

## SUMMARY OF WATER QUALITY ORDER

<b>ORDER NO.</b>	WQ 2009-0007
<b>DATE ADOPTED</b>	August 4, 2009
<b>PETITION TITLE</b>	Petitions For Reconsideration of Water Quality Certification For The Re-Operation Of Pyramid Dam For The California Aqueduct Hydroelectric Project, Federal Energy Regulatory Commission Project No. 2426
<b>POPULAR NAME</b> <i>[if applicable]</i>	
<b>REGIONAL BOARD</b>	
<b>FILE NO[S]</b>	

### PRECEDENTIAL DECISION

The Department of Water Resources (DWR) applied to the Federal Energy Regulatory Commission (FERC) to amend the license for the California Aqueduct Hydroelectric Project, FERC No. 2426, in order to revise the stream release schedule at Pyramid Lake Dam. The new release schedule would affect the 18 - mile reach of Piru Creek between Pyramid Dam and Lake Piru, which is located in the Los Padres National Forest in Ventura and Los Angeles counties. The United States Fish and Wildlife Service (FWS) had informed DWR that the current flow regime was adversely affecting the endangered arroyo toad, and the new stream release schedule was developed in consultation with a host of agencies and parties, including FWS, the California Department of Fish and Game (DFG), the United States Department of Agriculture and the United States Forest Service. The new stream release schedule more closely mimics the natural flow of the stream, with high winter flows and low summer flows. On December 9, 2008, the Executive Director issued water quality certification for the FERC license amendment.

Petitioners challenged the water quality certification on the grounds that the certification fails to include conditions that protect the beneficial uses in the affected stretch of Piru Creek, as required under the federal Clean Water Act, and that the State Water Board failed to comply with the California Environmental Quality Act (CEQA) because it did not issue a subsequent or supplemental environmental impact report and did not make CEQA findings.

The Order determined that the new summer flow regime would protect the beneficial uses in the affected stretch of Piru Creek, and contained reasonable assurance that numerical water quality objectives would not be exceeded. It also found that the certification complies with state and federal antidegradation policies. The Order affirmed that the State Water Board was not required to prepare a subsequent or supplemental EIR.

The Order determined that the original certification had not included appropriate CEQA findings, and authorized an amendment to the certification to make those findings. The amended certification was adopted concurrently with the Order.

MAU/jlg

September 29, 2009

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