

## State Water Resources Control Board

### **NOTICE OF OPPORTUNITY TO RESPOND TO PETITIONS FOR RECONSIDERATION OF WATER QUALITY CERTIFICATION FOR MCCLLOUD-PIT HYDROELECTRIC PROJECT FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2106**

**NOTICE IS HEREBY GIVEN THAT** the State Water Resources Control Board (State Water Board) has received timely petitions for reconsideration (Petitions) of Board action related to the Clean Water Act section 401 water quality certification (certification) for the McCloud-Pit Hydroelectric Project (Project) from the following parties (collectively, Petitioners):

- (1) Winnemem Wintu Tribe and North Coast Rivers Alliance (NCRA); and
- (2) Pacific Gas and Electric Company (PG&E).

The Petitions were filed pursuant to California Code of Regulations, title 23, section 3867.

#### **Background**

PG&E owns and operates the Project, which is located on the McCloud and Pit Rivers in Shasta and Siskiyou Counties. The Project is undergoing relicensing before the Federal Regulatory Energy Commission (FERC). The original FERC license for the Project expired on July 31, 2011. Since then, the Project has operated under annual licenses issued by FERC.

PG&E applied to the State Water Board for a Project certification on November 9, 2018. (33 U.S.C. § 1341.) The State Water Board prepared an initial study and negative declaration for the Project under the California Environmental Quality Act (CEQA) to inform and support its decision regarding PG&E's certification application for the Project. The State Water Board issued a final initial study and negative declaration on November 8, 2019. On November 8, 2019, the Executive Director issued a certification for the Project.

On December 6, 2019, PG&E (separately) and the Winnemem Wintu Tribe and NCRA (jointly) filed the Petitions with the State Water Board. Each petition requests modification of the Project certification, and the Winnemem Wintu Tribe and NCRA's petition additionally challenges the CEQA analysis prepared for the Project certification. In response to the Petitions, the State Water Board's Executive Director directed staff to reinstate consultation with the Winnemem Wintu Tribe to inform whether, and if so, what additional CEQA work may be necessary ([Order WQ 2020-0041-EXEC](#)). As part of the reinstated consultation with the Winnemem Wintu Tribe, staff determined that preparation of a subsequent environmental impact report (SEIR) would be appropriate

to analyze impacts to tribal cultural resources that were unknown during the original CEQA process. A [Notice of Preparation](#) for the SEIR was issued on March 10, 2022.

The Petitions are available as described in the *Availability of Documents* section below.

### **Availability of Documents**

The Petitions have been uploaded to a File Transfer Protocol (FTP) site. Please use the following information to access the documents on the FTP site:

**FTP Webpage Address:** <https://ftp.waterboards.ca.gov/WebInterface/login.html>

**User Name:** McCloudPitPetition-FTP

**Password:** J6Ue8tPBB7DUaxj

If you have difficulty accessing the documents on the FTP site, please email [WR401program@waterboards.ca.gov](mailto:WR401program@waterboards.ca.gov) to arrange for an alternative method to access the documents. Responses received related to this notice will also be made available on the FTP site within 10 days of the deadline for responses.

Note that any supplements to or modifications of the Petitions will be made available on the FTP site no later than 5:00 p.m. on March 27, 2026.

Additional documents related to the Project, including the certification, are available on the State Water Board's webpage for the [McCloud-Pit Hydroelectric Project](#).<sup>1</sup>

### **Submission of Responses to Petitions**

**Any party or person wishing to file a response to the Petitions with the State Water Board shall do so by 4:00 p.m. on April 3, 2026, as follows.** (Cal. Code Regs., tit. 23, § 3867.1.):

**Email (preferred) to:**

**[WR401program@waterboards.ca.gov](mailto:WR401program@waterboards.ca.gov)**

or

Mail to:

Savannah Downey

State Water Resources Control Board

Division of Water Rights – Water Quality Certification Program

P.O. Box 2000

Sacramento, CA 95812-2000

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<sup>1</sup> Available at: [https://waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/mccloudpit\\_ferc2106.html](https://waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/mccloudpit_ferc2106.html).

**Copies of responses must also be submitted to the Executive Officer of the Central Valley Regional Water Quality Control Board and Petitioners at the following hard copy or email addresses:**

Kim Ognisty  
Chief Counsel, Hydro Generation  
Attn: Law Department  
P.O. Box 1018  
Oakland, CA 94604-1018  
[Kimberly.Ognisty@pge.com](mailto:Kimberly.Ognisty@pge.com)

Winnemem Wintu Tribe and North Coast  
Rivers Alliance  
Law Offices of Stephan C. Volker  
1633 University Avenue  
Berkeley, CA 94703  
[svolker@volkerlaw.com](mailto:svolker@volkerlaw.com)

Patrick Pulupa, Executive Officer  
Central Valley Regional Water Board  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670  
[Patrick.Pulupa@waterboards.ca.gov](mailto:Patrick.Pulupa@waterboards.ca.gov)

### **Ex Parte Disclosure Requirements**

Reconsideration of the Project certification is subject to the prohibition on ex parte communications, as described in a [Memo from the State Water Board's Office of the Chief Counsel](#).<sup>2</sup> In general, communications about certain pending matters, such as reconsideration of the Project certification, in the absence of other parties and without notice and opportunity for all parties to participate in the communication are prohibited. Any communications regarding reconsideration of the Project certification (except for non-controversial procedural matters) must occur at a publicly noticed meeting or workshop, or be submitted in writing and copied to the above-listed parties.

### ***KEEP INFORMED OF PROPOSED PROJECT MILESTONES***

To receive emails related to the Project and other projects pursuing certifications managed by the Division of Water Rights, interested persons should enroll in the "Water Rights Water Quality Certification" e-mail notification service. Instructions on how to sign up for the State Water Board's Email Subscription List are outlined below:

1. Visit the State Water Board's [State Water Board's Email Subscription webpage](#)<sup>3</sup>
2. Provide your name and email in the required fields.
3. In the categories below the email and name fields, select "Water Rights," then "Water Rights Water Quality Certification".
4. Click the "Subscribe" button.
5. An email will be sent to you. You must respond to the email message to confirm your membership on the selected list(s).

By enrolling in this email list, you will receive notices for other current projects in the Division of Water Rights' Water Quality Certification Program, including the Project. If you do not have internet access or do not wish to participate in the email subscription list, you may contact Savannah Downey by phone call to: (916) 322-1585 and leave a message to request to receive notices by mail. You can enroll or un-enroll from the email subscription service at any time.

<sup>2</sup> Available at: [http://www.waterboards.ca.gov/laws\\_regulations/docs/exparte.pdf](http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf).

<sup>3</sup> [https://www.waterboards.ca.gov/resources/email\\_subscriptions/](https://www.waterboards.ca.gov/resources/email_subscriptions/)

**Questions Regarding this Notice**

If you have questions concerning this notice, please contact Savannah Downey, Project Manager, by email to: [WR401program@waterboards.ca.gov](mailto:WR401program@waterboards.ca.gov) or by phone call to: (916) 322-1585.

*Parker Thaler*

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Parker Thaler  
Water Quality Certification Program Manager  
Division of Water Rights

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March 13, 2026

Date

ec: Petitioners (emails listed above)

Debbie-Anne Reese, Secretary  
Federal Energy Regulatory Commission  
**Via eFiling to Docket P-2106**

Chief and Spiritual Leader Caleen Sisk  
Winnemem Wintu Tribe  
**Email: [caleenwintu@gmail.com](mailto:caleenwintu@gmail.com)**

Mark Miyoshi, Tribal Historic Preservation Officer  
Winnemem Wintu Tribe  
**Email: [markmwinnemem@gmail.com](mailto:markmwinnemem@gmail.com)**

Stephanie Clarke, Law Offices of Stephan C. Volker  
**Email: [sclarke@volkerlaw.com](mailto:sclarke@volkerlaw.com)**

Susan Kester, PG&E  
**Email: [S1KV@pge.com](mailto:S1KV@pge.com)**

cc: Interested Parties List