

# 84 FERC ¶ 62,165

## UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

Pacific Gas and Electric Co. )

Project No. 803-046

### ORDER AMENDING TEMPERATURE REQUIREMENTS (Issued August 20, 1998)

On August 21, 1997, the Acting Director, Office of Hydropower Licensing issued an order requiring very specific temperature requirements for the releases from Round Valley and Philbrook reservoirs (paragraphs C and D). Because of unusual and unanticipated weather conditions, the specific requirements in paragraphs C and D cannot be achieved this year. Pacific Gas and Electric Company consulted with the U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and the California Department of Fish and Game (CDFG), to develop a mutually agreeable and operationally feasible solution to the discharge of water from Round Valley Reservoir. The licensee filed a request to implement those measures on August 19, 1998. The licensee and the resource agencies emphasize the need to implement these measures immediately to achieve the desired benefits for the fishery resource.

This order would grant the licensee's request. The conditions that required the request for temporary waiver by the licensee are atypical. It is the Commission's normal practice to provide some short-term operational flexibility in such unique situations. Consistent with this practice, the August 21, 1997 order shall be amended to allow for modification of the requirements of paragraph C and D of that order upon mutual agreement with FWS, NMFS, and CDFG.

The proposed request is consistent with articles 15 and 19 of the licence and would achieve the intended objective of protecting fish and wildlife resources.

The Director orders:

(A) The request for temporary waiver of temperature criteria for releases from Round Valley reservoir as described in the licensee's August 18, 1998 letter is approved.

(B) Paragraphs C and D of the Directors August 21, 1997, order (58 FERC 62,093) is amended to include the following additional paragraph:

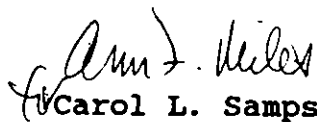
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The above requirements may be modified upon mutual agreement among the U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the California Department of Fish and Game. The licensee shall notify the Commission within 30 days of reaching any agreement with the resource agencies.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R.

  
Carol L. Sampson  
Director  
Office of Hydropower Licensing