Pacific Gas and Electric Company

Land & Environmental Management

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February 2, 2010

RE: PG&E's Comment Letter – Central Valley Regional Water Quality Control Board's Issue List and Work Plan for the 2007 Triennial Review for the Tulare Lake Basin

Dear Mr. Toto:

Attached please find Pacific Gas and Electric Company's (PG&E) detailed comments to the Central Valley Regional Water Quality Control Board's Issue List and Work Plan for the 2007 Triennial Review of the Water Quality Control Plan (Basin Plan) for the Tulare Lake Basin. PG&E appreciates the opportunity to provide comments on this important document.

If you have any questions please contact Ed Cheslak at 925-415-6344.

Sincerely,

Jayne Battey
Director, PG&E Land & Environmental Management

Attachment

PG&E's Comments on the Issue List and Work Plan for the 2007 Triennial Review of the Water Quality Control Plan for the Tulare Lake Basin

SUBMITTING ORGANIZATION
Pacific Gas and Electric Company (PG&E)
PG&E's Contact is Ed Cheslak (Senior Consulting Scientist, Land Services)
Phone Number: 925-415-6344.

Pacific Gas and Electric Company (PG&E) appreciates the opportunity to provide comments to the Central Valley Regional Water Quality Control Board (CV Board) on the Issue List and Work Plan for the 2007 Triennial Review of the Water Quality Control Plan (Basin Plan) for the Tulare Lake Basin. PG&E's specific comments and recommendations are outlined below.

- PG&E would like clarification regarding the CV Board's work plan pertaining to reviewing COLD beneficial use designations for the Kern River. PG&E's impression is that the intentions of the CV Board regarding this review are unclear due to the nomenclature that is used in the work plan.
- The CV Board's work plan only refers to the Kern River, and does not provide any specification regarding potentially affected water segments that are currently defined in the Basin Plan. There are three water segments in the Basin Plan that represent the Kern River: 1) Kern River above Lake Isabella, 2) Kern River below Lake Isabella to KR-1[1], and 3) Kern River below KR-1. The first two water segments have a WARM/COLD beneficial use designation and the third has a WARM beneficial use designation.
- PG&E recommends using consistent nomenclature that identifies Basin Plan specific water body segments in the Triennial Review Issue List and Work Plan as is currently required in other CV Board processes and documents such as the compilation of the CV Board's 2008 305(b)/303(d) Integrated Report (Integrated Report) which must comply with the State Water Resources Control Board's (SWRCB) Listing Policy (SWRCB 2004).
- There are no specific comments that have been received and documented by the CV Board as part of the Triennial Review process that would suggest the need to review the beneficial uses for the Kern River below KR-1. Additionally, existing water quality, aquatic, and meteorological data for the Kern River below KR-1 support the current beneficial use designation of WARM Freshwater Habitat (PG&E 2003 and ENTRIX 2007).

Current Basin Plan water temperature beneficial use designations for the three water segments in the Kern River are provided in Table 1. This table also provides information pertaining to specific comments that have been received as part of the CV Board's Triennial Review process

[1] KR-1: Southern California Edison Kern River Powerhouse No. 1.

for the Kern River (California Department of Fish and Game [CDFG] 2007) and comments received during the review of the CV Board's Integrated Report (U.S. Department of Agriculture – Forest Service [USFS] 2009). The CDFG recommended that surface water beneficial use designations for specific surface waters (including the Kern River) NOT be amended to remove currently assigned beneficial use designations (CDFG 2007). The USFS recommended reviewing COLD beneficial use designations primarily for Lake Isabella; and suggested a better definition for the water temperature transitional zone in the Kern River above Lake Isabella. No specific recommendation was suggested for either water segment in the Kern River below Lake Isabella (USFS 2009).

Information pertaining to the factsheets from the CV Board's Integrated Report for the Kern River is also provided on Table 1 (CV Board 2009). The inadvertent reference to the Lower Kern River on the factsheets may have added to confusion regarding water segment nomenclature. However, it should be noted that CV Board Staff (Danny McClure) recognizes that the factsheet for the Lower Kern River from the CV Board's Integrated Report should be separated into two different factsheets (Kern River below Lake Isabella to KR-1 and Kern River below KR-1) to match the water body segmentation defined in the Basin Plan and in order to comply with the SWRCB's Listing Policy (personal communication with Mr. McClure 2010 and SWRCB 2004).

The current SWRCB Listing Policy explains that at minimum data shall be aggregated by the water body segments as defined in the Basin Plan (SWRCB 2004). To avoid confusion, this same practice could also be used to describe the specific water bodies that are under consideration for review of COLD beneficial use designations in the CV Board's 2007 Issue List and Work Plan (CV Board 2007). Consistent nomenclature would clarify the CV Board's proposal regarding review of COLD beneficial use designations in Kern River water segments.

Finally, existing water quality, aquatic, and meteorological data for the Kern River below KR-1 that has been collected by PG&E as part of their Federal Energy Regulatory Commission (FERC) licensed Kern Canyon Project (FERC Project No. 178) supports the current beneficial use designation of WARM Freshwater Habitat (PG&E 2003, ENTRIX 2007, and FERC 2009).

PG&E's Kern Canyon Project is located approximately 32 miles downstream of Lake Isabella (Lake Isabella is operated and managed by the U.S. Army Corps of Engineers). The Kern Canyon Project Area has a Mediterranean type climate consisting of warm, dry summers and mild, wet winters. Mean annual air temperatures range from 35 to 68°F. Summer air temperatures can reach highs in the 90 to 100°F range (PG&E 2003).

The WARM Freshwater Habitat beneficial use designation defined in the Basin Plan for the lower Kern River below KR-1 is appropriate and protective of the environmental conditions and resources that are recognized by interested agencies and that are actively being managed in this section of the river. Kern Canyon Project water temperature data collected as part of PG&E's relicensing activities, particularly during the summer months, were within the range of water temperatures necessary for maintaining and protecting the warm water fish species that are present in this section of the river (PG&E 2003). The CDFG selected target species for

management in the Project Bypass Reach is smallmouth bass. White catfish and Sacramento sucker are also present (PG&E 2003).

CONCLUSION

In conclusion, PG&E recommends that the CV Board follow the nomenclature requirements that are currently utilized for other programs (such the requirements set forth in the SWRCB Listing Policy for the CV Board's Integrated Report) in order to ensure that any potential for misinterpretation of the CV Board's intentions is minimized. This practice would also ensure that only those specific water body segments in which a possible issue may exist are reviewed and assessed; potentially reducing the amount of time and resources that the CV Board and its staff would need to commit to examining the potential issues.

REFERENCES

California Department of Fish and Game (CDFG). 2007. Tulare Lake Basin Triennial Review Comment Letter dated August 31, 2007.

Central Valley Regional Water Quality Control Board (CV Board). 2004. Water Quality Control Plan for the Tulare Lake Basin (Basin Plan), Second Edition. Revised January 2004 (with Approved Amendments).

CV Board. 2009. 2008 California 305(b)/303(d) Final Integrated Report.

CV Board. 2010. Personal communication with Danny McClure, the CVRWQCB representative in charge of the 2008 California 305(b)/303(d) Integrated Report, January 26, 2010.

ENTRIX, Inc. 2007. Draft Initial Study for the Kern Canyon, FERC Project No. 178 Hydroelectric Project. Prepared for the State Water Resources Control Board by ENTRIX, Inc., Ventura, CA.

Federal Energy Regulatory Commission (FERC). 2009. Order issuing New License (Project No. 178). Federal Energy Regulatory Commission, Washington, DC. February 25, 2009.

Pacific Gas and Electric Company (PG&E). 2003. Kern Canyon Project, FERC Project No. 178, Final Application for License. April 2003.

State Water Resources Control Board (SWRCB) 2004. Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List (Listing Policy). September 2004.

US Department of Agriculture, Forest Service (USFS). 2009. USFS Comment Letter Regarding the 2008 Proposed 305(b) and 303(d) Integrated Report, dated March 13, 2009.

Water bodies identified in CV Board's Basin Plan (shown in *italics*)	Current WQ Control Plan for Tulare Lake Basin	California Dept of Fish and Game (CDFG) - Basin Plan Triennial Review Cmt Ltr - 8/31/07	Final CV Board 2008 Integrated Reoprt (beneficial uses shown on factsheets)	USFS Cmt Ltr to CV Board's Integrated Report - 3/13/09	Issue List and Work Plan for 2007 Tulare Lake Basin
Kern, North Fork *above Lake Isabella*	WARM/COLD	CDFG recommends NOT amending	WARM and COLD beneficial uses are cited in the factsheets	WARM and COLD with transitional zone (recognized per USFS comment letter) WARM (Goldledge to L. Isabella), (recommended per USFS comment letter)	Work plan suggests review of COLD beneficial use for Kern River[2]
Lake Isabella	WARM/COLD	CDFG recommends NOT amending	COLD beneficial use is cited in factsheets	Recommend review of COLD beneficial use versus WARM per USFS comment letter.	Work plan suggests review of COLD beneficial use for Kern River [2]
Kern, Lower					
Lake Isabella to KR1	WARM/COLD	CDFG recommends NOT amending	WARM beneficial use cited in factsheets [1]	No specific request to review COLDbeneficial use; however, they note that fish sampling data indicate fish species are consistent with warm water fishery even though rainbow trout are stocked in some segments when water temperatures are less than 68°F.	Work plan suggests review of COLD beneficial use for Kern River [2]
below KR1	WARM	CDFG recommends NOT amending		*PG&E water temperature and aquatic data for Kern Canyon Project support existing warm beneficial use designation. CDFG selected target fish species for management in the Kern Bypass Reach is smallmouth bass which are normally found in water with water temperatures of approximately 20°C to 27°C.*	WARM beneificial use appropriate in this reach [3]

KR1 = Southern California Edison Kern River Powerhouse No. 1

[1] The factsheets for Lower Kern River inadvertently combine two reaches from the Basin Plan (Lake Isabella to KR1 and below KR1) into one reach (Kern, Lower); the SWRCB Listing Policy states that at a minimum, data shall be aggregated by the water body segments as defined in the Basin Plans (Section 6.1.5.4, Aggregation of Data by Reach/Area). This statement was confirmed by Danny McClure (CV Board staff) via phone call on 1/26/10. Mr. McClure concurred that the factsheet for Lower Kern should be further divided into the two reaches that are specified in the Basin Plan since they are recognized as two distinct reaches with different beneficial uses.

[2] The CV Board's 2007 Issue Statement and Work Plan for the Tulare Lake Basin Plan Triennial Review does not specify specific reaches that should be reviewed for beneficial use designation, rather the term "Kern River" is used which may lead to confusion on behalf of the public with regard to understanding which river reaches as identified in the Basin Plan should actually be reviewed.

[3] There are no specific comments either by agency staff or the public which recommend review of beneficial uses for the river segment below KR1, and available water temperature and aquatic data support the existing beneficial use designation for WARM in the Kern River below KR-1.