

State Water Resources Control Board

August 22, 2023

Ms. Holly Tarr
Hydro License Coordinator
Pacific Gas and Electricity Company
77 Beale Street
San Francisco, CA 94105
Sent via Email: h1tc@pge.com

**Bucks Creek Hydroelectric Project
Federal Energy Regulatory Commission Project No. 619
Plumas County
Bucks Creek, Grizzly Creek, Milk Ranch Creek, and Tributaries to Milk Ranch
Creek**

CONDITIONAL APPROVAL OF LOWER BUCKS DAM SPILLWAY REHABILITATION PROJECT WATER MANAGEMENT PLAN AND TEMPORARY GAGE CHANGE REQUEST FOR MINIMUM INSTREAM FLOW COMPLIANCE MONITORING

Dear Ms. Tarr:

On July 6, 2023, Pacific Gas and Electric Company (PG&E) submitted a Water Management Plan (Plan) and on July 13, 2023, PG&E requested a temporary gage change related to minimum instream flow (MIF) compliance monitoring to implement the Lower Bucks Dam Spillway Rehabilitation Project (Spillway Project). PG&E requests the State Water Resources Control Board (State Water Board) Deputy Director of the Division of Water Rights (Deputy Director) review and approve the Plan and temporary gage change. PG&E's Plan and temporary gage change are requested per Condition 23: *Dewatering and Diversion* and Condition 1: *Minimum Instream Flows of the Bucks Creek Hydroelectric Project (Bucks Hydro Project) water quality certification*¹ (certification).

Background

Lower Bucks Lake is owned and operated by PG&E as part of the Bucks Hydro Project. Lower Bucks Lake is located on Bucks Creek in Plumas County on lands managed by Plumas National Forest and PG&E. Lower Bucks Lake is impounded by Bucks Diversion Dam (Lower Bucks Dam) and serves as the forebay to Grizzly Powerhouse.

¹ The State Water Board Executive Director issued the Bucks Hydro Project certification on October 22, 2020.

Lower Bucks Dam is a concrete arch dam approximately 99-feet-high and 500-feet-long with two ungated spillways: (1) the service spillway; and (2) an emergency spillway. The service spillway is located on the left dam abutment and discharges to Bucks Creek approximately 100 feet downstream of the Lower Bucks Dam. The emergency spillway consists of five, 20-foot-wide overpour bays located at the center of the dam. MIFs below Lower Bucks Dam are primarily met through releases at Lower Bucks Dam's low-level outlet (LLO), which discharges into a plunge pool at the base of the service spillway.

MIFs below Lower Bucks Dam are established in the October 2020 water quality certification issued for the Bucks Hydro Project that was incorporated into the Federal Energy Regulatory Commission (FERC) license issued on June 16, 2022.² MIFs below Lower Bucks Dam, as prescribed in Condition 1 (Table 2) of the Bucks Hydro Project certification are as follows:

Table 2. Bucks Creek Minimum Instream Flow Requirements below Lower Bucks Lake by Water Year Type (in cubic feet per second), as measured at USGS [United States Geologic Survey] Gage No. 11403530 (also referred to as Project ID NF82)

Water Year Type	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Critically Dry	6	4	4	4	6	7	7	7	6	6	6	6
Dry	6	5	5	5	6	8	8	8	8	6	6	6
Normal	6	6	6	6	8	12	12	12	9	8	8	7
Wet	8	8	8	8	10	15	15	15	11	10	8	8

Additionally, Condition 13: *Streamflow and Reservoir Level Gaging* of the Bucks Hydro Project certification established MIF gage compliance locations. For Bucks Creek below Lower Bucks Dam, Condition 13 establishes the NF82 gage as the MIF compliance location. The NF82 gage is located at the Lower Bucks Dam LLO. For the Spillway Project, PG&E intends to construct a temporary bypass water system to redirect MIFs at the LLO outside of the work area, approximately 150 feet downstream of Lower Bucks Dam. Accordingly, the NF82 gage will not correctly measure flow released from the Lower Bucks Dam LLO and PG&E needs to modify its MIF compliance point during the Spillway Project. The NF118 gage, located approximately 385 feet downstream of Lower Bucks Dam, will be used as the alternate compliance point during the Spillway Project. Condition 1 of the Bucks Hydro Project certification allows for temporary modification of the compliance gage with Deputy Director approval.

PG&E is implementing the Project to address recommendations from a 2020 dam safety inspection that found severe spalling and surface delamination of concrete.

² Per Ordering Paragraph D of the new FERC license for the Bucks Hydro Project, the license is subject to the conditions submitted by the State Water Board under section 401(a)(1) of the Clean Water Act, 33 U.S.C. § 1341(a)(1).

Pre-construction site development is expected to take place in 2023 that includes the dewatering of the plunge pool and installation of a temporary bypass water system at the LLO. The bypass pipe will route MIFs approximately 150 feet downstream of Lower Bucks Dam. Spillway concrete repairs are expected to occur from April through November in 2024 and 2025.

In an email dated July 13, 2023, PG&E stated the Project does not require a United States Army Corp of Engineers Clean Water Act Section 404 permit or FERC license amendment action. No MIF variances are proposed for this Project.

Conditional Approval: State Water Board staff reviewed PG&E's Plan and the requested temporary gage change for MIF compliance monitoring in Bucks Creek below Bucks Lake. The Plan as submitted on July 6, 2023, and temporary gage change for MIF compliance monitoring submitted on July 13, 2023, are hereby approved with the following modifications:

- **Water Management Plan:** This approval is only for the proposed work in the 2023 season, which includes the installation of a bypass water system and the dewatering of the plunge pool. For the 2024 and 2025 construction seasons, PG&E must submit a separate diversion and dewatering plan request to the Deputy Director for review and approval a minimum of 60 days prior to the commencement of work.
- **Fish Rescue Report:** If any fish become stranded during the initial dewatering, PG&E shall relocate the fish to a suitable location downstream of the Project area. If fish relocation is required, PG&E shall submit a Fish Relocation Report to the State Water Board, United States Fish and Wildlife Service, United States Forest Service, and California Department of Fish and Wildlife within 30 days of concluding Spillway Project work for 2023. The Fish Relocation Report shall include at a minimum:
 - Date of capture and location;
 - Method of capture;
 - Fish species, life stage, fork length, and weight;
 - Location of relocation as depicted on a map that includes the Project area;
 - Total number of fish captured and relocated; and
 - The number and related information above for any deceased fish.
- **Water Quality Monitoring:** As proposed by PG&E in its July 13, 2023 email, during dewatering of the plunge pool PG&E will monitor turbidity at: (1) the LLO temporary bypass release point; and (2) approximately 300 feet downstream of the LLO temporary bypass release point. The Deputy Director and the Central Valley Regional Water Quality Control Board Executive Officer (Executive Officer) shall be notified promptly, and in no case more than 24 hours following a turbidity exceedance of *Water Quality Control Plan for the Sacramento River Basin and the San Joaquin River Basin* (SR/SJR Basin Plan) turbidity water quality objective. Regardless of when such notification occurs, activities associated with the SR/SJR Basin Plan exceedance shall cease immediately upon detection of the exceedance. Work activities may resume after any appropriate corrective actions have been implemented, water quality meets the applicable SR/SJR Basin Plan water quality objective(s), and the Deputy Director

has provided approval to proceed. Within 60 days of concluding Spillway Project work for 2023, PG&E shall submit a water quality monitoring report to the Bucks Hydro Project Manager. The Water Quality Monitoring Report shall include at a minimum:

- Turbidity levels measured in Nephelometric Turbidity Units (NTUs) for all monitoring locations, as well as the applicable water quality objective from the SR/SJR Basin Plan;
- If applicable, description of best management practices implemented to ensure turbidity levels remain in compliance with SR/SJR Basin Plan water quality objectives; and
- A summary of any exceedances and any corrective actions taken to address the exceedance(s).

Per the Bucks Hydro Project certification (Condition 23) and the June 16, 2022 FERC license (Ordering Paragraph D), Diversion and Dewatering Plans are required to be submitted to the Deputy Director for review and approval at least 60 days prior to commencing any work that requires water diversion or in-water work below the maximum water surface elevation or high-water mark that is not covered by another provision of the certification. PG&E's Diversion and Dewatering Plan was submitted to the Deputy Director on July 6, 2023, with a requested approval date of July 15, 2023 (nine days following submission). The requested review and approval timeline is unreasonable and inconsistent with the requirements of the Bucks Hydro Project certification that requires submittal of such plans a minimum of 60 days prior to the commencement of work. Staff strive to meet applicant requested timelines and understand the need to make dam safety repairs, but future requests for Bucks Hydro Project construction or other actions requiring approvals must adhere to the applicable submission timelines.

If you have questions regarding this letter, please contact Bryan Muro, Bucks Hydro Project Manager, by email to: Bryan.Muro@waterboards.ca.gov. Written correspondence should be mailed to: State Water Resources Control Board; Division of Water Rights – Water Quality Certification Program; Attn: Bryan Muro; P.O. Box 2000; Sacramento, CA 95812-2000.

Sincerely,



Erik Ekdahl, Deputy Director
Division of Water Rights

ec: Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
Via e-filing to FERC Project Docket

Steve Hance
City of Santa Clara
SHance@SantaClaraca.gov

Leigh Bartoo
United States Fish and Wildlife Service
aondrea_bartoo@fws.gov

Leslie Edlund
United States Department of Agriculture
leslie.edlund@usda.gov

Erika Brenzovich
United States Forest Service
ebrenzovich@fs.fed.us

Michael Maher
California Department of Fish and Wildlife
michael.maher@wildlife.ca.gov

Amber Mouser
California Department of Fish and Wildlife
Amber.Mouser@wildlife.ca.gov

Jason Julienne
California Department of Fish and Wildlife
Jason.Julienne@wildlife.ca.gov

Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board
Patrick.Pulupa@waterboards.ca.gov

Larry Wise Jr.
Pacific Gas and Electric Company
LMWO@pge.com

Jamie Visinoni
Pacific Gas and Electric Company
JNVS@pge.com

Tony Gigliotti
Pacific Gas and Electric Company
T1GF@pge.com