

State Water Resources Control Board  
Division of Water Rights  
Attn: Jennifer Watts  
P.O. Box 2000  
Sacramento, CA 95812-2000  
[jwatts@waterboards.ca.gov](mailto:jwatts@waterboards.ca.gov) (Via e-mail)

February 13, 2012

RE: Comments on Draft Water Quality Certification for the Chili Bar Hydroelectric Project, FERC #2155, Pacific Gas & Electric Company

Dear Ms. Watts:

The undersigned parties represent conservation, environmental, recreation and trade association organizations, as well as concerned private citizens, who participated in the coordinated relicensing process of the Chili Bar Project (Pacific Gas and Electric Company) and the Upper American River Project (FERC # 2101, Sacramento Municipal Utilities District). All of us are signatories to the final Relicensing Settlement Agreement for the Upper American River Project and Chili Bar Hydroelectric Project.

We have reviewed the January 11, 2012 draft Water Quality Certification for the Chili Bar Project, and believe that it accurately reflects the concerns and agreements reached during our negotiations, as well as adequately protecting affected resources and the interests of the citizens of our state.

We have also reviewed the February 10, 2012 comments by Pacific Gas & Electric Company on the draft 401 Certification. We are concerned by some of the revisions suggested by PG&E. Some of the recommendations by PG&E appear to go beyond the need to clarify language, and address substantive legal or resource issues. Of greatest concern are comments by PG&E that go to the State Board's reservation of authority (Comment VII), and comments by PG&E concerning process should there be future reintroduction of anadromous fish to project-affected waters (Comment II). As signatories to a settlement that was developed after five years of relicensing process, we are particularly concerned that settlement could be jeopardized because PG&E has contested broad issues that go to the extent of the Board's 401 authority.

We believe that there are both linguistic improvements that can be adopted and procedural measures available to address PG&E's concerns. Therefore, mindful that *ex parte* rules apply now that the draft 401 has been issued, we respectfully request that the Board notice and convene a workshop so that the concerns of PG&E and other interested parties with the draft 401 Certification can be addressed, and so that a 401 can issue without unnecessary delay.

Thank you for the opportunity to comment on the draft 401 Water Quality Certification for the Chili Bar Hydroelectric Project.

Respectfully submitted,


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PROTECTION ALLIANCE



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CALIFORNIA OUTDOORS



By \_\_\_\_\_

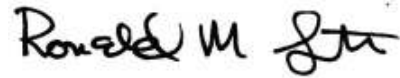
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