



April 15, 2024

Electronically Submitted Via E-Mail
Eric.Oppenheimer@Waterboards.ca.gov

Mr. Eric Oppenheimer, Executive Director
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights
1001 I Street, 14th Floor
Sacramento, California 95814

Subject: Merced Falls Hydroelectric Project, FERC Project No. 2467
Request for Water Quality Certification

Dear Ms. Sobeck:

Pursuant to Title 18, Section (§) 5.23(b)(1) of the Code of Federal Regulations (C.F.R.) and a December 18, 2023, letter from the Federal Energy Regulatory Commission (FERC or Commission), by this letter the Merced Irrigation District (Merced ID) submits to the State Water Resources Control Board (State Water Board) an application for water quality certification (WQC) under Section 401 of the Federal Water Pollution Control Act, or simply the Clean Water Act, as amended in 1972, for Merced ID's Merced Falls Hydroelectric Project, FERC Project Number (No.) 2467 (Project). This request is made in support of Merced ID's application before the Commission for a new license for the Project. This WQC application is also made pursuant to Title 23, §§ 3855 and 3856 of the California Code of Regulations (C.C.R.) and is consistent with the requirements of 40 C.F.R. Part 121, as published in the Federal Register on July 13, 2020. No other licenses or permits are required for FERC's issuance of a new license.

As required by 40 C.F.R. § 121.4, in an e-mail to the State Water Board dated August 11, 2023 (attached), Merced ID requested a pre-filing meeting, which was held on August 31, 2023.

Merced ID's physical addresses and mailing addresses are:

Physical Address:
Merced Irrigation District
744 West 20th Street
Merced, CA 95340
Tel: (209) 722-5761

Mailing Address:
Merced Irrigation District
P.O. Box 2288
Merced, CA 95344

The name, physical addresses, mailing addresses, telephone numbers, and e-mail addresses of the person authorized to act as Merced ID's point of contact for this request for WQC is:

Bryan Kelly, P.E.
Deputy General Manager, Water Resources
Merced Irrigation District
744 W. 20th Street
Merced, CA 95340
Tel: 209-722-5761, Ext. 2810
bkelly@mercedid.org

The 3.4 megawatt Project, which is located on the main stem of the Merced River in Mariposa and Merced counties about 20 miles northeast of the city of Merced includes one development, Merced Falls, which includes: 1) a concrete gravity dam with a structural height of 34 feet and a crest length of 575 feet; 2) three radial gates, each 20 feet long and 13.5 feet high, which releases into the Merced River when spilling; 3) a 1-mile-long project impoundment with approximately 900 acre-feet of storage capacity, a useable storage capacity of approximately 579 acre-feet, a total surface area of approximately 65 acres, and a normal impoundment elevation of 344 feet; (4) an aboveground steel-steel sided powerhouse containing one vertical Kaplan-type four-blade turbine that discharges into the Merced River; 5) a 1,000-foot-long earthen levee with a crest width of 8 feet; 6) an adjacent intake structure with a debris rack; 7) recreation facilities; and 8) appurtenant structures and equipment. The Project occupies approximately 1 acre of federal lands administered by the United States Department of the Interior, Bureau of Land Management.

The Project is operated in a run-of-river mode dependent on water outflow from Merced ID's upstream Merced River Project, FERC Project No. 2179. Inflow to the Project passes through the impoundment, which is kept at a constant water elevation and then flows either through the powerhouse or the dam's radial gates. Flows of up to approximately 1,750 cubic feet per second (cfs) are diverted through the powerhouse, and then discharged to the Merced River via the tailrace. When water inflows exceed 2,200 cfs, the Project spills water through the radial gates. The main section of the dam, approximately 535.5 feet long, is topped with needle beams. During flood events with flows greater than 12,250 cfs, the needle beams can be dropped, allowing the 575-foot-long concrete section of the dam to act as a spillway.

On February 8, 2012, Pacific Gas and Electric Company (PG&E) filed with FERC a Final License Application (FLA) for License for a Major Project - Existing Dam for the Project and made the FLA available to the State Water Board.¹ FERC issued a joint Final Environmental Impact Statement (FEIS) for the Project together with Merced ID's Merced River Hydroelectric Project on December 4, 2015.² On March 2, 2017, PG&E formally transferred the license and ownership of the Merced Falls Project to Merced ID, and FERC completed assignment of the Project license to Merced ID. As the license holder for the Merced Falls Project, Merced ID assumed responsibility for completing the Merced Falls Project relicensing.

¹ PG&E's FLA is also available on FERC's ELibrary at Accession Numbers 20120208-5071, -5072, and -5073.

² FERC's FEIS is available on FERC's ELibrary at Accession Number 20151204-3033.

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This letter requests WQC for the Project. PG&E's February 8, 2012, FLA and FERC's December 4, 2015, FEIS contain all information required under 23 C.C.R. § 3856 relative to the contents of a complete application for WQC. Should Merced ID file with FERC an amendment to the FLA subsequent to this request for WQC, Merced ID will provide to the State Water Board a copy of the amendment, as required under 23 C.C.R. § 3834.

Merced ID understands that the State Water Board does not require a deposit or application fee to be filed with this application for processing the WQC.

Merced ID, as lead agency under the California Environmental Quality Act (CEQA), is in the process of preparing a CEQA document and intends to complete CEQA compliance by the end of 2024.

Merced ID hereby certifies that all information contained in the FLA and request for WQC is true, accurate, and complete to the best of Merced ID's knowledge and belief, and request that the State Water Board review and act on this WQC request within the applicable reasonable period of time.

If you have any questions regarding this request for WQC, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bryan Kelly", with a long horizontal flourish extending to the right.

Bryan Kelly

Deputy General Manager, Water Resources

Attach: Merced ID's E-Mail Request to the State Water Board for a Pre-Filing Meeting

cc: Debbie-Anne A. Reese, Acting Secretary, FERC
Oscar Biondi – SWRCB

Palmer, Jacare

From: Biondi, Oscar@Waterboards <oscar.biondi@waterboards.ca.gov>
Sent: Friday, August 11, 2023 2:43 PM
To: Lynch, Jim
Cc: Bryan Kelly
Subject: Re: Merced Relicensings: Request for WQC Pre-Filing Meeting

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jim, I'm acknowledging the request. Let me see which days work best and get back to you. Thanks,
Oscar

From: Lynch, Jim <Jim.Lynch@hdrinc.com>
Sent: Friday, August 11, 2023 1:04 PM
To: Biondi, Oscar@Waterboards <Oscar.Biondi@waterboards.ca.gov>
Cc: Thaler, Parker@Waterboards <parker.thaler@waterboards.ca.gov>; Bryan Kelly <bkelly@mercedid.org>
Subject: Merced Relicensings: Request for WQC Pre-Filing Meeting

EXTERNAL:

Oscar – I am sending this e-mail on behalf of Merced Irrigation District (Merced ID).

As you know, in a letter dated July 11, 2023, the Federal Energy Regulatory Commission (FERC or Commission) directed Merced ID to file with the Commission by September 11, 2023, a copy of a requests for water quality certification (WQC) under Section 401 of the Clean Water Act, or a copy of valid WQC, or evidence of waiver of WQC for relicensing of Merced ID's Merced River Hydroelectric Project (FERC Project No. 2179) and for Merced Falls Hydroelectric Project (No. 2467). Both projects are located on the mainstem of the Merced River. The Merced River Hydroelectric Project includes two dams and reservoirs (Lake McClure formed by New Exchequer Dam and McSwain Reservoir formed by McSwain Dam), two powerhouses (New Exchequer Powerhouse that discharges into McSwain Reservoir and McSwain Powerhouse that discharges into Merced Falls Reservoir) and recreation facilities. The Merced Falls Hydroelectric Project includes one dam and reservoir (Merced Falls Reservoir formed by Merced Falls Dam), one powerhouse (Merced Falls Powerhouse that discharges into the Merced River) and recreation facilities.

In compliance with Section 121.4 of Title 40 of the Code of Federal Regulations, this e-mail requests a WQC pre-filing meeting with the State Water Resources Control Board for these two projects.

Please contact me or Bryan Kelly at the e-mail address above at your earliest convenience to schedule this meeting.

Thank you and I look forward to talking with you.

James Lynch
Principal Engineer

HDR
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