



April 18, 2017

Mr. Les Grober
Deputy Director, Division of Water Rights
California State Water Resources Control Board
1001 I Street, 14th Floor
Sacramento, CA 95814

**RE: Pit 1 Hydroelectric Project; FERC No. 2687
§ 401 Water Quality Certification, Condition 13: Request for Temporary
Cessation of Flushing Flows in 2017**

Dear Mr. Grober:

Pacific Gas and Electric Company's (PG&E) Pit 1 Hydroelectric Project¹ license (Federal Energy Regulatory Commission [FERC] Project No. 2687) includes a California State Water Resources Control Board (State Water Board) §401 Water Quality Certification (Certification). Condition 13 of the Certification requires PG&E to release flushing flows to control nuisance aquatic vegetation and mosquito production in Fall River Pond.

On May 26, 2009, the U.S. Fish and Wildlife Service (USFWS) sent a letter to FERC and the State Water Board expressing concern regarding a decline in the federally and state-endangered Shasta crayfish (*Pacifastacus fortis*). That letter requested suspension of summer flushing flows at PG&E's Pit 1 Project.

On August 28, 2009, the State Water Board sent a letter to PG&E indicating that amending the License was a discretionary action that required the State Water Board to comply with the California Environmental Quality Act (CEQA).

The State Water Board issued orders in 2010², 2012³, 2013⁴, 2014⁵, 2015⁶, and 2016⁷ that

¹ See 102 FERC ¶ 61,309 Order Issuing New License (Issued March 19, 2003).

² State of California State Water Resources Control Board Order WQ 2010-0009-EXEC. *Order Approving Temporary Suspension of Flushing Flow Requirements* (State Water Board 2010 Order, issued July 6, 2010).

³ State of California State Water Resources Control Board Order WQ 2012-0008-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2012 Order, issued June 14, 2012).

⁴ State of California State Water Resources Control Board Order WQ 2013-0024-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2013 Order, issued June 20, 2013).

⁵ State of California State Water Resources Control Board Order WQ 2014-0023-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2014 Order, issued June 12, 2014).

⁶ State of California State Water Resources Control Board Order WQ 2015-0076-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2015 Order, issued June 17, 2015).

⁷ State of California State Water Resources Control Board Order WQ 2016-0072-EXEC. *Order Approving*

temporarily suspended these flushing flows from 2010 through 2016, while a CEQA process is implemented to analyze the effects of permanently suspending the flushing flow requirements. FERC, in turn, issued orders in 2010⁸, 2012⁹ and 2013¹⁰ temporarily amending the Pit 1 license to suspend flushing flows. FERC issued orders modifying and approving temporary flow variances in 2014¹¹ and 2015¹². On July 19, 2016¹³, FERC issued an order approving a temporary flow variance.

In a February 6, 2017 letter to the USFWS (Enclosure 1), PG&E requested informal Section 7 consultation for a temporary suspension of the flushing flow requirement in 2017. This letter requested concurrence with the determination that the temporary suspension of the requirement is not likely to adversely affect Shasta crayfish. Based on USFWS's request to permanently suspend the flushing flows in 2009 and their annual concurrence since that time that temporarily suspending flows will not likely adversely affect Shasta Crayfish, PG&E anticipates obtaining concurrence from USFWS to temporarily suspend flushing flows in 2017.

In order to ensure timely approval by the State Water Board, PG&E respectfully requests a one-year extension, in 2017, of the suspension of flushing flows required by Certification Condition 13. The proposed suspension is to facilitate completion of the CEQA analysis. In a subsequent letter, PG&E will file the concurrence letter from USFWS once it has been obtained.

If you have any questions regarding this letter, please contact License Coordinator, Mr. Sean Murphy, at (415) 973-5629, or by email at Sean.Murphy3@pge.com.

Sincerely,



Neil J. Wong
Supervisor, Hydro Licensing

Enclosure

cc: See Attached List

Extension of the Temporary Suspension of Flushing Flow Requirements (State Water Board 2016 Order, issued June 28, 2016).

⁸ 132 FERC ¶ 62.101. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (issued August 10, 2010).

⁹ 140 FERC ¶ 62.080. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (issued July 26, 2012).

¹⁰ 143 FERC ¶ 62.220. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (issued June 27, 2013).

¹¹ 147 FERC ¶ 62,218. *Order Modifying and Approving Temporary Flow Variance* (Issued June 19, 2014).

¹² 151 FERC ¶ 62,214. *Order Modifying and Approving Temporary Flow Variance* (Issued June 24, 2015).

¹³ 156 FERC ¶ 62,049. *Order Approving Temporary Flow Variance* (Issued July, 19, 2016).

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Mr. Matthew Myers
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Mr. Steve Baumgartner
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ENCLOSURE 1



Power Generation

245 Market Street
San Francisco, CA 94105

February 6, 2017

COPY

Mailing Address
Mail Code N13E
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San Francisco, CA 94177

Mr. Ryan Olah
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

**RE: Pit 1 Hydroelectric Project, FERC No. 2687
Informal Section 7 Consultation for the Temporary Suspension of the Flushing
Flow Requirement in 2017**

Dear Mr. Olah:

Pacific Gas and Electric Company's (PG&E) Pit 1 Hydroelectric Project license¹ (Federal Energy Regulatory Commission [FERC] Project No. 2687) includes a California State Water Resources Control Board (State Water Board) Clean Water Act §401 Water Quality Certification (Certification). Condition No. 13 of the Certification requires PG&E to release flushing flows during the summer months to control nuisance aquatic vegetation and mosquito production in Fall River Pond.

The U.S. Fish and Wildlife (Service) determined, as stated in letters dated May 26, 2009 and December 17, 2009, that flushing flow releases are adversely affecting federally endangered Shasta crayfish (*Pacifastacus fortis*), and requested FERC temporarily cease the summer flushing flow releases.

The State Water Board issued orders in 2010², 2012³, 2013⁴, 2014⁵, 2015⁶, and 2016⁷ that temporarily suspended these flushing flows in 2010 through 2016, while a California Environmental Quality Act (CEQA) process is implemented to analyze the effects of

¹ See 102 FERC ¶ 61,309 *Order Issuing New License* (Issued March 19, 2003).

² State of California State Water Resources Control Board Order WQ 2010-0009-EXEC. *Order Approving Temporary Suspension of Flushing Flow Requirements* (State Water Board 2010 Order, issued July 6, 2010).

³ State of California State Water Resources Control board Order WQ 2012-0008-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2012 Order, issued June 14, 2012).

⁴ State of California State Water Resources Control Board Order WQ 2013-0024-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2013 Order, issued June 20, 2013).

⁵ State of California State Water Resources Control Board Order WQ 2014-0023-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2014 Order, issued June 12, 2014).

⁶ State of California State Water Resources Control Board Order WQ 2015-0076-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2015 Order, issued June 17, 2015).

⁷ State of California State Water Resources Control Board Order WQ 2016-0072-EXEC. *Order Approving Extension of the Temporary Suspension of Flushing Flow Requirements* (State Water Board 2016 Order, issued June 28, 2016).

permanently suspending the flushing flow requirements. FERC, in turn, issued orders in 2010⁸, 2012⁹, and 2013¹⁰ temporarily amending the Pit Project license to suspend flushing flows. FERC issued orders modifying and approving temporary flow variances in 2014¹¹ and 2015¹². On July 19, 2016¹³, FERC issued an order approving temporary flow variance.

In a December 9, 2009 letter, FERC informed the Service that FERC has designated PG&E to act as their non-federal representative for the purpose of informal consultation with the Service, pursuant to Section 7 of the Endangered Species Act (ESA) for the Pit No. 1 Hydroelectric Project.

This letter is a request for informal Section 7 consultation for a temporary suspension of the flushing flow requirement in 2016. PG&E requests concurrence with the determination that the temporary suspension of the flushing flow requirement in 2017 is not likely to adversely affect the federally endangered Shasta crayfish. The proposed suspension is to facilitate completion of the Service's Section 7 ESA consultation and the State Water Board's CEQA analysis.

The Service provided a "not likely to adversely affect" concurrence to FERC on May 3, 2010 for temporary suspension of the flushing flows in 2010 and 2011. The Service also provided "not likely to affect" concurrence for the temporary suspension of flushing flows in 2012, 2013, 2014, 2015, and 2016 per letters dated July 19, 2012; May 16, 2013; April 18, 2014; March 19, 2015; and June 9, 2016, respectively.

The best available science to date has shown the flushing flows create detrimental effects to this species' habitat and potentially create a favorable environment for non-native crayfish. Temporary suspension of the flushing flows would likely preserve coldwater habitat used by the Shasta crayfish. Therefore, we conclude that the proposed action, to add another year to the temporary suspension of flushing flows, is not likely to adversely affect Shasta crayfish or its habitat.

PG&E will request from the State Water Board Deputy Director an extension of the cessation of flushing flows for 2017. After the State Water Board issues its order, PG&E will file a request with FERC to temporarily amend Condition No. 13 of the Appendix to the License, which will include a record of consultation with the State Water Board and the Service.

⁸ 132 FERC ¶ 62,101. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (Issued August 10, 2010).

⁹ 140 FERC ¶ 62,080. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (Issued July 26, 2012).

¹⁰ 143 FERC ¶ 62,220. *Order Temporarily Amending License and Incorporating Temporary Amendment to Water Quality Certification* (Issued June 27, 2013).

¹¹ 147 FERC ¶ 62,218. *Order Modifying and Approving Temporary Flow Variance* (Issued June 19, 2014).

¹² 151 FERC ¶ 62,214. *Order Modifying and Approving Temporary Flow Variance* (Issued June 24, 2015).

¹³ 156 FERC ¶ 62,049. *Order Approving Temporary Flow Variance* (Issued July, 19, 2016).

Mr. Ryan Olah
February 6, 2017
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If you have any questions regarding this submittal, please contact License Coordinator, Mr. Sean Murphy, at (415) 973-5629, or Sean.Murphy3@pge.com.

Sincerely,



Neil J. Wong
Supervisor, Hydro Licensing

cc: [via email](#)

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SHM9 (3-5629): \\SFShare01-NAS\PG\PG Safety Env & LM\Pit 1 (FERC No. 2687)\Flushing Flows - Art 401 Cond 14 - 2013\2017 Temp Suspension Flushing Flows\2017-02-10 PGE to USFWS re request for concurrence of temporary suspension of flushing flow.docx

bcc: Ruth Sundermeyer
Dana Murray
Thomas Rhee
Annette Faraglia
Dave Ward
Sean Murphy
Matt Joseph
Neil Wong

File: FERC 2687 File 026.1191 Environmental/Recreation & Other

SAP # 4744320

Task 1

- o Technical Asst: Update Task Long Text as follows: Informal Section 7 Consultation filed with USFWS on [date].
- o Complete Task
- o Attach letter to notification
- o Outgoing Commitments: **YES – SAP #2168040 Tasks 50, 51**