PLUMAS COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT

August 5, 2009

Dorothy Rice
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Re: Water Quality Certification for the Oroville Facilities, FERC Project 2100

Dear Ms. Rice:

We have had the opportunity to review the draft Water Quality Certification for the Department of Water Resources' Oroville Facilities, FERC Project No. 2100, and have received the 21-day notice that is prerequisite to the State Water Resources Control Board acting upon the certification.

As noted in the draft certification, the State Water Board is a responsible agency under CEQA and is relying upon the Environmental Impact Report (EIR) prepared by the Department of Water Resources (DWR). We believe the EIR is substantively and legally inadequate and action by the State Board is, therefore, premature.

The EIR is currently the subject of litigation in Yolo County Superior Court brought by Butte County, Plumas County, and the Plumas County Flood Control and Water Conservation District. One of the most significant deficiencies in the EIR is its failure to adequately consider climate change impacts over the 50-year term of the new project license. This failure is a significant oversight in water resources planning for the State Water Project and is strikingly inconsistent with the State of California's many other proactive climate change initiatives.

For example, the Strategic Plan adopted by the State Water Board in September 2008 recognizes that changes in temperature and precipitation will impact water availability and quantity (page 2); establishes a goal of describing the connections between water quality, water quantity, and climate change throughout California's water planning process (Goal 4, page ii); and commits to consider the impacts of climate change in the State Board's decision making (page 6).

Even the current director of the Department of Water Resources has recognized the need to take a new approach in considering climate change in water planning:

> What we know about climate change is that future droughts are going to be longer and drier. [...] Our water management world has changed...and continues to change. The past is no longer a basis to predict the future...and that may be the most difficult thing to instill in people. They want to look at the past and do a trend and say that's how we plan for the future...and that is not going to be adequate.
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> Lester Snow, DWR News, Fall 2008, page 2.

As an indication of just how difficult this new perspective will be to instill in people, DWR's own relicensing team has taken the position that future variability related to climate change will not exceed the degree of variability seen in the inflow data from the 73 years analyzed in the EIR:

> The hydrologic conditions applied appropriately reflect the extremes in annual climate variability, from very dry hydrologic cycles to very wet hydrologic cycles that could be expected over the next 50 years.
>
> While the probabilities and temporal distribution of given storms or water year types may change over time, this same wide level of variability that has occurred over the last 100 years is expected to continue for the foreseeable future, and that variability is reflected in the studies conducted to analyze project operations over the anticipated 50-year term of the new FERC license.
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> Final EIR, Master Responses, Chapter 3, Pages 3-28 and 3-29.

Rather than address the consequences of climate change and give consideration to appropriate adaptation strategies, DWR simply dismisses the possibility of changes in project operations as being overly speculative. However, an adequate EIR would include modeling of climate change trends we are observing on the ground as well as an assessment of climate change adaptation strategies that could be implemented in the Feather River watershed.

We believe that the mere reservation of certain authorities by the State Water Board is not sufficient to protect beneficial uses, particularly cold water habitat and spawning. Deficiencies in operation of the State Water Project that further decimate populations of threatened and endangered species cannot be addressed through reactive measures after the fact. The margin of error between project operations and species survival has become far too narrow. We ask the State Water Board to join us in insisting upon proactive planning and realistic analysis of project operations prior to issuance of a new 50-year license.

We further request that the State Water Board suspend action on the water quality certification for the Oroville Facilities until an adequate EIR is prepared by DWR.

Sincerely,

Brian L. Morris

Brian L. Morris
General Manager