup>3</sup>, 2013<sup>4</sup>, 2014<sup>5</sup>, and 2015<sup>6</sup> that temporarily suspended these flushing flows from 2010 through 2015, while a CEQA process is implemented to analyze the effects of permanently suspending the flushing flow

<sup>1</sup> See 102 FERC ¶ 61,309 Order Issuing New License (Issued March 19, 2003).

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> State of California State Water Resources Control Board Order WQ 2013-0024-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2013 Order, issued June 20, 2013).

<sup>5</sup> State of California State Water Resources Control Board Order WQ 2014-0023-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2014 Order, issued June 13, 2014).

<sup>6</sup> State of California State Water Resources Control Board Order WQ 2015-0076-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board Order, issued June 23, 2015)

requirements. FERC, in turn, issued orders in 2010<sup>7</sup>, 2012<sup>8</sup>, 2013<sup>9</sup>, 2014<sup>10</sup>, and 2015<sup>11</sup> temporarily amending the Pit 1 Project license to suspend flushing flows.

In a February 23, 2015 letter to the USFWS, PG&E requested informal Section 7 consultation for a temporary suspension of the flushing flow requirement in 2015. This letter requested concurrence with the determination that the temporary suspension of the requirement is not likely to adversely affect Shasta crayfish. In a March 19, 2015 letter to PG&E (enclosed), USFWS concurred that the action is not likely to adversely affect the federally endangered Shasta crayfish.

With this letter, PG&E respectfully requests a one-year extension, in 2016, 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 Matthew Joseph at MWJA@pge.com, or at (415) 973-8616.

Sincerely,



Neil J. Wong  
Supervisor, Hydro Licensing

cc via email: Attached List

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<sup>7</sup> 132 FERC ¶ 62.101. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (issued August 10, 2010).

<sup>8</sup> 140 FERC ¶ 62.080. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (issued July 26, 2012).

<sup>9</sup> 143 FERC ¶ 62.220. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (issued June 27, 2013).

<sup>10</sup> 147 FERC ¶ 62,218. *Order Modifying and Approving Temporary Flow Variance* (issued June 19, 2014).

<sup>11</sup> 151 FERC ¶ 62,214. *Order Modifying and Approving Temporary Flow Variance* (issued June 24, 2015).

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