

**PUBLIC NOTICE FOR  
CLEAN WATER ACT 401 WATER QUALITY CERTIFICATION  
BEFORE THE STATE WATER RESOURCES CONTROL BOARD**

An application for water quality certification under section 401 of the Clean Water Act for the following project was filed with the State Water Resources Control Board (State Water Board). The water quality certification is being processed by the Division of Water Rights. California Code of Regulations, title 23, section 3858 requires the Executive Director of the State Water Board to provide public notice of an application at least twenty-one (21) days before taking certification action on the application. Written questions and/or comments regarding the application should be directed to:

Mr. Peter Barnes  
Water Quality Certification Program  
Division of Water Rights  
State Water Resources Control Board  
P.O. Box 2000  
Sacramento, CA 95812-2000

**RECEIVED:** June 24, 2009  
**PROJECT:** Pit 1 Hydroelectric Project 401 Water Quality Certification Amendment  
(Federal Energy Regulatory Commission Project No. 2687)  
**APPLICANT:** Pacific Gas and Electric Company  
**CONTACT:** Jessica Albietz, License Coordinator  
**COUNTY:** Shasta  
**PUBLIC NOTICE:** May 9, 2013  
**PROJECT STATUS:** Pending

**PROJECT DESCRIPTION:**

The State Water Board issued a water quality certification (certification) for the Pit 1 Hydroelectric Project, Federal Energy Regulatory Commission (Commission) Project No. 2687 on December 4, 2001. This certification was incorporated into the license issued by the Commission on March 19, 2003. Condition 13 of the certification requires Pacific Gas and Electric Company (PG&E or Licensee) to release flushing flows to control vegetation growth in the Fall River Pond. The flows are required to be released during one weekend in each of May or June, July, and August to reduce nuisance aquatic growth and control mosquito populations in the Fall River Pond. Condition 14 of the certification requires PG&E to monitor the effectiveness of the flushing flows and allows the Chief of the Division of Water Rights (now referred to as the Deputy Director for Water Rights) to modify or terminate the flushing flow monitoring program after review of the five-year monitoring report prepared by the Licensee.

The United States Fish and Wildlife Service (USFWS) submitted a letter (received on May 21, 2009) to the State Water Board requesting the suspension of flushing flows for the summer of 2009 due to concerns that the flows were contributing to the decline of the local population of Shasta crayfish (*Pacifastacus fortis*), a listed endangered species under both the Federal and California Endangered Species Acts.

On June 17, 2009, the State Water Board responded to USFWS's request for suspension of flushing flows, advising USFWS that if PG&E determines the flushing flows are no longer necessary for controlling aquatic vegetation and mosquito production in Fall River Pond, PG&E could request termination of the flushing flow conditions in the certification.

On June 24, 2009, PG&E submitted a request to the State Water Board to amend the certification to remove Conditions 13 (flushing flows) and 14 (flushing flow effectiveness monitoring) based on data showing that surface vegetation in the Fall River Pond has been reduced under the 150 cubic feet per second base flow required in the current license conditions. In a letter dated August 28, 2009, State Water Board staff notified PG&E that before an amendment of the certification can be considered, the State Water Board must comply with the California Environmental Quality Act (CEQA).

In a letter dated December 17, 2009, the USFWS notified the Commission that the Biological Opinion issued on October 24, 2004, had expired and therefore, incidental take of Shasta crayfish was no longer authorized. The Commission responded by requesting a temporary suspension of flushing flows from the State Water Board in a letter dated April 15, 2010.

In response to these requests, the State Water Board has approved Order WQ 2010-0009-EXEC and Order WQ 2012-0008-EXEC approving temporary suspension of flushing flow requirements while the amendment is being processed, including compliance with CEQA.