State Water Resources Control Board

November 6, 2026

Ms. Debbie-Anne Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426
Via e-filing to FERC Docket P-77-318

Dear Secretary Reese:

On September 29, 2026, Pacific Gas and Electric Company (PG&E) submitted to the Federal Energy Regulatory Commission (FERC or Commission) a supplement to its Potter Valley Hydroelectric Project (Project; FERC Project No. 77) non-capacity license amendment application (Amendment).[1] PG&E's Amendment seeks to amend Article 52[2] of its Project FERC license by replacing minimum instream flows with a process that convenes a monthly working group[3] to flexibly manage minimum instream flow reductions in the East Branch Russian River. Per PG&E's Amendment, minimum instream flows in the East Branch Russian River would generally be managed between 5 and 25 cubic feet per second (cfs) from April 15 to September 30 when Lake Pillsbury reservoir is not in spill condition. Starting October 1, flows would be set to 5 cfs until Lake Pillsbury reservoir storage exceeds 36,000 acre-feet (ac-ft). The Amendment would also establish the minimum instream flows in the Eel River below Scott Dam at 20 cfs year-round consistent with a Critical water year type. Lastly, PG&E's Amendment proposes to adjust block water allocations[4] from a water year to a calendar year basis

[1] Project license amendment application originally filed with FERC on July 31, 2023, and subsequently supplemented on January 30, 2025.
[2] Ordering paragraph (C) and license Article 52 of FERC's January 28, 2004 Order Amending the Project license (106 FERC ¶ 61,065) require that PG&E implement the National Marine Fisheries Service's (NMFS) Reasonable and Prudent Alternative (RPA) from NMFS' November 26, 2002 Final Biological Opinion (Appendix A of the Commission's January 28, 2004 Order).
[3] PG&E will convene the Drought Working Group comprised of representatives from PG&E, Sonoma County Water Agency, Potter Valley Irrigation District, Russian River Flood Control District, State Water Resources Control Board, Friends of the Eel River, Cal Trout, California Department of Fish and Wildlife, United States Fish and Wildlife Service, National Marine Fisheries Service, and Round Valley Indian Tribes.
[4] The Project license provides for 2,500 ac-ft of water to maintain the cool-water pool in Lake Pillsbury reservoir. Upon request by resource agencies, this water may be released in late fall and early winter to support fall-run Chinook salmon migration when flows are insufficient to naturally allow for migration to the Upper Eel River.

and set mean daily flow as the measurement by which compliance with the minimum instream flows is determined. The Amendment would remain in place until the Project license is surrendered.

State Water Resources Control Board (State Water Board) staff have reviewed PG&E's Amendment request and provide this letter to reaffirm the determination that a water quality certification (certification) pursuant to section 401 of the Clean Water Act is required. The legal standard for determining whether a certification is required is whether the applicant is seeking a federal license or permit for an activity that "may result in any discharge." 33 U.S.C. 1341(a)(1). An activity that may cause even a temporary increase in an existing discharge may "result in" a discharge within the meaning of section 401(a)(1). See *Alabama Rivers Alliance v. FERC*, 325 F.3d 290, 299-300 (D.C. Cir. 2003).

As explained in detail in State Water Board staff's September 27, 2024[5] and February 24, 2025[6] letters (included as Attachment A and Attachment B, respectively), PG&E's Amendment application proposes changes in Project operations that "have the potential to result in increased discharges to navigable waters in a variety of ways." The Amendment would allow for Project operations that may result in an increased discharge above existing conditions; PG&E's proposed decrease in minimum instream flows[7] would increase the potential volume, intensity, frequency, and duration of spill events at Scott Dam (i.e., increased discharge).

Figure 2a of Exhibit E[8] of PG&E's Amendment shows that Lake Pillsbury reservoir storage under the 'Proposed Action' (PG&E's Amendment) (blue line) reached or exceeded the approximate spill crest threshold of 53,000 ac-ft during several months compared to the No Action (black line), which indicates the Amendment would result in increased duration and volume of spills as compared to No Action. PG&E's Amendment request acknowledges this increase and states the "comparison of the Proposed Action to the environmental baseline indicates that hydrologic effects in the Eel River would be relatively minor and primarily confined to the low flow season (June – November), with small reductions in summer baseflows offset in part by slight increases during other periods" (underline added for emphasis). Therefore, the Amendment provides for a potential increase in discharge volume and duration.

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[5] Document Accession No. 20240927-5269.
[6] Document Accession No. 20250224-5059.
[7] PG&E will adjust flows in the East Branch Russian River between 25 cfs and 5 cfs, as needed to target at least 25,000 ac-ft of storage in Lake Pillsbury reservoir on October 1, to protect the Project facilities and preserve the cool-water pool in the reservoir for subsequent release to the Eel River. After September 30, East Branch Russian River flow releases would return to the Project's FERC license-required flows (35 cfs in Normal and Dry years, 5 cfs in Critical years) when Lake Pillsbury reservoir storage is greater than 36,000 ac-ft.
[8] Specifically, Figure 2a can be found in Attachment 1 of Appendix 3.4.2-B (Hydrology Results, Proposed Action – No Action Alternative) in Exhibit E.

As such, State Water Board staff request the Commission direct PG&E to submit a new application for certification for the Project. The Commission previously directed PG&E to consult with the State Water Board to determine if a certification is required.[9] State Water Board staff, after consultation with PG&E, notified PG&E by email of the determination that a certification is necessary. On February 20, 2025, PG&E applied for a certification associated with its previous amendment request for the Project. The State Water Board issued a draft certification for public review on December 22, 2025 (Attachment C). Shortly after release of the draft certification, PG&E withdrew its certification application citing that "the draft [certification] does not accurately reflect the planned revisions to the Amendment Application." On February 17, 2026,[10] State Water Board staff submitted a letter to the Commission requesting the Commission direct PG&E to submit a new application for certification for the Project as soon as its Project description is finalized.

State Water Board staff have reviewed PG&E's Project description as supplemented on September 29, 2026, and maintain the determination that a certification is required**. To prevent unnecessary delay in the Project's license amendment process, State Water Board staff strongly recommend that PG&E promptly begin the certification application process and submit a pre-filing meeting request.**

If you have questions regarding this letter, please contact Wilhelmina Chon, by email to: Wilhelmina.Chon@waterboards.ca.gov, or phone call to: (916) 319-0745. Written correspondence should be directed to:

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
Attn: Wilhelmina Chon
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,

Truc Le for Wilhelmina Chon

Truc Le

Wilhelmina Chon
Environmental Scientist
Water Quality Certification Program
Division of Water Rights

Enclosures: Attachment A – State Water Resources Control Board Staff's September 27, 2024 Letter to PG&E and FERC Regarding Update on

[9] Document Accession No. 20231004-3041
[10] Document Accession No. 20260717-5171

Water Quality Certification Process for Pacific Gas and Electric Company's Proposed License Amendment Application

Attachment B – State Water Resources Control Board Staff's February 24, 2025 Response to PG&E and FERC Regarding Requirement for Water Quality Certification

Attachment C – State Water Resources Control Board Staff's December 22, 2025 Potter Valley Hydroelectric Project Article 52 Amendment Draft Certification

cc: Chadwick McCready
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Pacific Gas & Electric Company
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Tony Gigliotti
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ATTATCHMENT A:
STATE WATER RESOURCES CONTROL BOARD STAFF'S SEPTEMBER 27, 2024 LETTER TO PG&E AND FERC REGARDING UPDATE ON WATER QUALITY CERTIFICATION PROCESS FOR PACIFIC GAS AND ELECTRIC COMPANY'S PROPOSED LICENSE AMENDMENT APPLICATION

CALIFORNIA Water Boards

GAVIN NEWSOM GOVERNOR

YANA GARCIA SECRETARY FOR ENVIRONMENTAL PROTECTION

State Water Resources Control Board

September 27, 2024

Ms. Debbie-Anne Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426
Via e-filing to FERC Docket P-77-318

Ms. Janet Walther, Director
Hydro Licensing and Compliance
Pacific Gas and Electric Company
Sent via Email: Janet.Walther@pge.com

Potter Valley Hydroelectric Project
Federal Energy Regulatory Commission Project No. 77
Mendocino and Lake Counties
Eel and East Branch Russian Rivers

UPDATE ON WATER QUALITY CERTIFICATION PROCESS FOR PACIFIC GAS AND ELECTRIC COMPANY'S PROPOSED LICENSE AMENDMENT APPLICATION

Dear Acting Secretary Reese:

In October 2024, Pacific Gas and Electric Company (PG&E) plans to submit to the Federal Energy Regulatory Commission (FERC or Commission) a proposed[1] license amendment application for the Potter Valley Hydroelectric Project (Project). It is State Water Resources Control Board (State Water Board or Board) staff's understanding that PG&E's amendment application proposes a reduction in Eel River and East Branch Russian River minimum instream flows until the Project license is surrendered.

The State Water Board has determined that a Clean Water Act section 401 water quality certification (certification) is necessary for PG&E's proposed license amendment. On several occasions, as early as December 2023, State Water Board staff have communicated to PG&E the need for certification for the proposed Project amendment. To date, the State Water Board has not received a pre-filing meeting request or an application for certification from PG&E. To avoid unnecessary delays in the Commission license amendment proceeding, State Water Board staff strongly recommend that PG&E promptly submit a pre-filing meeting request to the State Water Board and apply for certification.

[1] State Water Board staff's understanding is that PG&E's July 31, 2024 proposed changes to FERC license Article No. 52 (shared with State Water Board staff on July 31, 2024) will constitute the entirety of PG&E's anticipated October 2024 license amendment application and that no additional proposed changes to flow requirements will be included in PG&E's anticipated October 2024 license amendment application.

Summary of Amendment-related Communications

On March 17, 2023, PG&E notified the Commission of the potential for seismic instability at Scott Dam and its plan to implement an "interim-reduction measure" of leaving the spillway gates open year-round, reducing the water storage capacity in Lake Pillsbury by approximately 20,000 acre-feet. In its March 28, 2023 response, the Commission noted that PG&E's "unilateral decision to keep the spillway gates open indefinitely" could limit PG&E's ability to meet license-required summer and fall flow releases. The Commission concluded that "Should PG&E wish to seek Commission authorization for keeping the gates open indefinitely, it must file an amendment application, pursuant to 18 CFR 4.200." The Commission requested that PG&E's amendment application contain detail about anticipated environmental effects, any avoidance and minimization measures, and documentation of consultation with relevant agencies and Tribes.

On July 31, 2023, PG&E submitted to the Commission a long-term flow variance request. On October 4, 2023, Commission staff determined that PG&E's long-term variance request constituted an amendment to the Project license and requested additional information. The Commission's additional information request included a request that PG&E "please consult with the California [State Water Board] to determine if a water quality certification is necessary for the proposed amendment and if so, please complete the application process and file a completed certification with the Commission. Alternatively, if a water quality certification is not required, please provide documentation of consultation from the California [State Water Board] indicating that certification is not necessary."

Following the Commission's information request, on November 13, 2023, PG&E and State Water Board staff met and discussed whether a certification was required for the proposed FERC license amendment. On December 4, 2023, State Water Board staff notified PG&E by email of the Board's determination that a water quality certification is necessary for PG&E's anticipated FERC license amendment and requested additional information to inform the certification process (Attachment A). On June 3, 2024, State Water Board staff followed up with PG&E staff on the request for additional information by email. State Water Board staff have yet to receive a response from PG&E.

On July 31, 2024, PG&E requested consultation with State Water Board staff regarding PG&E's proposed changes to Article 52 of the Project's FERC license.[2] PG&E provided

[2] Ordering paragraph (C) and license Article 52 of FERC's January 28, 2004 Order Amending the Project license (106 FERC ¶ 61,065) require that PG&E implement the National Marine Fisheries Service's (NMFS) Reasonable and Prudent Alternative (RPA) from NMFS' November 26, 2002 Final Biological Opinion (Appendix A of the Commission's January 28, 2004 Order). Among the requirements of the RPA, PG&E is required to implement minimum flow requirements at three control points: (1) the Eel River below Scott Dam, to ensure spawning and incubation habitat for salmon and steelhead between Scott Dam and Cape Horn Dam; (2) the East Branch Russian River at the Potter Valley powerhouse, to maintain habitat for rainbow trout and conditions for

State Water Board staff with a "redlined" document of PG&E's proposed changes to National Marine Fisheries Service's (NMFS) Reasonable and Prudent Alternative (RPA) from NMFS' November 26, 2002 Final Biological Opinion (Appendix A of the Commission's January 28, 2004 Order, which added Article 52 to the Project license). Specifically, PG&E's July 31, 2024 proposed changes to the RPA flow regime include: (1) revising RPA B.1 to critical water year minimum instream flows (i.e., 20 cubic feet per second [cfs]) below Scott Dam; and (2) revising RPA C.1 to critical water year flows (i.e., 5 cfs) below Potter Valley Powerhouse in the East Branch Russian River when Scott Dam is not spilling during the summer and from July 1 to September 30 regardless of whether Scott Dam is spilling. On August 16, 2024, PG&E presented an overview of the proposed changes to the RPA flow regime to State Water Board staff in a meeting with PG&E and staff from NMFS and the California Department of Fish and Wildlife. In the August 16 meeting, State Water Board staff again communicated to PG&E that a water quality certification is necessary for the proposed license amendment.

After the August 16, 2024 meeting, PG&E requested State Water Board staff provide technical comments on PG&E's proposed changes to the RPA flow regime. On September 19, 2024, State Water Board staff provided technical comments requesting PG&E assess the impacts of PG&E's proposed changes to the RPA flow regime, including impacts to flows, water quality, and environmental resources, and reiterated that a certification is necessary for the proposed Project amendment (Attachment B).

To date, State Water Board staff have not received a pre-filing meeting request or an application for certification for the proposed Project amendment or a confirmation from PG&E that it plans to apply for a certification in association with the license amendment.

Basis for Certification Requirement

Under section 401 of the Clean Water Act (33 U.S.C. § 1341), any applicant for a federal permit or license "which may result in any discharge into the navigable waters" is required to provide a certification from the state in which the discharge will originate. A potential increase in an existing discharge constitutes a discharge requiring state certification. (*Alabama Rivers Alliance v. F.E.R.C.* (2003) 325 F.3d 290.)

PG&E proposes to leave the radial gates at Scott Dam open indefinitely, reducing the storage capacity in Lake Pillsbury by an estimated 20,000 acre-feet, and to decrease the minimum instream flow requirements in the Eel River and East Branch of the Russian River. These changes in Project operations have the potential to result in increased discharges to navigable waters in a variety of ways. For example, reducing the available storage capacity in Lake Pillsbury (i.e., by keeping spillway gates open) would increase the volume, intensity, frequency, and duration of spill events at Scott Dam. Likewise, decreasing minimum instream flows during periods when Scott Dam is

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fishing during the summer; and (3) the Eel River below Cape Horn Dam, to provide habitat for salmon and steelhead. Article 52 establishes a complex regime of minimum instream flow requirements based on the time of year, water year type, cumulative inflow to the Project, and environmental conditions.

not spilling would increase the amount of water stored in Lake Pillsbury (i.e., reduce available storage capacity), which could have a similar effect on the volume, intensity, frequency, and duration of spill events during subsequent wetter periods.

Request for Certification

As summarized above, the Commission's October 4, 2023 letter directed PG&E to consult with the State Water Board to determine if a certification is necessary. The Commission directed PG&E to either: (1) complete the application process and file a completed certification, or (2) provide documentation of consultation with the Board which indicated that certification was not necessary.

Through this letter, State Water Board staff are notifying the Commission of the Board's determination that the proposed license amendment for the Project "may result in" a discharge to navigable waters, and thus requires a certification. To prevent unnecessary delay in the license amendment process, State Water Board staff strongly recommend that PG&E promptly begin the certification application process. This includes requesting a pre-filing meeting and fully addressing the outstanding questions on the amendment proposal contained in State Water Board staff's December 3, 2024 email. In the event that PG&E submits an amendment application to the Commission prior to requesting certification, the Board requests that the Commission direct PG&E to promptly apply for certification with the Board. Board staff look forward to working with PG&E on its amendment to ensure that measures taken to address dam safety comply with applicable water quality requirements.

If you have questions regarding this letter, please contact Derek Wadsworth, by email to: Derek.Wadsworth@waterboards.ca.gov, or phone call to: (916) 322-9255. Written correspondence should be directed to:

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
Attn: Derek Wadsworth
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,

Derek Wadsworth, P.E.
Water Resource Control Engineer
Water Quality Certification Program
Division of Water Rights

Acting Secretary Reese
Director Walther

September 27, 2024

Enclosures:

Attachment A - State Water Resources Control Board Staff's December 4, 2023 and June 3, 2024 Email Communications to PG&E Regarding Water Quality Certification for PG&E's July 31, 2023 Long-Term Flow Variance FERC Filing

Attachment B - State Water Resources Control Board Staff's September 19 2024 Email Communication to PG&E Regarding Water Quality Certification and Technical Comments Regarding PG&E's July 31, 2024 Proposed License Amendment

Attachment C – FERC Certificate of Service

ec:

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ATTACHMENT A

STATE WATER RESOURCES CONTROL BOARD STAFF'S DECEMBER 4, 2023 AND JUNE 3, 2024 EMAIL COMMUNICATIONS TO PG&E REGARDING WATER QUALITY CERTIFICATION FOR PG&E'S JULY 31, 2023 LONG-TERM FLOW VARIANCE FERC FILING

From:	Wadsworth, Derek@Waterboards
To:	"Janet.walther@pge.com"; "Gigliotti, Tony"; "Pope, Jackie"; "Chadwick.Mccready@pge.com"; "kimberly.ognisty@pge.com"
Cc:	Ragazzi, Erin@Waterboards; Thaler, Parker@Waterboards; Fisch, Nathan@Waterboards; Hassan, Rajaa@Waterboards; Heinrich, Dana@Waterboards; Rabe, Allison@Waterboards
Subject:	RE: Potter Valley FERC License Amendment Meeting Follow-up - 401 Water Quality Certification
Date:	Monday, June 3, 2024 4:49:00 PM

Hi PG&E Team,

Following up on the email below, do you know the status of the seven additional information items requested below? If PG&E plans to request a water quality certification, we are hoping to understand PG&E's proposal and evaluate options for CEQA compliance before the water quality certification application is submitted.

If PG&E is planning to revise and submit the July 31, 2023 long-term flow variance request (i.e., proposed FERC license amendment application), would you be able to share the estimated timeline?

Thanks,

Derek Wadsworth

From: Wadsworth, Derek@Waterboards
Sent: Monday, December 4, 2023 12:26 PM
To: Janet.walther@pge.com; Gigliotti, Tony <tony.gigliotti@pge.com>; Pope, Jackie <JHPL@pge.com>; Chadwick.Mccready@pge.com; kimberly.ognisty@pge.com
Cc: Heinrich, Dana@Waterboards <dana.heinrich@waterboards.ca.gov>; Ragazzi, Erin@Waterboards <Erin.Ragazzi@waterboards.ca.gov>; Thaler, Parker@Waterboards <parker.thaler@waterboards.ca.gov>; Fisch, Nathan@Waterboards <Nathan.Fisch@Waterboards.ca.gov>; Hassan, Rajaa@Waterboards <Rajaa.Hassan@Waterboards.ca.gov>
Subject: Potter Valley FERC License Amendment Meeting Follow-up - 401 Water Quality Certification

Hi PG&E Team,

Thank you for meeting on November 13 to discuss PG&E's July 31, 2023 long-term flow variance request (i.e., proposed FERC license amendment application) for the Potter Valley Hydroelectric Project (Project). We understand PG&E's request for modifications to FERC-license operation requirements is necessary to implement the California Division of Safety of Dams' decision to require Lake Pillsbury's spillway gates to remain open year-round while maintaining compliance with PG&E's FERC license for the Project. The amendment also provides an opportunity for PG&E to simultaneously adopt interim protective measures which aim to minimize impacts of modified operations and establish funding for monitoring for Chinook salmon (*Oncorhynchus tshawytscha*) and steelhead trout (*Oncorhynchus mykiss*). We also

understand that FERC requested PG&E to consult with the State Water Board to determine if a water quality certification is necessary for the proposed amendment, assess the potential impacts of its proposal, and clarify whether proposed changes were outside of the Project license requirements. In addition to the requests below we would appreciate PG&E sharing any information or analysis regarding its proposed amendment's potential environmental and water quality effects, specifically effects on turbidity, temperatures, storage levels, and flows.

During the November 13 meeting, PG&E requested that State Water Board staff clarify if PG&E needs a water quality certification for its proposed FERC license amendment. Under section 401 of the Clean Water Act (33 U.S.C. § 1341), State water quality certification is required for a federal permit or license for an activity that may result in a discharge to waters of the United States. As stated by FERC in its October 4, 2023 request for additional information, a water quality certification is required for any action that may result in a change in discharge or have a material adverse impact on water quality.

Based on the changes to Project operations that PG&E has proposed, State Water Board staff have determined that a water quality certification is needed for PG&E's anticipated FERC license amendment application. The proposed changes would result in changes in discharge (both increases and decreases in the volume of water discharged from PG&E facilities and potential discharges of pollutants) and could have a material adverse impact on water quality. Specifically, PG&E's July 31, 2023 proposal includes: (1) keeping Lake Pillsbury's spillway gates open year-round resulting in periods where inflows, which would otherwise have been retained (i.e., by closed spillway gates) to provide sufficient storage to maintain FERC license-required minimum instream flows, are bypassed, resulting in a potential increase in discharge during those time periods when flows would have otherwise been retained to meet the minimum instream flows later in the water year; (2) allowing Lake Pillsbury spilled flows, which otherwise would have been retained by closed spillway gates, to be diverted to the East Branch Russian River, resulting in a potential increase in discharge to the East Branch Russian River; and (3) funding for a new adaptive resolution imaging sonar (ARIS) system, sonar monitoring, stream gaging program, and a temperature probe where installation of new or modification of existing monitoring equipment could involve a discharge of dredged or fill material. In addition, PG&E proposes to evaluate and potentially modify minimum instream flows based on Lake Pillsbury storage conditions, potentially resulting in decreased releases throughout the summer and fall, which could result in elevated downstream water temperatures and potential increased channel dewatering and stranding of aquatic organisms.

In follow-up to the meeting, State Water Board staff request the following additional information:

1. In its October 4, 2023, request for additional information, FERC requested PG&E provide an assessment of impacts to all resources, including water quality (such as effects to water temperature in the Eel River and East Branch Russian River with and without the proposed amendment). Has PG&E completed an assessment of impacts to water quality? If so, please provide it to inform the State Water Board's analysis of potential water quality impacts. If still under development, please provide the anticipated date this information will be available.

2. PG&E's July 31, 2023 proposed amendment states:

> Third, additional diversions may be allowed to EBRR [East Branch Russian River] when Lake Pillsbury is spilling, and all targeted environmental conditions (as determined by the Agencies) are satisfied in the Eel River. Diversions are

> limited by the bypass pipe capacity of approximately 135 cfs and using appropriate ramping rates and diversion thresholds (exemption from Section E.5 of the RPA). The Agencies will develop initial guidelines to submit to FERC by November 30, 2023, for minimum E-11 flow thresholds for spill diversions to E-16 to commence and end, as well as diversion ramping rates. PG&E may then develop an alternative E.5 diversion prescription based on Agency guidelines, which may be implemented upon Agency review and approval. These guidelines may be refined in subsequent years based on the mitigation monitoring efforts described below. PG&E will inform stakeholders of possible discretionary diversions, details of which will be included in the guidelines submitted by November 30, 2023.

FERC's October 4, 2023 letter sought clarification as to the nature of the forthcoming guidelines and whether they represent a departure from the requirements of PG&E's Project license. Similarly, State Water Board staff request PG&E to clarify whether the guidelines (not publicly filed on FERC's eLibrary as of December 4, 2023) could allow for a change in the timing, quantity, or volume of diversions to the East Branch Russian River compared to diversions allowed under its current FERC license.

3. PG&E's July 31, 2023 proposal states:

> Fourth, to allow for flexible management in the event of severe Lake Pillsbury storage depletions that could pose future risk to dam infrastructure stability, minimum instream flows at compliance points (including E-11 flows to the Eel River) may be further modified annually upon mutual written agreement between PG&E and the Agencies. If proposed flow regimes are agreed upon, PG&E will notify FERC within 30 days of reaching an agreement with the Agencies, or no later than May 1 of every year. If no adjustments are needed, the flows will automatically conform to the conditions outlined above. If FERC does not respond with objections within 15 days of PG&E's submittal, the proposed flow regime developed by PG&E and reviewed by the Agencies will go into effect on May 16 of each year.

FERC's October 4, 2023 letter recommended PG&E remove the annual adjustment element of its proposed amendment or modify it in such a way that the parameters for additional flow modifications are clearly defined and analyzed. If PG&E plans to include the annual adjustment element in its proposed amendment, are there any bounds on flow adjustments? Without bounds on annual flow adjustments, there is a potential for adverse effects (e.g., increased channel dewatering) as a result of modified minimum instream flows, changes to Lake Pillsbury's coldwater pool volume, elevated downstream temperatures, and potential increases in sediment discharges as a result of low reservoir elevations.

4. PG&E's proposal states consultation or approval from Agencies will be required for modifications to Eel River (i.e., gage E-11) and East Branch Russian River (i.e., E-16) minimum instream flows, additional diversions to the East Branch Russian River, development of diversion guidelines, development of a temperature model to inform a flexible management approach to reservoir releases, additional funding for monitoring and gage installation and maintenance, and revisions to mitigation measures. As requested during our November 13th meeting, State Water Board staff request to be included in the list of Agencies that will be consulted. Additionally, in the consultation process, what are the protocols if agreement is not reached between PG&E and agencies on needed modifications?

5. PG&E's current Project license was amended in 2004 to implement a flow regime consistent with the 2002 NMFS Reasonable and Prudent Alternative (RPA). RPA section E.5 states:

> Diversions in excess of the sum of the minimum flow *MF16* specified in Section C and the release to the Potter Valley Irrigation District specified in section E.4 can only be made when the Lake Pillsbury Storage is above the Target Storage Curve. Exceptions to this rule can occur only due to rare and brief emergency power and water demands.

PG&E's July 31, 2023 proposal states:

> Diversions are limited by the bypass pipe capacity of approximately 135 cfs and using appropriate ramping rates and diversion thresholds (exemption from Section E.5 of the RPA).

State Water Board staff request PG&E to clarify whether an exemption to RPA section E.5 could result in additional periods where storage levels are less than the RPA Target Storage Curve. If there are potentially additional periods where storage levels are below the RPA Target Storage Curve, is there a potential for adverse effects on Eel River or East Branch Russian River temperatures?

6. As stated above, PG&E's July 31, 2023 proposal includes funding for a new ARIS system, sonar monitoring, stream gaging program, and a temperature probe. Please clarify if PG&E's proposal involves construction activities with the potential to result in a discharge (e.g., dredged or fill material) to waters of the United States. If so, does PG&E plan to obtain a United States Army Corps of Engineers (USACE) Nationwide Permit or other USACE permit under Clean Water Act Section 404 for placement of the monitoring equipment? State Water Board staff request a list of the proposed locations and descriptions of the proposed monitoring equipment.

7. PG&E's request states that PG&E expects modified operations may be necessary beginning in January 2024. Also, State Water Board staff understand that, prior to DSOD's decision requiring Lake Pillsbury's spillway gates to remain open year-round, PG&E would be able to close Lake Pillsbury's spillway gates on April 1. Given these timing issues, State Water Board staff request PG&E provide analyses and reports characterizing the emergency nature of Lake Pillsbury's dam safety and seismic risk to assist in the CEQA process. Staff are considering whether an emergency exemption can be used for CEQA compliance and would appreciate any information PG&E can provide to support this evaluation.

State Water Board staff are available to discuss the above determination and information requests if desired and look forward to PG&E's pre-filing meeting request.

Thank you,

Derek Wadsworth, P.E.
Water Resource Control Engineer
Water Quality Certification Program
Division of Water Rights

ATTACHMENT B

STATE WATER RESOURCES CONTROL BOARD STAFF'S SEPTEMBER 19 2024 EMAIL COMMUNICATION TO PG&E REGARDING WATER QUALITY CERTIFICATION AND TECHNICAL COMMENTS REGARDING PG&E'S JULY 31, 2024 PROPOSED LICENSE AMENDMENT

From: Wadsworth, Derek@Waterboards
To: McCready, Chadwick; Thaler, Parker@Waterboards; Fisch, Nathan@Waterboards; Heinrich, Dana@Waterboards; Ragazzi, Erin@Waterboards; Rabe, Allison@Waterboards
Cc: Moore, Trevor; Lent, Michelle; Matt Robart; Diane Barr; Anderson, Andrew
Subject: RE: For Review- Potter Valley RPA Flow Amendment & Supporting Documents
Date: Thursday, September 19, 2024 6:26:00 PM
Attachments: RE Potter Valley FERC License Amendment Meeting.pdf

Hi PG&E Team,

Thank you for meeting with us on August 16, 2024, to discuss PG&E's proposed revisions to its draft license amendment filed with FERC on July 31, 2023. PG&E's license amendment is necessitated by PG&E's plan to keep Scott Dam's spillway gates open indefinitely, thus reducing the water storage capacity in Lake Pillsbury by approximately 20,000 acre-feet.

State Water Board staff understand from PG&E's presentation at the August 16, 2024 meeting and materials provided before and after the meeting that PG&E is proposing to change FERC License flow requirements (specifically Condition Nos. A, B.1, C.1, C.2 and D.1 from NMFS's 2002 Biological Opinion Reasonable Prudent Alternative [RPA]). From Slide 8 of PG&E's presentation, State Water Board staff understand that PG&E's most significant proposed change is to reduce East Branch Russian River (EBRR) FERC license-required minimum instream flows from existing requirements (5 to 75 cfs) to critical water year flows (i.e., 5 cfs) from April 15 to June 30 when Scott Dam is not spilling and from July 1 to September 30, regardless of whether Scott Dam is spilling or current water year (WY) classification. At the August 16, 2024 meeting, PG&E stated that Potter Valley Irrigation District (PVID) would request flows on an on-demand-basis with an assumed average demand of 35 cfs during the irrigation season (Apr. 15 to Oct. 15). Following the meeting, PG&E staff emailed State Water Board staff and requested technical comments on its revised license amendment proposal. Below, State Water Board staff are providing technical comments on PG&E's revised license amendment proposal as well as comments on the proposed amendment's anticipated water quality certification process.

401 Water Quality Certification:

As stated at the August 16, 2024 meeting, it remains State Water Board staff's determination that a Clean Water Act section 401 water quality certification (certification) is necessary for PG&E's license amendment proposal. PG&E's license amendment proposal would increase the amount of water being discharged at Scott Dam by increasing the volume, intensity, frequency, and duration of spill events due to the Lake Pillsbury spillway gates being kept open year-round. State Water Board staff initially provided this determination to PG&E on December 4, 2023 (email attached). State Water Board staff understand the dual interest (dam safety, environmental) for PG&E's license amendment proposal and strongly recommend that PG&E timely submit a pre-filing meeting request (40 CFR 121.4) and apply for a water quality certification in order to facilitate a potential certification action in time to address declining reservoir storage levels and the possibility of limited inflows into Lake Pillsbury.

Attachment B

Summary of Pending State Water Board Additional Information Requests:

State Water Board staff requested additional information relevant to the anticipated application for certification for PG&E's license amendment proposal from PG&E staff via emails on December 4, 2023, and June 3, 2024 (email chain attached) and to date, have not received a response. For ease of review and responses, below, State Water Board staff reiterates its previous requests for additional information with updates based on our recent conversation.

1. State Water Board staff requests that PG&E provide information or analysis it has regarding its license amendment proposal's potential environmental and water quality effects, specifically effects on turbidity, temperatures, storage levels, and flows for all affected segments of the Eel and EBRR;
2. In FERC's October 4, 2023, request for additional information, FERC requested PG&E provide an assessment of impacts to all resources, including:

"geology and soils; water quantity (including effects to available water for consumptive uses and agriculture in the East Branch Russian River); water quality (including effects to water temperature in the Eel River and East Branch Russian River with and without the proposed amendment); aquatic resources (including impacts to resident fish species, macroinvertebrates, amphibians, and reptiles); terrestrial resources; threatened and endangered species; recreation resources (including impacts to recreation resources at Lake Pillsbury, Eel River, and East Branch Russian River); cultural and historic resources; land use and aesthetic resources (including a discussion of impacts to shoreline development at Lake Pillsbury); and any impacts to communities with environmental justice concerns."

State Water Board staff are also requesting this information and look forward to reviewing PG&E's responses to FERC.

3. State Water Board staff request PG&E provide analyses and reports characterizing the emergency nature of Lake Pillsbury's dam safety and seismic risk. Staff are considering whether an emergency exemption can be used for CEQA compliance and would appreciate any information PG&E can provide to inform this evaluation.

State Water Board Technical Comments on PG&E's Revised License Amendment Proposal:

State Water Board staff appreciates PG&E providing a copy of the meeting presentation, proposed changes to the existing license flow requirements, and technical memo regarding temperature model runs. In addition to the pending requests above, State Water Board staff identify the following information requests as relevant to understanding PG&E's license amendment proposal's potential impacts to dam safety, flows, water quality, environmental resources, and beneficial uses (as defined by the Water Quality Control Plan for the North Coast Region). State Water Board staff are available to discuss with PG&E the scope and purpose of the following technical information requests:

1. Water balance operations analysis to understand how PG&E's license amendment proposal will change Eel River and EBRR flows and Lake Pillsbury reservoir elevation and storage.
   a. Scope: Slide Nos. 11-18 of PG&E's August 16, 2024 presentation indicate that PG&E has utilized a water balance operations analysis to understand how PG&E's license amendment proposal would affect spill at Scott Dam, Eel River flows, EBRR flows, Lake Pillsbury Reservoir elevation and storage, and timing of

Lake Pillsbury spill. State Water Board staff request PG&E provide all spreadsheets and results.

b. Purpose: The water balance operations analysis will aid State Water Board staff understanding of how PG&E's license amendment proposal would affect flows and storage compared to historical conditions and future conditions without the amendment in place, including reservoir elevation dam safety risks that may occur in the absence of PG&E's proposed amendment.

2. PVID deliveries sensitivity analysis for the water balance operations and temperature model analyses.
   a. Scope: PG&E's temperature memo states, "*The Proposed Flow Amendment was not found to be sufficiently protective in the driest year (i.e.. 2021), when historical operations resulted in slightly cooler conditions below Scott Dam*." And a clarifying footnote to that statement, which states, "*Under a more restrictive variance and with roughly 3,000 AF lower deliveries to PVID than the modeled deliveries*."
   b. Purpose: The PVID deliveries sensitivity analysis will aid State Water Board staff understanding of how PVID deliveries affect Eel River and EBRR flows, Lake Pillsbury storage levels, and Eel River and EBRR temperatures.
3. Temperature model analysis to understand how the proposed amendment's flow regime will change Eel River and EBRR temperatures.
   a. Scope: In FERC's October 2023 request for additional information, FERC requested that PG&E perform an assessment of impacts to resources, including effects to water temperature in the Eel River and EBRR with and without the proposed amendment.
   b. Purpose: State Water Board staff need the same information to evaluate the potential water quality impacts of the proposed amendment.
4. Analysis to determine the frequency/return interval of critical water year (WY) conditions on the EBRR and Eel River below Lake Pillsbury.
   a. Scope: Under historical Lake Pillsbury inflow conditions, how often (i.e., percentage of time and return interval) and for what duration (days/year) would critical water year flows have been released to the EBRR (RPA Condition No. C.1) and to the Eel River below Lake Pillsbury (RPA Condition No. B.1)?
   b. Purpose: PG&E's proposal includes releasing critical water year flows to the EBRR (revised RPA Condition No. C.1) and to the Eel River below Lake Pillsbury (revised RPA Condition No. B.1). If multiple years of critical water year flows in the Eel River between Scott Dam and Cape Horn Dam and/or EBRR have historically never occurred, occurred only for short durations, or been very infrequent, then additional monitoring and adaptive management actions in the affected river reaches may be appropriate.
5. Spawning habitat analysis.
   a. Scope: An estimate of how spawning habitat area changes as a result of PG&E's license amendment proposal. State Water Board staff recommend PG&E leverage weighted usable area (WUA) data from PG&E's 2017 Pre-Application Document.
   b. Purpose: State Water Board staff asked PG&E at the August 16, 2024 meeting to describe how flows at Gage No. E-2 (i.e., in the Eel River reach between Scott Dam and Cape Horn Dam) would be reduced to critical WY flows (i.e., 20 cfs) as shown in PG&E's revised license amendment proposal (i.e., revised RPA Condition B.1). PG&E staff stated that in practice flows would never fall below 35 cfs due to infrastructure limitations (i.e., LLO needle valve 1" opening is 35 cfs). State Water Board staff request water balance operations analysis results to understand how flows will be altered at Gage No. E-2 under PG&E's license amendment proposal's revised flow requirements since ESA-listed salmonids can access and spawn within the Eel River reach between Scott Dam and Cape Horn

Dam. If flows and spawning habitat are significantly reduced in this river reach during times of biological significance compared to existing conditions, additional monitoring and adaptive management actions may be appropriate.

6. Characterization of EBRR fish and wildlife populations.
   a. Scope: In FERC's October 2023 request for additional information, FERC requested that PG&E perform an assessment of impacts to resources, including impacts to resident fish species, macroinvertebrates, amphibians, and reptiles.
   b. Purpose: Water Board staff need the same information to evaluate the potential impacts of the proposed amendment on beneficial uses.
7. Assessment of wetland resources.
   a. Scope: Identification and assessment of riparian and wetland habitat along the affected portions of the EBRR, Eel River, and Lake Pillsbury that will be hydraulically disconnected from surface waters as a result of PG&E's proposed amendment.
   b. Purpose: PG&E's proposed amendment includes flow changes which could impact Lake Pillsbury reservoir levels, as well as Eel River and EBRR river stage elevations. State Water Board staff are concerned that PG&E's proposed amendment could decrease riparian and wetland habitat. In FERC's October 2023 request for additional information, FERC requested that PG&E perform an assessment of impacts to resources, including impacts to aquatic resources (e.g., resident fish species, macroinvertebrates, amphibians, and reptiles) and terrestrial resources. State Water Board staff require similar information concerning impacts to wetland resources in order to evaluate impacts to aquatic resources.

State Water Board staff look forward to working with PG&E on this FERC license amendment and its certification.

Sincerely,

Derek Wadsworth, P.E.
Water Resource Control Engineer
401 Water Quality Certification Program Division
of Water Rights
State Water Resources Control Board

From: McCready, Chadwick <COMM@pge.com>

Sent: Friday, August 16, 2024 12:47 PM

To: Thaler, Parker@Waterboards <parker.thaler@waterboards.ca.gov>; Fisch, Nathan@Waterboards <Nathan.Fisch@Waterboards.ca.gov>; Wadsworth, Derek@Waterboards <Derek.Wadsworth@Waterboards.ca.gov>; Heinrich, Dana@Waterboards <Dana.Heinrich@waterboards.ca.gov>; Ragazzi, Erin@Waterboards <Erin.Ragazzi@waterboards.ca.gov>; Rabe, Allison@Waterboards <Allison.Rabe@Waterboards.ca.gov>

Cc: Moore, Trevor <TQMI@pge.com>; Lent, Michelle <M4LQ@pge.com>; Matt Robart <Matt@camasllc.com>; Diane Barr <Diane@camasllc.com>; Anderson, Andrew <A5AK@pge.com>

Subject: For Review- Potter Valley RPA Flow Amendment & Supporting Documents

Attachment B

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

Classification: Confidential

Greetings SWRCB staff,

Thank you for attending our coordination call for the Potter Valley RPA Flow Amendment. Attached you will find the following items for your review:

- The slides from today's meeting
- The red-lined draft of the proposed amendment to Appendix A of the RPA
- A memo discussing the results of the water temperature modeling under the proposed amendment flow regime

In addition, for your reference is a research paper by FitsGerald et al discussing physiological constraints of anadromous salmonids in the Eel River.

PG&E would appreciate any technical comments you may have on these items by August 30, 2024. Please let me know if you have any questions or concerns.

Thank you,

Chadwick McCready
Hydro License Coordinator| Power Generation
Pacific Gas & Electric Company
C: (530) 685-5710 | e: Chadwick.Mccready@pge.com

You can read about PG&E's data privacy practices at PGE.com/privacy.

ATTACHMENT C
FERC CERTIFICATE OF SERVICE

Certificate of Service

I hereby certify that I have this day filed electronically with the Federal Energy Regulatory Commission and served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 27th day of September 2024.

Derek Wadsworth, P.E.
Water Resource Control Engineer
Water Quality Certification Program
Division of Water Rights,
Derek.Wadsworth@waterboards.ca.gov

Document Content(s)

20240927_Letter to FERC_PG&E re WQC for Flow Amendment_signed.pdf 1

ATTATCHMENT B:
STATE WATER RESOURCES CONTROL BOARD STAFF'S FEBRUARY 24, 2025 RESPONSE TO PG&E AND FERC REGARDING REQUIREMENT FOR WATER QUALITY CERTIFICATION

February 24, 2025

Ms. Debbie-Anne Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426
Via e-filing to FERC Docket P-77-318

Ms. Janet Walther, Director
Hydro Licensing and Compliance
Pacific Gas and Electric Company
Sent via Email: Janet.Walther@pge.com

RESPONSE TO PACIFIC GAS AND ELECTRIC COMPANY'S JANUARY 30, 2025 LICENSE AMENDMENT APPLICATION FOR THE POTTER VALLEY HYDROELECTRIC PROJECT AND REQUIREMENT FOR WATER QUALITY CERTIFICATION

Dear Secretary Reese and Ms. Walther:

On January 30, 2025, Pacific Gas and Electric Company (PG&E) submitted to the Federal Energy Regulatory Commission (FERC) a license amendment application requesting changes to minimum flow requirements under Article 52 of its existing FERC license for the Potter Valley Hydroelectric Project (Project), FERC Project No. 77. The license amendment request is in part due to safety concerns with Scott Dam. Additionally, on February 20, 2025, PG&E submitted a Clean Water Act section 401 water quality certification (certification) application to the State Water Resources Control Board (State Water Board) for the Project's license amendment.

Prior to PG&E's submittal of the Project license amendment and certification applications, State Water Board and PG&E staff had several meetings and exchanges of information regarding the certification requirement for the Project license amendment. On September 27, 2024, State Water Board staff sent FERC and PG&E a letter addressing the history of this engagement and reaffirming that a certification is required for the Project license amendment (Attachment A).

State Water Board staff are providing this letter to FERC and PG&E in response to several statements PG&E made in its January 30, 2025 license amendment application and its February 20, 2025 certification application[1] regarding the State Water Board's determination that a certification is required for the requested amendment to the Project license, including:

[1] PG&E's certification application includes a cover letter followed by the January 30, 2025 Project license amendment application it submitted to FERC.

- Volume I: “PG&E does not believe a [State Water Board] Clean Water Act Section 401 water quality certificate is necessary as the modifications to the [East Branch Russian River] minimum flows are within the same range of flows and parameters as the 2004 project license amendment, for which FERC determined that a Clean Water Act Section 401 certificate was not required.”
- Volume II, section 1.4: “PG&E has reviewed the [State Water Board’s] letter and previous comments and has concluded that the proposed action is not an ‘activity . . . which may result in any discharge’ within the meaning of section 401 of the [Clean Water Act] because the amendment application does not propose an increase in any discharge currently authorized under the existing license. *Alabama Rivers Alliance v. FERC*, 325 F.3d 290 (D.C. Cir. 2003) (stating that a proposed amendment that ‘reduces – and thus simply alters – a discharge’ does not require certification); *North Carolina v. FERC*, 112 F.3d 1175, 1187-1188 (D.C. Cir. 1997) (finding that a reduction in the amount of water released at the project dam as a result of water withdrawals would merely alter an existing discharge and did not require certification). However, in an effort to continue to move this amendment application forward, PG&E held a pre-filing meeting with the SWRCB on December 5, 2024, and intends to submit a [water quality certification] application to ensure there is no delay given the SWRCB’s one-year period to act should the Commission disagree with PG&E’s position. If the Commission determines that the amendment application is not proposing an increase in existing discharges and a [water quality certification] is not required, PG&E requests that any conditions included in a certification be included in the amendment order only if consistent with the Federal Power Act and supported by Commission staff’s analysis.”
- Volume III, section 1.6.1: “Therefore, PG&E does not support the SWRCB position that the FERC non-capacity license amendment results in the need for Clean Water Act 401 Certificate because the changes in Project operations have the potential to result in increased discharges to navigable waters.”

State Water Board staff disagree with PG&E’s conclusion that a certification is not “necessary” for the license amendment. While PG&E suggests that the license amendment does not “need” a certification "because the amendment application does not propose an increase in any discharge currently authorized under the existing license,” that is not the standard. The legal standard for determining whether a certification is required is whether the applicant is seeking a federal license or permit for

an activity that "may result in any discharge." 33 U.S.C. 1341(a)(1).[2] Because PG&E's proposed decrease in minimum instream flows would increase the potential for spill events at Scott Dam (i.e., increased discharge), the State Water Board has determined that the activity "*may* result in *any* discharge" and a certification is required. *Alabama Rivers Alliance v. FERC*, 325 F.3d 290, 299-300 (D.C. Cir. 2003) (holding that an activity that may cause even a temporary increase in an existing discharge may "result in" a discharge within the meaning of section 401(a)(1)).

As stated in State Water Board staff's September 27, 2024 letter, State Water Board staff determined that PG&E's license amendment application proposes changes in Project operations that "have the potential to result in increased discharges to navigable waters in a variety of ways" and may increase "the volume, intensity, frequency, and duration of spill events at Scott Dam." PG&E's amendment application supports the State Water Board's assessment. Specifically, amendment application Figure 3-1 shows that for several modeled water years (e.g., water years 2005, 2011, 2014, 2016, 2017, and 2019) Lake Pillsbury storage and reservoir levels under the Proposed Action (green line) would reach the spill crest (blue dotted line) earlier in the water year and remain at the spill crest for a longer duration than the No Action Alternative (orange dotted line). Since all inflows would be spilled when the reservoir is at spill crest, Figure 3-1 indicates that the license amendment application proposes a flow regime that may result in potentially increased volume, intensity, frequency, and duration of spill events at Scott Dam. Accordingly, State Water Board staff reaffirm the determination that a certification is required since the requested license amendment would allow Project operations that may result in an increased discharge.

In its amendment application, PG&E requests that FERC issue an amendment order no later than April 15, 2025. Given that PG&E and State Water Board staff met on December 5, 2024, for a certification pre-filing meeting for the Project's license amendment pursuant to 40 C.F.R. section 121.4, and PG&E submitted to the State Water Board a request for certification on February 20, 2025, State Water Board staff do not anticipate that a certification will be issued prior to April 15, 2025.

[2] On November 21, 2024, FERC issued a rulemaking which clarified: "Section 401(a)(1) of the [Clean Water Act] prohibits a federal agency from issuing a federal license, permit, or other authorization for a project or activity that may result in a discharge into waters of the United States, such as a Federal Energy Regulatory Commission (Commission) order issuing a license for a hydroelectric project or order authorizing an amendment or surrender of a license, unless the appropriate certifying authority either grants certification or waives its certification authority" and "all Commission authorizations that have the potential to discharge into waters of the United States require a section 401 water quality certification or waiver, including, depending on the activity being proposed, authorizations associated with hydropower exemptions, amendments, and surrenders."

If you have questions regarding this letter please contact Derek Wadsworth, Project Manager, by email to: Derek.Wadsworth@waterboards.ca.gov or by phone call to: (916) 322-9255. Written correspondence should be directed to:

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
Attn: Derek Wadsworth
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,

Derek Wadsworth, P.E.
Water Resource Control Engineer
Water Quality Certification Program
Division of Water Rights

Enclosures: Attachment A – State Water Resources Control Board Staff's September 27, 2024 Letter to PG&E and FERC Regarding Update on Water Quality Certification Process for Pacific Gas and Electric Company's Proposed License Amendment Application

Attachment B – FERC Certificate of Service

ec: Mr. Bryan McFadin, Senior Water Resource Control Engineer
North Coast Regional Water Quality Control Board
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Mr. Tony Gigliotti, Senior Licensing Project Manager
Pacific Gas and Electric Company
Email: T1GF@pge.com

Mr. Chadwick McCready, Senior Hydro License Coordinator
Pacific Gas and Electric Company
Email: Chadwick.McCready@pge.com

ATTATCHMENT C:
STATE WATER RESOURCES CONTROL BOARD STAFF'S DECEMBER 22, 2025 POTTER VALLEY HYDROELECTRIC PROJECT ARTICLE 52 AMENDMENT DRAFT CERTIFICATION

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Water Quality Certification for

PACIFIC GAS AND ELECTRIC COMPANY'S
POTTER VALLEY PROJECT ARTICLE 52 AMENDMENT PROJECT

Sources: **Eel River and East Branch Russian River**

Counties: **Lake and Mendocino**

DRAFT WATER QUALITY CERTIFICATION FOR

FEDERAL PERMIT OR LICENSE

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Abbreviations

ac-ft	*acre-feet*
Antidegradation Policy	*Statement of Policy with Respect to Maintaining High Quality Waters in California*
ARMP	*Aquatic Resource Monitoring Plan*
CDFW	*California Department of Fish and Wildlife*
certification	*water quality certification*
CEQA	*California Environmental Quality Act*
cfs	*cubic feet per second*
Deputy Director	*Deputy Director of the Division of Water Rights*
DSOD	*California Department of Water Resources Division of Safety of Dams*
ESA	*Endangered Species Act*
FERC	*Federal Energy Regulatory Commission*
FYLF	*foothill yellow-legged frog*
Hydroelectric Project	*Potter Valley Hydroelectric Project*
Letter of Intent	*PG&E's February 9, 2024 Biological Monitoring Letter of Intent*
Licensee	*Pacific Gas and Electric Company*
mg/L	*milligram per liter*
MIFs	*minimum instream flows*
NMFS	*National Marine Fisheries Service*
North Coast Basin Plan	*Water Quality Control Plan for the North Coast Region*
North Coast Regional Water Board	*North Coast Regional Water Quality Control Board*
PG&E	*Pacific Gas and Electric Company*
Project	*Potter Valley Project Article 52 Amendment Project*
PVID	*Potter Valley Irrigation District*
Regional Water Boards	*Regional Water Quality Control Boards*
RPA	*Reasonable and Prudent Alternatives*
State Water Board	*State Water Resources Control Board*
TMDL	*Total Maximum Daily Load*
USEPA	*United States Environmental Protection Agency*
USFWS	*United States Fish and Wildlife Service*
Water Boards	*State Water Board and Regional Water Boards, collectively*

1.0 Project Description

Pacific Gas and Electric Company (PG&E or Licensee) owns and operates the Potter Valley Hydroelectric Project (Hydroelectric Project; Federal Energy Regulatory Commission (FERC) Project No. 77). The Hydroelectric Project is located on the Eel River and East Branch Russian River in Lake and Mendocino counties, approximately 15 miles northeast of Ukiah, California. (See Figure A1: Potter Valley Hydroelectric Project Location.)

The Hydroelectric Project includes Scott Dam (a 130-foot-high concrete dam with five radial gates, 26 slide gates, and a low-level outlet capable of releasing 400 cubic feet per second (cfs)) and its associated storage reservoir, Lake Pillsbury (estimated gross storage capacity of 59,871 acre-feet (ac-ft) when spillway gates are closed; 53,248 ac-ft with spillway gates open). Below Scott Dam, the Eel River flows approximately 12 miles to another Hydroelectric Project feature – Cape Horn Dam (a 63-foot-high earthen and concrete dam with an uncontrolled overflow spillway and fish passage facilities), which impounds Van Arsdale Reservoir (approximately 390 ac-ft). Approximately 400 feet upstream of Cape Horn Dam, PG&E can divert up to 320 cfs of water from the Eel River and convey the water south through a series of tunnels, conduits, and penstocks associated with the Hydroelectric Project to the 9.2-megawatt Potter Valley Powerhouse.[1] The Potter Valley Powerhouse discharges into canals used by the Potter Valley Irrigation District (PVID) for irrigation or the East Branch Russian River, which flows into Lake Mendocino.[2] Water that is not diverted into the Russian River watershed flows northwest down the Eel River, approximately 150 miles, from Cape Horn Dam to the Pacific Ocean.

PG&E releases Hydroelectric Project flows in accordance with FERC license Article No. 52,[3] which establishes minimum instream flows (MIFs) at three locations: (1) Eel River below Scott Dam (as measured at gages E-2 and E-3) for salmonid spawning and incubation habitat between Scott Dam and Cape Horn Dam; (2) East Branch Russian River at the Potter Valley Powerhouse (as measured at gage E-16) to maintain rainbow trout habitat and associated recreational fishing during the summer as well as California Coast Chinook salmon, Southern Oregon/Northern California Coast coho salmon, and

[1] PG&E has not generated power at the Potter Valley Powerhouse since 2021 due to a transformer that does not meet operating standards. FERC eLibrary Accession Number 20230323-5013.

[2] The United States Army Corps of Engineers manages and operates Lake Mendocino in coordination with Sonoma County Water Agency and the Russian River Flood Control and Water Conservation Improvement District.

[3] Ordering paragraph (C) and license Article 52 of FERC's January 28, 2004 Order Amending the Project license (106 FERC ¶ 61,065) require that PG&E implement the National Marine Fisheries Service's Reasonable and Prudent Alternative from the National Marine Fisheries Service's November 26, 2002 Final Biological Opinion (Appendix A of FERC's January 28, 2004 Order).

Central California Coast steelhead below Coyote Dam, which forms Lake Mendocino[4]; and (3) Eel River below Cape Horn Dam (as measured at gage E-11) for habitat for salmonids including coho salmon, Chinook salmon, and steelhead[5]. (See Figure A2: Project Vicinity Schematic, including Gage Locations.)

Between 2013 and 2025, PG&E requested and received from FERC, nine annual flow variances to reduce MIFs in the Eel River and East Branch Russian River to manage water supply for salmonids and dam safety concerns associated with Scott Dam's low-level outlet. Additionally, on March 17, 2023,[6] PG&E notified FERC of the potential for seismic instability at Scott Dam and PG&E's plan to leave the Scott Dam spillway gates open year-round to reduce the water storage capacity of Lake Pillsbury.[7] On July 31, 2023, PG&E submitted a long-term variance request to FERC seeking to reduce the Hydroelectric Project's MIFs in relation to leaving the Scott Dam spillway gates open.[8] On October 4, 2023, FERC determined that PG&E's 2023 request for a long-term variance constituted an amendment to the FERC license and directed PG&E to request an amendment for the long-term change in MIFs.[9]

On January 30, 2025, PG&E filed with FERC a non-capacity license amendment application for the Potter Valley Article 52 Amendment Project (Project).[10] On February 20, 2025, PG&E submitted a water quality certification (certification) application to the State Water Resources Control Board (State Water Board) for the Project (PG&E 2025). Specifically, PG&E's Project requests authorization to:

(1) Reduce MIFs below Scott Dam in the East Branch Russian River to 5 cfs when Scott Dam is not spilling between April 15 – September 30 (currently Article 52 requires MIFs between 5 cfs – 75 cfs during this period depending on water year type);
(2) Reduce MIFs in the Eel River below Lake Pillsbury and above Cape Horn Dam to 20 cfs consistent with MIF requirements for a Critically Dry Water Year in the Eel

[4] The National Marine Fisheries Service 2002 Biological Opinion for the Hydroelectric Project states in the background for Reasonable and Prudent Alternative conditions that, "effects of the proposed action to listed salmonids and critical habitat in the Russian River Basin are limited to the river reach below Coyote Dam."

[5] Southern Oregon/Northern California Coast coho salmon (*Oncorhynchus kisutch*), California Coastal Chinook salmon (*O. tshawytscha*) and steelhead (i.e., Northern California distinct population segment steelhead trout (*O. mykiss*)).

[6] FERC eLibrary Document Accession No. 20230317-5114.

[7] In the letter, PG&E proposed to reduce the maximum available reservoir storage volume by approximately 26 percent (20,000 ac-ft).

[8] FERC eLibrary Document Accession No. 20230731-5111.

[9] FERC eLibrary Document Accession No. 20231004-3041.

[10] Supplemented on April 18, 2025.

River (currently Article 52 requires MIFs between 20 cfs – 100 cfs in this reach depending on water year type);
(3) Adjust the time period in which 2,500 ac-ft of water is reserved in Lake Pillsbury for release from a water year to a calendar year; and
(4) Specify that mean daily flow is calculated as a 24-hour average flow, as it is not clear in the existing license.

PG&E's FERC license amendment application does not propose to alter MIFs in the Eel River below Cape Horn Dam. PG&E's proposed flow changes seek to balance dam safety with reservoir storage and releases of cooler water in late summer to benefit federally listed salmonids in the Eel River. By reducing the MIF requirements, the limited cold water stored in Lake Pillsbury can be released during the summer for those species.

This certification only pertains to this Project and does not cover any other actions associated with ongoing Hydroelectric Project operations or PG&E's proposed surrender of its FERC license for the Hydroelectric Project.

2.0 Water Rights

Table A. Water rights held or claimed by PG&E that are related to the Hydroelectric Project.

Water Right No. or ID.	Priority Date and Face Value (ac-ft/year)	Sources/ Locations	Purpose of Use	Diversion (cfs) and Storage (ac-ft)
L001424	03/12/1920 102,366 ac-ft	Lake Pillsbury/ Eel River	Power, Fish and Wildlife Preservation and Enhancement	102,366 ac-ft
L001199	08/15/1927 4,500 ac-ft	Lake Pillsbury/ Eel River	Irrigation	4,500 ac-ft
L005545	03/11/1930 4,908 ac-ft	Scott Dam, Cape Horn Dam/ Eel River	Irrigation	40 cfs at Eel River/ 4,908 ac-ft
S001010	1905**	Potter Valley Powerhouse Diversion/ Eel River	Power, Irrigation	340 cfs at Eel River
S004704	1907**	Van Arsdale/ Eel River	Power, Irrigation, Domestic	1,457 ac-ft

* Information is from the State Water Board's California Water Accounting, Tracking, and Reporting System.

** The State Water Board does not issue pre-1914 water rights. PG&E's pre-1914 claims of right have not been adjudicated, so the quantitative limit of these rights has not been determined. Pre-1914 water right claimants are required to submit an initial and subsequent annual statements of diversion and use.

3.0 Regulatory Authority

3.1 Water Quality Certification and Related Authorities

The federal Clean Water Act (33 U.S.C. §§ 1251 et seq.) was enacted "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters." (33 U.S.C. § 1251(a).) The Clean Water Act recognizes, preserves, and protects "the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution [and] to plan the development and use (including restoration, preservation, and enhancement) of land and water resources…" (33 U.S.C. § 1251(b).) In addition, section 101 of the Clean Water Act requires federal agencies to "co-operate with State and local agencies to develop comprehensive solutions to prevent, reduce and eliminate pollution in concert with programs for managing water resources." (33 U.S.C. § 1251(g).)

Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires the applicant for a federal license or permit to conduct any activity that may result in a discharge into waters of the United States to provide the licensing or permitting federal agency with certification that the project will comply with specified provisions of the Clean Water Act, including water quality standards and implementation plans promulgated pursuant to section 303 of the Clean Water Act (33 U.S.C. § 1313). Clean Water Act section 401 directs the state agency responsible for certification to prescribe effluent limitations, monitoring requirements, and other conditions necessary to ensure the project will comply with the Clean Water Act and with "any other appropriate requirement of State law." (33 U.S.C. §1341(d).) These certification conditions shall become conditions of any federal license or permit for the project. (*Ibid.*)

The State Water Board is the state agency responsible for Clean Water Act section 401 certification in California. (Wat. Code, § 13160.) The State Water Board has delegated authority to act on applications for certification to the Executive Director of the State Water Board. (Cal. Code Regs., tit. 23, § 3838, subd. (a).)

Water Code section 13383 provides that the State Water Board may "establish monitoring, inspection, entry, reporting, and recordkeeping requirements" and obtain "other information as may be reasonably required" for activities subject to certification under section 401 of the Clean Water Act. For activities that involve the diversion of water for beneficial use, the State Water Board delegated this authority to the Deputy Director of the Division of Water Rights (Deputy Director) in State Water Board Resolution No. 2012-0029. (State Water Board 2012.) In a memorandum entitled *Redelegation of Authorities* dated April 20, 2023, the Deputy Director redelegated this authority to the Assistant Deputy Directors of the Division of Water Rights. (State Water Board 2023a.)

Procedure, Application, and Noticing
On February 20, 2025, PG&E filed a certification application with the State Water Board under section 401 of the Clean Water Act for the Project. (PG&E 2025.) On March 21, 2025, State Water Board staff provided public notice of the certification application, pursuant to California Code of Regulations, title 23, section 3858, by

posting information describing the Project on the State Water Board's website. On April 11, 2025, State Water Board staff met with Mr. Phil Williams, representing the City of Ukiah, to discuss the Project and the city's interest in ongoing participation in the certification amendment process, including concern with reduced diversions to the Russian River.

On June 20, 2025, State Water Board staff provided PG&E's certification application to the North Coast Regional Water Quality Control Board (North Coast Regional Water Board). (See Cal. Code Regs., tit. 23, § 3855, subd. (b)(2)(B).). No comments were received.

3.2 Water Quality Control Plans and Related Authorities

The State Water Board's certification for the Project must ensure compliance with applicable water quality standards in the North Coast Regional Water Board's *Water Quality Control Plan for the North Coast* Region (North Coast Basin Plan) (North Coast Regional Water Board 2018) and any amendments thereto.

Water quality control plans designate the beneficial uses of water that are to be protected (such as municipal and domestic supply, industrial, agricultural, fish and wildlife habitat), water quality objectives for the reasonable protection of the beneficial uses and the prevention of nuisance, and a program of implementation to achieve the water quality objectives. (Wat. Code, §§ 13241, 13050, subds. (h), (j).) The beneficial uses, together with the water quality objectives contained in the water quality control plans and applicable state and federal anti-degradation requirements, constitute California's water quality standards for purposes of the Clean Water Act. In issuing certification for a project, the State Water Board must ensure consistency with the designated beneficial uses of waters affected by the project, the water quality objectives developed to protect those uses, and anti-degradation requirements. (*PUD No. 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 714-719.)

The nine California Regional Water Quality Control Boards (Regional Water Boards) have primary responsibility for the formulation and adoption of water quality control plans for their respective regions, subject to State Water Board and United States Environmental Protection Agency (USEPA) approval, as appropriate. (Wat. Code, § 13240 et seq.) As noted above, the State Water Board may also adopt water quality control plans, which will supersede regional water quality control plans for the same waters to the extent of any conflict. (Wat. Code, § 13170.) The State Water Board and Regional Water Boards (collectively Water Boards) adopt water quality control plans pursuant to their authorities under the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.) and the federal Clean Water Act (33 U.S.C. § 1313).

North Coast Basin Plan

The North Coast Regional Water Board adopted, and the State Water Board and USEPA approved, the North Coast Basin Plan. For waterbodies in the region, the North Coast Basin Plan designates the beneficial uses of water to be protected along with the water quality objectives necessary to protect those uses. The North Coast Basin Plan specifies that the beneficial uses of any specifically identified waterbody generally apply

to its tributary streams. The North Coast Basin Plan identifies existing beneficial uses for surface waters affected by the Project as follows:

- Upper Main Eel River Hydrologic Area: municipal and domestic supply; agricultural supply; industrial service supply; groundwater recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing; warm and cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and aquaculture. Industrial process supply is identified as a potential beneficial use.
- Upper Russian River including the East Branch Russian River: municipal and domestic supply, agricultural supply; industrial service supply, groundwater recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial sport fishing; warm and cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development. Aquaculture is identified as a potential beneficial use.

3.3 Antidegradation Policy

The State Water Board's *Statement of Policy with Respect to Maintaining High Quality Waters in California* (Antidegradation Policy)[11] (State Water Board 1968) requires that the quality of existing high-quality water be maintained unless any change will be consistent with the maximum benefit to the people of the state, will not unreasonably impact present or anticipated future beneficial uses of such water, and will not result in water quality less than that prescribed in water quality control plans or policies. The Antidegradation Policy further requires best practicable treatment or control of the discharge necessary to assure that pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the state will be maintained. The state Antidegradation Policy incorporates the federal Antidegradation Policy, which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." (40 C.F.R. § 131.12(a)(1).)

3.4 Clean Water Act Section 303(d) Listing

The State Water Board listed portions of the waterbodies associated with the Project as impaired in California's *2024 California Integrated Report (Clean Water Act Section 303(d) List/505(b) Report)* (State Water Board 2024) as follows:

- Upper Main Eel River (from Lake Pillsbury to confluence with Middle Fork Eel River) is listed for aluminum, sedimentation/siltation, and temperature;
- Lake Pillsbury is listed for mercury; and

[11] State Water Board Resolution 68-16 and any amendments thereto. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf. Accessed on December 19, 2025.

- Upper Russian River (from Potter Valley Powerhouse to Lake Mendocino) is listed for aluminum, sedimentation/siltation, and temperature.

Section 303(d) of the Clean Water Act requires total maximum daily loads (TMDLs) to be developed for impaired waterbodies. TMDLs are written plans that define the maximum amount of a pollutant that a waterbody can receive without exceeding water quality standards and establish load allocations for point and nonpoint sources of pollution. In 2004, the USEPA established final TMDLs for sediment and temperature in the Upper Main Eel River and tributaries (including the areas of Tomki Creek, Outlet Creek, and Lake Pillsbury) in accordance with Section 303(d) of the Clean Water Act, to address adverse increases in sediment and temperature in the Upper Main Eel River. (USEPA 2004)

3.5 Comprehensive Plan

Section 10(a)(2)(A) of the Federal Power Act requires FERC to consider the extent to which a project is consistent with federal or state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. (16 U.S.C. § 803(a)(2)(A).) In March 2019, the State Water Board submitted to FERC the plans and policies included in California's comprehensive plan for orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state. On August 5, 2024, the State Water Board filed a comprehensive plan supplement to its March 2019 filing that included updated plans and policies for water quality protection.

4.0 California Environmental Quality Act

Unless an exemption applies, the California Environmental Quality Act (CEQA) applies to discretionary projects that may cause a direct or indirect physical change in the environment. (Pub. Res. Code, § 21000 et seq.) When proposing to undertake or approve a discretionary project, state agencies must comply with the procedural and substantive requirements of CEQA. In this case, several CEQA exemptions apply to the Project.

The Project qualifies for a statutory exemption for specific actions necessary to prevent or mitigate an emergency. (Pub. Res. Code, § 21080, subd. (b)(4); Cal. Code Regs., tit. 14, § 15269, subd. (c).)

Dam failure leading to catastrophic flooding would be an emergency were it to occur. On March 17, 2023, PG&E submitted to FERC a simplified seismic stability analysis of Scott Dam.[12] The analysis suggests that Scott Dam may become structurally unstable when subjected to seismic loading from updated ground motions and that the potential for seismic instability is lower when the water level in the reservoir is at or below the spillway crest elevation. Consequently, as an interim risk-reduction measure, PG&E established a 10-foot restriction on the maximum reservoir operating level and leaves

[12] FERC eLibrary Document Accession No. 20230317-5114.

the Scott Dam spillway gates open year-round. FERC generally agreed with the conclusions from the analysis, including the potential for seismic instability of Scott Dam under the updated seismic loading.[13] The California Department of Water Resources Division of Safety of Dams (DSOD) concurred with PG&E's proposed 10-foot reservoir restriction as an interim risk reduction measure and restricted the year-round operation of the reservoir. The reservoir restriction results in an approximate 20,000 ac-ft reduction in the storage capacity of Lake Pillsbury. DSOD also changed Scott Dam's condition from "Satisfactory" to "Fair" based on the seismic deficiencies.[14] Additionally, Lake Pillsbury storage levels below 12,000 ac-ft may result in bank sloughing that could damage Scott Dam's low-level outlet and impede necessary water releases.

To ensure dam stability and prevent potential environmental and public safety emergencies, PG&E must be able to operate the Hydroelectric Project to reduce MIFs below Scott Dam and to the East Branch Russian River to maintain Lake Pillsbury storage above 12,000 ac-ft and preserve Lake Pillsbury cold water supply for federal Endangered Species Act (ESA)-listed salmonids (coho salmon, Chinook salmon) and steelhead) and other aquatic species.

Absent MIF reductions, Lake Pillsbury would have insufficient cold-water supply to support listed aquatic species through the summer and early fall resulting in potentially significant warming of the river and harm to salmonids that are already threatened with extinction. As discussed in Section 1.0 of this certification, Scott Dam has several seismic concerns and PG&E is mitigating these concerns by leaving Scott Dam spillway gates open year-round, thereby reducing water pressure on Scott Dam. For these reasons, the reduced MIFs are a specific action necessary to mitigate seismic risk at Scott Dam and prevent potential environmental emergencies associated with insufficient storage in Scott Dam for listed aquatic species; therefore, the Project is exempt from CEQA under Pub. Res. Code section 21080, subdivision (b)(4).

In addition to the emergency exemption, the Project qualifies for several categorial exemptions under the CEQA Guidelines, and no exceptions to the exemptions apply.

The Project is categorically exempt from CEQA under the Class 1 Exemption for Existing Facilities. (Cal. Code Regs, tit. 14, § 15301.). "Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical

[13] FERC eLibrary Document Accession No. 20230428-3057.

[14] A "Fair" condition assessment reflects a finding that no dam safety deficiencies are recognized for normal operating conditions, but "[r]are or extreme hydrologic and/or seismic events may result in dam safety deficiency. Risk may be in the range to take further action." (DSOD, Definitions of Downstream Hazard and Condition Assessment. Available at: https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/All-Programs/Division-of-Safety-of-Dams/Files/Publications/Division-of-Safety-of-Dams-Definitions-for-Downstream-Hazard-and-Condition-Assessment.pdf). Last Accessed December 15, 2025.

features, involving negligible or no expansion of existing or former use." (Cal. Code Regs., tit. 14, § 15301.) The Project consists of the ongoing operation of the Hydroelectric Project and does not involve any expansion of the Hydroelectric Project's existing or former use.

The Project is categorically exempt from CEQA under the Class 7 Exemption for Actions by Regulatory Agencies for Protection of Natural Resources. (Cal. Code Regs., tit. 14, § 15307.) "Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment . . . Construction activities are not included in this exemption." (*Ibid*.) The Project requires both a FERC license amendment and a State Water Board certification. According to the National Marine Fisheries Service's (NMFS) comments on PG&E's license amendment application, the Project is essential for managing suitable instream flows and water temperature conditions for federally ESA listed salmonids in the Eel River downstream of Scott Dam.[15] The Project fits the definition of a Class 7 exemption because the State Water Board's certification of the Project and FERC's subsequent approval of the license amendment would allow PG&E to maximize the storage of cold water in Lake Pillsbury for later release that will help maintain suitable temperatures for ESA-listed salmonids.

The Project is also categorically exempt from CEQA under the Class 8 Exemption for Actions by Regulatory Agencies for Protection of the Environment (Cal. Code Regs., tit. 14, § 15308). "Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption." (*Ibid*.)[16]

[15] FERC eLibrary Document Accession No. 2025130-5282.

[16] "Environment" means the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance. (Pub. Res. Code, § 21060.5.)

The State Water Board's applicable regulatory process (as well as FERC's[17]) involves procedures for protection of the environment. Section 3.1 above describes the State Water Board's role in implementing the Clean Water Act, particularly through the issuance of certifications (as authorized by Water Code section 13160). The State Water Board issues certifications where there is a reasonable assurance that an activity will comply with applicable requirements of federal and state law and adds conditions to certifications to ensure compliance with applicable water quality standards and other appropriate requirements. (Pub. Res. Code, § 13160, subd. (b)(1); Cal. Code Regs., tit 23, § 3859.) As described in Section 1.0, PG&E filed a certification application for the Project on February 20, 2025, which included rationale for approval of decreased MIF requirements for the protection of cold-water pool in Lake Pillsbury for subsequent release into the Eel River to decrease the impacts of elevated water temperatures on listed salmonids. For these reasons, the Project qualifies for a Class 8 exemption.

The State Water Board will file a Notice of Exemption with the Office of Land Use and Climate Innovation following issuance of a final certification.

5.0 Rationale for Certification of the Project and Water Quality Certification Conditions

This section of the certification explains that the grant of certification, as conditioned, is warranted and why the conditions in Section 7.0 are necessary to ensure that the Project will comply with water quality requirements. This section also includes, as necessary, citations to federal, state, or tribal laws that authorize the conditions and sets forth citations to applicable regulatory authority. Section 3.0 also sets forth citations to applicable regulatory authority. The explanation and citations should be evaluated in the context of the certification as a whole, but the certification conditions are set forth only in Section 7.0.

Reduced Lake Pillsbury storage[18] associated with Scott Dam safety concerns necessitates a reduction in MIFs to ensure adequate cold water supply management for salmonid protections throughout summer and early fall. The Project will allow PG&E to

[17] FERC's March 28, 2023 letter to PG&E states: "The application must detail any anticipated environmental effects of the proposal to leave the spillway gates open indefinitely, any avoidance and minimization measures that would be enacted, and should contain documentation of consultation from relevant federal and state agencies and Tribes. Documentation of consultation should include correspondence with the relevant federal and state resource agencies, including the National Marine Fisheries Service, and interested non-governmental organizations and Tribes; any responses received from those entities; and PG&E's response to any comments received. We anticipate that, before acting on any such amendment request, the Commission would have to prepare an analysis under the National Environmental Policy Act and complete ESA consultation."

[18] Available water storage capacity of Lake Pillsbury decreases from approximately 71,871 ac-ft to 59,871 ac-ft.

decrease Hydroelectric Project MIFs to 5 cfs in the East Branch Russian River when Scott Dam is not spilling between April 15 – September 30 and 20 cfs in the Eel River below Cape Horn Dam year-round. Maintaining Lake Pillsbury storage above 12,000 ac-ft is critical to reduce risks to facility safety (e.g., bank sloughing) and associated potential failure of the Scott Dam low-level outlet (PG&E 2025).

On January 6, 2025, January 21, 2025, and January 16, 2025, the California Department of Fish and Wildlife (CDFW), NMFS, and United States Fish and Wildlife Service (USFWS) expressed support for the Project and its MIF reductions, respectively (PG&E 2025).

As explained in this section, the conditions in this certification are generally required to ensure consistency with the North Coast Basin Plan, and other applicable plans and policies adopted by the Water Boards, as described in Section 3.0, Regulatory Authority. Specifically, the conditions in Section 7.0 of this certification are necessary to protect the beneficial uses of waters of the state identified in the North Coast Basin Plan, prevent degradation of water quality, and comply with water quality objectives and other appropriate requirements of state law.

California Code of Regulations, title 23, section 3830 et seq., set forth state regulations pertaining to certifications. In particular, section 3856 sets forth information that must be included in certification requests, and section 3860 sets forth standard conditions that shall be included in all certification actions.

As noted in Section 3.1, Clean Water Act section 401(d) authorizes state agencies responsible for certification to require monitoring to ensure the project will comply with the Clean Water Act and with "any other appropriate requirement of State law." (33 U.S.C. § 1341(d).) Water Code sections 13267 and 13383 authorize the Water Boards to establish monitoring and reporting requirements for persons discharging or proposing to discharge waste to navigable waters. Water Code section 13165 authorizes the State Water Board to require a state or local agency to investigate and report on technical factors involved in water quality control, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Water Code section 1051 additionally authorizes the State Water Board to investigate waters diverted for beneficial use. Moreover, this certification ensures continued monitoring, reporting, and assessment of water quality for the project activities that may impact waters of the state.

Fish and Game Code section 5937 requires the owner[19] of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream. Section 5937 and requirements to maintain or

[19] The Fish and Game Code defines "owner" to include "the United States . . . , the State, a person, political subdivision, or district (other than fish and game district) owning, controlling, or operating a dam or pipe." (Fish & G. Code, § 5900, subd. (c).)

monitor flow or other water quality characteristics as required to meet section 5937 are appropriate requirements of state law necessary to protect fishery beneficial uses.

The State Water Board has broad authority to prevent waste and unreasonable use pursuant to article X, section 2 of the California Constitution and Water Code sections 100 and 275. In addition, the State Water Board has both the authority and the duty to protect public trust uses whenever feasible under the public trust doctrine. (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 446.) Under California's public trust doctrine, public trust uses include, but are not limited to, navigation, fishing, recreation, environmental values, and fish and wildlife habitat. (*Id.* at pp. 434-435.)

The conditions in this certification were developed to ensure compliance with water quality standards and water quality requirements established under the Porter-Cologne Water Quality Control Act and the federal Clean Water Act, including requirements in applicable water quality control plans, and other appropriate requirements of state law. When preparing the conditions for this certification, State Water Board staff reviewed and considered the following information:

- PG&E's February 20, 2025 Project certification application including its attachments.
- PG&E's April 17, 2025 Request for Clean Water Act Section 401 Water Quality Certification Response to Comments, responding to a March 21, 2025 request for more information on PG&E's certification application for the Project.
- PG&E's September 26, 2025 Responses to FERC's July 28, 2025 Additional Information Request.
- Temporary variances to Article No. 52 minimum instream flows from 2013 – 2025, including FERC approval orders and the 2024 order on rehearing.
- Beneficial uses, water quality objectives, and implementation measures and programs described in the North Coast Basin Plan.
- Applicable water quality information, permits, policies, objectives, implementation measures, and programs (e.g., Antidegradation Policy, *2024 California Integrated Report*, etc.).
- Project-related controllable factors (e.g., discharges from Project facilities, controllable flow releases, etc.).
- Other information in the record.

This certification is issued pursuant to the final Clean Water Act Section 401 Water Quality Certification Improvement Rule (88 Fed.Reg. 66558 (Sept. 27, 2023) [amending 40 C.F.R. parts 121, 122, and 124]) that went into effect on November 27, 2023 (2023 Rule), but as it pertains to documentation of conditions also generally complies with the previous USEPA Clean Water Act Section 401 Certification Rule, 85 Fed.Reg. 42210 (July 13, 2020) (2020 Rule) that was in effect for portions of 2020-2023. To the extent FERC considers any certification condition to include requirements outside the substantive scope of the 2020 Rule—including but not limited to 40 C.F.R. §§ 121.1(f) and (n), 121.3, 121.7(d)(1), and 121.9(b)—the 2020 Rule is no longer in effect, and it is inconsistent with federal law and controlling case law. The 2023 Rule restored the scope of certification "that is consistent with not only the statutory language and

congressional intent but also longstanding [USEPA] guidance and decades of Supreme Court case law." (88 Fed.Reg. 65591-66606 [Scope of Certification].) Under section 401 of the Clean Water Act, when an activity requiring a federal permit or license "may result in any discharge into the navigable waters," the applicant is required to obtain a certification that states the activity will comply with applicable water quality standards and that also sets forth any "limitations" and "monitoring requirements" necessary to assure that the "applicant" will comply with water quality standards, other provisions of the Clean Water Act, and "with any other appropriate requirement of State law." (33 U.S.C. § 1341(a) & (d).) Certification is required for the activity as a whole, not merely for its point source discharges to waters of the United States. (*PUD No. 1*, *supra*, 511 U.S. at pp. 711- 712.) USEPA replaced the 2020 Rule because, among other faults, it "may prevent state and tribal authorities from adequately protecting their water quality," "may result in a state or tribe's certification or conditions being permanently waived as a result of non-substantive and easily fixed procedural concerns," and "may limit the flexibility of certifications and permits to adapt to changing circumstances." (86 Fed.Reg. 29543- 29544 (June 2, 2021).) As explained in this certification, each certification condition is authorized by applicable state and federal law and is necessary to ensure compliance with such laws. This paragraph is hereby incorporated as part of the explanatory statement for each condition of this certification.

5.1 Rationale for Condition 1: Project Activities

Condition 1 requires that PG&E implement the Project as described in PG&E's certification application with the conditions of this certification. Condition 1 is necessary to ensure that PG&E's Project is implemented in a manner that is protective of water quality and avoids unreasonable impacts to beneficial uses, as identified in the North Coast Basin Plan. Any changes to the Project that are inconsistent with the Project's certification application, and supplemental information provided to the State Water Board prior to certification issuance, could impact the findings, conclusions, and conditions of this certification and may necessitate the filing of a new certification application as well as trigger additional environmental review.

Between 2013 and 2025, PG&E received nine annual flow variances from FERC to reduce MIFs in the Eel River and East Branch Russian River. Previous flow variances were managed by PG&E in coordination with a Drought Working Group. In August 2022[20], PG&E provided FERC a list of Drought Working Group members comprised of CDFW, USFWS, NMFS, Round Valley Indian Tribe, PVID, Sonoma County Water Agency, California Trout, Friends of the Eel, Russian River Flood Control District, and State Water Board. PG&E's amendment request proposes to no longer maintain the Drought Working Group to coordinate flow variances.

Condition 1 requires PG&E to consult annually with CDFW, USFWS, NMFS, Sonoma County Water Agency, and State Water Board staff on the development of a dry season flow plan. Consultation will help ensure MIFs are protective of water quality and aquatic

[20] FERC eLibrary Document Accession No. 20220826-5041.

resource beneficial uses (e.g., cold freshwater habitat, warm freshwater habitat, and spawning, migration, and rare) in the Eel River and East Branch Russian River. PG&E is encouraged to assess whether water supply conditions support flows in excess of the MIFs authorized by the Project certification, recognizing the role the Hydroelectric Project has played in supporting water needs in the Eel River and Russian River watersheds since its operation commenced in 1908. Condition 1 also allows for the Deputy Director to require changes to the dry season flow plan should monitoring results or other information indicate that greater MIFs are necessary to ensure water quality and aquatic resource beneficial use protections.

Implementation of Condition 1 will help avoid unreasonable impacts to water quality and beneficial uses identified in the North Coast Basin Plan. The Project could impact water quality and associated beneficial uses of the Eel River and East Branch Russian River, in particular impacting salmonids and the following beneficial uses affected by the Hydroelectric Project flow releases:

- Upper Main Eel River Hydrologic Area: municipal and domestic supply; agricultural supply; industrial service supply; groundwater recharge; freshwater replenishment; navigation; hydropower generation; water contact recreation; non-contact water recreation; commercial and sport fishing; warm and cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; spawning, reproduction, and/or early development; and aquaculture.
- Upper Russian River including the East Branch Russian River: commercial sport fishing; warm and cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; and spawning, reproduction, and/or early development.

Condition 1 supports Fish and Game Code section 5937, which requires the owner of any dam to allow sufficient water to pass over, around, or through the dam to keep in good condition any fish that may be planted or exist downstream. Section 5937 and requirements to maintain or monitor flow or other water quality characteristics in order to meet section 5937 are appropriate requirements of state law necessary to protect fishery beneficial uses.

5.2 Rationale for Condition 2: Water Quality Monitoring

Condition 2 requires monitoring consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 1051, 13165, 13267, and 13383. Water quality monitoring of MIF changes associated with the Project is necessary to ensure the Project does not substantially impact water quality and to inform adaptive management (e.g., additional flow), if necessary. Water quality parameters required to be monitored by this condition for aquatic resource beneficial uses protection include temperature, turbidity, and dissolved oxygen.

According to PG&E's Project certification application, "outside of water temperature data, little comprehensive water quality data has been collected in the [Hydroelectric

Project] vicinity." PG&E's Project certification application states, "the [Project] was not found to be sufficiently protective of water temperature in the driest year (water year 2021), when historical operations resulted in slightly cooler water temperature conditions below Scott Dam." Also, as stated in PG&E's Project certification application, the Eel River has the highest recorded average suspended sediment load per unit area of any river of its size or larger in the contiguous United States. Portions of Hydroelectric Project affected waters are 303(d) listed for temperature and sediment/siltation and Project MIFs may contribute to these water quality impairments.

Reduction of MIFs and rapid increases or decreases of instream flows that may result from the Project, have the potential to increase turbidity in Hydroelectric Project affected waters. Project MIFs can increase water temperatures, decrease dissolved oxygen, and potentially alter turbidity. Condition 2 is necessary to supplement PG&E's existing water quality monitoring efforts[21] and ensure that reduced MIFs associated with the Project are protective of water quality and aquatic resource beneficial uses.

Implementation of Condition 2 will help avoid unreasonable impacts to water quality and aquatic resource beneficial uses, as identified in the North Coast Basin Plan. The Project could impact water quality and associated beneficial uses of the Eel River and East Branch Russian River, in particular salmonids and the following aquatic resource beneficial uses affected by Hydroelectric Project flow releases:

- Upper Main Eel River Hydrologic Area: commercial and sport fishing; warm and cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; and spawning, reproduction, and/or early development.
- Upper Russian River including the East Branch Russian River: commercial sport fishing; warm and cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; and spawning, reproduction, and/or early development.

5.3 Rationale for Condition 3: Biological Resource Protections

Condition 3 requires PG&E to develop and implement an Aquatic Resource Monitoring Plan (ARMP) to monitor for potential Project impacts to aquatic species and associated habitat in the Eel River and East Branch Russian River and to inform adaptive management of MIFs, if necessary. The Project has the potential to impact fish populations and interfere with native aquatic species, which depend on aquatic food or live in riparian or wetland habitats that may be impacted by flows associated with the Hydroelectric Project's operations. The upper Eel River, in the vicinity of the Hydroelectric Project and downstream of Lake Pillsbury, provides aquatic habitat for

[21] PG&E's February 9, 2024 Letter of Intent includes: (1) a water temperature vertical array in Lake Pillsbury once Scott Dam stops spilling; (2) 14 water temperature loggers along the Eel River from above Lake Pillsbury to below the Middle Fork Eel River; and (3) a vertical dissolved oxygen sensor array in Lake Pillsbury.

several special status species, including federal ESA-listed threatened coho salmon, Chinook salmon), steelhead; California ESA-listed threatened summer steelhead; as well as species of special concern, including lamprey (*Entosphenus tridentatus* and *Lampetra sp*.), foothill yellow-legged frog (FYLF) (*Rana boylii*), and northwestern pond turtle (*Actinemys marmorata*). Monitoring required by Condition 3 will provide CDFW, USFWS, NMFS, Sonoma County Water Agency, and State Water Board staff with updated information to inform annual consultation with PG&E on its dry season flow plan and adaptive management of MIFs, if necessary.

According to PG&E's February 20, 2025 certification application (Enclosure 1: January 2025 Potter Valley FERC License Amendment Application), the Project has the potential to impact cold freshwater habitat and spawning, reproduction, and development after April 15 by reducing the available spring rearing habitat for juvenile Chinook salmon and juvenile steelhead trout in the Eel River between Scott Dam and Cape Horn Dam. Additionally, the Project has the potential to reduce habitat for the primary fish species of concern, natural origin and hatchery rainbow trout (*O. mykiss*), and other aquatic species in the East Branch Russian River downstream of the Potter Valley Powerhouse.

PG&E recently modeled average East Branch Russian River flow deliveries from the Project by applying the Project MIFs to historic conditions. The modeling results indicate that if the Project MIF reductions are fully implemented (i.e., diversion to the East Branch Russian River is reduced to 5 cfs as of April 15 each year), East Branch Russian River flow deliveries will decrease by an average of 88 percent from July through September compared with the average flow deliveries from 2014 – 2023. Reduced diversions to the East Branch Russian River during the late-spring and summer months could impact aquatic resources in the East Branch Russian River, and may contribute to an impact on Chinook salmon, coho salmon, and steelhead below Coyote Dam as well as rainbow trout and FYLF egg masses (if present) in the East Branch Russian River. Additionally, rapid flow changes associated with the Project (i.e., in a normal water year type potentially decreasing from 75 cfs to 5 cfs in the East Branch Russian River once flows stop spilling at Scott Dam) has the potential to adversely impact aquatic species and riparian habitat in the East Branch Russian River.

Monitoring required by Condition 3 will help ensure reasonable protection of beneficial uses designated in the North Coast Basin Plan and compliance with other appropriate requirements of state law. The required monitoring is consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Clean Water Act section 401 and Water Code sections 1051, 13165, 13267, and 13383.

Implementation of Condition 3 will help avoid unreasonable impacts to aquatic species and associated habitat. The Project could impact water quality and associated beneficial uses of the Eel River and East Branch Russian River, in particular impacting salmonids and the following aquatic beneficial uses affected by Hydroelectric Project flow releases:

- Upper Main Eel River Hydrologic Area: commercial and sport fishing; warm and cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species;

migration of aquatic organisms; and spawning, reproduction, and/or early development.

- Upper Russian River including the East Branch Russian River: commercial sport fishing; warm and cold freshwater habitat; wildlife habitat; rare, threatened, or endangered species; migration of aquatic organisms; and spawning, reproduction, and/or early development.

5.4 Rationale for Condition 4: Reporting

Condition 4 requires PG&E to annually report to the Deputy Director and CDFW, USFWS, NMFS, Sonoma County Water Agency, and North Coast Regional Water Board staff on: monitoring results from the previous year relative to related monitoring results from prior years; actual flow conditions for the previous year, including end of spill at Scott Dam and the amount of flow diverted to the East Branch Russian River; and any adaptive management actions (e.g., increases in MIFs, ramping rates) that the PG&E proposes to implement in future years to avoid unreasonable impacts to water quality and aquatic resource beneficial uses.

Annual reports are necessary to ensure compliance with the Project certification and inform any potential adaptive management actions, including potential changes to MIFs in the Eel or Russian Rivers or implementation of ramping rate requirements for the reasonable protection of aquatic resources. Reporting requirements of Condition 4 are consistent with the Water Boards' authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383.

5.5 Rationale for Conditions 5 through 24

This certification imposes additional conditions regarding approvals, monitoring, enforcement, and potential future revisions related to the Project. (40 C.F.R. § 121.7(d)(1).) This section explains why a condition is necessary to ensure that the authorized activities will comply with water quality requirements, and cites to federal, state, or tribal law that authorizes the condition. The statements in this section correspond with the conditions set forth in Conditions 5 through 24. In addition, the code citations, plans, and policies that support issuance of this certification are described in Section 3.0 and are not duplicated in this section but are incorporated herein. Conditions 5 through 24 are necessary to protect the beneficial uses of waters of the state identified in water quality control plans, prevent degradation of water quality, and help ensure compliance with state and federal water quality requirements.

Condition 5 is necessary to comply with Water Code section 13167 and Conditions 6 through 9 contain important clarifications concerning the scope and legal effect of this certification, as well as other legal requirements that may apply to the Project.

Monitoring, reporting, and assessment actions, and the information developed through such actions, must be readable, shared, and coordinated with other appropriate entities, and accessible to ensure that an activity complies with water quality requirements. Water Code section 13167 requires the Water Boards to ensure that monitoring data

and assessment information are available in a single location and that the information is presented in a manner easily understandable by the public. To fulfill this legislative mandate, Condition 5 requires electronic data submittal in a compatible format with existing system specifications. Compliance with this condition enhances the accessibility of data and transparency of regulatory actions. This allows regulatory agencies and the public to better assess compliance and understand water quality trends or data anomalies by compiling data and making it readily available.

Pursuant to the California ESA (Fish & G. Code, § 2050 et seq.) and federal ESA (16 U.S.C. § 1531 et seq.), Condition 6 of the certification does not authorize any act which results in the taking of a threatened, endangered, or candidate species.

An applicant for certification is required to identify other licenses, permits, and agreements in the application. In the event an applicant for certification needs authorization from the state or federal authorities, California Code of Regulations, title 23, section 3856, subdivision (e), requires that the applicant provide copies of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

Water Code section 13160, subdivision (b)(1), allows the State Water Board to issue a certification when there is "reasonable assurance that an activity of any person subject to the jurisdiction of the state board will comply with applicable requirements" of state and federal law. To help ensure the integrity of the certification process and its focus on the protection of water quality and compliance with other applicable state requirements, Condition 7 serves to notify applicants that there may be additional applicable federal, state, or local laws or ordinances with which they must comply. Because agency organization and authorities change over time, Condition 8 provides direction for continuity of oversight in the event an agency's authority or responsibility is transferred to or subsumed by another agency.

The State Water Board is responsible for the water rights, water quality, and drinking water functions of the California state government. (Wat. Code, § 174.) Certain certifications involve an appropriation of water subject to part 2 of division 2 of the Water Code or the diversion of water for certain beneficial uses. (See, e.g., Cal. Code Regs., tit. 23, § 3855, subd. (b)(1)(A).) Condition 9 explains the State Water Board's issuance of this certification is not adjudicating or approving the validity of water rights that may be related to the Project. It also recognizes the State Water Board's authority, independent of its water quality authority, to prevent unauthorized or threatened unauthorized diversions of water. This helps to ensure that an applicant for a federal license or permit that involves a discharge to navigable waters understands that, except as specified in the certification, the certification does not constitute or excuse the applicant from obtaining any other State Water Board approvals required for the activity.

Conditions 10 through 12 are necessary to ensure that any Project activities authorized under the certification will comply with water quality requirements. These conditions are

included to comply with California Code of Regulations, title 23, section 3860, which sets forth standard conditions that must be included in all certifications. Condition 10 is a standard condition that "shall be included" as a condition of all certification actions pursuant to section 3860, subdivision (a). This condition places the permittee on notice that the certification action may be modified or revoked following administrative or judicial review. Condition 11 is a standard condition that "shall be included" as a condition of all water quality certification actions pursuant to section 3860, subdivision (b). This condition clarifies the scope of the certification's application and ensures that any applicant for a federal license or permit, which may result in a discharge into navigable waters, is subject to the appropriate State certification. Finally, Condition 12, which conditions certification on total payment of any applicable fee, is a standard condition that "shall be included" as a conditions of all certification actions pursuant to section 3860, subdivision (c). This condition is also required pursuant to California Code of Regulations, title 23, section 3833, subdivision (b), which requires payment of fees by project proponents applying for certification. Fees are essential to support the Water Boards certification program, which includes the development of certifications and related inspections to ensure the protection of water quality and beneficial uses that may be impacted by a project.

Conditions 13 through 24 are necessary to ensure that the Project operations meet water quality standards and other appropriate requirements of state law, or that adjustments are made to ensure continued compliance with water quality standards in light of new information, changes to the Project, or changes to the standards themselves.

This certification requires monitoring, reporting, and analysis as important elements to ensure that Project activities will comply with state and federal water quality requirements and other appropriate requirements of state law. Conditions 13 and 14 provide for extensions of time to comply with requirements, prevention or remedy of violations, and notification of changed conditions to ensure compliance and prevent violations of water quality standards. In the event of non-compliance, modified conditions may be necessary to return the Project to compliance and prevent violation of water quality standards. Conditions 15, 16, 17, and 18 require the licensee to provide for updates to the Project: based on changes in technology and methodology; to comply with the North Coast Basin Plan, and amendment thereto; to ensure continued compliance with appropriate requirements of state law; and to ensure that all reasonable measures are taken to protect water quality and beneficial uses, in accordance with plans adopted pursuant to state and federal water laws.

Water Code section 13267 authorizes the State Water Board to require any person or entity who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste to furnish, under penalty of perjury, technical or monitoring reports when necessary to investigate the quality of any waters of the state. Condition 19 requires such reports that are necessary to ensure compliance with water quality standards.

Condition 20, related to site access requirements, is authorized pursuant to the Water Boards' authority to investigate the quality of any waters of the state, including specific

site access authorized under Water Code sections 13267 and 13383. Site access is needed to ensure compliance with the certification and associated protection of water quality and beneficial uses. Condition 21 requires site personnel and agencies to be familiar with the content of the certification and ensure availability of the document at the Project site. This condition is required to ensure that site personnel are familiar with the conditions needed to protect water quality and any authorized discharge will comply with the terms and conditions of this certification, which requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the Water Code, and with other appropriate requirements of state law.

Condition 22 requires that the licensee use analytical methods approved by California's Environmental Laboratory Accreditation Program, when available, to ensure that such analyses are done in a consistent manner.

Condition 23 provides that the State Water Board will provide notice and an opportunity to be heard in exercising its authority to add or modify certification conditions.

In the event that any provision of this certification is found invalid, Condition 24 ensures that all other provisions will remain effective and water quality will still be protected. (Wat. Code, § 13160.)

6.0 Conclusion

The State Water Board finds that, with the conditions and limitations imposed under this certification, the Project will comply with applicable state water quality standards and other appropriate requirements of state law.

7.0 Water Quality Certification Conditions

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE STATE WATER RESOURCES CONTROL BOARD CERTIFIES that implementation of the Pacific Gas and Electric Company (PG&E or Licensee) Potter Valley Article 52 Amendment Project (Project) will comply with sections 301, 302, 303, 306, and 307 of the Clean Water Act, and with applicable provisions of State law, under the following terms and conditions.

CONDITION 1: Project Activities

Unless otherwise modified by conditions of this water quality certification (certification) or approved by the State Water Resources Control Board (State Water Board) Deputy Director for the Division of Water Rights (Deputy Director), this approval is conditioned on the Licensee's implementation of the Project as described in PG&E's February 20, 2025 certification application, including the redlined National Marine Fisheries Service (NMFS) Reasonable and Prudent Alternatives (RPA) from NMFS' November 26, 2002 Final Biological Opinion (submitted as Appendix E-1 as part of Enclosure No. 1 of the certification application).[22] The redlined RPA: (1) clarifies that the mean daily flow shall be calculated as a 24-hour average; (2) adjusts the time period in which 2,500 acre-feet (ac-ft) of water is reserved in Lake Pillsbury for later release from a water year to a calendar year; (3) sets all future water year type classifications in the Eel River below Scott Dam to a Critical Year – reducing minimum instream flows (MIFs) in the reach from Scott Dam to Cape Horn Dam to 20 cubic feet per second (cfs); and (4) reduces MIFs in the East Branch Russian River to 5 cfs between April 15 – September 30, when Scott Dam is not spilling. The new MIFs associated with the Potter Valley Hydroelectric Project (Hydroelectric Project) are shown in Table 1 for the East Branch Russian River (and described in item (4) above) and Table 2 for the Eel River below Scott Dam (and described in item (3) above).

[22] PG&E's February 20, 2025 certification application includes Enclosure No. 1 PG&E's *January 30, 2025 FERC License Amendment Application*, which includes Enclosure No. 3 *Exhibit E, and Consultation Record*. *Exhibit E, and Consultation Record*, includes Appendix E-1 *2002 NMFS RPA (Redline)*, that shows PG&E's proposed changes to the existing Potter Valley Hydroelectric Project FERC License Article No. 52 requirements.

Table 2. Minimum Flows into East Branch Russian River (as measured at gage E-16)

Time Period	Normal Water Year (cfs)	Dry Water Year (cfs)	Critical Water Year (cfs)
Oct. 1 – April 14	35	35	5
April 15 – May 14	Scott Dam Spilling*		
	35	25	5
	Scott Dam **Not** Spilling*		
	5	5	5
May 15 – June 30	Scott Dam Spilling*		
	75	25	5
	Scott Dam **Not** Spilling*		
	5	5	5
July 1 – Sept. 30	5	5	5
* Scott Dam spill is defined as a Lake Pillsbury water surface elevation above 1,900.0 feet based on PG&E datum.			

Table 3. Minimum Instream Flow in Eel River below Scott Dam (as measured at gage E-2)

Time Period	All Water Year (cfs)
Year-round (January – December)	20

The Licensee shall notify the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), NMFS, Sonoma County Water Agency, and State Water Board staff within five days of: (1) Scott Dam spill beginning and/or ceasing; and (2) when the Licensee implements a change in flow to the East Branch Russian River as a result of Scott Dam spill ceasing.

1(A) Consultation

By April 1 of every year, PG&E shall initiate consultation(s) with CDFW, USFWS, NMFS, Sonoma County Water Agency, and State Water Board staff to determine if the MIFs listed in Tables 1 and 2 need to be adaptively increased for water quality or protection of aquatic resource beneficial uses such as cold freshwater habitat for salmonids[23] and other aquatic species in the Eel River and/or Russian River. The Licensee shall solicit feedback on potential adaptations to MIFs based on the following: (1) current Lake Pillsbury reservoir elevations and any projected inflow, rainfall, or snowmelt and water supply conditions; (2) Scott Dam spill conditions, including the forecast end of spill date; (3) monitoring results from water quality and biological monitoring required by Condition 2 (Water Quality Monitoring) and Condition 3

[23] Southern Oregon/Northern California Coast coho salmon (*Oncorhynchus kisutch*), California Coastal Chinook salmon (*O. tshawytscha*), Northern California distinct population segment steelhead (*O. mykiss*)) below Scott Dam in the Eel River and rainbow trout and steelhead (*O. mykiss*) below the Potter Valley Powerhouse.

(Biological Resource Protections) of this certification, any additional monitoring required by the Federal Energy Regulatory Commission (FERC) Hydroelectric Project license, and measures identified in PG&E's February 9, 2024 Biological Monitoring Letter of Intent[24] (Letter of Intent).

Following consultation(s) and no later than April 10, the Licensee shall provide its flow plan for the dry season (April through September) to the Deputy Director along with any comments received as part of consultation, including any support for or opposition to the PG&E's dry season flow plan. If any party consulted disagrees with the MIFs in the dry season flow plan submitted by the Licensee, the party may request the Deputy Director require changes to the dry season flow plan. Such request from a consulting party must include: (1) the water quality objective and/or aquatic resource beneficial uses that may not be met as a result of the proposed Hydroelectric Project flow releases (including monitoring data as applicable); (2) the increase in MIF necessary to ensure protection of the water quality objective or aquatic resource beneficial uses not currently being protected; (3) information to support that water is available in Lake Pillsbury for release associated with the proposed increased MIF; and (4) a discussion of whether or how the requested MIFs will result in indirect water quality or beneficial use impacts as a result of reduced storage in Lake Pillsbury.

The Deputy Director may require changes to the Licensee's dry season flow plan or additional consultation. The Licensee shall implement any Deputy Director-required changes to the dry season flow plan within 48-hours of receipt.

If needed, the Licensee or a consulting party may make recommendations to the Deputy Director for ramping rates, based on monitoring data or other available information, to address rapid changes in MIFs resulting from the end of spill at Scott Dam.

This certification establishes the MIFs that may be implemented by the Licensee, which serve as the floor in establishing a dry season flow plan. As part of annual consultation and development of its dry season flow plan, the Licensee is encouraged to exercise discretion in consideration of the Project's past role in supporting, directly and indirectly, a variety of beneficial uses in both the Eel River and Russian River watersheds. Accordingly, as part of development of the dry season flow plan, the Licensee shall consider if additional water is available to support MIFs greater than those authorized, as set forth in Tables 1 and 2 of this condition.

1(B) Planned Temporary Changes to Minimum Instream Flows

The Licensee may request temporary changes to the MIF requirements in Tables 1 and 2 for planned and/or non-emergency facility construction, modification, or maintenance activities. Non-emergency variance requests shall be submitted to the Deputy Director for review and consideration of approval as far in advance as practicable, but no less than four months in advance of the desired effective date. The

[24] FERC eLibrary Document Accession No. 20240222-5015.

Licensee shall notify the consulting parties listed in subsection 1(A) of this condition of the proposed temporary MIF changes. The request shall include: (1) a description of the proposed construction, modification, or maintenance activities that necessitate the change in MIFs, including a schedule for the proposed construction, modification, or maintenance; (2) a description of the proposed change in MIFs, including the planned duration and magnitude of the MIF change; (3) documentation of notification to the consulting parties, and any comments received; and (4) proposed measures that will be implemented to protect water quality and beneficial uses. The Deputy Director may deny the request or require changes as part of the approval. Within seven days of Deputy Director approval of the requested MIF change, the Licensee shall provide public notice of the planned change on the Licensee's Project webpage. The Licensee shall file with FERC any Deputy Director-approved temporary changes and any Deputy Director-approved amendments thereto.

1C) Unplanned Temporary Changes to Minimum Instream Flows

The MIFs in this certification may be temporarily changed if required by equipment malfunction reasonably beyond the control of the Licensee, as directed by law enforcement authorities, or in emergencies. For purposes of this subsection, an emergency means an unforeseen event that is reasonably out of the control of the Licensee and requires the Licensee to take immediate action, either unilaterally or under instruction by law enforcement or other regulatory agency staff, to prevent imminent loss of human life or substantial property damage. An emergency may include but is not limited to natural events such as landslides, storms, or wildfires; vandalism; malfunction or failure of Project works; recreation accidents; or other public safety incidents. Drought is not considered an emergency for purposes of this subsection. The Licensee shall make all reasonable efforts to promptly resume meeting the MIFs required by this certification.

When possible, the Licensee shall notify the Deputy Director prior to any unplanned temporary change in MIFs. In all instances, the Licensee shall notify the Deputy Director within 24 hours of the beginning of any unplanned temporary change to the MIF requirements. Within 96 hours of beginning any unplanned temporary change in MIFs, the Licensee shall provide the Deputy Director with an update of the conditions associated with the change, and an estimated timeline for returning to the applicable certification MIF requirement(s). Within 30 days of any unplanned temporary change in MIFs, the Licensee shall provide the Deputy Director with: (1) a written description of the MIF change and reason(s) for its necessity; (2) photo documentation of the emergency or reason for the change to the MIF, if possible; (3) the date when the unplanned MIF change ended or a timeline for returning to the applicable requirement; (4) a description of corrective actions taken in response to the unplanned temporary MIF change; and (5) a plan to prevent the need for MIF changes resulting from a similar emergency or event in the future. The Deputy Director may require changes to the Licensee's plan to prevent future unplanned temporary changes to the MIF requirements resulting from similar emergencies or events. The Licensee shall implement its plan and any changes required by the Deputy Director. The Licensee shall file with FERC any Deputy Director-required changes.

CONDITION 2: Water Quality Monitoring

No later than three months following FERC license amendment issuance, the Licensee shall begin monitoring turbidity, temperature, and dissolved oxygen to ensure compliance with water quality objectives and protection of aquatic resource beneficial uses that may be impacted by reduced MIFs associated with the Project. Water quality monitoring information shall be provided to the consulting parties listed in Condition 1(A), above, to inform, as needed, adaptive management of MIFs for the attainment of water quality objectives and protection of aquatic resource beneficial uses. The water quality monitoring information shall also be provided as part of the Annual Report (Condition 4). To the extent practicable, implementation of water quality monitoring shall be integrated and coordinated with applicable portions of the monitoring described in PG&E's Letter of Intent.[25]

To the extent possible, water quality monitoring locations for temperature, turbidity and dissolved oxygen shall coincide with monitoring locations included in PG&E's 2018 water quality technical study plan.[26] Unless otherwise approved by the Deputy Director, monitoring for temperature, turbidity, and dissolved oxygen shall occur between April 1 – October 30, each year at the following locations:

- Lake Pillsbury at a location near the headwaters of the predominant inflow or at a location representative of inflow lake conditions as of April 1 each year;
- Eel River within 500 feet below Lake Pillsbury;
- Van Arsdale Reservoir;
- Eel River within 500 feet below Van Arsdale Reservoir; and
- East Branch Russian River within 500 feet below Potter Valley Powerhouse.

The Licensee shall provide Global Positioning System coordinates and photos of installed monitoring equipment no later than 30 days after initiating monitoring, and use the same locations each year unless otherwise approved by the Deputy Director. Unless otherwise approved by the Deputy Director, monitoring frequency for temperature, turbidity, and dissolved oxygen shall occur at one hour or more frequent intervals.

In addition, the Licensee shall implement water temperature monitoring consistent with PG&E's Letter of Intent, including:

[25] The measures outlined in PG&E's Letter of Intent were implemented as part of the FERC-approved 2024 and 2025 temporary annual flow variances and in the Letter of Intent PG&E proposes to continue to implement the proposed funding and monitoring until PG&E surrenders the Hydroelectric Project.

[26] AQ-3 Water Quality Study Plan results are available online here: https://www.twobasinsolution.org/wp/wp-content/uploads/20200916-5012_Potter_Valley_Project_ISR_Attachment_1_Vol_I.pdf. Last accessed: December 19, 2025.

- Deploy a water temperature vertical array once Scott Dam has stopped spilling and monitoring equipment can be safely deployed. Lake Pillsbury reservoir profiles shall be collected bi-weekly at appropriate intervals established in consultation with State Water Board and North Coast Regional Water Quality Control Board (North Coast Regional Water Board) staff.
- Deploy 14 temperature loggers within 15 days after May 1, or within 15 days after flows at PG&E Gage No. E-11 (i.e., United States Geological Survey Gage No. 11471500) are less than 110 cfs, whichever is later. Temperature loggers shall be retrieved no sooner than October 1 of each year. Temperature data shall be collected bi-weekly when deployed. The loggers shall be deployed in the Eel River starting upstream of Lake Pillsbury and continuing downstream to below the Middle Fork Eel River at the following locations:

    i. Eel River above Lake Pillsbury (Bloody Rock)
    ii. Eel River below Scott Dam (E2 gage site)
    iii. Eel River between Scott Dam and Cape Horn Dam (Monkey Rock)
    iv. Eel River above Cape Horn Dam
    v. Eel River below Cape Horn Dam (riffle)
    vi. Eel River above Tomki Creek confluence
    vii. Eel River below Thomas Creek (riffle)
    viii. Eel River below Emandal
    ix. Eel River at Ramsing Ranch
    x. Eel River above Outlet Creek
    xi. Eel River between Outlet Creek and Middle Fork Eel (riffle)
    xii. Eel River above Middle Fork Eel River
    xiii. Middle Fork Eel River mouth at Rowland Bar
    xiv. Eel River below Middle Fork Eel River

The Licensee shall ensure that MIFs do not cause or contribute to any exceedances of the water quality objectives contained in the *Water Quality Control Plan for the North Coast Region* (North Coast Basin Plan) (North Coast Regional Water Board 2018), as they may be amended. The current water quality objectives for turbidity, temperature, and dissolved oxygen are as follows:

- *Turbidity*. The Licensee shall not increase turbidity to levels that cause nuisance or adversely affect beneficial uses. Turbidity shall not be increased more than 20 percent above naturally occurring background levels. Allowable zones of dilution within which higher percentages can be tolerated may be defined for specific discharges upon the issuance of discharge permits or waiver thereof.
- *Temperature*. The Licensee shall not alter temperatures unless it can be demonstrated to the satisfaction of the North Coast Regional Water Quality Control Board that such alteration in temperature does not adversely affect beneficial uses. The Licensee shall not allow temperature to rise more than 5° Fahrenheit above natural receiving water temperature.
- *Dissolved Oxygen*. The Licensee shall not allow dissolved oxygen to fall below the daily minimum objective of 6.0 milligrams per liter (mg/L) and 7-day moving average objective of 8.0 mg/L. During those periods of time when

spawning, egg incubation, and larval development are occurring or have historically occurred, the Licensee shall not allow dissolved oxygen to fall below the daily minimum objective of 9.0 mg/L and 7-day moving average objective of 11.0 mg/L

The Licensee may submit a request to the Deputy Director for review and consideration of approval to cease and/or change water quality monitoring as specified in this condition no sooner than after two years of monitoring if no water quality exceedances have occurred. The Licensee shall consider the water year types associated with the monitoring collected to date in making its request for a change in the monitoring provisions of this certification. This request shall demonstrate consultation with consulting parties and document any disagreement with Licensee's request. The Deputy Director may require changes as part of any approval. The Licensee shall implement any Deputy Director-approved changes upon receipt of Deputy Director and any other required approvals. The Licensee shall file with FERC any Deputy Director-approved changes to the monitoring and any Deputy Director-approved amendments thereto.

CONDITION 3: Biological Resource Protections

3(A): Aquatic Resource Protections: No later than three months following FERC license amendment issuance, the Licensee shall submit an Aquatic Resource Monitoring Plan (ARMP) to the Deputy Director for review and consideration of approval. The objectives of the ARMP shall be to: (1) establish existing conditions (presence/absence, population dynamics, individual health, and habitat quality) of rainbow trout (*O. mykiss*), federal Endangered Species Act (ESA)-listed threatened Southern Oregon/Northern California Coast coho salmon (*Oncorhynchus kisutch*), California Coastal Chinook salmon (*O. tshawytscha*), Northern California distinct population segment steelhead trout (*O. mykiss*); California ESA-listed threatened summer steelhead (*O. mykiss*); species of special concern, including lamprey (*Entosphenus tridentatus* and *Lampetra sp*.), foothill yellow-legged frog (FYLF) (*Rana boylii*), and northwestern pond turtle (*Actinemys marmorata*); and (2) monitor for ongoing Project impacts to the above identified species and associated habitat in the Eel River and East Branch Russian River, as applicable to inform adaptive management of MIFs if necessary. The ARMP shall be developed in consultation with the CDFW, USFWS, NMFS, Sonoma County Water Agency, and State Water Board staff. As applicable, the Licensee may coordinate ARMP monitoring activities with PG&E's Letter of Intent, and any other monitoring being conducted for the Hydroelectric Project. ARMP monitoring information shall be provided to the consulting parties as part of Condition 1(A) above, to inform, as needed, adaptive management of MIFs for the attainment of water quality objectives and protection of aquatic resource beneficial uses. The water quality monitoring information shall also be provided as part of the Annual Report (Condition 4). Unless otherwise approved by the Deputy Director, the ARMP shall include, at a minimum, the following:

- Proposed aquatic species and associated habitat locations to be monitored, which at a minimum shall include the above listed species at representative

locations in Lake Pillsbury, Eel River below Scott Dam, Eel River below Cape Horn Dam, and East Branch Russian River below Potter Valley Powerhouse.
- Monitoring frequency to assess potential impacts of reduced MIFs to monitored species. At a minimum monitoring shall occur for two years following FERC license amendment issuance.
- Description of monitoring methods (e.g., snorkel surveys, electrofishing, metrics to designate species habitat). Methods to determine species' habitat shall consider but are not limited to: water quality (temperature, dissolved oxygen, and turbidity), riparian vegetation establishment, scouring, water depths, water velocities, and bank slope condition. Monitoring data collected as part of Condition 2 (Water Quality Monitoring) may be referenced in the plan.
- Documentation of consultation with the agencies noted in this condition, and comments and recommendations received as part of consultation and how they were considered in the plan.

The Licensee may submit a request to the Deputy Director for review and consideration of approval to cease and/or change ARMP monitoring no sooner than after two full years of monitoring. This request shall demonstrate consultation with CDFW, USFWS, NMFS, Sonoma County Water Agency, and State Water Board staff. The Licensee shall consider the water year types associated with the monitoring collected to date in making its request for a change in the monitoring provisions of this certification. The Deputy Director may require changes as part of any approval. The Licensee shall implement any Deputy Director-approved changes upon receipt of the Deputy Director and any other required approvals. The Licensee shall file with FERC the Deputy Director-approved ARMP and any Deputy Director-approved amendments thereto.

3(B) Bald Eagles: The Licensee shall implement the Bald Eagle Productivity Monitoring as listed in PG&E's Letter of Intent. The Licensee shall report results of Bald Eagle Productivity Monitoring as part of the Annual Report (Condition 4).

CONDITION 4: Annual Reporting

By March 1 of the first full calendar year following issuance of the FERC license amendment, and annually thereafter, the Licensee shall provide the Deputy Director, and staff with CDFW, USFWS, NMFS, Sonoma County Water Agency, and the North Coast Regional Water Board with an Annual Report. Unless otherwise approved by the Deputy Director the Annual Report shall include the following:

(1) The previous calendar year's results from monitoring required by Condition 2 (Water Quality Monitoring) and Condition 3 (Biological Resource Protections), monitoring described in PG&E's Letter of Intent, and other monitoring as required by FERC or NMFS related to Article 52 of the Project's FERC license.
(2) A summary of Lake Pillsbury storage levels throughout the previous calendar year, including when Scott Dam stopped spilling. At a minimum the storage levels shall be provided as a figure that illustrates Lake Pillsbury storage volumes throughout the previous calendar year and visually notes when Scott Dam stopped spilling. The summary shall also include daily Lake Pillsbury storage volume data (in ac-ft).

(3) A description of and gaged flow for the previous calendar year throughout the Eel River and Russian River reaches associated with the Hydroelectric Project using available flow information, at a minimum, from the following gage locations: E-1, E-2, E-3, and E-16. The description shall compare the gaged flows to the required MIFs, noting any instances when the MIFs were not met. The Annual Report shall provide a summary of the mean-daily flow data at the locations noted in this bullet as well as describe where the actual data are available online or include a file that provides that data.
(4) Amount of daily water deliveries to Potter Valley Irrigation District during the previous calendar year.
(5) Accuracy of the previous calendar year's projected inflow amounts to Lake Pillsbury relative to the projected date when Scott Dam would cease spilling.
(6) Documentation of the use of the 2,500 ac-ft block of water[27] stored in Lake Pillsbury.
(7) Documentation of consultation with CDFW, USFWS, NMFS, Sonoma County Water Agency, North Coast Regional Water Board, and State Water Board staff, noting any MIF changes proposed by the parties consulted and whether the proposed MIF was implemented by PG&E, or otherwise required by the Deputy Director.
(8) A summary of any planned maintenance or construction activities that have the potential to require flows less than the MIF requirements required by the Hydroelectric Project FERC license.
(9) Any proposed adaptive management actions (e.g., increased MIFs or implementation of ramping rates in the East Branch Russian River or Eel River below Scott Dam), as informed by monitoring results.
(10) A summary of any PG&E funded fish stocking (e.g., quantity, timing, location) in Lake Pillsbury or the East Branch Russian River during the previous calendar year and any planned fish stocking for the current calendar year.
(11) A summary of monitoring occurring in the current year.

Upon request from the Deputy Director or State Water Board staff, the Licensee shall provide additional information or meet with staff to discuss the Annual Report. The Deputy Director may require the Licensee to implement any adaptive management actions proposed by the Licensee or additional actions necessary for the reasonable protection of water quality or aquatic resources in response to the information provided in the Annual Report or new information in the record.

CONDITIONS 5 – 24

CONDITION 5. Unless otherwise specified in this certification or at the request of the Deputy Director, data and/or reports shall be submitted electronically in a format accepted by the State Water Board to facilitate the incorporation of this information into

[27] NMFS RPA requires a 2,500 ac-ft block of water to be reserved each water year to support salmonid migration in the Eel River. Condition 1 shifts the 2,500 ac-ft block water from a water year to every calendar year.

public reports and the State Water Board's water quality database systems in compliance with California Water Code section 13167.

CONDITION 6. This certification does not authorize any act which results in the take of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California ESA (Fish & G. Code, §§ 2050 – 2097) or the federal ESA (16 U.S.C. §§ 1531 – 1544). If a "take" will result from any act authorized under this certification or water rights held by the Licensee, the Licensee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Licensee is responsible for meeting all requirements of the applicable ESAs for the Project authorized under this certification.

CONDITION 7. This certification shall not be construed as replacement or substitution for any necessary federal, state, and local approvals. The Licensee is responsible for compliance with all applicable federal, state, and local laws and ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of Project activities.

CONDITION 8. Any requirement in this certification that refers to an agency whose authorities and responsibilities are transferred to or subsumed by another state or federal agency, will apply equally to the successor agency.

CONDITION 9. Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 or riparian claims. The State Water Board has separate authority under the Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.

CONDITION 10. This certification is subject to modification or revocation upon administrative or judicial review, including but not limited to review and amendment pursuant to Water Code section 13330 and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).

CONDITION 11. This certification 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 application for certification was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b), and that application for certification specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

CONDITION 12. This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.

CONDITION 13. Notwithstanding any more specific provision of this certification, any plan or report developed as a condition of this certification requires review and approval by the Deputy Director, unless otherwise specified. The State Water Board's approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or change a proposed plan, proposal, or report prior to

approval. The State Water Board may take enforcement action if the Licensee fails to provide or implement a required item in a timely manner. Notwithstanding any other condition of this certification, if a time extension is needed to submit an item for Deputy Director approval, the Licensee shall submit a written request for the extension, with justification, to the Deputy Director no later than 60 days prior to the deadline. The Licensee shall file with FERC any Deputy Director-approved time extensions. The Licensee shall not implement any plan, proposal, or report until receipt of the applicable State Water Board approval and any other necessary regulatory approvals.

CONDITION 14. In the event of any violation or threatened violation of the conditions of this certification, including if monitoring results indicate that Project activities could violate water quality objectives or impair beneficial uses, the violation or threatened violation is subject to any remedies, penalties, process, or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to any violation or threatened violation of the conditions of this certification, the Licensee shall, by a deadline required by the Deputy Director, submit a plan that documents why the violation occurred and steps the Licensee will implement to address the violation. The Licensee shall implement the plan upon receipt of Deputy Director and any other required approvals, and the Deputy Director may require changes to the plan as part of any approval to ensure the protection of water quality and beneficial uses or compliance with water quality control plans, policies, or other applicable requirements of state law.

CONDITION 15. The Licensee shall submit any change to the Project, including operations, facilities, technology changes or upgrades, or methodology, which may have a significant or material effect on the findings, conclusions, or conditions of this certification, to the State Water Board for prior review and written approval, unless otherwise specified. The State Water Board shall determine significance and may require consultation with other state and/or federal agencies. If the State Water Board is not notified of a change to the Project, it will be considered a violation of this certification. If such change would also require submission to FERC, the change must first be submitted and approved by the State Water Board unless otherwise delegated in this certification or other State Water Board approval.

CONDITION 16. This certification is contingent on compliance with all applicable requirements of the North Coast Basin Plan and any amendments thereto.

CONDITION 17. Reports and plans submitted by the Licensee for approval under this certification shall consider the effects of the Project's operations in relation to compliance with all applicable water quality control plans and policies and, as necessary, propose updates to the Project's operations to ensure protection of water quality and beneficial uses and compliance with other appropriate requirements of state law. The Deputy Director may identify the need for, and set a deadline for, submittal of a report and/or plan focused on additional assessment of potential impacts to water quality and beneficial uses that may have changed from the baseline assumptions used to develop the conditions of the certification, along with recommended changes to address the new or changed water quality control plan or policy beneficial uses and/or water quality objectives or other appropriate requirements of state law. The Deputy Director may include recommendations regarding potential actions that shall be considered by the Licensee in this report and/or plan to ensure ongoing protection of water quality and beneficial uses and compliance with other applicable requirements of state law. The Licensee shall implement the plan upon approval by the Deputy Director and any other required approvals, and the Deputy Director may require changes as part of any approval.

CONDITION 18. Unless otherwise specified by conditions in this certification, Project activities shall be conducted in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

CONDITION 19. In response to a suspected violation of any condition of this certification, the State Water Board or North Coast Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (Wat. Code, §§ 1051, 13165, 13267, and 13383.)

CONDITION 20. The Licensee shall provide State Water Board and North Coast Regional Water Board staff access to Project sites to document compliance with this certification.

CONDITION 21. A copy of this certification shall be provided to any contractor and all subcontractors conducting Project-related work, and copies shall remain in their possession at the Project site. The Licensee shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting work related to the Project.

CONDITION 22. The Licensee shall use analytical methods approved by California's Environmental Laboratory Accreditation Program, where such methods are available. Samples that require laboratory analysis shall be analyzed by Environmental Laboratory Accreditation Program-certified laboratories.

CONDITION 23. The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add to or modify the conditions of this certification.

CONDITION 24. Certification that the Project will be protective of water quality and beneficial uses in compliance with state and federal water quality standards and other appropriate requirements of state law is dependent upon the conditions and limitations imposed by this certification; however, to ensure the validity of this certification upon any challenge that is not addressed by another condition of this certification, the provisions of this certification are severable. If any provision of this certification is found invalid, affects the validity of the certification, or would result in a determination that the State Water Board has waived its section 401 certification authority for the Project, the remainder of this certification shall not be affected. Upon remand from determination on administrative or judicial review that a provision of this certification is invalid or affects the validity of the certification, the State Water Board may adopt an alternative term that addresses the water quality issue while avoiding the invalidity.

DRAFT

Eric Oppenheimer
Executive Director

Date

8.0 References

North Coast Regional Water Board. 2018. *Water Quality Control Plan for the North Coast Region*. Available at: https://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/190204/Final%20Basin%20Plan_20180620_lmb.pdf. Accessed on December 4, 2025.

Pacific Gas and Electric Company (PG&E). *2025. Potter Valley Hydroelectric Project, Final Application for Surrender of License, Volume 1A, Public Information*. Available at: https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20250725-5175. Accessed December 12, 2025.

Pacific Gas and Electric Company. 2025. *Potter Valley Hydroelectric Project, FERC No. 77-CA Request for Clean Water Act Section 401 Water Quality Certification Article 52 Flow Amendment*. Available at: https://elibrary.ferc.gov/eLibrary/filelist?accession_Number=20250220-5092. Accessed December 4, 2025.

State Water Resources Control Board (State Water Board). 1968. *Statement of Policy with Respect to Maintaining High Quality Waters in California*. Resolution No. 68-16. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf. Accessed on December 4, 2025.

State Water Board. 2012. *Delegation of Authority to State Water Resources Control Board Members Individually and to the Deputy Director for Water Rights*. Resolution No. 2012-0029. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2012/rs2012_0029.pdf. Accessed on December 4, 2025.

State Water Board. 2017. Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California – Tribal and Subsistence Fishing Beneficials Uses and Mercury Provisions. Resolution No. 2017-0027. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2017/rs2017_0027.pdf. Accessed on October 30, 2025.

State Water Board. 2024. 2024 California Integrated Report. Available at: https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2024-integrated-report.html. Accessed on December 5, 2025.

State Water Board. 2023a. *Redelegation of Authorities Memorandum*. April 20, 2023.

United States Environmental Protection Agency. 2004. *Final Upper Main Eel River and Tributaries (including Tomki Creek, Outlet Creek and Lake Pillsbury) Total Maximum Daily Loads for Temperature and Sediment*. Available at: https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/eel_river_upper_main/pdf/uer-tmdl-final-12-28.pdf. Accessed on December 11, 2025.

ATTACHMENT A:

PROJECT OVERVIEW MAPS

DRAFT WATER QUALITY CERTIFICATION
FOR
POTTER VALLEY ARTICLE 52 AMENDMENT PROJECT

DECEMBER 2025

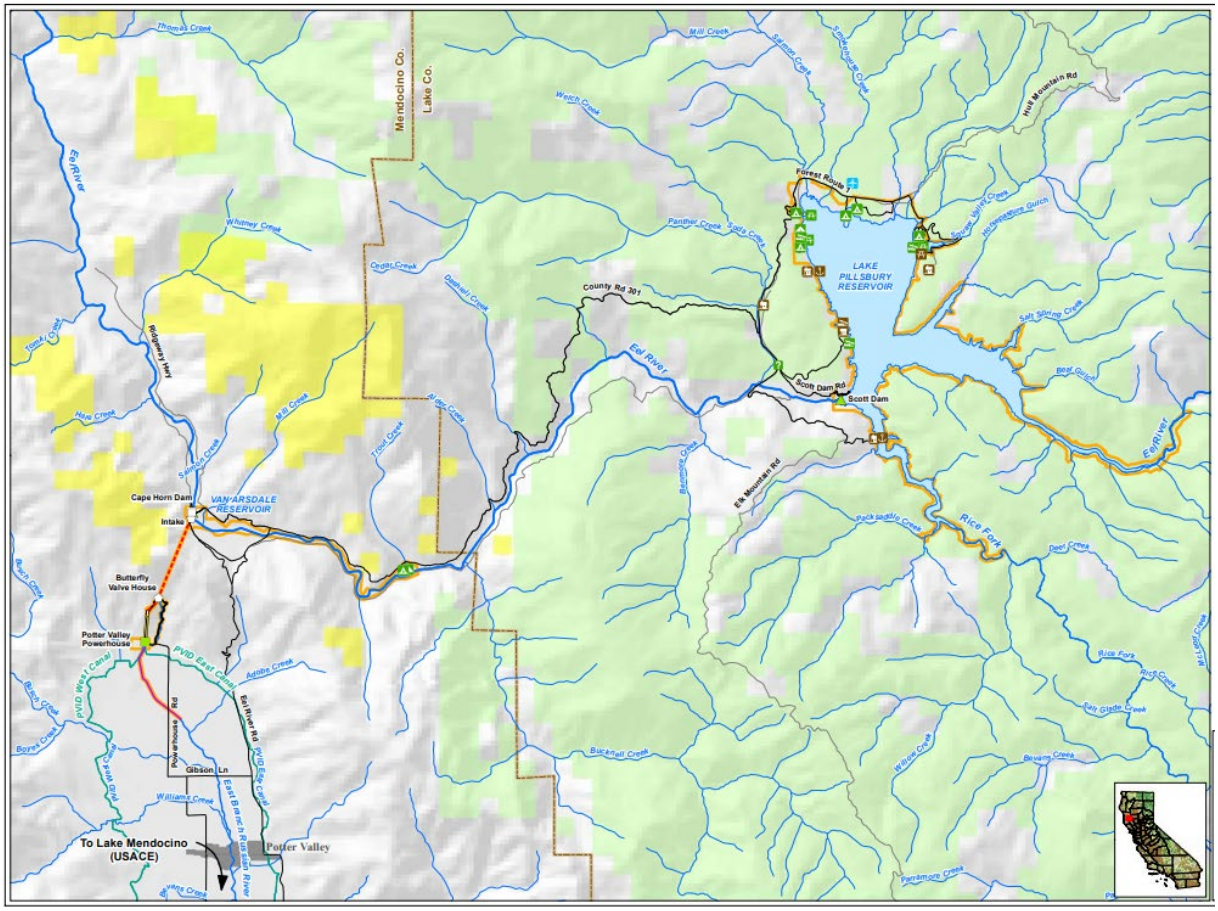

Figure A1. Potter Valley Hydroelectric Project Location (PG&E 2025b.)

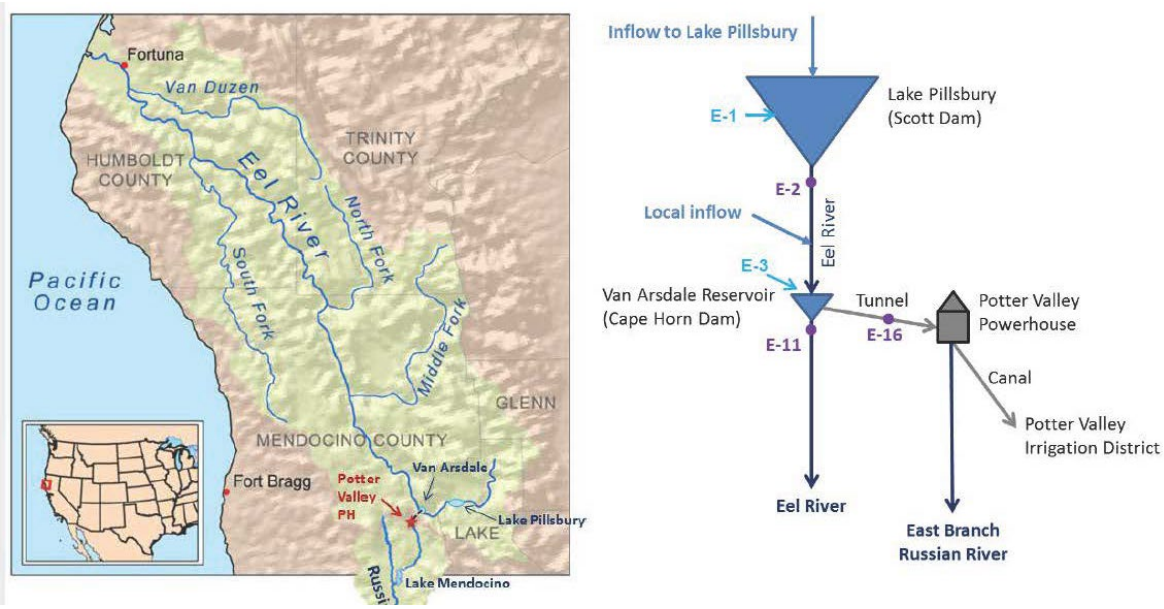

Figure A2. Project Vicinity Schematic, including Gage Locations
(Provided by PG&E staff).