

March 22, 2012

Via E-Mail (bevoy@waterboards.ca.gov)*Mailing Address*
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P. O. Box 770000
San Francisco, CA 94177

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 2012

Dear Ms. Evoy:

On March 19, 2003, the Federal Energy Regulatory Commission (FERC or Commission) issued to Pacific Gas and Electric Company (PG&E) a new license (License) for the Pit 1 Hydroelectric Project (Project), FERC Project No. 2687. The License includes a California State Water Resources Control Board (SWRCB) § 401 Water Quality Certification (Certification) that requires PG&E to release flushing flows to control nuisance aquatic vegetation and mosquito production in Fall River Pond, and to prepare a plan to monitor the effectiveness of flushing flows.

On July 6, 2010, SWRCB issued Order WQ 2010-000X-EXEC, *Order Approving Temporary Suspension of Flushing Flow Requirements*, which indicated that a precautionary approach to endangered species protection is warranted, and it was reasonable to temporarily suspend flushing flows for 2010 and 2011 while a California Environmental Quality Act (CEQA) process is completed. The purpose of this letter is to request that SWRCB temporarily suspend flushing flows in 2012, to allow the terms of its Order to be completed, specifically completion of the CEQA process and implementation of a Shasta crayfish study plan.

Project Background

On May 26, 2009, the U.S. Fish and Wildlife Service (USFWS) sent a letter to FERC and SWRCB 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 SWRCB sent a letter to PG&E indicating that amending the License was a discretionary action that required the SWRCB to comply with CEQA. SWRCB staff also provided PG&E with a Memorandum of Understanding (MOU) for the preparation of environmental documents. In 2011, an MOU was signed by SWRCB, PG&E, and Cardno ENTRIX, Inc., the contractor selected by SWRCB to prepare the documents.

On April 15, 2010, FERC sent a letter to SWRCB requesting a temporary suspension of the requirements of Water Quality Certificate Condition No. 13 in order to avoid any potential harm to the endangered Shasta crayfish. The suspension of the flushing flow releases would allow the SWRCB to continue to develop the CEQA document while avoiding any potential harm to Shasta crayfish.

On July 6, 2010, SWRCB issued Order WQ 2010-000X-EXEC, *Order approving Temporary Suspension of Flushing Flow Requirements*, while the CEQA process is completed. SWRCB and Cardno ENTRIX are currently developing the CEQA documents.

The 2010 SWRCB Order also requires that PG&E submit a proposed Shasta crayfish study plan, developed in cooperation with appropriate Resource Agencies, including State Water Board Staff. The goal of the study is to develop information on potential impacts of current operations on Shasta crayfish. In 2010 and 2011, PG&E consulted with members of the Shasta Crayfish TRC regarding study components. In May of 2011, a draft plan was submitted to SWRCB. On November 2, 2011, USFWS and California Department of Fish and Game (CDFG) sent emails to PG&E indicating their concurrence for the plan. The final plan will be implemented in the summer of 2012.

Request for Temporary Modification

With this letter, PG&E respectfully requests a one-year extension, in the summer of 2012, of the suspension of flushing flows required by Certification Condition 13. The proposed suspension is to facilitate the implementation of the Shasta crayfish study plan in 2012, and completion of the CEQA analysis.

If you have any questions regarding this letter, please email me at d5sk@pge.com or contact me at (925) 200-1638.

Sincerely,



Ruth Sundermeyer, License Coordinator
Hydro Licensing

cc: via electronic filing
The Honorable Kimberly D. Bose, FERC

via email

Mr. Oscar Biondi, SWRCB – obiondi@waterboards.ca.gov
Mr. Peter Barnes, SWRCB – pbarnes@waterboards.ca.gov
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