



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

MAR 11 2014

Mr. Edward A. Abrams
Director, Division of Hydropower Administration and Compliance
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Dear Mr. Abrams:

FEDERAL ENERGY REGULATORY COMMISSION ASSISTANCE DURING THE 2014 CALIFORNIA DROUGHT

The State Water Resources Control Board (State Water Board) appreciates the Federal Energy Regulatory Commission's (Commission) February 6, 2014 commitment to aid licensed hydropower projects in California during the drought in order to conserve water for the most critical needs. The State Water Board believes that if hydrologic conditions warrant extraordinary measures to preserve water for future use, that corresponding actions to conserve water in the communities benefiting from that action must be implemented as well. The State Water Board is now including mandatory conservation as a condition of each order approving a Temporary Urgency Change Petition requesting a relaxation of requirements that result in reduced in-stream flows. To ensure that temporary changes to conserve water are treated consistently, whether as a State Water Board or Commission action, the State Water Board is requesting that the following conditions be included in Commission amendments to federal hydropower licenses that approve similar changes to flow or storage requirements.

Mandatory Conservation

Any change that involves the modification of operations (e.g., minimum flows, recreation flows, minimum pool, etc.) for the purpose of retaining water for consumptive use, whether by the requestor or on behalf of an end user, should include mandatory conservation measures that must be implemented by the end user. At a minimum, mandatory conservation should include the following elements:

- An overall reduction in water use of not less than 20 percent, in accordance with the Governor's statewide declaration of drought that calls on all Californians to reduce their water usage by 20 percent.¹
- Restrictions on outdoor uses of raw and potable water (e.g., water for pools, landscaping, ornamental functions);
- Restrictions on resale of conserved water for uses other than public health and safety; and
- Public notification of the mandatory conservation measures.

The licensee should be responsible for providing documentation demonstrating that the end user has implemented the conservation requirements listed above.

¹ Edmund G. Brown Jr. Declaration of Drought State of Emergency issued January 17, 2014. Declaration available online at: <http://gov.ca.gov/news.php?id=18368>

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

Quantification of Water

Assuming that the license change is requested in order to preserve water in storage for public health and safety or fishery uses this year or to adequately plan for a subsequent dry year, the following information should be provided by the requesting entity:

- The quantity of water that is expected to be saved for later use that would not be available without the change;
- The location where the saved water will ultimately be used; and
- The purpose of for which the saved water will be used.

Return to License Conditions

Any approval of a change to the license should include a condition or conditions that specify how and when the hydroelectric project will return to its licensed conditions if the drought ceases or if local conditions improve such that regular operations may be reinstated.

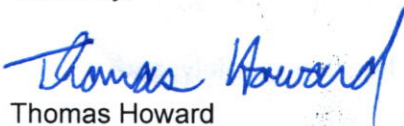
Monitoring Conditions

Monitoring should be conducted as appropriate by the license holder to identify the impacts of the license changes on fish and wildlife species and water quality. A discussion of anticipated or potential impacts to fish and wildlife species and water quality should be included by the license holder with the request to change the license. Conditions requiring monitoring should be able to both confirm whether impacts occur and promptly notify the appropriate fish and wildlife and water quality regulatory agencies if impacts are greater than anticipated.

The State Water Board appreciates the Commission's continued coordination and assistance during this time. State Water Board staff will continue to look for notification from the Commission when new requests for drought-related changes to licenses are received or acted upon. The State Water Board also appreciates the Commission's direction that licensees "promptly begin to consult with state and federal natural resource agencies, Native American Tribes and other appropriate entities to determine whether, and to what extent, to modify flow release requirements." Providing the State Water Board and other agencies and tribes with the earliest possible notice of potential operational problems allows us to respond to requests appropriately and best address and limit emergency situations in a timely manner.

If you have questions regarding this letter please contact Ms. Erin Ragazzi, Division of Water Rights Water Quality Certification Program Manager, at (916) 322-9634 or through email at erin.ragazzi@waterboards.ca.gov. Written correspondence should be directed to: State Water Resources Control Board, Division of Water Rights, Water Quality Certification Program, Attention: Erin Ragazzi, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,



Thomas Howard
Executive Director

cc: Mr. Randall Winston
Special Assistant to the Executive Secretary
Office of Governor Edmund G. Brown, Jr.
State Capitol
Sacramento, CA 95814