



State Water Resources Control Board

January 24, 2024

Tiffany Begay
Hydro License Coordinator
Pacific Gas & Electric Company
Email: tiffany.begaye@pge.com

Spring Gap-Stanislaus Hydroelectric Project Federal Energy Regulatory Commission Project No. 2130 Calaveras and Tuolumne Counties Relief Reservoir and Middle Fork Stanislaus River

APPROVAL OF RELIEF RESERVOIR MINIMUM POOL AND MINIMUM INSTREAM FLOWS VARIANCE REQUEST

Dear Tiffany Begaye:

On January 4, 2024, Pacific Gas and Electric Company (PG&E) requested a variance to minimum instream flow and minimum pool requirements established in Condition 2 of its water quality certification (certification) for the Spring Gap-Stanislaus Hydroelectric Project (Project)¹. Condition 2 of the certification requires PG&E to maintain a minimum pool of 200 acre-feet at Relief Reservoir and to maintain minimum instream flows below Relief Reservoir per the Minimum and Maximum Streamflows for the Relief Reach table on page 16 of the Project certification. Condition 6 of the certification allows the Deputy Director to grant a variance to these flow regime requirements in the event of water supply emergencies beyond the control of PG&E.

Variance Request and Related Background

PG&E is requesting to provide only natural inflow or minimum instream flow, whichever is less, measured at gages S-52 and S-2 until Relief Reservoir inflow is continuously greater than the minimum instream flow requirements, reservoir storage above 4,500 feet, or May 1, 2024, whichever is first. Relief Reservoir is at an elevation above 7,000 feet and primarily receives snow over the winter. PG&E has been releasing minimum instream flows under the predicted Wet water year type requirement of 40 cubic feet per second as required by its Federal Energy Regulatory Commission (FERC) license. However, the weather has been drier than predicted and rain and snowfall in the area have been minimal, both decreasing inflows to Relief Reservoir and

¹ On April 24, 2009, the Federal Energy Regulatory Commission issued a new license to PG&E for the Project, which incorporates the State Water Resources Control Board's certification for the Project.

requiring higher outflows from the reservoir to meet minimum instream flow requirements due to reduced sideflow (contributions from tributaries, groundwater, etc.) downstream. These factors have depleted Relief Reservoir capacity to below the minimum reservoir pool.

Relief Reservoir has been reported to support rainbow trout, brown trout, and brook trout. The Middle Fork Stanislaus River below the confluence of Summit Creek and Kennedy Creek supports a rainbow trout fishery with the benefit of heavy stocking. Critical habitat for Sierra Nevada yellow-legged frog (SNYLF) is present around Relief Reservoir. Surveys during Project relicensing noted this species to be present in small natural ponds near Relief Reservoir, but not in the reservoir itself, which was found to not support suitable habitat for SNYLFs. These ponds are not directly connected to Relief Reservoir but are within the overland migration distance for SNYLFs. SNYLFs were also noted in an isolated oxbow just to the west of the Middle Fork Stanislaus River at Kennedy Meadows in the 2001 Project relicensing studies but not in subsequent surveys. PG&E believes this variance will have limited acute impact on resident wildlife compared to alternatives that could negatively impact trout in Relief Reservoir associated with a reduced pool. State Water Board staff consulted on the proposed variance's impact with staff from the California Department of Fish and Wildlife, United States Fish and Wildlife Service, and United States Forest Service. All concurred with PG&E's assessment and need for the variance.

Approval

PG&E's variance request is hereby approved with the following condition:

- PG&E shall promptly resume operation of the minimum instream flows below Relief Reservoir and the minimum pool requirements established in Condition 2 of the certification when: (a) inflow into Relief Reservoir continuously exceeds the minimum instream flow requirements for at least one week; (b) Relief Reservoir storage rises above 4,500 feet; or (c) May 1, 2024, whichever occurs first.

If you have questions regarding this letter, please contact Garrett Long, Project Manager, by email at Garrett.Long@waterboards.ca.gov. Written correspondence or inquiries should be mailed to:

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

Sincerely,



Erik Ekdahl, Deputy Director
State Water Resources Control Board

ec: Ms. Debbie-Ann Reese, Acting Secretary
Federal Energy Regulatory Commission
Via efile to docket for P-2130

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