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## State Water Resources Control Board

December 17, 2025

Mr. Matthew Joseph  
Supervisor, Hydro License Management  
Pacific Gas and Electric Company  
Sent via Email: [MWJA@pge.com](mailto:MWJA@pge.com)

**Poe Hydroelectric Project  
Federal Energy Regulatory Commission Project No. 2107  
Butte County  
North Fork Feather River**

**AMENDMENT TO POE HYDROELECTRIC PROJECT WATER QUALITY  
CERTIFICATION CONDITIONS 1 AND 9 FOR MINIMUM INSTREAM FLOWS AND  
MONITORING**

Dear Mr. Joseph:

On December 19, 2024, the State Water Resources Control Board (State Water Board) received a request from the Pacific Gas and Electric Company (PG&E) for an amendment to the Poe Hydroelectric Project (Project) water quality certification (certification). PG&E is requesting the Project certification amendment to: (1) allow for temporary changes to minimum instream flows (MIFs) provisions in Condition 1 (Minimum Instream Flows) to facilitate planned Project-related work such as maintenance and repairs; and (2) change the monitoring requirements in Condition 9 (Poe Bypass Reach Biological Monitoring).

**Background**

The Project is located on the North Fork Feather River, just south of Pulga, California, in Butte County. The Project boundary encompasses 313 acres of land, including 157 acres of PG&E-owned land, 144 acres of United States Forest Service (Forest Service) lands in Plumas National Forest, and 12 acres of private land. Main Project facilities include: (1) Poe Dam; (2) Poe Reservoir and associated intake and discharge structures, (3) the 142.83-megawatt Poe Powerhouse, located 7.6 miles downstream of Poe Dam, (4) Big Bend Dam, (5) Big Bend Reservoir, and (6) a switchyard.

On December 28, 2017, the Executive Director of the State Water Board issued the Project certification. On December 17, 2018, the Federal Energy Regulatory Commission (FERC) issued a new license for the Project that includes the Project certification conditions. Additionally, on April 18, 2019, FERC issued an order that extended the length of the new license from 40 to 50 years (current license expires on November 30, 2068).

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E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

**Condition 1 Amendment Discussion**

Condition 1 establishes MIFs for the North Fork Feather River below Poe Dam. Condition 1 allows for temporary changes to MIFs due to: (1) equipment malfunction, (2) as directed by law enforcement or by FERC, and (3) in an emergency.<sup>1</sup> Condition 1 does not contain language for temporary changes to MIF for planned activities such as maintenance or repairs of Project facilities.

PG&E is requesting changes to Condition 1 to provide flexibility for PG&E to temporarily reduce MIFs to support facility maintenance and repairs. Specifically, PG&E's December 19, 2024, certification amendment request proposed adding the following paragraph to the end of Condition 1:

“The minimum streamflow requirements listed in Table 1 of this Condition may be temporarily modified as required for maintenance or repair of the dam, outlet facilities, and minimum flow release facilities. The Licensees shall notify FERC, the Forest Service, State Water Board, United States Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW), at least five working days prior to any such modification. Minimum instream flows may also be modified for short periods upon mutual agreement among the licensee and the Forest Service, State Water Board, USFWS, and CDFW.”

PG&E's proposed language does not include provisions for: (1) adequate advanced notice of proposed temporary changes to MIFs to resource agencies and the public; or (2) review and approval of the MIF changes by the State Water Board to ensure protection of water quality and beneficial uses. Review and consideration of approval of proposed temporary changes to MIF by the Deputy Director of the Division of Water Rights (Deputy Director) will ensure that the proposed temporary MIF change is implemented in a manner consistent with water quality objectives and beneficial uses as defined in the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* and other appropriate requirements of state law. The noticing and Deputy Director approval provisions ensure planned MIF variances are protective of water quality and beneficial uses and are consistent with similar provisions in recent hydroelectric project certifications.

**Condition 9 Amendment Discussion**

PG&E's requested changes to Condition 9 are to: (1) update the *Poe Bypass Reach Fish and Benthic Macroinvertebrate Monitoring Plan* (Fish and BMI Plan) monitoring schedule; and (2) remove the temperature trigger from the *Poe Amphibian Monitoring Plan* (Amphibian Plan). Condition 9 requires PG&E to develop and implement a *Poe Bypass Reach Biological Monitoring Plan* that describes the fish, benthic macroinvertebrate (BMI), and amphibian monitoring that PG&E will implement in the

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<sup>1</sup> Condition 1 of the Project certification defines emergency as “an unforeseen event that is reasonably out of the control of the Licensee [PG&E] and requires the Licensee to take immediate action, either unilaterally or under instruction by law enforcement or other regulatory agency staff, to prevent imminent loss of human life or substantial property damage. An emergency may include, but is not limited to: natural events such as landslides, storms, or wildfires; malfunction or failure of Project works; and recreation accidents.”

Poe bypass reach<sup>2</sup> over the Project's license term. PG&E satisfied the requirement to develop the *Poe Bypass Reach Biological Monitoring Plan* through development of two plans: (1) Fish and BMI Plan (approved by the Deputy Director on March 6, 2020); and (2) Amphibian Plan (approved by the Deputy Director on October 15, 2020). FERC approved the Fish and BMI Plan and Amphibian Plan on April 16, 2020, and November 24, 2020, respectively.

In its December 19, 2024, certification amendment request, PG&E proposes to remove all content in the "Fish and BMI" and "Amphibian" sections of Condition 9; the sections would be replaced with statements that the licensee must implement the FERC-approved plans and any Deputy Director approvals of the plans must be incorporated into the plans. PG&E's certification amendment request also includes updated plans, specifically a revised Fish and BMI Plan dated April 2023<sup>3</sup> and a revised Amphibian Plan dated April 2023. PG&E requests approval of these plans as part of the certification amendment. Following certification amendment issuance (including approving the revised plans), the revised plans will need to be approved by FERC.

PG&E's proposed certification amendment language is vague given that it does not specify the plan versions that will be approved by FERC.

Overview of Proposed Changes to Existing Plans. PG&E's proposed revised Fish and BMI Plan includes changes to the fish and BMI monitoring schedule in Table 4–1 to: (1) add a year of monitoring in license year 6 (2024) as required by FERC to detect any population responses after a temporary flow change in 2023 for repair of the Poe Dam bypass gate,<sup>4</sup> (2) reflect the shift from license year 2<sup>5</sup> (2020) to license year 3 (2021) for the start of monitoring,<sup>6</sup> and (3) push previously required monitoring in license year 6 to license year 7 as required by FERC.<sup>7</sup>

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<sup>2</sup> The Poe bypass reach is defined as the reach of the North Fork Feather River below Poe Dam and ending at Poe Powerhouse.

<sup>3</sup> On April 30, 2025, PG&E updated its certification amendment request to include updates to footnotes in the revised Fish and BMI Plan.

<sup>4</sup> On June 30, 2023, the Deputy Director approved an amendment to the Project certification providing for decreased MIFs in the Poe bypass reach from June 1, 2023, through November 1, 2023, with the condition that PG&E conduct biological monitoring during the MIF variance period. On July 28, 2023, FERC issued an order that approved the temporary MIF variance and required that PG&E continue fish and BMI monitoring throughout the 2023 variance, and for an additional year. On February 28, 2024, PG&E held a meeting with agencies and it was determined that the additional year of monitoring would be performed in license year 6 (2024).

<sup>5</sup> Schedule includes changes approved by the Deputy Director as part of a December 2020 revision of the Fish and BMI Plan to add monitoring in license year 5 since monitoring in license year 2 was cancelled due to the 2020 North Complex Fire.

<sup>6</sup> On May 16, 2024, FERC approved shifting the year representing the start of monitoring from license year 2 (2020) to license year 3 (2021) to reflect the delay in monitoring implementation due to the 2020 North Complex Fire.

<sup>7</sup> Year 7 was added to Block 2 monitoring. The term "block" is used in the Project certification to describe the multi-year biological monitoring periods in the license term.

PG&E's proposed revisions to the Amphibian Plan are to remove the temperature trigger for monitoring for foothill yellow-legged frogs (FYLFs, *Rana boylei*).<sup>8</sup> The revised Amphibian Plan reflects consultation with the Forest Service, State Water Board, United States Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW) (collectively referred to as "the agencies").

State Water Board staff note that PG&E's revised Fish and BMI Plan and Amphibian Plan propose a process for revision of the plans "when significant changes in the existing conditions occur" in consultation with the agencies, and that PG&E would file updated plans with FERC after "agreement with" Forest Service and State Water Board. Though this plan revision process is well intentioned, it limits the plan revision process to "when significant changes in the existing conditions occur" and does not provide for State Water Board review and approval of changes to the plans.

### **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 reviewed the proposed amendment and determined that the request meets the criteria for a Class 1 categorical exemption – Existing Facilities (Cal. Code Regs., tit. 14, § 15301, subd. (m)) and Class 6 categorical exemption – Information Collection (Cal. Code Regs., tit. 14, § 15306) and that there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The State Water Board will file a Notice of Exemption with the Governor's Office of Land Use and Climate Innovation within five working days of issuance of this Project certification amendment. (Cal. Code Regs., tit. 14, § 15062.)

### **Noticing and Comments**

On January 14, 2025, the State Water Board provided public notice of PG&E's request for an amendment to the Project certification, pursuant to California Code of Regulations, title 23, section 3858, by posting information describing the amendment request on the Water Quality Certification Program Public Notices webpage and noticing the "Water Rights Water Quality Certification" email subscription list. The State Water Board did not receive any comments on the public notice. On November 21, 2025, State Water Board staff shared the certification amendment application with staff at the Central Valley Regional Water Quality Control Board and received no comments.

### **Certification Amendment**

The State Water Board finds that the State Water Board's amendment of Condition 1 and Condition 9 of the Project certification will comply with state water quality standards

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<sup>8</sup> On November 14, 2023, PG&E requested approval from the Deputy Director for a revision of the Amphibian Plan to remove the temperature trigger for FYLF monitoring. On February 12, 2024, State Water Board staff informed PG&E that it needed to submit a certification amendment to remove the temperature trigger because it would require changes to Condition 9 of the Project certification.

and other appropriate requirements of state law. Amended Condition 1 and Condition 9 of the Project certification are provided in Attachment A: Poe Hydroelectric Project Water Quality Certification Amendment (Strike Through/Underline Version) and Attachment B: Poe Hydroelectric Project Water Quality Certification Amendment (Clean Version).

The State Water Board hereby amends the 2017 Project certification with the changes presented in Attachment A of this Project certification amendment and as noted in this letter. This Project certification amendment is granted with the following additional 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.

If you have questions regarding this document please contact Jessica Dyke, Project Manager, by email to: [Jessica.Dyke@waterboards.ca.gov](mailto:Jessica.Dyke@waterboards.ca.gov) or by phone call to: (916) 341-5448.

Sincerely,



Eric Oppenheimer  
Executive Director

Attachments:

Attachment A: Poe Hydroelectric Project Water Quality Certification Amendment (Strikethrough/Underline Version)

Attachment B: Poe Hydroelectric Project Water Quality Certification Amendment (Clean Version)

ec: Debbie-Anne A. Reece, Secretary  
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**Via FERC Online eFiling**

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**ATTACHMENT A: POE HYDROELECTRIC PROJECT WATER QUALITY  
CERTIFICATION AMENDMENT  
(STRIKETHROUGH/UNDERLINE VERSION)**

This attachment shows the changes to *Condition 1: Minimum Instream Flows* and *Condition 9: Poe Bypass Reach Biological Monitoring* of the Poe Hydroelectric Project (Project) water quality certification (certification) (Federal Energy Regulatory Commission (FERC) Project No. 2107), issued by the State Water Resources Control Board (State Water Board) Executive Director on December 28, 2017.<sup>A</sup>

Text from the certification is shown as regular text. Additions are shown in **bold underlined** text, and deletions are shown in ~~red strikethrough~~ text.

**Condition 1. Minimum Instream Flows**

Within 60 days of license issuance, the Licensee shall operate according to the minimum instream flows specified in Table 1 as measured at USGS gage No. 11404500 (Gage 23).<sup>9</sup> Flows shall be measured as both a 24-hour average (mean daily) and an instantaneous reading. Instantaneous flows are used to construct the average daily flow value and shall be measured in time increments of not more than 15 minutes. Mean daily flows shall be 24-hour averages of the instantaneous readings from midnight of one day to midnight of the next day. The Licensee shall record instantaneous streamflow as required by USGS standards. Instantaneous flow measurements shall be at least 90 percent of the minimum flow listed in Table 1. Mean daily flows shall be equal to or greater than the minimum flows listed in Table 1.

<b>Table 1. Minimum Instream Releases (cfs) from Poe Dam as measured at Gage 23<sup>1</sup></b>				
<b>Month</b>	<b>Water Year Type<sup>2</sup></b>			
	<b>Wet</b>	<b>Normal</b>	<b>Dry</b>	<b>Critically Dry</b>
October	250	250	180	180
November	275	275	180	180
December	300	300	180	180
January	325	300	180	180
February	350	325	225	225
March	350	350	300	300
April	400	400	325	300
May	500	400	350	300
June	500	400	350	300

<sup>A</sup> The certification was amended on February 5, 2020, to extend the deadline to submit eight plans and add language to Condition 26. Certification amendments were also issued on June 30, 2023, and June 11, 2025, to temporarily alter minimum instream flow, ramping rates, and tributary access monitoring during dam repair construction projects.

<sup>9</sup> Gage 23 is also known as NF 23, and is owned and operated by PG&E.

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<b>Table 1. Minimum Instream Releases (cfs) from Poe Dam as measured at Gage 23<sup>1</sup></b>				
<b>Month</b>	<b>Water Year Type<sup>2</sup></b>			
	<b>Wet</b>	<b>Normal</b>	<b>Dry</b>	<b>Critically Dry</b>
July	500	400	350	300
August	500	400	350	300
September	400	350	300	250

<sup>1</sup> No diversion may occur until the minimum instream flows are satisfied.  
<sup>2</sup> Water year types are defined in Condition 2.

**Temporary Changes to Minimum Flow Requirements.**

**Temporary changes to the minimum instream flow requirements may be implemented as noted below for: (a) equipment malfunction, direction from law enforcement authorities or FERC, or an emergency; and (b) for planned Project-related work.**

**Temporary Minimum Instream Flow Changes related to Equipment Malfunction, Direction from Law Enforcement or FERC, or an Emergency.**

The minimum instream flow requirements are subject to temporary modification if required by equipment malfunction, as directed by law enforcement authorities or by FERC, or in emergencies. An emergency is defined as an unforeseen event that is reasonably out of the control of the Licensee and requires the Licensee to take immediate action, either unilaterally or under instruction by law enforcement or other regulatory agency staff, to prevent imminent loss of human life or substantial property damage. An emergency may include, but is not limited to: natural events such as landslides, storms, or wildfires; malfunction or failure of Project works; and recreation accidents. When possible the Licensee shall notify the Deputy Director prior to any temporary stream flow modification. In all instances, the Licensee shall notify the Deputy Director within 24 hours of any temporary stream flow modification. Within 96 hours of the temporary stream flow modification, the Licensee shall provide the Deputy Director with an update of the conditions associated with the modification and an estimated timeline for returning to the required minimum instream flows. Within 30 days of any temporary stream flow modification, the Licensee shall provide the Deputy Director with: (1) photo documentation of the emergency or reason for the stream flow modification; (2) a written description of the modification and its necessity; (3) an updated timeline for returning to the required minimum instream flows or timeline when the minimum instream flows resumed; and (4) a plan to prevent the need for modification of minimum instream flows resulting from a similar emergency in the future.

**Temporary Minimum Instream Flow Changes related to Planned Project-related Work.** The Licensee may request temporary changes to MIFs for planned and/or non-emergency work including facility construction, modification, or maintenance activities. Requests for temporary changes to the minimum

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instream flows for non-emergency work shall be submitted to the Deputy Director for review and consideration of approval as far in advance as practicable and no less than four months in advance of the desired effective date. The Licensee shall notify the Recreational Technical Review Group, as defined in Condition 6, of the proposed temporary change to MIFs. The request shall include: a description of the proposed construction, modification, or maintenance activities that necessitate the change in MIFs, including a schedule for the proposed work; a description of the proposed change to MIFs, including the planned duration and magnitude of the change; documentation of notification to the Recreational Technical Review Group, and any comments received; and proposed measures that will be implemented to protect water quality and beneficial uses during the proposed change to MIFs. The Deputy Director may deny the request or require changes as part of any approval. Within seven days of Deputy Director approval of the temporary change to MIFs, the Licensee shall provide public notice of the change in MIFs on the Licensee's Project webpage. The Licensee shall file with FERC any Deputy-Director-approved temporary changes to the MIF requirements and any approved amendments thereto.

**Condition 9. Poe Bypass Reach Biological Monitoring**

Within one year of license issuance,<sup>[1]</sup> the Licensee shall submit a Poe Bypass Reach Biological Monitoring Plan (Biological Monitoring Plan) to the Deputy Director for review and approval. [*\*The due date to file the Amphibian portion of the Biological Monitoring Plan was extended to March 31, 2020, as part of a previous amendment to the Project certification issued on February 5, 2020.*] The Biological Monitoring Plan shall be developed in consultation with State Water Board staff, Forest Service, USFWS, and CDFW. The Biological Monitoring Plan shall describe the fish, BMI, and amphibian monitoring the Licensee will conduct in the Poe bypass reach over the term of the license and any extensions. At a minimum, the Biological Monitoring Plan shall include the following elements: (1) objectives and goals; (2) description of the methodology that will be used for monitoring; and (3) description of possible circumstances that may affect monitoring and whether those circumstances are caused by Project operations. The Licensee shall include documentation of consultation with the above agencies, copies of comments and recommendations made in connection with development of the Biological Monitoring Plan, and a description of how the Biological Monitoring Plan incorporates or addresses agency comments and recommendations. All monitoring shall be consistent with the methods used for upstream monitoring associated with the Rock Creek-Cresta Hydroelectric Project (FERC Project No. 1962) unless otherwise approved by the Deputy Director. The Licensee shall allow a minimum of 30 days for the above agencies to comment and to make recommendations before submitting the Biological Monitoring Plan to the Deputy Director for review and approval. The Deputy Director may make modifications as part of any approval. The Licensee shall file the Deputy Director's approval, and any required modifications, with FERC.

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**Fish and BMI.**

Table 5 establishes the years following license issuance that the Licensee shall monitor BMI and fish in the Poe bypass reach. Sampling may be deferred to the following year(s) in a year in which the Governor of the State of California declares a drought, or consecutive Critically Dry water years. A minimum of three sampling locations shall be sampled during each monitoring effort and sampling locations shall be consistent with past locations, unless otherwise approved by the Deputy Director. The Licensee shall submit biological monitoring reports to State Water Board staff within six months following completion of each sampling effort. Within six months of the end of a biological monitoring block period (outlined in Table 5), the Licensee shall consult with the Forest Service, State Water Board staff, USFWS, and CDFW to review the biological monitoring program. If changes to the biological monitoring program are determined appropriate by the agencies, the Licensee shall, within one year of the end of the block, propose updates to the Biological Monitoring Plan for Deputy Director approval. The Deputy Director may make modifications as part of any approval. The Licensee shall file the Deputy Director’s approval, and any modifications, with FERC. Possible updates include, but are not limited to, sampling timeframes and protocols. Table 5 outlines the Biological Monitoring Schedule for the first 22 years of the license. Unless otherwise approved by the Deputy Director, the Licensee shall implement biological monitoring at least every five years following the final monitoring completed in Block ~~3~~<sup>2</sup> (i.e., commencing in Year 25) for the remainder of the license and any extensions.

<b>Table 5. <u>Poe Bypass Reach Fish Population and BMI</u> <del>Biological</del> Monitoring Schedule</b>		
<b><u>Block ID</u></b>	<b><u>Block Periods (License Years)</u></b>	<b><u>Monitoring Years* (License Years)</u></b>
<del>Block 1</del> <sup>Initial</sup>	1- <del>6</del> <sup>5</sup>	<del>2</del> , 3, 4, <del>5</del> , <del>6</del>
Block <del>2</del> <sup>1</sup>	<del>7-10</del> <sup>6-12</sup>	<del>6</del> <sup>7</sup> , 8, 10
Block <del>3</del> <sup>2</sup>	<del>11-20</del> <sup>16-22</sup>	16, 18, 20
<b><u>Block 4</u></b>	<b><u>21-30</u></b>	<b><u>25, 30</u></b>
<b><u>Block 5</u></b>	<b><u>31-40</u></b>	<b><u>35, 40</u></b>

Fish monitoring data shall include, but are not limited to, the following:

- A. Fish species composition and relative abundance,
- B. Fish species size/age distribution, and
- C. Condition of sampled fish.

BMI monitoring shall be consistent with State Water Board SWAMP protocols and be evaluated using the CSCI unless otherwise approved by the Deputy Director. The initial monitoring block shall include analysis using the EPT index, as used in Project relicensing studies.

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The Poe Bypass Reach Fish and Benthic Macroinvertebrate Monitoring Plan (Fish and BMI Plan), as submitted by PG&E to the State Water Board as part of its December 19, 2024, Project certification amendment request, and updates submitted on April 25, 2025, satisfy the fish and BMI monitoring requirements of Condition 9 and are hereby approved. Any changes to the Fish and BMI Plan require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to the Fish and BMI Plan. The Licensee shall implement any Deputy Director-approved updates to the Fish and BMI Plan upon receipt of Deputy Director and any other required approvals.

**Amphibian.**

Following implementation of the new streamflows (Condition 1), the Licensee shall identify occupied and unoccupied FYLF egg-laying and rearing habitats in the Poe bypass reach. Metrics required to identify suitable habitat include but are not limited to: temperature, riparian vegetation establishment, scouring, water depths, water velocities, bank slope condition, and river bar formation/loss. Identification of suitable habitat shall be complete by the end of Year 2 of implementing new license streamflow conditions. Unless otherwise approved by the Deputy Director due to hydrologic conditions, during the fifth year of implementing the new license streamflow conditions, the entire Poe bypass reach shall be surveyed again to identify suitable FYLF egg-laying and rearing habitat.

Monitoring for FYLF eggs shall be conducted annually on 100 percent of the identified suitable habitat for the remaining license period and any extensions. Monitoring shall commence ~~once the temperature of the North Fork Feather River at Gage 23 exceeds 10°C mean daily water temperature on two successive days or~~ on April 15 of each year, ~~whichever occurs first~~, and shall be conducted every seven days until eggs have hatched. The Licensee shall provide the RTRG (Condition 6) with the weekly FYLF monitoring data.

If the water temperature at NF23 exceeds 10 degrees Celsius (°C) mean daily water temperature on two successive days prior to April 15, the Licensee shall report the temperature exceedances in the Water Temperature Monitoring Annual Data Report. If the water temperature at NF23 exceeds 10°C mean daily water temperature on two successive days prior to April 15 in five out of ten successive years, the Licensee shall consult with Agency Representatives within 90 days of April 15 of the fifth occurrence in ten years to discuss and determine the date to commence future annual FYLF monitoring. The Licensee shall notify the Deputy Director of the new date for commencement of annual FYLF monitoring. If the Licensee and the Agency Representatives are unable to determine an appropriate date to commence future annual FYLF monitoring, the Licensee shall notify the Deputy Director and provide a summary of the dates under consideration and

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related information to the Deputy Director. The Deputy Director shall notify the Licensee of the new date to commence annual FYLF monitoring. The Licensee shall continue to monitor the mean daily temperature and implement the reporting and consultation process outlined in this condition throughout the license term and any extension(s) thereto.

Amphibian monitoring data shall include, but are not limited to, the following:

- A. FYLF population trends, distribution, and reproductive success; and
- B. Inventory of FYLF suitable habitat and relation to occupied habitat.

The Poe Amphibian Monitoring Plan, as submitted by PG&E to the State Water Board as part of its December 19, 2024, certification amendment request, satisfies the amphibian monitoring requirements of Condition 9 and is hereby approved with the following changes:

- Update the revision date on the title page and in the footnote of all other pages from April 2023 to the date when PG&E incorporates the changes required per this Project certification amendment.
- Update section 4.2.5 *Analysis of Annual Mainstem Water Temperature of the Poe Amphibian Monitoring Plan* as follows:
  - Remove the following sentence: “If temperature of NF23 exceeds 10 degrees Celsius (°C) mean daily water temperature on two successive days, prior to April 15, the following years’ breeding survey start date may be revised and breeding surveys will begin prior to April 15.”
  - Replace the deleted sentence noted in the bullet directly above with the following: “If the water temperature at NF23 exceeds 10 degrees Celsius (°C) mean daily water temperature on two successive days prior to April 15, PG&E will report the temperature exceedances in the Water Temperature Monitoring Annual Data Report. If the water temperature at NF23 exceeds 10°C mean daily water temperature on two successive days prior to April 15 in five out of ten successive years, PG&E will consult with Agency Representatives within 90 days of April 15 of the fifth occurrence in ten years to discuss and determine the date to commence future annual FYLF monitoring. PG&E will notify the Deputy Director of the new date for commencement of annual FYLF monitoring. If PG&E and the Agency Representatives are unable to determine an appropriate date to commence future annual FYLF monitoring, PG&E will notify the Deputy Director and provide a summary of the dates under consideration and related information to the Deputy Director. The

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Deputy Director will notify PG&E of the new date to commence annual FYLF monitoring. PG&E will continue to monitor the mean daily temperature and implement the reporting and consultation process outlined in this bullet throughout the license term and any extension thereto.”

- Update Attachment 6 *Rationale for Plan Variations from License Conditions* as follows:
  - Remove the following sentence in the first paragraph of the section *Temperature Trigger for Initiating Breeding Survey*: “If the analysis shows that temperatures exceed 10°C for two consecutive days prior to April 15 in any given year, the date will be used to modify the start date of future breeding surveys.”
  - Replace the deleted sentence with the following: “If the analysis shows that temperatures at NF23 exceed 10°C for two consecutive days prior to April 15 consistently over time (for example, in five out of ten successive years), these dates prior to April 15 will be considered in discussions with Agency Representatives to determine a new start date for future breeding surveys.”
- PG&E shall update the Poe Amphibian Monitoring Plan with the changes noted in this condition and provide the updated plan to FERC and the Deputy Director, including the updated date of when the revisions were made.

Any changes to the Poe Amphibian Monitoring Plan require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to the Poe Amphibian Monitoring Plan. The Licensee shall implement any Deputy Director-approved updates to the Poe Amphibian Monitoring Plan upon receipt of Deputy Director and any other required approvals.

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**Condition 1. Minimum Instream Flows**

Within 60 days of license issuance, the Licensee shall operate according to the minimum instream flows specified in Table 1 as measured at USGS gage No. 11404500 (Gage 23).<sup>9</sup> Flows shall be measured as both a 24-hour average (mean daily) and an instantaneous reading. Instantaneous flows are used to construct the average daily flow value and shall be measured in time increments of not more than 15 minutes. Mean daily flows shall be 24-hour averages of the instantaneous readings from midnight of one day to midnight of the next day. The Licensee shall record instantaneous streamflow as required by USGS standards. Instantaneous flow measurements shall be at least 90 percent of the minimum flow listed in Table 1. Mean daily flows shall be equal to or greater than the minimum flows listed in Table 1.

<b>Table 1. Minimum Instream Releases (cfs) from Poe Dam as measured at Gage 23<sup>1</sup></b>				
<b>Month</b>	<b>Water Year Type<sup>2</sup></b>			
	<b>Wet</b>	<b>Normal</b>	<b>Dry</b>	<b>Critically Dry</b>
October	250	250	180	180
November	275	275	180	180
December	300	300	180	180
January	325	300	180	180
February	350	325	225	225
March	350	350	300	300
April	400	400	325	300
May	500	400	350	300
June	500	400	350	300
July	500	400	350	300
August	500	400	350	300
September	400	350	300	250
<sup>1</sup> No diversion may occur until the minimum instream flows are satisfied. <sup>2</sup> Water year types are defined in Condition 2.				

**Temporary Changes to Minimum Flow Requirements.**

Temporary changes to the minimum instream flow requirements may be implemented as noted below for: (a) equipment malfunction, direction from law enforcement authorities or FERC, or an emergency; and (b) for planned Project-related work.

Temporary Minimum Instream Flow Changes related to Equipment Malfunction, Direction from Law Enforcement or FERC, or an Emergency. The minimum instream

<sup>9</sup> Gage 23 is also known as NF 23, and is owned and operated by PG&E.

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flow requirements are subject to temporary modification if required by equipment malfunction, as directed by law enforcement authorities or by FERC, or in emergencies. An emergency is defined as an unforeseen event that is reasonably out of the control of the Licensee and requires the Licensee to take immediate action, either unilaterally or under instruction by law enforcement or other regulatory agency staff, to prevent imminent loss of human life or substantial property damage. An emergency may include, but is not limited to: natural events such as landslides, storms, or wildfires; malfunction or failure of Project works; and recreation accidents. When possible the Licensee shall notify the Deputy Director prior to any temporary stream flow modification. In all instances, the Licensee shall notify the Deputy Director within 24 hours of any temporary stream flow modification. Within 96 hours of the temporary stream flow modification, the Licensee shall provide the Deputy Director with an update of the conditions associated with the modification and an estimated timeline for returning to the required minimum instream flows. Within 30 days of any temporary stream flow modification, the Licensee shall provide the Deputy Director with: (1) photo documentation of the emergency or reason for the stream flow modification; (2) a written description of the modification and its necessity; (3) an updated timeline for returning to the required minimum instream flows or timeline when the minimum instream flows resumed; and (4) a plan to prevent the need for modification of minimum instream flows resulting from a similar emergency in the future.

*Temporary Minimum Instream Flow Changes related to Planned Project-related Work.*

The Licensee may request temporary changes to MIFs for planned and/or non-emergency work including facility construction, modification, or maintenance activities. Requests for temporary changes to the minimum instream flows for non-emergency work shall be submitted to the Deputy Director for review and consideration of approval as far in advance as practicable and no less than four months in advance of the desired effective date. The Licensee shall notify the Recreational Technical Review Group, as defined in Condition 6, of the proposed temporary change to MIFs. The request shall include: a description of the proposed construction, modification, or maintenance activities that necessitate the change in MIFs, including a schedule for the proposed work; a description of the proposed change to MIFs, including the planned duration and magnitude of the change; documentation of notification to the Recreational Technical Review Group and any comments received; and proposed measures that will be implemented to protect water quality and beneficial uses during the proposed change to MIFs. The Deputy Director may deny the request or require changes as part of any approval. Within seven days of Deputy Director approval of the temporary change to MIFs, the Licensee shall provide public notice of the change in MIFs on the Licensee's Project webpage. The Licensee shall file with FERC any Deputy-Director-approved temporary changes to the MIF requirements and any approved amendments thereto.

**Condition 9. Poe Bypass Reach Biological Monitoring**

Within one year of license issuance,<sup>[\*]</sup> the Licensee shall submit a Poe Bypass Reach Biological Monitoring Plan (Biological Monitoring Plan) to the Deputy Director for review

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and approval. [*\*The due date to file the Amphibian portion of the Biological Monitoring Plan was extended to March 31, 2020, as part of a previous amendment to the Project certification issued on February 5, 2020.*] The Biological Monitoring Plan shall be developed in consultation with State Water Board staff, Forest Service, USFWS, and CDFW. The Biological Monitoring Plan shall describe the fish, BMI, and amphibian monitoring the Licensee will conduct in the Poe bypass reach over the term of the license and any extensions. At a minimum, the Biological Monitoring Plan shall include the following elements: (1) objectives and goals; (2) description of the methodology that will be used for monitoring; and (3) description of possible circumstances that may affect monitoring and whether those circumstances are caused by Project operations. The Licensee shall include documentation of consultation with the above agencies, copies of comments and recommendations made in connection with development of the Biological Monitoring Plan, and a description of how the Biological Monitoring Plan incorporates or addresses agency comments and recommendations. All monitoring shall be consistent with the methods used for upstream monitoring associated with the Rock Creek-Cresta Hydroelectric Project (FERC Project No. 1962) unless otherwise approved by the Deputy Director. The Licensee shall allow a minimum of 30 days for the above agencies to comment and to make recommendations before submitting the Biological Monitoring Plan to the Deputy Director for review and approval. The Deputy Director may make modifications as part of any approval. The Licensee shall file the Deputy Director's approval, and any required modifications, with FERC.

**Fish and BMI.**

Table 5 establishes the years following license issuance that the Licensee shall monitor BMI and fish in the Poe bypass reach. Sampling may be deferred to the following year(s) in a year in which the Governor of the State of California declares a drought, or consecutive Critically Dry water years. A minimum of three sampling locations shall be sampled during each monitoring effort and sampling locations shall be consistent with past locations, unless otherwise approved by the Deputy Director. The Licensee shall submit biological monitoring reports to State Water Board staff within six months following completion of each sampling effort. Within six months of the end of a biological monitoring block period (outlined in Table 5), the Licensee shall consult with the Forest Service, State Water Board staff, USFWS, and CDFW to review the biological monitoring program. If changes to the biological monitoring program are determined appropriate by the agencies, the Licensee shall, within one year of the end of the block, propose updates to the Biological Monitoring Plan for Deputy Director approval. The Deputy Director may make modifications as part of any approval. The Licensee shall file the Deputy Director's approval, and any modifications, with FERC. Possible updates include, but are not limited to, sampling timeframes and protocols. Table 5 outlines the Biological Monitoring Schedule for the first 22 years of the license. Unless otherwise approved by the Deputy Director, the Licensee shall implement biological monitoring at least every five years following the final monitoring completed in Block 3 (i.e., commencing in Year 25) for the remainder of the license and any extensions.

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<b>Block ID</b>	<b>Block Periods (License Years)</b>	<b>Monitoring Years (License Years)</b>
Block 1	1-6	3, 4, 5, 6
Block 2	7-10	7, 8, 10
Block 3	11-20	16, 18, 20
Block 4	21-30	25, 30
Block 5	31-40	35, 40

Fish monitoring data shall include, but are not limited to, the following:

- A. Fish species composition and relative abundance,
- B. Fish species size/age distribution, and
- C. Condition of sampled fish.

BMI monitoring shall be consistent with State Water Board SWAMP protocols and be evaluated using the CSCI unless otherwise approved by the Deputy Director. The initial monitoring block shall include analysis using the EPT index, as used in Project relicensing studies.

The Poe Bypass Reach Fish and Benthic Macroinvertebrate Monitoring Plan (Fish and BMI Plan), as submitted by PG&E to the State Water Board as part of its December 19, 2024, Project certification amendment request, and updates submitted on April 25, 2025, satisfy the fish and BMI monitoring requirements of Condition 9 and are hereby approved. Any changes to the Fish and BMI Plan require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to the Fish and BMI Plan. The Licensee shall implement any Deputy Director-approved updates to the Fish and BMI Plan upon receipt of Deputy Director and any other required approvals.

**Amphibian.**

Following implementation of the new streamflows (Condition 1), the Licensee shall identify occupied and unoccupied FYLF egg-laying and rearing habitats in the Poe bypass reach. Metrics required to identify suitable habitat include but are not limited to: temperature, riparian vegetation establishment, scouring, water depths, water velocities, bank slope condition, and river bar formation/loss. Identification of suitable habitat shall be complete by the end of Year 2 of implementing new license streamflow conditions. Unless otherwise approved by the Deputy Director due to hydrologic conditions, during the fifth year of implementing the new license streamflow conditions, the entire Poe bypass reach shall be surveyed again to identify suitable FYLF egg-laying and rearing habitat.

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Monitoring for FYLF eggs shall be conducted annually on 100 percent of the identified suitable habitat for the remaining license period and any extensions. Monitoring shall commence on April 15 of each year and shall be conducted every seven days until eggs have hatched. The Licensee shall provide the RTRG (Condition 6) with the weekly FYLF monitoring data.

If the water temperature at NF23 exceeds 10 degrees Celsius (°C) mean daily water temperature on two successive days prior to April 15, the Licensee shall report the temperature exceedances in the Water Temperature Monitoring Annual Data Report. If the water temperature at NF23 exceeds 10°C mean daily water temperature on two successive days prior to April 15 in five out of ten successive years, the Licensee shall consult with Agency Representatives within 90 days of April 15 of the fifth occurrence in ten years to discuss and determine the date to commence future annual FYLF monitoring. The Licensee shall notify the Deputy Director of the new date for commencement of annual FYLF monitoring. If the Licensee and the Agency Representatives are unable to determine an appropriate date to commence future annual FYLF monitoring, the Licensee shall notify the Deputy Director and provide a summary of the dates under consideration and related information to the Deputy Director. The Deputy Director shall notify the Licensee of the new date to commence annual FYLF monitoring. The Licensee shall continue to monitor the mean daily temperature and implement the reporting and consultation process outlined in this condition throughout the license term and any extension(s) thereto.

Amphibian monitoring data shall include, but are not limited to, the following:

- A. FYLF population trends, distribution, and reproductive success; and
- B. Inventory of FYLF suitable habitat and relation to occupied habitat.

The Poe Amphibian Monitoring Plan, as submitted by PG&E to the State Water Board as part of its December 19, 2024, certification amendment request, satisfies the amphibian monitoring requirements of Condition 9 and is hereby approved with the following changes:

- Update the revision date on the title page and in the footnote of all other pages from April 2023 to the date when PG&E incorporates the changes required per this Project certification amendment.
- Update section 4.2.5 *Analysis of Annual Mainstem Water Temperature* of the Poe Amphibian Monitoring Plan as follows:
  - Remove the following sentence: “If temperature of NF23 exceeds 10 degrees Celsius (°C) mean daily water temperature on two successive days, prior to April 15, the following years’ breeding survey start date may be revised and breeding surveys will begin prior to April 15.”

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- Replace the deleted sentence noted in the bullet directly above with the following: “If the water temperature at NF23 exceeds 10 degrees Celsius (°C) mean daily water temperature on two successive days prior to April 15, PG&E will report the temperature exceedances in the Water Temperature Monitoring Annual Data Report. If the water temperature at NF23 exceeds 10°C mean daily water temperature on two successive days prior to April 15 in five out of ten successive years, PG&E will consult with Agency Representatives within 90 days of April 15 of the fifth occurrence in ten years to discuss and determine the date to commence future annual FYLF monitoring. PG&E will notify the Deputy Director of the new date for commencement of annual FYLF monitoring. If PG&E and the Agency Representatives are unable to determine an appropriate date to commence future annual FYLF monitoring, PG&E will notify the Deputy Director and provide a summary of the dates under consideration and related information to the Deputy Director. The Deputy Director will notify PG&E of the new date to commence annual FYLF monitoring. PG&E will continue to monitor the mean daily temperature and implement the reporting and consultation process outlined in this bullet throughout the license term and any extension thereto.”
- Update Attachment 6 *Rationale for Plan Variations from License Conditions* as follows:
  - Remove the following sentence in the first paragraph of the section *Temperature Trigger for Initiating Breeding Survey*: “If the analysis shows that temperatures exceed 10°C for two consecutive days prior to April 15 in any given year, the date will be used to modify the start date of future breeding surveys.”
  - Replace the deleted sentence with the following: “If the analysis shows that temperatures at NF23 exceed 10°C for two consecutive days prior to April 15 consistently over time (for example, in five out of ten successive years), these dates prior to April 15 will be considered in discussions with Agency Representatives to determine a new start date for future breeding surveys.”
- PG&E shall update the Poe Amphibian Monitoring Plan with the changes noted in this condition and provide the updated plan to FERC and the Deputy Director, including the updated date of when the revisions were made.

Any changes to the Poe Amphibian Monitoring Plan require Deputy Director approval. The Deputy Director may require changes as part of any approval. The Licensee shall file with FERC any Deputy Director-approved updates to the Poe Amphibian Monitoring Plan. The Licensee shall implement any Deputy Director-approved updates to the Poe Amphibian Monitoring Plan upon receipt of Deputy Director and any other required approvals.

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Certificate of Service

I hereby certify that I have filed electronically with the Federal Energy Regulatory Commission and served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 18th day of December 2025.

*Jessica Dyke*

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Jessica Dyke  
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Division of Water Rights  
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