



February 7, 2018

Power Generation

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MC  
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2687

Mr. Erik Ekdahl  
Deputy Director, Division of Water Rights  
California State Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Floor  
Sacramento, CA 95814

**RE: Pit 1 Hydroelectric Project; FERC No. 2687  
§ 401 Water Quality Certification, Condition 13: Request for Temporary  
Cessation of Flushing Flows in 2018**

Dear Mr. Ekdahl:

Pacific Gas and Electric Company's (PG&E) Pit 1 Hydroelectric Project<sup>1</sup> license (Federal Energy Regulatory Commission [FERC] Project No. 2687) includes a California State Water Resources Control Board (State Water Board) §401 Water Quality Certification (Certification). Condition 13 of the Certification requires PG&E to release flushing flows to control nuisance aquatic vegetation and mosquito production in Fall River Pond.

On May 26, 2009, the U.S. Fish and Wildlife Service (USFWS) sent a letter to FERC and the State Water Board expressing concern regarding a decline in the federally and state-endangered Shasta crayfish (*Pacifastacus fortis*). That letter requested suspension of summer flushing flows at PG&E's Pit 1 Project.

On August 28, 2009, the State Water Board sent a letter to PG&E indicating that amending the License was a discretionary action that required the State Water Board to comply with the California Environmental Quality Act (CEQA).

The State Water Board issued orders in 2010<sup>2</sup>, 2012<sup>3</sup>, 2013<sup>4</sup>, 2014<sup>5</sup>, 2015<sup>6</sup>, 2016<sup>7</sup>, and 2017<sup>8</sup>

<sup>1</sup> See 102 FERC ¶ 61,309 Order Issuing New License (Issued March 19, 2003).

<sup>2</sup> State of California State Water Resources Control Board Order WQ 2010-0009-EXEC. *Order Approving Temporary Suspension of Flushing Flow Requirements* (State Water Board 2010 Order, issued July 6, 2010).

<sup>3</sup> State of California State Water Resources Control Board Order WQ 2012-0008-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2012 Order, issued June 14, 2012).

<sup>4</sup> State of California State Water Resources Control Board Order WQ 2013-0024-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2013 Order, issued June 20, 2013).

<sup>5</sup> State of California State Water Resources Control Board Order WQ 2014-0023-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2014 Order, issued June 12, 2014).

<sup>6</sup> State of California State Water Resources Control Board Order WQ 2015-0076-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2015 Order, issued June 17, 2015).

<sup>7</sup> State of California State Water Resources Control Board Order WQ 2016-0072-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2016 Order, issued June 28, 2016).

<sup>8</sup> State of California State Water Resources Control Board Order WQ 2017-0014 EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2017 Order issued June 28, 2017).

that temporarily suspended these flushing flows from 2010 through 2017, while a CEQA process is implemented to analyze the effects of permanently suspending the flushing flow requirements. FERC, in turn, issued orders in 2010<sup>9</sup>, 2012<sup>10</sup> and 2013<sup>11</sup> temporarily amending the Pit 1 license to suspend flushing flows. FERC issued orders modifying and approving temporary flow variances in 2014<sup>12</sup> and 2015<sup>13</sup>. FERC also issued Orders approving a temporary flow variance in 2016<sup>14</sup> and 2017<sup>15</sup>.

In a February 5, 2018 letter to the USFWS, PG&E requested informal Section 7 consultation for a temporary suspension of the flushing flow requirement in 2018. This letter requested concurrence with the determination that the temporary suspension of the requirement is not likely to adversely affect Shasta crayfish. Based on USFWS's request to permanently suspend the flushing flows in 2009 and their annual concurrence since that time that temporarily suspending flows will not likely adversely affect Shasta Crayfish, PG&E anticipates obtaining concurrence from USFWS to temporarily suspend flushing flows in 2018.

In order to ensure timely approval by the State Water Board, PG&E respectfully requests a one-year extension, in 2018, of the suspension of flushing flows required by Certification Condition 13. The proposed suspension is to facilitate completion of the CEQA analysis. In a subsequent letter, PG&E will file the concurrence letter from USFWS once it has been obtained.

If you have any questions regarding this letter, please contact PG&E's License Coordinator, Mr. Sean Murphy, at (415) 973-5629, or by email at Sean.Murphy3@PGE.com.

Sincerely,



Neil J. Wong  
Supervisor, Hydro Licensing

Enclosure: *Letter dated February 5, 2018 from PG&E to the USFWS, requesting informal Section 7 consultation for a temporary suspension of the flushing flow requirement in 2018*

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<sup>9</sup> 132 FERC ¶ 62.101. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (issued August 10, 2010).

<sup>10</sup> 140 FERC ¶ 62.080. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (issued July 26, 2012).

<sup>11</sup> 143 FERC ¶ 62.220. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (issued June 27, 2013).

<sup>12</sup> 147 FERC ¶ 62,218. *Order Modifying and Approving Temporary Flow Variance* (Issued June 19, 2014).

<sup>13</sup> 151 FERC ¶ 62,214. *Order Modifying and Approving Temporary Flow Variance* (Issued June 24, 2015).

<sup>14</sup> 156 FERC ¶ 62,049. *Order Approving Temporary Flow Variance* (Issued July, 19, 2016).

<sup>15</sup> 160 FERC ¶ 62,093. *Order Approving Temporary Flow Variance* (Issued July 27, 2017).

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