



**Pacific Gas and
Electric Company®**

STATE WATER RESOURCES
CONTROL BOARD
2014 APR 22 PM 1:13
DIV OF WATER RIGHTS
SACRAMENTO

Power Generation

245 Market Street
San Francisco, CA 94105

Mailing Address
Mail Code N11C
P. O. Box 770000
San Francisco, CA 94177

April 21, 2014

Ms. Barbara Evoy
Deputy Director, Division of Water Rights
California State Water Resources Control Board
1001 I Street
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 2014**

Dear Ms. Evoy:

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*). USFWS's 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 and 2013⁴ that temporarily suspended these flushing flows from 2010 through 2013, while a CEQA process is implemented to analyze the effects of permanently suspending the flushing flow

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).

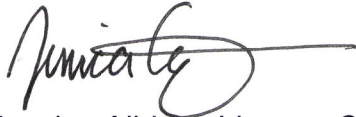
requirements. FERC, in turn, issued orders in 2010⁵, 2012⁶ and 2013⁷ temporarily amending the Pit 1 license to suspend flushing flows.

In a March 27, 2014 letter to the USFWS, PG&E requested informal Section 7 consultation for a temporary suspension of the flushing flow requirement in 2014. This letter requested concurrence with the determination that the temporary suspension of the requirement is not likely to adversely affect Shasta crayfish. In an April 18, 2014 letter to PG&E (enclosed), USFWS concurred that the action is not likely to adversely affect the federally endangered Shasta crayfish.

With this letter, PG&E respectfully requests a one-year extension, in 2014, of the suspension of flushing flows required by Certification Condition 13. The proposed suspension is to facilitate completion of the CEQA analysis and completion of the ESA consultation.

If you have any questions regarding this letter, please email me at J3AD@pge.com, or contact me at (415) 973-5747.

Sincerely,



Jessica Albietz, License Coordinator
Hydro Licensing

Enclosure

cc via email: Attached List

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

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

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

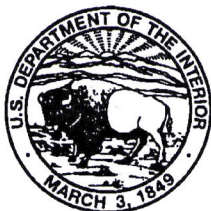
cc: Mr. Peter Barnes
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000
PBarnes@waterboards.ca.gov

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

Mr. Josh Hull
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825
Josh_Hull@fws.gov

Mr. Matthew Myers
California Department of Fish and Wildlife
601 Locust St.
Redding, CA 96001
Mmyers@dfg.ca.gov

Mr. Steve Baumgartner
California Dept. of Fish and Wildlife
601 Locust St.
Redding, CA 96001
sbaumgartner@dfg.ca.gov



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846



In Reply Refer To:
81420-2008-I-1103-7

APR 18 2014

Ms. Jessica Albeitz
License Coordinator, Hyrdo Licensing
Pacific Gas and Electric Company
Mail Code: N11C
P.O. Box 770000
San Francisco, California 94177

Subject: Informal Section 7 Consultation for the Temporary Suspension of the Flushing Flow Requirement at the Pit No. 1 Hydroelectric Project (FERC Project No. 2687), Shasta County, California

Dear Ms. Albeitz:

This letter is in response to your March 27, 2014, letter requesting concurrence with the determination that the temporary suspension of the flushing flow requirement at the Pit No. 1 Hydroelectric Project for 2014 is not likely to adversely affect the federally endangered Shasta crayfish (*Pacifastacus fortis*). Your request was received by the U.S. Fish and Wildlife Service's (Service) Sacramento Field Office on March 28, 2014. This response is provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The Service provided a not likely to adversely affect concurrence to the Federal Energy Regulatory Commission's (FERC) on May 3, 2010 for temporary suspension of the flushing flows. At the time, it was assumed the suspension of flushing flows would occur in 2010 and 2011. The Service provided additional letters of concurrence to FERC on July 19, 2012 and May 16, 2013 for the continued suspension of flushing flows in 2012 and 2013. The Pacific Gas and Electric Company, acting as the non-Federal representative for FERC, is proposing to add another year to the temporary suspension of flushing flows to facilitate completion of the California State Water Resources Control Board's California Environmental Quality Act analysis. The Service's concerns regarding the implementation of the flushing flows remain the same. Because the only change to the action is to continue the suspension of flushing flows for 2014, the Service concurs that the action is not likely to adversely affect the federally endangered Shasta crayfish. We base this concurrence on the best available science that has shown the flushing flows create detrimental effects to this species' habitat and potentially create a favorable environment for non-native crayfish. Therefore, unless new information reveals effects of the temporary suspension of flushing flows that may affect federally listed species or critical habitat in a manner not identified to date, or if a new species is

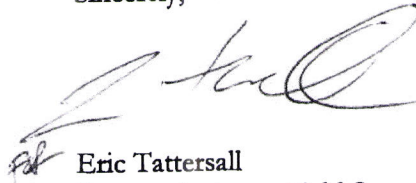
Ms. Jessica Albietz

2

listed or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act is necessary.

If you have any questions regarding this response, please contact Josh Hull, Recovery Division Chief (Josh_Hull@fws.gov) or Ryan Olah, Coast Bay/Forest Foothills Division Chief (Ryan_Olah@fws.gov) at the letterhead address or telephone (916) 414-6600.

Sincerely,



Eric Tattersall
Deputy Assistant Field Supervisor

cc:

Barbara Envoy, State Water Resources Control Board, Sacramento, California
Peter Barnes, State Water Resources Control Board, Sacramento, California
Matt Meyers, California Department of Fish and Wildlife, Redding, California
Steve Baumgartner, California Department of Fish and Wildlife, Redding, California
Maria Ellis, Spring Rivers Ecological Sciences LLC, Cassel, California