

State Water Resources Control Board

OCT 26 2016

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426

Dear Ms. Bose:

COMMENTS ON DRAFT LICENSE APPLICATION FOR BUCKS CREEK HYDROELECTRIC PROJECT (FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 619)

State Water Resources Control Board (State Water Board) staff appreciates the opportunity to comment on the Draft License Application (DLA) for a new Federal Energy Regulatory Commission (Commission or FERC) license for the Bucks Creek Hydroelectric Project (Project). The DLA was submitted by Pacific Gas and Electric Company (PG&E) and the City of Santa Clara (collectively referred to as Licensees) to the Commission on July 28, 2016. State Water Board staff has participated in the Integrated Licensing Process relicensing proceeding since the applicants filed their Notice of Intent to seek a new Commission license for the Project on November 15, 2013.

The DLA describes environmental effects on a range of resource areas influenced by current Project operations. During the October 5, 2016, Updated Study Report (USR) meeting, the Licensees, presented results from all completed studies and a tentative schedule for completion of the remaining technical memos. Current studies still in progress or under analysis include:

- WR-S1 – Water Temperature;
- RTE-S1 – Special Status Amphibians and Aquatic Reptiles;
- RR-S2 – Whitewater Boating and Fishing Flow Assessment;
- FA-S2 – Fish Entrainment Risk Assessment;
- FA-S3 – Benthic Macroinvertebrate Study;
- FA-S4 – Stream Habitat and Passage Barrier Assessment; and
- CR-S1 – Assess Archaeological and Historic-Era Properties Technical Memos.

Pending the release and review of these technical memos, State Water Board staff will not be able to fully evaluate the Project's environmental effects or Licensees' proposed Protection, Mitigation, and Enhancement measures (PM&Es). The remaining item of most interest to State Water Board staff is the discussion of minimum instream flows in Bucks Creek, Grizzly Creek, Milk Ranch Creek, and all tributaries to the Milk Ranch Conduit.

Specific Comments

1. The DLA states on page E-194, "*Under the Proposed Action, instream flow release of approximately 0.5 cfs [cubic feet per second] from Three Lakes Dam (upstream of Milk*

Ranch Conduit Diversion No. 1) would occur in Normal and Wet years. The Licensees also propose to bypass a portion of stream flow at Milk Ranch Conduit Diversions No. 1 (on Milk Ranch Creek) and No. 3 (on South Fork Grouse Hollow Creek)." Bypass flows at Diversion No. 3 is the only PM&E listed in Table E.10-1 of the DLA. Relicensing participants meet on September 29, 2016, to discuss PM&Es for Three Lakes and the Milk Ranch Conduit but decided to defer discussions until the completion of the Stream Habitat and Passage Barrier Assessment. It is anticipated that the Final License Application (FLA) will include proposed PM&Es based on the results of the Stream Habitat and Passage Barrier Assessment with a detailed rationale for the proposed measures.

2. The DLA cites the 1998 *Water Quality Control Plan for the Sacramento and San Joaquin Basins* (SR/SJR Basin Plan). The SR/SJR Basin Plan has been updated a number of times since 1998 including the most recent amendment in 2016.
3. State Water Board staff has reviewed the updated Water Quality Technical Memorandum (Memorandum) that contains the results of the bacteria and water chemistry analyses. The Memorandum indicates that water quality in the Project impoundments is generally good, although there are some reported instances of dissolved oxygen and turbidity below their respective water quality objectives. The FLA should include more detailed information about Project operations, including fall reservoir drawdown, and its effects on turbidity below reservoirs. Increased sediments loads have the possibility to impact special status species and water quality. State Water Board staff requests any available information about historical fall reservoir drawdown events to help evaluate Project impacts related to fall reservoir drawdown.
4. The DLA, on page E-103, states the following, "*Pesticides may be applied as part of The Noxious Weed Control and Prevention Plan (PG&E 2006); the application is site specific, prescribed in a recommendation prepared by a licensed Pest Control Advisor and require approval from the USFS [United States Forest Service]. The Proposed Action would have no significant affect to beneficial uses due to pesticide use compared to current conditions.*" The FLA should discuss in more detail the types of pesticides used and instances that dictate pesticide use. The application of pesticides and herbicides near recreation and wildlife areas has the potential to impact environmental resources, human health, and beneficial uses. Without quantifying the amount of pesticides and herbicides applied by the Licensees, one is unable to determine whether or not it is potentially significant.
5. The DLA proposes the development of a Recreation Management Plan that would outline operations, maintenance, and timing of work related to Project recreational facilities. The Licensees include plans to replace all Project facilities during the life of the license and monitor visitor use. Measure Rec-1 also includes: replacement of Haskins Valley Boat launch; and upgrades of Hutchins Group, Mill Creek, and Lower Bucks Campgrounds within 10 years of license issuance. State Water Board staff recommends that this plan include prioritization of recreational improvements that prevent or mitigate anticipated impacts to water quality. For example, Lower Bucks Campground and Day Use Area should be expanded to address the volume of current and anticipated users and address related impacts to human health and water quality.
6. On page E-11 of the DLA, the Licensees leave a placeholder for the cumulative effects analysis and state the FLA will describe any cumulative effects based on FERC's Scoping Document 2 (SD2). In SD2 FERC states that the geographic scope is defined by the physical limits or boundaries of: (1) the proposed action's effect on the resources; and (2)

contributing effects from other hydropower and non-hydropower activities within the North Fork Feather River basin. Specifically, FERC states the geographic area should extend from where the North Fork Feather River enters Lake Almanor to the point downstream where the North Fork Feather River flows into Lake Oroville. The Licensees' FLA should discuss the cumulative impacts of projects within the North Fork Feather River basin on resident trout, water temperature, and special status aquatic amphibians.

7. Discussions of water temperature should be updated to acknowledge the State Water Board adopted the 2006 Clean Water Act (CWA) Section 303(d) List (Resolution 2006-079) and subsequent final United States Environmental Protection Agency decision (dated June 28, 2007) that includes temperature and mercury concentration impairments for the North Fork Feather River. The FLA should include a robust discussion of the Project effects on water temperature.
8. Measure FA-2, in Table E.10-1, should be expanded to include development of a complete plan for the management and prevention of aquatic invasive species. Measure FA-2 proposes to specifically address invasive mollusks but should include additional invasive aquatic animals such as the Asian Clam, New Zealand mud snail and American bullfrog.
9. The current license for the Project does not include any measures for the management of flows between Bucks Lake and Lower Bucks Lake. Table E.7.2.1-6, on page E-65, illustrates that the channel between Bucks Lake and Lower Bucks Lake has the possibility to completely dry out or be minimally wetted from Bucks Lake Dam leakage. Considering the evidence of fish movement associated with spill events and entrainment from Bucks Dam, Licensees should propose a minimum instream flow for the protection of benthic macroinvertebrates and Bucks Creek spawning habitat.
10. Spill events at both Lower Bucks Lake and Grizzly Creek forebay are dictated by the FERC approved 2006 Channel Flow Maintenance Plan. The plan includes opportunities for agency input when planning for or anticipating spill conditions at Lower Bucks Lake and includes the following provisions for unavoidable spills:

"An unavoidable spill from Lower Bucks Lake in the spring could occur due to runoff and project operating conditions. The licensees would notify the resource agencies of the potential for an unavoidable spill, and make efforts to minimize the spill if the NFFR [North Fork Feather River] flow is less than 5,000 cfs. The licensees could also augment unavoidable spills to increase the flow to more than 245 cfs, if the USFS confirms such action would be beneficial. The licensees would attempt to notify the CDFG [California Department of Fish and Game, now referred to as California Department of Fish and Wildlife], the USFWS [United States Fish and Wildlife Service], and the State Board [State Water Board] of augmentations to an unavoidable spills. The licensees would incorporate any agency comments and recommendations into its spill augmentation plan, whenever possible."

The Channel Maintenance Plan should be reevaluated and updated to address how Project operations can affect Bucks Creek, Grizzly Creek, and the North Fork Feather River. The Channel Maintenance Plan update should include measures to minimize out-of-season spills into Grizzly Creek. Depending on the timing, duration and ramping of these spill events there is potential for negative impacts related to geomorphic processes, riparian habitat, and special status amphibians. Additionally, the plan shall specify that the resource agencies will be notified, rather than an attempt at notification. The Central Valley Regional Water

Quality Control Board should be added as a resource agency that would be notified under the Channel Maintenance Plan.

State Water Board staff appreciates the collaborative nature the Licensees have created and look forward to working toward resolving the remaining concerns. If you have questions regarding this letter, please contact Nathan Fisch at (916) 322-6796 or by email: nathan.fisch@waterboards.ca.gov. Written correspondences or inquiries should be addressed to:

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