

State Water Resources Control Board

NOV 25 2015

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Dear Secretary Bose:

COMMENTS ON INITIAL STUDY REPORT FOR BUCKS CREEK HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 619

State Water Resources Control Board (State Water Board), Division of Water Rights staff reviewed the Initial Study Report (ISR) for the Bucks Creek Hydroelectric Project (Project) that was prepared by Pacific Gas and Electric Company and the City of Santa Clara (Licensees), and filed with the Federal Energy Regulatory Commission (FERC or Commission) on September 22, 2015. On October 7, 2015, the Licensees held an ISR meeting to present and discuss the findings of the studies with Relicensing Participants (RPs). The Licensees filed a summary of the ISR meeting with FERC on October 22, 2015.

The ISR aims to satisfy FERC's requirements that the licensees prepare and file a report describing the overall progress, schedule, data collected, and any study plan variances for the first year. Based upon the results of the ISR, RPs may request modifications to existing studies or new studies, understanding that such requests must meet stricter guidelines.

State Water Board staff has actively participated throughout the relicensing process and submits the following comments.

Regulatory Authority

Before the Commission can issue a new license, the Licensees must obtain water quality certification from the State Water Board, pursuant to Section 401 (a)(1) of the Federal Clean Water Act (CWA) (33 U.S.C. §1341(a)(1)). Section 401 of the CWA requires any applicant for a federal license or permit, which may result in any discharge to navigable waters, to obtain water quality certification from the State Water Board that the discharge will comply with the applicable water quality parameters in the CWA.

General Comments

Many of the studies undertaken by the Licensees, as required by FERC, have not yet been completed. As a result, the State Water Board reserves the right to file additional comments and requests when these studies are completed and their updated study reports are made available.

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Study Modification Requests

WR-S1 Water Temperature Monitoring

State Water Board staff request that the Licensees conduct an additional year of data collection. This request is being made pursuant to the criteria outlined in 18 CFR § 5.15(d)2; *the study was conducted under anomalous environmental conditions or that environmental conditions have changed in a material way.*

California is currently in the midst of a record-setting drought, the beginning of which coincided with the implementation of this study in 2013. State Water Board staff believes that such a drought constitutes *anomalous environmental conditions*. Although long term records indicate that similar drought periods have existed, State Water Board staff does not believe temperature monitoring data from three straight drought years meets the goals of the study. It does not completely illustrate the potential effects of the Project on water temperature in Project reservoirs and Project-affected stream reaches. The National Oceanic and Atmospheric Administration have predicted a substantially wetter fall of 2015 and winter of 2016. Including temperature data from this year will provide the Licensees and RPs with a more complete data set that will help better determine the effects of the Project on affected water bodies.

For this additional year of monitoring, State Water Board staff is requesting that the Licensees use the locations, timing, and protocols used for previous years. However, slight adjustments in timing can be made to better accommodate other studies if changes are made in consultation with RPs.

If you have any questions regarding this letter, please contact me at (916) 445-9989 or by email at Peter.Barnes@waterboards.ca.gov. Written correspondence should be directed to:

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Sincerely,



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