

DRAFT AMENDMENT TO
PIT 1 HYDROELECTRIC PROJECT WATER QUALITY CERTIFICATION
FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2687

The State Water Resources Control Board (State Water Board) proposes the following draft amendments to the water quality certification (certification) for Pacific Gas and Electric Company's (PG&E or Licensee) Pit 1 Hydroelectric Project (Pit 1 Project). Text from the December 4, 2001 certification is shown in italicized or regular text. Proposed deletions are shown in ~~strikeout~~. Proposed additions are shown in ***bold, italicized, and underlined*** text.

Modify Condition 13, as follows:

13. The Licensee shall control growth of aquatic vegetation and mosquito production in the Fall River Pond by releasing a continuous minimum fish/aquatic habitat release as described in Condition ~~8.~~ 6 and by releasing flushing flows through Fall River Pond for two consecutive days (Saturday and Sunday) three times per year. Flushing flows are defined as 1,250 cfs or the natural flow to the Pit 1 Forebay, which ever is less. The flushing flow will be released in May or June when warranted by vegetation growth in the Fall River Pond. The second flushing flow will be released in July, and the third flushing flow will be released at the end of August, prior to the Labor Day weekend. The releases will be made from approximately 2 a.m. Saturday morning and continue until approximately 3 p.m. the following Sunday afternoon and then be ramped down over a period of time. PG&E shall develop a vegetation flushing flow ramping plan in consultation with the Department of Fish and Game and the SWRCB and obtain written approval of the plan by the Chief of the Division of Water Rights. The Licensee shall implement the flushing program as soon as practicable after issuance of the new license.

The Licensee shall provide as much advanced public notice as possible of a proposed flushing flow release but no less than 48 hours through a boat a phone or existing PG&E website.

To provide for whitewater boating recreation, which had occurred during the flushing flow releases previously required by this condition, the Licensee shall release through Fall River Pond 1,250 cfs, or the natural inflow to the Pit 1 Forebay, whichever is less, for two weekends (Saturday and Sunday) in October on or before October 31 of each year. The whitewater boating flows shall begin at approximately 2:00 A.M. on the first day (Saturday) and ramp up as prescribed in Condition 12. The whitewater boating flows shall be maintained until approximately 3:00 P.M. on the following day (Sunday) of each release of whitewater boating flows, and then be ramped down in a manner and over a period of time as prescribed in Condition 12. Each year by September 15, the Licensee shall consult with American Whitewater to schedule the whitewater boating flow weekends. The Licensee shall provide notice of the whitewater boating flow weekends at least seven days prior to the first day of whitewater boating flows.

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The Licensee may request modifications to the whitewater boating flows after consultation with American Whitewater and SWRCB staff. Such requests shall be submitted to the Deputy Director of the Division of Water Rights (Deputy Director)¹ for review and consideration for approval. The Licensee shall include comments and recommendations made in connection with the proposed whitewater boating flows modifications and a description of how the request incorporates or addresses the comments and recommendations.

Modify Condition 14 as follows:

14. ~~The Licensee shall monitor the effectiveness of releasing flushing flows to control aquatic vegetation and mosquito production in Fall River Pond. The initial monitoring shall be for 5 years after the issuance of the new license. The Licensee shall develop a vegetation flushing monitoring program in consultation with the Fall River Mills Community Services District, Fall River Chamber of Commerce, the Pine Grove Mosquito Abatement District, and the Department of Fish and Game, and obtain written approval of the program by the Chief of the Division of Water Rights. The Chief of the Division of Water Rights may modify or terminate the flushing flow monitoring program after review of the 5-year monitoring report prepared by the licensee.~~ **The effectiveness monitoring required per the vegetation flushing monitoring program (Pit 1 Flushing Flows Effectiveness Monitoring Plan, dated November 9, 2005 and any amendments thereto) that was developed for the Pit 1 Project is suspended until review of comprehensive report required per this condition and a decision by the Deputy Director to modify or terminate the effectiveness monitoring program. Within one year following FERC's incorporation of the amendments to this certification into the Pit 1 Project license, the Licensee shall develop a comprehensive report summarizing and evaluating the monitoring results for the previous years in which the State Water Board suspended the flushing flow requirements (commencing in 2010 with Order WQ 2010-0009-EXEC²). At a minimum, the comprehensive report shall include an assessment of the effectiveness of the minimum instream flow regime (Condition 8) at controlling aquatic vegetation and mosquito production in the Fall River Pond. Additionally, the Licensee shall include a recommendation regarding the need for future monitoring efforts or changes**

¹ **Formerly referred to as the "Chief of the Division of Water Rights." All references to the "Chief of the Division of Water Rights" are synonymous with references to the "Deputy Director of the Division of Water Rights" or "Deputy Director."**

² **The State Water Board extended the temporary suspension of flushing flows through 2020, via Orders WQ 2012-0008-EXEC, WQ 2013-0024-EXEC, WQ 2014-0023-EXEC, WQ 2015-0076-EXEC, WQ 2016-0072-EXEC, WQ 2017-0014-EXEC, WQ-2018-0111-EXEC, WQ-2019-0035-EXEC, and WQ 2020-0011-EXEC.**

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to the flow regime, if any, to address aquatic vegetation and/or mosquito production. The Deputy Director may modify or terminate the effectiveness monitoring program after review of the comprehensive report.

Add Conditions 20 through 24, as follows:

20. The Licensee shall improve access to the Pit River at the current river boating put-in (near Cassel-Fall River Road Bridge) by constructing 12 new overflow parking spaces in the immediate vicinity of the existing parking facility. The Licensee shall complete construction within two years following FERC's incorporation of these amendments to the certification into the Pit 1 Project license unless otherwise approved by the Deputy Director.

No later than 60 days prior to the desired start date of construction, the Licensee shall submit a Parking Improvement Construction Plan (Plan) to the Deputy Director for review and consideration of approval. The Deputy Director may make modifications as part of any approval. The Plan shall be developed in consultation with the SWRCB, CVRWQCB, American Whitewater, California Department of Fish and Wildlife³, and U.S. Fish and Wildlife Service. At a minimum, the Plan shall include:

- **Engineering design drawings;**
- **Construction schedule;**
- **Description of measures the Licensee will implement to protect water quality and beneficial uses, including measures for erosion and sedimentation control and hazardous materials management;**
- **Description of measures the Licensee will implement to reduce potential impacts (e.g., limited river access, etc.) to recreation (e.g. whitewater boating, fishing, leisure, etc.) during construction; and**
- **Comments and recommendations made as part of consultation on Plan development and how the comments and recommendations were addressed in the Plan.**

The Licensee shall implement the Deputy Director-approved Plan. The Licensee shall file the Deputy Director-approved Plan with FERC.

21. Upon request, the Licensee shall provide the U.S. Fish and Wildlife Service with any information that is in the Licensee's possession and necessary for the completion of an updated Biological Opinion for the Pit 1 Project.

3 Formerly referred to as the California Department of Fish and Game

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- 22. The SWRCB reserves the authority to modify the conditions of the certification if monitoring results indicate that continued operation of the Pit 1 Project could negatively impact water quality or in response to new information regarding the Shasta crayfish (*Pacifastacus fortis*).**
- 23. This certification 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 certification application was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.**
- 24. This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28 and owed by the applicant.**