
State Water Resources Control Board

MAR 25 2016

Mr. Neil J. Wong
Hydro Licensing
Pacific Gas and Electric Company
Mail Code N13E
P.O. Box 770000
San Francisco, CA 94177

Dear Mr. Wong:

**AMENDMENT TO THE PIT 3, 4, AND 5, HYDROELECTRIC PROJECT WATER QUALITY
CERTIFICATION; FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 233;
SHASTA COUNTY**

On September 9, 2015, Pacific Gas and Electric Company (PG&E) requested an amendment to the water quality certification (certification) for the Pit 3, 4, and 5 Hydroelectric Project (Project), Federal Energy Regulatory Commission (FERC) Project No. 233. The proposed amendments would allow a two-year extension, from December 31, 2017 to December 31, 2019, to fulfill the State Water Resources Control Board (State Water Board) requirement¹ to add at least half of the 25% increase in overnight campground capacity around Lake Britton. The State Water Board provided public notice of PG&E's amendment request on February 4, 2016, by posting information regarding the proposal on the Division of Water Rights' website and providing notification to interested parties. No public comments were received.

The State Water Board finds the proposed amendment to be protective of state water quality standards and other appropriate requirements of state law. The State Water Board hereby modifies Mitigation Measure 12 of the certification as described below. All other conditions of the certification remain the same and in full effect.

BACKGROUND AND DESCRIPTION

The State Water Board issued a certification for the Project on January 25, 2007. On July 2, 2007, FERC issued a new license for the Project which includes the certification. Mitigation Measure 12 of the certification requires PG&E to develop a comprehensive recreation management plan and implementation schedule. PG&E, in consultation with the State Water Board, United States Forest Service (Forest Service), United States Fish and Wildlife Service, California Department of Fish and Wildlife, National Park Service, and the Pit River Tribe, among others, developed a Recreation Resource Monitoring Plan (RRMP) for the Project and received approval from the State Water Board

¹ 401 certification, Condition 14, Mitigation Measure 12, Section J, No. 3

on March 5, 2009. A revised RRMP was approved by the State Water Board and FERC on April 15, 2011 and June 3, 2011, respectively. On November 25, 2014, the State Water Board issued an amendment to the certification revising Mitigation Measure 12 of the certification for consistency with the 2011 FERC approved RRMP; and revising Conditions 4, 5, 6, and 7 of the certification to remove any inconsistencies with the Forest Service 2011 revised final Section 4(e) Conditions.

For the past two years, PG&E has been working closely with the California Department of Parks and Recreation (State Parks) to fund construction of a group campsite at McArthur Burney Falls Memorial State Park that will meet at least half of the capacity increase. PG&E experienced unexpected delays resulting from differing accounting and budgetary cycles employed by PG&E and State Parks, which has delayed implementation of the RRMP and the expansion of campground facilities. Before construction can begin, State Parks needs to finalize the design and complete the environmental review for the campground project. Therefore, PG&E is requesting modification of Mitigation Measure 12 to extend the deadline from year 10 to year 12 of the license to complete the addition of at least half of the 25% increase in overnight camping capacity around Lake Britton (i.e., two-year extension until December 31, 2019).

The revisions to Mitigation Measure 12 are limited to Section J, Part 3. Text from the certification is referenced in *italicized* text, with deletions shown in ~~strike-out~~, and additions shown as **bold**, *italicized*, and underlined text:

J. *The following measures that pertain to Lake Britton:*

- 3) *Addition of up to 25% more public overnight developed camping units over the life of the License (equivalent to an increase of up to 39 campsites or 156 people-at-one-time ("PAOT")). This increase shall be attained within the first 15 years of License issuance with:*
- a) at least half of the capacity added in the first ~~40-year~~ **12-year** period, and b) any needed outstanding balance completed by Year 15. New overnight sites in this provision should reflect the current or planned development level of an existing campground. Any new campgrounds will be development level 3 or 4. Additions to capacity should be within the project boundary or, within a 1-1/2 mile radius of the project waters. New capacity shall emphasize expansion of existing sites/use areas over development of new sites/use areas. An existing site is defined as a designated and managed recreation site containing man-made improvements. A use area is defined as an area being heavily utilized by the public such that its natural character has been heavily impacted. Examples are loss of vegetation due to parking and trampling, existence of makeshift facilities such as campfire rings, shelters, sanitation; considerable evidence of trash.*

*The ~~40-year~~ **12-year** requirement will be fulfilled when the Licensee completes the construction of campground facilities equivalent to 80 PAOT or more. To meet the ~~40-year~~ **12-year** requirement, the Licensee may elect to partner with the California State Park to develop non-Project campgrounds at McArthur-Burney Falls State Park, including but not limited to, the construction of a 100 PAOT-group campground.*

*Upon completion of the ~~40-year~~ **12-year** requirement, the Licensee shall develop a plan to provide the remaining balance of campsites (up to 80 PAOT) at Lake Britton by Year 15 of the License. This plan shall be submitted to the Deputy Director on or prior to Year ~~40~~ **12** of the License. The Licensee shall consult with the State Water Board to evaluate recreation survey data and triggers identified in the State Water Board and FERC-approved Project*

*recreation management plan, along with other factors, to determine if there is sufficient user demand to develop these additional campsites. The 15-year requirement will be fulfilled upon the completion of any additional campsites deemed necessary by the State Water Board. After fulfillment of the ~~10-year~~ **12-year** and 15-year requirements, Licensee will have fulfilled this Condition for providing additional overnight capacity at Lake Britton;*

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Issuance of a certification and amendment thereof is a discretionary action that requires the State Water Board to comply with the California Environmental Quality Act (CEQA). For this certification amendment, and for the purpose of CEQA compliance, the State Water Board is the lead agency. Impacts due to Project implementation were thoroughly analyzed in FERC's Environmental Impact Statement and the State Water Board's Supplemental CEQA document developed during relicensing.

The proposed changes to Mitigation Measure 12 fall under the following CEQA Categorical Exemptions and do not have a reasonable possibility of significant effects due to unusual circumstances or when considered cumulatively with other projects:

- 1) Class 1 Categorical Exemption: Operation, repair, maintenance, or minor alteration of existing structures or facilities not expanding existing ones.
- 2) Class 2 Categorical Exemption: Replacement or reconstruction of existing structures or facilities on the same site having substantially the same purpose and capacity.
- 3) Class 3 Categorical Exemption: New construction of limited small new facilities; installation of small, new equipment and facilities in small structures; and conversion of the use of small existing facilities.
- 4) Class 4 Categorical Exemption: Minor alteration in the condition of the land, such as grading, gardening, and landscaping that do not affect sensitive resources.

(Cal. Code Regs., tit. 14, §§ 15301-15304.)

The proposed changes to Mitigation Measure 12 of the certification are minor technical changes that would not involve any new significant environmental effects or a substantial increase in the severity of any previously identified substantial effects such that a subsequent environmental impact report or negative declaration is required pursuant to California Code of Regulations, title 14, section 15162.

A Notice of Exemption has been prepared and will be filed with the Office of Planning and Research within five days of issuing this amendment. (Cal. Code Regs., tit. 14, § 15062.)

All documents and other information that constitute the public record for this amendment will be maintained by the Division of Water Rights and are available for public review at the following address: State Water Board, Division of Water Rights, 1001 I Street, Sacramento, California, 95814.

If you have questions regarding this letter, please contact Ms. Meiling Roddam, Project Manager, at (916) 341-5369 or by email at Meiling.Roddam@waterboards.ca.gov. Written correspondence can be directed to:

State Water Resources Control Board
Division of Water Rights
Water Quality Certification Program
Attn: Meiling Roddam
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,


Thomas Howard
Executive Director

Enclosure: Notice of Exemption

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

Ms. Jane Diamond, Director
U.S. Environmental Protection Agency
Region 9, Water Division
75 Hawthorne Street
San Francisco, CA 94105

Mr. Joshua Grover
California Department of Fish and Wildlife
830 S Street
Sacramento, CA 95811

Mr. Adam Laputz
Central Valley Regional Water
Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Mr. Tristan Leong
USDA, Forest Service
3644 Avtech Parkway
Redding, CA 96002

Ms. Pamela Creedon
Central Valley Regional Water
Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency):
State Water Resources Control Board
1001 I Street, Sacramento, CA 95814

County Clerk
County of:

(Address)

Project Title: Pit 3, 4, 5 Hydroelectric Project

Project Applicant: Pacific Gas and Electric Company (PG&E)

Project Location - Specific:

Lake Britton, Shasta County

Project Location - City: Not Applicable

Project Location - County: Shasta

Description of Nature, Purpose and Beneficiaries of Project:

PG&E is proposing a two-year extension of time (from year-10 to year-12 of the license) to add at least half of the required 25% increase in overnight camping capacity around Lake Britton (equal to at least half of 156 people-at-one-time) by December 31, 2019.

Name of Public Agency Approving Project: State Water Resources Control Board

Name of Person or Agency Carrying Out Project: Neil Wong, PG&E

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Classes 1,2,3, & 4, CCR §§ 15301-15304
Statutory Exemptions. State code number:

Reasons why project is exempt:

The changes to the certification are minor technical changes that would not involve any new significant environmental effects.

Lead Agency

Contact Person: Meiling Roddam

Area Code/Telephone/Extension: 916-341-5369

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Thomas Howard Date: 3/25/16 Title: Executive Director

[X] Signed by Lead Agency [] Signed by Applicant

Governor's Office of Planning & Research

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: MAR 28 2016

STATE CLEARINGHOUSE