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## State Water Resources Control Board

MAR 06 2014

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

Dear Secretary Bose:

STATE WATER RESOURCE CONTROL BOARD CONCURRENCE WITH PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO THE FEDERAL ENERGY REGULATORY COMMISSION FOR A LONG-TERM INSTREAM FLOW VARIANCE FOR PHILBROOK CREEK; DESABLA-CENTERVILLE HYDROELECTRIC PROJECT NO. 803; BUTTE COUNTY

On March 4, 2014, the Pacific Gas and Electric Company (PG&E) submitted a request to the Federal Energy Regulatory Commission (FERC) for a long-term variance from the conditions in PG&E's DeSabra-Centerville Hydroelectric Project license. This long-term variance would be an extension of the short-term variance granted by FERC, and agreed to by the California Department of Fish and Wildlife (CDFW) on February 12, 2014. The temporary<sup>1</sup> (short-term) variance expires on March 7, 2014.

Article 39(e) of the existing FERC license allows for flow modifications upon mutual agreement between PG&E and CDFW. In accordance with Article 39(e) of the existing FERC license, PG&E and CDFW agreed to a short-term instream flow variance in Philbrook Creek to conserve water to help support the 2014 spring-run Chinook salmon during prolonged dry weather conditions anticipated in California this summer. On February 13, 2014, PG&E made the instream flow adjustment. The short-term variance reduced flows in Philbrook Creek from 2 cubic feet per second (cfs) to 0.8 cfs, with a 0.2 cfs buffer, for a total flow of 1 cfs.

On February 26, 2014, PG&E held a conference call between representatives of the State Water Board, PG&E, CDFW, United States Fish and Wildlife Service, United States Forest Service, and National Marine Fisheries Service (together, Resource Group). The Resource Group discussed the drought conditions in California and the need to extend the instream flow variance beyond March 7 2014, to ensure there is adequate storage of cold water in Philbrook Reservoir. Cold water storage in Philbrook Reservoir will be diverted into Butte Creek during the summer holding period to help support the 2014 spring-run Chinook salmon.

The Resource Group concluded that the instream flow variance should be extended through June 1, 2014, or until conditions improve as determined by the Resource Group at any of its monthly meetings. The Resource Group committed to have a check-in call at the end of March to re-evaluate the need to continue the instream flow variance. The Resource Group also agreed to hold the Annual Operations and Maintenance Plan meeting at the end of April 2014, which will address how water will be managed during the spring-run Chinook salmon summer holding period in Butte Creek. The outcome of the monthly meetings will be included in the final Annual Operations and Maintenance Plan.

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<sup>1</sup> On February 12, 2014, PG&E contacted FERC to discuss FERC's definition of temporary; FERC defined temporary as two to three weeks.

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State Water Board staff supports PG&E's long-term instream flow variance request below Philbrook Reservoir of 0.8 cfs, with a 0.2 cfs buffer, for a total flow of 1 cfs through June 1, 2014, or until determined no longer necessary by the Resource Group. This long-term variance will ultimately ensure the protection of the beneficial uses of both the West Branch Feather River and Butte Creek, as outlined below.

Related Regulatory Background:

The California Regional Water Quality Control Boards (Regional Water Boards) adopt, and the State Water Resources Control Board (State Water Board) approves, water quality control plans (basin plans) for each watershed basin in the State. The basin plans designate the beneficial uses of waters within each watershed basin, and water quality objectives designed to protect those uses pursuant to Section 303 of the Clean Water Act. (33 U.S.C. § 1313.) The beneficial uses and water quality objectives that are contained in the basin plans together with state and federal anti-degradation requirements constitute California's water quality standards.

The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (SR/SJR Basin Plan) does not specifically identify the beneficial uses for the West Branch Feather River. The SR/SJR Basin Plan specifies that the beneficial uses of any specifically identified water body generally apply to its tributary streams. Therefore, the West Branch Feather River beneficial uses are listed under the Lake Oroville designation. Designated beneficial uses for the West Branch Feather River (Lake Oroville designation) include: municipal and domestic supply; irrigation; power; contact recreation; other non-contact recreation; cold freshwater habitat; warm freshwater habitat; warm freshwater spawning; cold freshwater spawning; and wildlife habitat. The existing beneficial uses listed in the Basin Plan for Butte Creek (sources to Chico), as designated in the SR/SJR Basin Plan, are: municipal and domestic supply; irrigation; stock watering; power; contact recreation; cold freshwater habitat; warm freshwater habitat; cold freshwater migration; warm freshwater spawning; cold freshwater spawning; and wildlife habitat.

State Water Board staff appreciates the continued cooperation of FERC and looks forward to working with FERC on this Project and California drought related items. If you have questions regarding this letter, please contact me at (916) 323-9389 or by email at [amber.villalobos@waterboards.ca.gov](mailto:amber.villalobos@waterboards.ca.gov). Written correspondence can be directed to:

State Water Resources Control Board  
Division of Water Rights  
Water Quality Certification Program  
Attention Amber Villalobos  
P.O. Box 2000  
Sacramento, CA 95812-2000

Sincerely,



Amber Villalobos  
Environmental Scientist  
Water Quality Certification Program

cc: See next page.

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cc: Ms. Pamela Creedon  
Executive Officer  
Central Valley RWQCB  
11020 Sun Center Drive, Suite 200  
Rancho Cordova, CA 95670

Mr. John Aedo  
San Francisco Regional Office  
Federal Energy Regulatory Commission  
100 First Street, Suite 2300  
San Francisco, CA 94105-3084

ec: Clint Garman  
CA Department of Fish & Wildlife  
clint.garman@wildlife.ca.gov

Gretchen Umlauf  
National Marine Fisheries Service  
gretchen.umlau@noaa.gov

MaryLisa Lynch  
CA Department of Fish & Wildlife  
marylisa.lynch@wildlife.ca.gov

Deborah Giglio  
US Fish & Wildlife Service  
deborah\_giglio@fws.gov

Tracy McReynolds  
CA Department of Fish & Wildlife  
tracy.mcreynolds@wildlife.ca.gov

William Foster  
National Marine Fisheries Service  
william.foster@noaa.gov

Guy Chetelat  
Central Valley RWQCB  
guy.chetelat@waterboards.ca.gov

Richard Doble  
Pacific Gas & Electric Company  
rjd2@pge.com

Matt Scroggins  
Central Valley RWQCB  
matt.scroggins@waterboards.ca.gov