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## State Water Resources Control Board

JAN 15, 2020

Ms. Gwen Knittweis, Chief  
Hydropower License Planning and Compliance Office  
Executive Division  
California Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236-0001

**South State Water Project  
Federal Energy Regulatory Commission Project No. 2426  
Los Angeles and Ventura Counties  
Piru Creek**

**SUBJECT: TEMPORARY AMENDMENT TO SOUTH STATE WATER PROJECT  
WATER QUALITY CERTIFICATION CONDITION NO. 1**

Dear Ms. Knittweis:

On December 6, 2019, the State Water Resources Control Board (State Water Board) received the Department of Water Resources' (DWR) request for a temporary variance from Condition No. 1 of the water quality certification (certification) for the South State Water Project (Project; Federal Energy Regulatory Commission [FERC] Project No. 2426)<sup>1</sup> to make additional water releases from Pyramid Lake to Piru Lake. The variance is being requested so that DWR can deliver additional water to the United Water Conservation District (United)<sup>2</sup>. United will use the additional water to help replenish critically depleted groundwater in its service boundary.

### Background

On August 4, 2009, the State Water Board issued Order **WQ 2009-0007**, a certification for the re-operation of Pyramid Dam. Condition 1 of the Project's certification requires

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<sup>1</sup> The Project was formerly named the California Aqueduct Hydroelectric Project.

<sup>2</sup> United requested support from DWR in obtaining a temporary variance on December 5, 2019.

that stream releases from Pyramid Lake into Piru Creek match natural inflow into Pyramid Lake, and states in part:

*Up to 3,150 acre feet of State Water Project water may be delivered to United Water Conservation District via middle Piru Creek between November 1 and the end of February of each water year. During this period, water deliveries may be made over a period of a few days, ramping flows up and down to simulate the hydrograph of a typical storm event, or they may be released more gradually over a longer period of time.*

DWR's request to deliver 8,987.5 acre-feet (ac-ft) of Project water to United is 5,837.5 ac-ft above the 3,150 ac-ft limitation in Condition 1 of the certification.

### United Water Conservation District

Each year DWR delivers Project water to United per a long-term water supply contract<sup>3</sup> between DWR and the Ventura County Watershed Protection District. This year, United has acquired 8,987.5 ac-ft of Project water, which includes: the 2019 allocation of Table A water (2,362.5 ac-ft); water acquired through an exchange with Santa Clarita Valley Water Agency (2,000 ac-ft); and a water transfer with the City of Ventura (4,625 ac-ft).

The acquisition of supplemental Project water is intended to improve the conditions of the Oxnard Plain and Pleasant Valley groundwater basins, which are experiencing severely depleted groundwater conditions. Depleted groundwater basins are contributing to seawater intrusion in the southern Oxnard Plain and elevated levels of nitrates in the Oxnard plain sub-basin, which is the major potable water supply source for the cities of Oxnard and Port Hueneme.

### Proposed Release Plan

To avoid adverse effects to arroyo toads, the proposed release will be implemented prior to the end of February 2020, within the November 1 to end of February period noted in the certification. The release schedule from Pyramid Dam will be designed to mimic the natural hydrograph, including a gradual ramp up and ramp down of flows, and a peak flow similar to that of a storm event. The release will be designed to accommodate a FERC-related fish passage alternatives study (study) that requires elevated flows. The study is being conducted by United for the Santa Felicia Project

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<sup>3</sup> United is a party to the *Water Supply Contract Between the State of California Department of Water Resources and Ventura County Flood Control District* (executed in 1963). Table A water refers to the annual entitlement of water each State Water Project (SWP) contractor can receive. Maximum annual SWP Table A water delivery amount for Ventura County Watershed Protection District is 20,000 ac-ft, to which United is entitled 3,150 ac-ft. 2,362.5 ac-ft refers to the 75% allocation for Table A water for the 2019 year.

(FERC Project No. 2153). The study is intended to resolve issues related to the biological and engineering feasibility of fish passage alternatives.

### Arroyo Toads

The arroyo toad is a federally endangered frog endemic to California that is known to occur in the Project boundary. The proposed release of 8,987.5 ac-ft of water from Pyramid Dam is not expected to adversely affect arroyo toads. Below is a list of information to support this determination:

- Arroyo toads leave the stream channel and travel to upland areas away from flowing water between November 1 and the end of February, the period when flow releases will be implemented. Arroyo toads move upland during the winter to estivate and are not affected by high flows resulting from winter storms or from scheduled water releases<sup>4</sup>.
- The proposed water release at Pyramid Dam is not expected to disrupt arroyo toad reproduction. Arroyo toad reproduction occurs from March to late summer and is dependent on the availability of very shallow low-flowing pools.<sup>5</sup> The proposed water releases will occur outside of arroyo toad reproduction periods.
- Proposed flow will simulate a natural flow regime.
- Arroyo toad habitat requires geomorphic disturbance within the stream channel for the development of suitable breeding pools. The proposed water release will provide a high-flow event that has the potential to cause geomorphic disturbance that could be beneficial for arroyo toads during their reproductive period.

### **California Environmental Quality Act**

Issuance of a certification amendment is a discretionary action that requires the State Water Board to comply with the California Environmental Quality Act (CEQA). For this certification amendment, and for the purpose of CEQA compliance, DWR is the lead agency. DWR filed a Notice of Exemption for the requested amendment on December 24, 2019. The State Water Board has reviewed DWR's request for a temporary variance to Condition 1 of the certification and has determined that the variance will not have significant adverse effect on the environment and is categorically exempt from the requirements to prepare environmental documents under California Code of Regulations, title 14, sections 15301 (Existing Facilities) and 15307 (Actions to Protect Natural Resources). The variance will allow DWR to deliver 8,987.5 ac-ft of

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<sup>4</sup> FERC Final Environmental Assessment Amendment to License, dated June 2008.

<sup>5</sup> United States Fish and Wildlife Service, Arroyo Toad (*Anaxyrus californicus*) Species Report, dated March 24, 2014.

Project water to United before the end February 2020. The State Water Board will file a Notice of Exemption within five days of issuance of this amendment.

### **Noticing and Comments**

On December 9, 2019, the State Water Board provided public notice of DWR's request for a variance from Condition 1 of the certification, pursuant to California Code of Regulations, title 23, section 3858, by posting information describing the amendment request on the Water Quality Certification Program Public Notices webpage and noticing interested parties via email. The State Water Board received no comments.

### **State Water Board Approval**

Based on review of available information, the State Water Board grants a one-time variance from Condition 1 of the certification for additional water releases at Pyramid Dam, as follows:

1. Unless otherwise approved in writing by the Deputy Director for the Division of Water Rights, a proposed release schedule shall be sent to the Project Manager at least 48 hours in advance of the additional Project water deliveries. The water delivery shall be completed prior to the end of February 2020 and conducted in accordance with the proposal submittal on December 20, 2019 (e.g., designed to mimic the natural hydrograph, including a gradual ramp up and ramp down of flows, and a peak flow similar to that of a storm event).
2. After the water is delivered, a report shall be sent to Project Manager detailing the release schedule, release amount, and ramping rates.
3. This certification amendment is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28, article 4, and owed by the applicant.
4. This certification amendment is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code, section 13330, and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).
5. This certification amendment 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.

The State Water Board acknowledges that current and ongoing hydrologic conditions in the watershed may warrant future certification amendments to allow for corresponding actions to improve conditions in the watershed. Providing the State Water Board and other agencies with the earliest possible notice of potential certification amendments allows us to respond to requests appropriately and best address the situations in a timely manner.

If you have questions regarding this amendment, please contact Andrea Sellers, Project Manager in the Water Quality Certification Program of the Division of Water Rights, at (916) 327-8449 or at [andrea.sellers@waterboards.ca.gov](mailto:andrea.sellers@waterboards.ca.gov). Written correspondence should be directed to:

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

Sincerely,

ORIGINAL SIGNED BY

Eileen Sobeck  
Executive Director

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| cc: Ms. Kimberly D. Bose, Secretary<br>Federal Energy Regulatory Commission<br>888 First Street, NE<br>Washington, DC 20426                       | Mr. Tomas Torres, Director<br>U.S. Environmental Protection Agency<br>Region 9, Water Division<br>75 Hawthorne Street<br>San Francisco, CA 94105          |
| Mr. Robert C. Siemak<br>Assistant General Manager<br>United Water Conservation District<br>106 N. 8 <sup>th</sup> Street<br>Santa Paula, CA 93060 | Ms. Renee Purdy, Executive Officer<br>Regional Water Quality Control Board<br>Los Angeles Region<br>320 W. 4th Street, Suite 200<br>Los Angeles, CA 90013 |
| ec: Ms. Linda Purpus<br>United Water Conservation District<br><a href="mailto:lindap@unitedwater.org">lindap@unitedwater.org</a>                  | Mr. Jeremiah McNeil<br>Department of Water Resources<br><a href="mailto:jeremiah.mcneil@water.ca.gov">jeremiah.mcneil@water.ca.gov</a>                    |

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