
State Water Resources Control Board

MAY 17 2019

To: FERC Service List P-2687

NOTICE OF REQUEST TO EXTEND THE TEMPORARY SUSPENSION FLUSHING FLOWS, PIT 1 HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2687; SHASTA COUNTY

By letter dated February 7, 2019, Pacific Gas and Electric Company (PG&E) submitted a request for a one-year extension of the suspension of flushing flows for the Pit 1 Hydroelectric Project (Project), Federal Energy Regulatory Commission (Commission) Project No. 2687. The extension is requested to protect the endangered Shasta crayfish (*Pacifastacus fortii*) while the State Water Resources Control Board (State Water Board) completes California Environmental Quality Act (CEQA) analysis of potential environmental impacts of permanently eliminating flushing flows required by Condition 13 and associated monitoring required by Condition 14 in the Project water quality certification (certification)¹. If approved, PG&E would continue the temporary suspension of flushing flows in the Pit 1 Bypass Reach for an additional year while CEQA is completed.

On June 24, 2009, PG&E submitted a request to the State Water Board to amend the Project certification to remove Condition 13 and Condition 14. Condition 13 requires PG&E to release flushing flows during three weekends in May or June, July, and August. The flows are designed to reduce nuisance vegetation and control mosquito populations in Fall River Pond. By letter dated August 28, 2009, State Water Board staff notified PG&E that before an amendment of the certification could be considered, the State Water Board must comply with CEQA. In a letter dated December 17, 2009, U.S. Fish and Wildlife Service (USFWS) staff stated that flushing flows are likely resulting in take and are facilitating the decline of the Shasta crayfish in the Pit 1 Bypass Reach.

On April 15, 2010, the State Water Board received a request from the Commission to temporarily suspend the flushing flow requirements in the Project certification. On July 6, 2010, the State Water Board issued Order WQ 2010-0009-EXEC, which temporarily amended the certification to suspend flushing flows for two years (2010 and 2011).

On March 22, 2012, PG&E submitted a letter requesting an extension of the suspension of flushing flows for one additional year to allow for implementation of the Pit 1 Hydroelectric Project Shasta Crayfish Study Plan and completion of the CEQA analysis. On June 14, 2012, the State Water Board issued Order WQ 2012-0008-EXEC approving the temporary suspension of flushing flow requirements through 2012. PG&E issued the final Pit 1 Hydroelectric Project Shasta Crayfish Study Report on January 31, 2013.

¹ The State Water Board issued certification for the Project on December 4, 2001, and the Commission issued the Project license on March 19, 2003.

State Water Board staff's work on the CEQA document was delayed from 2013 through 2016 during California's historic drought. On March 28, 2013, April 21, 2014, March 19, 2015, and March 31, 2016, PG&E submitted letters requesting additional one-year extensions to the suspension of Project flushing flows to allow for the completion of the draft environmental impact report (EIR) required by CEQA. USFWS provided letters of support on May 17, 2013, April 21, 2014, March 19, 2015, and June 9, 2016, respectively. On June 20, 2013, June 12, 2014, June 23, 2015, and June 28, 2016, the State Water Board issued Orders WQ 2013-0024-EXEC, WQ 2014-0023-EXEC, WQ 2015-0076-EXEC, and WQ 2016-0072-EXEC, respectively, approving the temporary suspension of flushing flow requirements through 2013, 2014, 2015, and 2016, respectively.

The State Water Board released the draft EIR for public comment from June 26, 2017 through August 15, 2017. In letters dated April 18, 2017 and February 7, 2018, PG&E requested additional one-year extensions of the suspension of Project flushing flows to allow for completion of the CEQA process. USFWS provided letters of support on June 13, 2017 and March 26, 2018, respectively. On June 27, 2017 and June 26, 2018, the State Water Board issued Orders WQ 2017-0014-EXEC and WQ-2018-0111-EXEC extending the temporary suspension of flushing flows through 2017 and 2018.

On February 7, 2019, PG&E submitted a letter requesting an extension of the suspension of flushing flows because the draft EIR will not be finalized prior to the timeframe for implementing the required 2019 flushing flows.

Additional information, including copies of the requests, can be found on the State Water Board's webpage for the Project, which is available at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/pit1_ferc2687.shtml

California Code of Regulations, title 23, section 3838 authorizes the Executive Director for the State Water Board to take all actions connected with applications for certification. This letter serves as notice that pursuant to the California Code of Regulations, title 23, section 3858, the State Water Board is taking action on the request to extend the temporary suspension of the flushing flow requirements.

If you have questions regarding this letter, please contact me at (916) 341-5408 or by email at Philip.Choy@waterboards.ca.gov. Written correspondence can be directed as follows:

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Sincerely,

ORIGINAL SIGNED BY:

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