
State Water Resources Control Board

MARCH 04, 2020

Mr. Neil J. Wong
Supervisor, Hydro Licensing
Mail Code N11D
P.O. Box 770000
San Francisco, CA 94177

**Pit 3, 4, and 5 Hydroelectric Project
Federal Energy Regulatory Commission Project No. 233
Shasta County
Pit River**

**SUBJECT: AMENDMENT TO PIT 3, 4, AND 5 HYDROELECTRIC PROJECT
WATER QUALITY CERTIFICATION AND REVISED RECREATION
RESOURCE MANAGEMENT PLAN APPROVAL**

Dear Mr. Wong:

On December 23, 2019, the 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). PG&E is requesting modification of Mitigation Measure 12: Recreation Management Plan. Mitigation Measure 12 requires PG&E to add 25 percent more public overnight camping units around Lake Britton, with at least half of the increased capacity added in the first 12-year period after FERC license issuance (by December 31, 2019). PG&E's requested amendment would extend the 12-year deadline by one year, from December 31, 2019 to December 31, 2020. PG&E revised the Recreation Resource Management Plan (Plan)¹ to incorporate the proposed deadline in the implementation schedule, and submitted it for approval along with its request for the extension.

The State Water Resources Control Board (State Water Board) provided public notice of the amendment request on January 2, 2020, by posting information regarding the amendment request on the Water Quality Certification Program Public Notices webpage and noticing interested parties via email. The State Water Board received no comments.

¹ The Plan is required by Mitigation Measure 12 to, in part, outline how PG&E will provide additional recreation opportunities around Lake Britton. The State Water Board originally approved the Plan on March 27, 2009.

BACKGROUND

The State Water Board issued the Project certification on August 10, 2006². On July 2, 2007, FERC issued a new license for the Project, which includes the Project certification conditions.

On August 24, 2017, PG&E and the California Department of Parks and Recreation (State Parks) entered into an assistance agreement in which State Parks would be responsible for constructing the new camping units around Lake Britton and PG&E would be responsible for funding this work. State Parks began construction in 2018; but was forced to stop in November 2019 due to winter weather conditions. State Parks plans to resume construction in spring 2020.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Issuance of a certification amendment 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.

The State Water Board has reviewed the proposed amendment and has determined that it will not have a significant adverse effect on the environment and is categorically exempt from the requirements to prepare environmental documents under California Code of Regulations, title 14, section 15301 (Existing Facilities). PG&E's amendment request is for an extension to the construction schedule and involves no expansion of use or capacity.

The State Water Board will file a Notice of Exemption with the Office of Planning and Research within five days of issuance of this certification amendment.
(Cal. Code Regs., title 14, § 15062.)

CONDITIONAL APPROVAL

The State Water Board finds the proposed amendment to be protective of state water quality standards and other appropriate requirements of state law. In addition to PG&E's proposed amendment, the State Water Board also finds it appropriate to add the following language to Condition 15 (new text in bold and underline):

*“Licensee must submit any change to the Pit 3, 4, and 5 Hydroelectric Project, including project operation that would have a significant or material effect on the findings, conclusions, or conditions of this certification, to the Deputy Director for prior review and written approval. **If a time extension is needed for any deadline specified in this certification, the Licensee shall submit a written request for the extension, with justification, to the Deputy Director no later than 60 days***

² The Project certification was amended via Order WQ 2007-0001 on January 18, 2007.

prior to the deadline. The Licensee shall file with FERC any Deputy Director-approved time extensions.”

This addition will expedite State Water Board review of and decision on any future requests for time extensions.

The State Water Board hereby amends the Project certification to include the new language added to Condition 15 (above) and extend the deadline for implementation of Mitigation Measure 12 to December 31, 2020. Approval of this Project certification amendment is granted with the following conditions:

1. This certification amendment is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code section 13330 and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).
2. This certification amendment is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b) and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification amendment is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28 and owed by the applicant.

Additionally, the revised Plan submitted to the State Water Board on December 23, 2019, which incorporates the new December 31, 2020 implementation deadline, is hereby approved.

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 Resources Control Board
Division of Water Rights
1001 I Street, Sacramento, CA 95814

If you have questions regarding this document please contact Savannah Downey, Project Manager, by email at Savannah.Downey@waterboards.ca.gov or by phone at (916) 322-1585. Written correspondence should be directed to:

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

Sincerely,

ORIGINAL SIGNED BY

Eileen Sobeck
Executive Director

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

Mr. Patrick Pulupa, Executive Officer
Central Valley Regional Water Quality Control Board
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Rancho Cordova, CA 95670

Mr. Tomas Torres, Director
U.S. Environmental Protection Agency
Region 9, Water Division
75 Hawthorne Street
San Francisco, CA 94105

Interested Parties List

ec: Ms. Megan Young, PG&E
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Mr. Matt Teague, State Parks
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Mr. Sean Murphy, PG&E
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