

## Memorandum

Date: June 27, 2012

To: Barbara Evoy  
Deputy Director  
State Water Resources Control Board

From: Kent A. Smith   
Regional Manager – North Central Region

Subject: REQUEST FOR INPUT REGARDING PETITION TO REOPEN AND AMEND  
OROVILLE HYDROELECTRIC PROJECT'S WATER QUALITY CERTIFICATION

On May 25<sup>th</sup> I received a letter from you regarding the subject petition, filed with the State Water Resources Control Board (Board) by Golden Gate Salmon Association and the California Sportfishing Protection Alliance (Petitioners). In this letter you ask for the California Department of Fish and Game (DFG) to respond to the following:

1. Our opinion on the petition's allegations and supporting evidence as it relates to the federally listed green sturgeon in the Feather River;
2. Our recommendation regarding the Board holding a workshop aimed at determining whether or not to amend the existing water quality certification; and,
3. Any thoughts the DFG has regarding the more generalized concerns addressed in the request from the Petitioners to reopen and amend the water quality certification for the Oroville Hydroelectric Project.

This petition has raised significant interest among the various agencies who are signatory to the Settlement Agreement for Licensing of the Oroville Facilities, FERC Project #2100, March 2006 (Settlement Agreement). One question has been raised over whether the Board holding such a workshop would violate the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement specifically acknowledge that material new information may develop after the date of the Settlement Agreement and provide accommodations for such material new information. (See §1.5.10, §4.2.1, §4.2.2 and §4.15.1.)

DFG believes that it would be beneficial to bring all of the interested parties together in a workshop format to sort through what is fact, what is fiction, and what is unknown regarding the time of year and life stages at which green sturgeon are present in the Feather River including the conditions in the river that are needed to support those life stages. The outcome of such a workshop could go a long way toward helping everyone to better understand what we really know, and what we need to work on finding out, while at the same time helping the Board in deciding its best course of action relative to the petition before them. In this regard, my staff is available to work with the Board staff in structuring such a workshop, so that the necessary parties and expertise are present and prepared.

If you have any questions, or would like to engage our involvement in a workshop, please contact MaryLisa Lynch of my staff. MaryLisa can be reached at [MLYNCH@dfg.ca.gov](mailto:MLYNCH@dfg.ca.gov), or by phone at (916) 358-2921.