



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

APR 11 2014

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

Dear Ms. Bose:

REQUEST FOR EXTENSION ON READY FOR ENVIRONMENTAL ANALYSIS COMMENT DEADLINE FOR THE MERCED RIVER HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2179 AND THE MERCED FALLS HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2467, MERCED AND MARIPOSA COUNTIES

On March 24, 2014, the Federal Energy Regulatory Commission (FERC) issued a notice that the Merced River Hydroelectric Project (Merced River Project), FERC Project No. 2179, and the Merced Falls Hydroelectric Project (Merced Falls Project), Federal Energy Regulatory Commission Project No. 2467 (Projects¹) are ready for environmental analysis (REA Notices). The REA Notices solicit comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions. State Water Resources Control Board (State Water Board) staff requests a 60 day extension of the deadlines for comments in the REA Notices, due to ongoing requests for expedited action of drought-related variances associated with the Merced River Project and other California FERC projects. The REA Notices deadlines are currently set for May 23, 2014.

On February 6, 2014, FERC issued a letter to California project licensees, offering FERC assistance in reviewing requests for license amendments in order to conserve water resources at FERC-licensed projects. In its February 6 letter, for licenses that include articles that allow a temporary deviation, FERC directs licensees to consult and come to mutual agreement with the appropriate resource agencies for drought-related temporary deviations from license conditions. For licenses that do not include an article that allows for temporary deviations the letter states the *"licensees should consult with the appropriate resource agencies and entities... Requests should include... documentation of consultation with the required entities; a description of any impacts to other project resources including recreation, fish and wildlife."*

¹ For the purpose of this document Merced River Project and Merced Falls Projects are referred to as the Projects.

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On March 27, 2014, Merced Irrigation District (MID) held a conference call with relicensing stakeholders. During the call, stakeholders discussed the potential benefits of securing an extension beyond the May 23, 2014, deadline to respond to the REA. Stakeholders cited the need for an extension due to the high demand of consultation on drought-related variances. Stakeholders included representatives from California Department of Fish and Wildlife, the State Water Board, the US Fish and Wildlife Service, the National Marine Fisheries Service, California Sportsfishing Protection Alliance, and Merced River Conservation Committee. MID staff acknowledged the concern and indicated while they would not be requesting an extension, they did not object if other parties filed such a request.

As a result of continued drought conditions in California, the State Water Board received and expects to continue to receive numerous requests from licensees located throughout California to review, consult, and concur with variances to license and water quality certification requirements. State Water Board staff recognize the importance of responding to variance requests in a timely manner and thus have made drought variance requests a priority. Given the current drought conditions in California and workload for limited staff, State Water Board staff requests a 60 day extension of the deadline for comments set forth in the REA Notices for the Projects and requests FERC's approval or denial of this extension request by April 22, 2014.

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

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

Sincerely,



Amber Villalobos
Environmental Scientist
Water Quality Certification Program
Division of Water Rights

cc: See next page.

Ms. Kimberly D. Bose

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cc: Ms. Kathleen A. Dadey
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