



PLUMAS COUNTY PLANNING & BUILDING SERVICES

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Nathan Fisch
State Water Resource Control Board
Division of Water Rights
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July 16, 2107

Re: Draft Water Quality Certification for Pacific Gas and Electric Company's (PG&E's) Poe Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 2107

Dear Mr. Fisch,

Plumas County (Plumas) appreciates the opportunity to comment on the Draft Water Quality Certification (draft Poe 401) for FERC # 2107. Plumas staff were involved in the development of the draft 10j and the draft United States Forest Service 4e Conditions with FERC staff, some of which have been incorporated into the draft Poe 401. The draft Poe 401 also benefits from new information and adaptive operation innovations from the upstream FERC #1962 License.

Although you are a relatively new member of the FERC #1962 Ecological Resources Committee (ERC), you have done a good job of integrating new information from the FERC #1962 adaptive process with Water Board's climate adaption guidance into this draft. For example, the draft Poe 401 recognizes the project as a recreational destination for the Chico-Oroville areas and for a range of beneficial uses including swimming (contact) and shoreline (non contact) and boating recreation as reflected in Condition 8 (the Recreation Improvement and Monitoring Plan) and in Condition 6, (the RTRG, the Recreational Technical Review Group). This is a significant evolution from the Poe Project described the FERC Final EIS. "We agree that there are currently limited opportunities to obtain visitor information in the Feather River Canyon... As discussed in section *V.C.6, Land Use and Aesthetics*, State Highway 70 is the lowest route through the Sierra Nevada and provides year-round access to motorists. For this reason, many people travelling on State Highway 70 are on their way to a destination beyond the Feather River canyon, and for them the canyon is not a destination in itself.... The Poe Project is located at the entrance to the Feather River canyon, and as such serves as a gateway to

the canyon. However, the Poe Project encompasses only a small portion of the entire Feather River canyon.” (P. 172, FERC Final EIS, 2007)

Plumas supports the Recreation and Monitoring Plan and its inclusion in the Poe RTRG. Although the Poe Project is located within Butte County, many visitors to the Poe Project do continue travel through the Feather River Canyon and enjoy recreational amenities provided by the Rock Creek-Cresta Project (FERC#1962) such as the newly dedicated Rock Creek Bench in Plumas County. Recreationists continue up the Feather River Canyon to Bucks Lake (FERC #619) and Lake Almanor (FERC #2105), California’s eight largest water body with over 1 million visitors per year. Part of FERC #1962, and the entire footprint of FERC #619, and FERC #2105 are located within Plumas County. For Plumas, the Poe Project is both an important feature in the “Stairstep of Power” and is also a noteworthy part of an increasingly popular seasonal tourist loop from Lake Tahoe to Lake Shasta. The RTRG and the Recreation Plan proposed in the draft Poe 401 recognize the Poe Project as part of a recreational travel corridor and its increasing importance as a year-round recreation destination for the Northern Sacramento Valley.

Also reflected in the draft Poe 401 is the incorporation of the latest science for protecting native (FYLF) frog, hardhead, and rainbow trout populations by proposing to adapt new operational changes for the Rock Creek-Cresta Project for the Poe Project such as enhanced summer flows and reduced low flow fluctuations.

Plumas supports the proposed Instream Flows displayed in Table 1 and discussed in Condition 1. Plumas supports the proposed 21-Day Ramp Down Schedule displayed in Table 4 and described in Condition 2. Plumas also supports the trigger-based nature of the pulse flows and sediment management described in draft Condition 4. The ERC and PG&E’s efforts in FERC #1962 have provided reasonable and feasible options for balancing beneficial uses in the Poe Project.

Moving forward, Plumas urges the Water Board to broaden consultation with tribes having ancestral ties to the Poe Project in order to better incorporate cultural elements and perspectives into the proposed Conditions 6 and 8. Plumas requests that the Water Board include language in the final Poe 401 that includes tribal engagement that encompasses broader cultural beneficial uses of water than protection of historic sites through SHPO. Plumas requests that the final Poe 401 reflect the Water Board’s recent adoption of Tribal Tradition and Cultural beneficial uses (CUL):

“1) Tribal Tradition and Culture (CUL): Uses of water that support the cultural, spiritual, ceremonial, or traditional rights or LIFEWAYS of CALIFORNIA NATIVE AMERICAN TRIBES, including, but not limited to: navigation, ceremonies, or fishing, gathering, or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials.” (Appendix A of Final Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California-Tribal Subsistence Fishing Beneficial Uses and Mercury Provisions.)

It is our current understanding that Tribal Tradition and Cultural Beneficial Uses will be developed within the specific context of Water Board regulatory proceedings as they are developed. Therefore, Plumas suggests that the RTRG may be an appropriate venue for applying CUL Beneficial Uses in the final Poe 401. If the Water Board agrees, then the

membership of the RTRG should be expanded to include tribal representation as a first step. The Water Board could also ask the US Forest Service and the Upper Feather River Regional Water Management Plan's Tribal Advisory Committee to provide current cultural contact lists for notification for RTRG meetings and activities. Plumas would be pleased to assist the Water Board in developing current tribal contacts for the RTRG from both Plumas and Butte Counties within the Upper Feather River Integrated Regional Water Management Plan Area. For more information about the UFR IRWM Plan please see featherriver.org

Plumas has concerns related to what is implied but not yet fully developed in Condition 10, Condition 12, and Conditions 23-27. When considered in their entirety, Conditions 10, 12, 23, 24, 25, and 26 wrestle with providing suitable habitat for cold water fish in the face of a changing climate where ambient temperatures are already rising and where water year types are anticipated to be more variable than the historic past. On the one hand, Plumas is fully supportive of including these upcoming Water Board proceedings in the draft Poe 401. On the other hand Plumas is unclear how a comprehensive discussion on the interrelated aspects of Conditions 10, 12, 23, 24, 25, and 26 will occur. How will the Poe 401 use these proposed Conditions to adapt to changing temperatures and streamflow quantity and quality over the life of the Poe License, especially as the ERC meets only annually as is now being proposed, and after the ERC sunsets?

The new Canyon Dam releases (C-10), the Condition 12 (C-12) Feather River Habitat Expansion Agreement (HEA-FERC #2100), the Water Temperature TMDL for the Feather River Canyon (C-23), NFFR FERC Project Coordination (C-24), Climate baseline assumptions (C-25), and the Bay Delta Water Quality Control Plan for the SR-SJR (C-26) will likely be developed and adopted by the Water Board after the Final Poe License is issued by FERC. As a practical matter FERC License "reopeners" are cumbersome, expensive, and they perpetuate the incremental silo decision-making that the draft 401 is proposing moving away from to adapt the Poe 401 for future conditions.

For example, Condition 9, the Poe Bypass Reach Biological Monitoring Plan, proposes monitoring for 20 years. Condition 10 on the other hand, relies on only 5 years of monitoring after the "new Canyon Dam releases associated with the relicensing of the Upper North Fork River Project (FERC Project 2105)". Three or four years of monitoring is unlikely to represent an adequate range of water types, and may not incorporate the lessons learned from five more years of monitoring of new flows and new summer ramping rates for Rock Creek-Cresta bypass reach. How will the Deputy Director evaluate 8 years of monitoring in the context two potentially significant flow factor changes and without a full range of water year types? How will the current temperature excursion releases from the FERC # 2105 Project for temperature exceedences in the Rock Creek and Cresta reaches in combination with the new bypass flows in Poe and Rock Creek-Crests reaches be factored into Conditions 1 and 10 and evaluated? It appears that the draft Poe 401 proposes to refer a limited range of data to the Deputy Director of the Water Rights to evaluate whether Condition 1 flow changes are warranted, apparently at the Deputy Directors' discretion. If the FERC # 1962 ERC meetings are discontinued except for one annual meeting beginning in 2018, the proposed approach for reevaluating Condition 1 becomes even more problematic for Plumas.

How does Condition 24 NFFR Project Coordination fit with the Temperature TMDL (C-23) and the FERC # 2105 401 Certification (C-10)? It is our understanding that the Temperature TMDL (C-23) reaches beyond the FERC boundary and beyond PG&E ownership and could explore access by coldwater fish into tributaries now blocked by CALTRANS and UP Railroad infrastructure.

After the ERC is truncated and then discontinued, Plumas cannot discern a pathway in the draft Poe 401 to have an ongoing and transparent discussion about the interrelationships between the complex regulatory processes and hydrologic/climatic factors that will drive implementation of Conditions 10, 12, 23, 24, 25, and 26 and the other draft Poe 401 Conditions in the changing temperature, precipitation, and runoff regime that is predicted for the Upper Feather Basin. Plumas suggests that the final Poe 401 include more discussion of the process that the Water Board is anticipating for linking Conditions 10, 12, 23, 24, 25, and 26 and the other draft Poe 401 Conditions.

As a first step, Plumas suggests that the Water Board consider convening an “ERC-equivalent” process for providing input to the Water Board during the first few decades of the final Poe 401 Certification. This group could be more informal than the ERC but it needs to have comparable membership and structure in order to achieve the breadth and institutional memory that is needed for effective and adaptive integration for the Conditions proposed in the draft Poe 401. TMDL working groups provide another public engagement framework that the Water Board could evaluate for application for this 401 Certification. TMDL’s for both temperature and mercury are anticipated during the new FERC # 2107 License period.

If you have questions or need more clarification on the comments provided above, please do not hesitate to contact me.

Sincerely,



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Cc:
Plumas County Board of Supervisors
Plumas County Counsel