



## State Water Resources Control Board

January 23, 2026

Mr. Jeremiah McNeil, Manager  
Hydropower License Planning and Compliance Office  
Executive Division  
California Department of Water Resources  
**Sent via Email: [Jeremiah.McNeil@water.ca.gov](mailto:Jeremiah.McNeil@water.ca.gov)**

**Re-Operation of Pyramid Dam for the California Aqueduct Pump Storage Project –  
South State Water Project Hydropower  
Federal Energy Regulatory Commission Project No. 2426  
Los Angeles and Ventura Counties  
Pyramid Lake and Piru Creek**

### **TEMPORARY AMENDMENT TO WATER QUALITY CERTIFICATION**

Dear Mr. McNeil:

This water quality certification (certification) amendment is issued in response to the California Department of Water Resources' (DWR) June 30, 2025 request for an amendment to Condition 1 of the August 9, 2009 certification for the Re-Operation of Pyramid Dam for the California Aqueduct Pump Storage Project<sup>1</sup> (Project). DWR requests a temporary increase in the amount of State Water Project (SWP) water that may be delivered to United Water Conservation District (United), from Pyramid Lake to Lake Piru (via middle Piru Creek)<sup>2</sup>. Specifically, DWR requests to increase SWP deliveries from 3,150 acre-feet to a maximum of 25,000 acre-feet per water year for Water Year (WY) 2025-2026 through WY 2029-2030. Per Condition 1 of the 2009 Project certification, SWP water deliveries to United are limited to 3,150 acre-feet from November 1 to the end of February each WY; therefore, a certification amendment is needed to increase SWP water deliveries. The additional SWP water deliveries are intended to replenish groundwater in the local area.

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<sup>1</sup> On July 7, 2011, the California Aqueduct Pump Storage Project was renamed the South State Water Project Hydropower to better reflects its location and its relation to the overall State Water Project.

<sup>2</sup> Middle Piru Creek is also referred to as the Pyramid Reach, an 18.1-mile-long section of Piru Creek that extends from the spillway or low-level outlet at Pyramid Dam (impounds Pyramid Lake) to the normal maximum water surface elevation of Lake Piru.

## Background

Condition 1 of the Project's 2009 certification requires that stream releases from Pyramid Lake to Piru Creek match natural inflow into Pyramid Lake, and states in part:

*Up to 3,150 acre-feet of State Water Project water may be delivered to United Water Conservation District via middle Piru Creek between November 1 and the end of February of each water year. During this period, water deliveries may be made over a period of a few days, ramping flows up and down to simulate the hydrograph of a typical storm event, or they may be released more gradually over a longer period of time.*

On December 6, 2019, DWR submitted a request for a temporary amendment to Condition 1 of the Project's 2009 certification to deliver 8,987.5 acre-feet to United prior to the end of 2020. The State Water Resources Control Board (State Water Board) Executive Director approved the one-time amendment request on January 15, 2020. On February 10, 2023, DWR submitted a request for a two-year amendment to temporarily increase the amount of SWP water deliveries to United from Pyramid Lake to Lake Piru, from 3,150 acre-feet per water year to a maximum of 25,000 acre-feet per water year for WY 2022-2023 and WY 2023-2024. The Executive Director approved DWR's request on February 17, 2023.

DWR's June 30, 2025 request to amend the 2009 Project certification, similar to its February 10, 2023 request, seeks to deliver to United up to 25,000 acre-feet of SWP water in each WY between WY 2025-2026 through WY 2029-2030. This exceeds the current 3,150 acre-feet limit in Condition 1 of the Project's 2009 certification by 21,850 acre-feet in each WY.

On September 5, 2025, the Federal Energy Regulatory Commission (FERC) requested additional information regarding DWR's June 30, 2025 request. FERC directed DWR to analyze potential impacts on species listed under the federal Endangered Species Act (ESA) and to consult with the California Department of Fish and Wildlife (CDFW), the United States Fish and Wildlife Service (USFWS), and the United States Forest Service (Forest Service). FERC's direction required documentation of consultation and a 30-day agency review period. FERC required DWR to address any comments received, including those related to water quality and ecological impacts. On September 11, 2025, DWR agreed to include the State Water Board in its consultation.

On September 22, 2025, DWR provided documentation for review by the above listed agencies and the State Water Board. As FERC requested, on October 30, 2025, DWR submitted an analysis of effects to additional ESA listed species and documentation of consultation with USFWS, Forest Service, CDFW, and State Water Board.

On December 9, 2025, FERC issued an Environmental Assessment (EA). The EA concluded that DWR's request would not result in significant adverse environmental effects and recommended considering a shorter time period, noting that DWR's requested five-year term is a longer term than a FERC variance would normally provide. FERC suggested DWR file for a permanent license amendment for a long-term action.

The State Water Board agrees with FERC's EA in that DWR's request for a five-year FERC variance does not constitute a temporary change.

Project Relicensing. As part of the Project's FERC relicensing process, on January 30, 2020, DWR and the Los Angeles Department of Water and Power submitted a final license application to FERC. Subsequently, on January 26, 2022, the State Water Board issued a certification for the Project's relicensing. On March 14, 2023, the State Water Board amended the 2022 certification for the Project's FERC relicensing. The amendment, in part, revised Condition 5(b) to allow implementation of long-term flushing flows and/or ramping rates in excess of 3,150 acre-feet in the Pyramid Reach, between November 1 through the end of February, contingent on completion of a CEQA document, and subsequent approval by the Deputy Director. The Project relicensing certification and its associated amendment will take effect once FERC issues the new Project license. Until that time, the Project will continue to operate under its existing FERC license issued in 1978, and any amendments thereto; this certification amendment is tied to the Project's existing 1978 FERC license.

United Water Conservation District. Each year, DWR delivers SWP water to United as part of the Ventura County Watershed Protection District's long-term water supply contract<sup>3</sup> with DWR. United receives up to 3,150 acre-feet per year of SWP Table A<sup>4</sup> water, which is typically delivered through releases by DWR into the Pyramid Reach. United may also be contractually eligible for supplemental SWP water deliveries under Article 21<sup>5</sup> of SWP long-term water supply contracts or through acquisitions from other SWP contractors.

The acquisition of supplemental SWP water is intended to improve conditions in the Oxnard Plain and Pleasant Valley groundwater basins that are experiencing severely depleted groundwater conditions. Depleted groundwater basins are contributing to seawater intrusion in the southern Oxnard Plain and elevated levels of nitrates in the Oxnard Plain sub-basin, which is the major potable water supply source for the cities of Oxnard and Port Hueneme.

Proposed Release Plan. To avoid adverse effects to listed species, the proposed increases in SWP water deliveries will be implemented between the November 1 to February 28/29 period required in the Project certification for SWP water deliveries. The release from Pyramid Dam will be within the range of historic flows and will mimic the natural hydrograph, including a gradual ramp up and ramp down of flows, with peak flows in the range of historic storm flows in middle Piru Creek (i.e., the peak flows will

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<sup>3</sup> United is a party to the *Water Supply Contract Between the State of California Department of Water Resources and Ventura County Flood Control District*, which was executed in 1963.

<sup>4</sup> Table A water refers to the annual entitlement of water each SWP contractor can receive.

<sup>5</sup> Article 21 water is surplus water made available by the SWP that is in excess of a contractor's allocated supply. Article 21 water must be taken when offered and is subject to all applicable regulatory and contractual requirements.

not exceed 1,400 cubic foot per second, which is less than the five-year return interval storm event).<sup>6</sup>

Listed Species. Four species listed under the federal ESA are known to occur and/or have designated critical habitat in middle Piru Creek: arroyo toad (*Anaxyrus californicus*), California red-legged frog (*Rana draytonii*), least Bell's vireo (*Vireo bellii pusillus*), and southwestern willow flycatcher (*Empidonax traillii extimus*). An additional nine species listed under the federal ESA were identified by FERC as potentially present near Piru Creek: California Orcutt grass (*Orcuttia californica*), foothill yellow-legged frog (*Rana boylii*), Gambel's watercress (*Rorippa gambellii*), Riverside fairy shrimp (*Streptocephalus wootoni*), Coastal California gnatcatcher (*Polioptila californica californica*), Spreading navarretia (*Navarretia fossalis*), Vernal pool fairy shrimp (*Branchinecta lynchii*), Western Distinct Population Segment of Yellow-billed cuckoo (*Coccyzus americanus*), and the Monarch butterfly (*Danaus Plexippus*; proposed for listing). DWR determined that the nine additional species identified by FERC are not anticipated to be present in middle Piru Creek.

Of the four federally-listed ESA species that are known to be present in middle Piru Creek least Bell's vireo and southwestern willow flycatcher are also listed under the California ESA. State species of special concern (SSC) known to occur in middle Piru Creek include western pond turtle (*Emys marmorata*), two-striped gartersnake (*Thamnophis hammondii*), yellow warbler (*Setophaga petechia*), arroyo toad, California red-legged frog, and yellow-breasted chat (*Icteria virens*). Additionally, critical habitat for California condor (*Gymnogyps californianus*), listed as endangered under both federal and state ESAs, overlaps a portion of middle Piru Creek. Based on information in DWR's certification amendment request, the proposed water deliveries are not expected to adversely affect these species or their habitats. This assessment is based in part on the fact that deliveries would occur between November 1 and February 28/29, when arroyo toads inhabit upland areas away from flowing water. As stated above, on December 9, 2025, FERC issued an EA that concluded that DWR's request would not result in significant adverse environmental effects. Long-term changes are undergoing separate environmental review under the relicensing process<sup>7</sup>.

### **California Environmental Quality Act**

Issuance of a certification or certification amendment is a discretionary action subject to CEQA (Pub. Resources Code, § 21000 et seq.). For this Project certification amendment, DWR is the lead agency. DWR determined that the activity is categorically exempt from the requirements to prepare environmental documents under California Code of Regulations, title 14, section 15301(b) – Operations of existing publicly owned utility facilities. DWR filed a Notice of Exemption for the requested amendment on August 1, 2025, and the statutory time period for filing challenges to the determination has passed. Under recent changes to Public Resources Code, section 21080.1, this

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<sup>6</sup> Per United's June 24, 2025, request to DWR for support in obtaining a temporary amendment, which DWR submitted to the State Water Board on July 28, 2025.

<sup>7</sup> Once a new FERC license is issued for the Project's relicensing, DWR is required by the Project certification (specifically Condition 5(B) of the March 14, 2023 Project certification amendment) to develop a CEQA document evaluating flushing flows and/or ramping rates in excess of 3,150 acre-feet.

determination is binding on responsible agencies, including the State Water Board. (See SB 131 (2025-2026), filed June 30, 2025.)

### **Noticing and Comments**

On August 21, 2025, the State Water Board provided public notice of DWR's amendment request of the Project certification, pursuant to California Code of Regulations, title 23, section 3858, by posting information describing the amendment request on the Water Quality Certification Program Public Notices webpage and noticing interested parties via email. The State Water Board received no comments.

### **State Water Board Approval**

Based on review of available information, the State Water Board finds that the Board's amendment of Condition 1 will comply with state water quality standards and other appropriate requirements of state law with the conditions noted below. Therefore, the State Water Board grants a certification amendment to Condition 1 of the 2009 Project certification, including amendments thereto, with the following additional conditions:

1. California Water Code, section 13383 authorizes the State Water Board to "establish monitoring, inspection, entry, reporting, and recordkeeping requirements" and obtain "other information as may be reasonably required" for activities subject to certification under section 401 of the Clean Water Act. The term of this amendment is limited to WY 2025-2026 and WY 2026-2027.

Unless otherwise approved in writing by the Deputy Director for the Division of Water Rights, a proposed release schedule shall be sent to the Project Manager at least 48 hours in advance of additional Project water deliveries (i.e., deliveries in excess of the 3,150 acre-feet per year covered by the existing Project certification). The water deliveries shall be completed prior to the end of February in each WY and conducted in accordance with the proposal submitted by DWR on June 30, 2025 (i.e., the deliveries shall be within the range of historic flows, designed to mimic the natural hydrograph – including a gradual ramp up and ramp down of flows with peak flows in the range of historic storm flows in middle Piru Creek and no more than 1,400 cubic feet per second, and a total delivery of no more than 25,000 acre-feet per water year).

2. Within 10 days of completing a water delivery authorized under this certification amendment, DWR shall submit a report to the Project Manager detailing the release schedule, release amount, and ramping rates.
3. This certification amendment is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28, article 4, and owed by the applicant.

4. This certification amendment is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to California Water Code, section 13330, and California Code of Regulations, title 23, division 3, chapter 28, article 6 (commencing with section 3867).
5. This certification amendment is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent application for certification was filed pursuant to California Code of Regulations, title 23, section 3855, subdivision (b) and that application for certification specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

The State Water Board recommends that DWR diligently continue to work with United to complete CEQA review for water deliveries in excess of 3,150 acre-feet, consistent with the March 14, 2023 amendment of the 2022 certification for the Project's relicensing, if DWR anticipates seeking similar approvals beyond WY 2026-2027.

If you have questions regarding this certification amendment, please contact James Noss, Project Manager, by phone to: (916) 327-3117 or by email to: [James.Noss@waterboards.ca.gov](mailto:James.Noss@waterboards.ca.gov). Written correspondence should be directed to:

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Sincerely,



Eric Oppenheimer  
Executive Director

cc: Ms. Debbie-Ann Reese, Secretary  
Federal Energy Regulatory Commission  
Via eFiling to FERC Docket P-2426

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Interested Parties List