



State Water Resources Control Board

September 27, 2024

Ms. Debbie-Anne Reese, Acting Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426
Via e-filing to FERC Docket P-77-318

Ms. Janet Walther, Director
Hydro Licensing and Compliance
Pacific Gas and Electric Company
Sent via Email: Janet.Walther@pge.com

**Potter Valley Hydroelectric Project
Federal Energy Regulatory Commission Project No. 77
Mendocino and Lake Counties
Eel and East Branch Russian Rivers**

UPDATE ON WATER QUALITY CERTIFICATION PROCESS FOR PACIFIC GAS AND ELECTRIC COMPANY'S PROPOSED LICENSE AMENDMENT APPLICATION

Dear Acting Secretary Reese:

In October 2024, Pacific Gas and Electric Company (PG&E) plans to submit to the Federal Energy Regulatory Commission (FERC or Commission) a proposed¹ license amendment application for the Potter Valley Hydroelectric Project (Project). It is State Water Resources Control Board (State Water Board or Board) staff's understanding that PG&E's amendment application proposes a reduction in Eel River and East Branch Russian River minimum instream flows until the Project license is surrendered.

The State Water Board has determined that a Clean Water Act section 401 water quality certification (certification) is necessary for PG&E's proposed license amendment. On several occasions, as early as December 2023, State Water Board staff have communicated to PG&E the need for certification for the proposed Project amendment. To date, the State Water Board has not received a pre-filing meeting request or an application for certification from PG&E. To avoid unnecessary delays in the Commission license amendment proceeding, State Water Board staff strongly recommend that PG&E promptly submit a pre-filing meeting request to the State Water Board and apply for certification.

¹ State Water Board staff's understanding is that PG&E's July 31, 2024 proposed changes to FERC license Article No. 52 (shared with State Water Board staff on July 31, 2024) will constitute the entirety of PG&E's anticipated October 2024 license amendment application and that no additional proposed changes to flow requirements will be included in PG&E's anticipated October 2024 license amendment application.

Summary of Amendment-related Communications

On March 17, 2023, PG&E notified the Commission of the potential for seismic instability at Scott Dam and its plan to implement an “interim-reduction measure” of leaving the spillway gates open year-round, reducing the water storage capacity in Lake Pillsbury by approximately 20,000 acre-feet. In its March 28, 2023 response, the Commission noted that PG&E’s “unilateral decision to keep the spillway gates open indefinitely” could limit PG&E’s ability to meet license-required summer and fall flow releases. The Commission concluded that “Should PG&E wish to seek Commission authorization for keeping the gates open indefinitely, it must file an amendment application, pursuant to 18 CFR 4.200.” The Commission requested that PG&E’s amendment application contain detail about anticipated environmental effects, any avoidance and minimization measures, and documentation of consultation with relevant agencies and Tribes.

On July 31, 2023, PG&E submitted to the Commission a long-term flow variance request. On October 4, 2023, Commission staff determined that PG&E’s long-term variance request constituted an amendment to the Project license and requested additional information. The Commission’s additional information request included a request that PG&E “please consult with the California [State Water Board] to determine if a water quality certification is necessary for the proposed amendment and if so, please complete the application process and file a completed certification with the Commission. Alternatively, if a water quality certification is not required, please provide documentation of consultation from the California [State Water Board] indicating that certification is not necessary.”

Following the Commission’s information request, on November 13, 2023, PG&E and State Water Board staff met and discussed whether a certification was required for the proposed FERC license amendment. On December 4, 2023, State Water Board staff notified PG&E by email of the Board’s determination that a water quality certification is necessary for PG&E’s anticipated FERC license amendment and requested additional information to inform the certification process (Attachment A). On June 3, 2024, State Water Board staff followed up with PG&E staff on the request for additional information by email. State Water Board staff have yet to receive a response from PG&E.

On July 31, 2024, PG&E requested consultation with State Water Board staff regarding PG&E’s proposed changes to Article 52 of the Project’s FERC license.² PG&E provided

² Ordering paragraph (C) and license Article 52 of FERC’s January 28, 2004 Order Amending the Project license (106 FERC ¶ 61,065) require that PG&E implement the National Marine Fisheries Service’s (NMFS) Reasonable and Prudent Alternative (RPA) from NMFS’ November 26, 2002 Final Biological Opinion (Appendix A of the Commission’s January 28, 2004 Order). Among the requirements of the RPA, PG&E is required to implement minimum flow requirements at three control points: (1) the Eel River below Scott Dam, to ensure spawning and incubation habitat for salmon and steelhead between Scott Dam and Cape Horn Dam; (2) the East Branch Russian River at the Potter Valley powerhouse, to maintain habitat for rainbow trout and conditions for

State Water Board staff with a “redlined” document of PG&E’s proposed changes to National Marine Fisheries Service’s (NMFS) Reasonable and Prudent Alternative (RPA) from NMFS’ November 26, 2002 Final Biological Opinion (Appendix A of the Commission’s January 28, 2004 Order, which added Article 52 to the Project license). Specifically, PG&E’s July 31, 2024 proposed changes to the RPA flow regime include: (1) revising RPA B.1 to critical water year minimum instream flows (i.e., 20 cubic feet per second [cfs]) below Scott Dam; and (2) revising RPA C.1 to critical water year flows (i.e., 5 cfs) below Potter Valley Powerhouse in the East Branch Russian River when Scott Dam is not spilling during the summer and from July 1 to September 30 regardless of whether Scott Dam is spilling. On August 16, 2024, PG&E presented an overview of the proposed changes to the RPA flow regime to State Water Board staff in a meeting with PG&E and staff from NMFS and the California Department of Fish and Wildlife. In the August 16 meeting, State Water Board staff again communicated to PG&E that a water quality certification is necessary for the proposed license amendment.

After the August 16, 2024 meeting, PG&E requested State Water Board staff provide technical comments on PG&E’s proposed changes to the RPA flow regime. On September 19, 2024, State Water Board staff provided technical comments requesting PG&E assess the impacts of PG&E’s proposed changes to the RPA flow regime, including impacts to flows, water quality, and environmental resources, and reiterated that a certification is necessary for the proposed Project amendment (Attachment B).

To date, State Water Board staff have not received a pre-filing meeting request or an application for certification for the proposed Project amendment or a confirmation from PG&E that it plans to apply for a certification in association with the license amendment.

Basis for Certification Requirement

Under section 401 of the Clean Water Act (33 U.S.C. § 1341), any applicant for a federal permit or license “which may result in any discharge into the navigable waters” is required to provide a certification from the state in which the discharge will originate. A potential increase in an existing discharge constitutes a discharge requiring state certification. (*Alabama Rivers Alliance v. F.E.R.C.* (2003) 325 F.3d 290.)

PG&E proposes to leave the radial gates at Scott Dam open indefinitely, reducing the storage capacity in Lake Pillsbury by an estimated 20,000 acre-feet, and to decrease the minimum instream flow requirements in the Eel River and East Branch of the Russian River. These changes in Project operations have the potential to result in increased discharges to navigable waters in a variety of ways. For example, reducing the available storage capacity in Lake Pillsbury (i.e., by keeping spillway gates open) would increase the volume, intensity, frequency, and duration of spill events at Scott Dam. Likewise, decreasing minimum instream flows during periods when Scott Dam is

fishing during the summer; and (3) the Eel River below Cape Horn Dam, to provide habitat for salmon and steelhead. Article 52 establishes a complex regime of minimum instream flow requirements based on the time of year, water year type, cumulative inflow to the Project, and environmental conditions.

not spilling would increase the amount of water stored in Lake Pillsbury (i.e., reduce available storage capacity), which could have a similar effect on the volume, intensity, frequency, and duration of spill events during subsequent wetter periods.

Request for Certification

As summarized above, the Commission's October 4, 2023 letter directed PG&E to consult with the State Water Board to determine if a certification is necessary. The Commission directed PG&E to either: (1) complete the application process and file a completed certification, or (2) provide documentation of consultation with the Board which indicated that certification was not necessary.

Through this letter, State Water Board staff are notifying the Commission of the Board's determination that the proposed license amendment for the Project "may result in" a discharge to navigable waters, and thus requires a certification. To prevent unnecessary delay in the license amendment process, State Water Board staff strongly recommend that PG&E promptly begin the certification application process. This includes requesting a pre-filing meeting and fully addressing the outstanding questions on the amendment proposal contained in State Water Board staff's December 3, 2024 email. In the event that PG&E submits an amendment application to the Commission prior to requesting certification, the Board requests that the Commission direct PG&E to promptly apply for certification with the Board. Board staff look forward to working with PG&E on its amendment to ensure that measures taken to address dam safety comply with applicable water quality requirements.

If you have questions regarding this letter, please contact Derek Wadsworth, by email to: Derek.Wadsworth@waterboards.ca.gov, or phone call to: (916) 322-9255. Written correspondence should be directed to:

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
Attn: Derek Wadsworth
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,

Derek Wadsworth, P.E.
Water Resource Control Engineer
Water Quality Certification Program
Division of Water Rights

Enclosures: Attachment A - State Water Resources Control Board Staff's December 4, 2023 and June 3, 2024 Email Communications to PG&E Regarding Water Quality Certification for PG&E's July 31, 2023 Long-Term Flow Variance FERC Filing

Attachment B - State Water Resources Control Board Staff's September 19 2024 Email Communication to PG&E Regarding Water Quality Certification and Technical Comments Regarding PG&E's July 31, 2024 Proposed License Amendment

Attachment C – FERC Certificate of Service

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Attachment A

ATTACHMENT A

**STATE WATER RESOURCES CONTROL BOARD STAFF'S DECEMBER 4, 2023
AND JUNE 3, 2024 EMAIL COMMUNICATIONS TO PG&E REGARDING
WATER QUALITY CERTIFICATION FOR PG&E'S JULY 31, 2023 LONG-
TERM FLOW VARIANCE FERC FILING**

From: Wadsworth, Derek@Waterboards
To: "Janet.walther@pge.com"; "Gigliotti, Tony"; "Pope, Jackie"; "Chadwick.Mccready@pge.com"; "kimberly.ognisty@pge.com"
Cc: Ragazzi, Erin@Waterboards; Thaler, Parker@Waterboards; Fisch, Nathan@Waterboards; Hassan, Rajaa@Waterboards; Heinrich, Dana@Waterboards; Rabe, Allison@Waterboards
Subject: RE: Potter Valley FERC License Amendment Meeting Follow-up - 401 Water Quality Certification
Date: Monday, June 3, 2024 4:49:00 PM

Hi PG&E Team,

Following up on the email below, do you know the status of the seven additional information items requested below? If PG&E plans to request a water quality certification, we are hoping to understand PG&E's proposal and evaluate options for CEQA compliance before the water quality certification application is submitted.

If PG&E is planning to revise and submit the July 31, 2023 long-term flow variance request (i.e., proposed FERC license amendment application), would you be able to share the estimated timeline?

Thanks,

Derek Wadsworth

From: Wadsworth, Derek@Waterboards
Sent: Monday, December 4, 2023 12:26 PM
To: Janet.walther@pge.com; Gigliotti, Tony <tony.gigliotti@pge.com>; Pope, Jackie <JHPL@pge.com>; Chadwick.Mccready@pge.com; kimberly.ognisty@pge.com
Cc: Heinrich, Dana@Waterboards <dana.heinrich@waterboards.ca.gov>; Ragazzi, Erin@Waterboards <Erin.Ragazzi@waterboards.ca.gov>; Thaler, Parker@Waterboards <parker.thaler@waterboards.ca.gov>; Fisch, Nathan@Waterboards <Nathan.Fisch@Waterboards.ca.gov>; Hassan, Rajaa@Waterboards <Rajaa.Hassan@Waterboards.ca.gov>
Subject: Potter Valley FERC License Amendment Meeting Follow-up - 401 Water Quality Certification

Hi PG&E Team,

Thank you for meeting on November 13 to discuss PG&E's July 31, 2023 long-term flow variance request (i.e., proposed FERC license amendment application) for the Potter Valley Hydroelectric Project (Project). We understand PG&E's request for modifications to FERC-license operation requirements is necessary to implement the California Division of Safety of Dams' decision to require Lake Pillsbury's spillway gates to remain open year-round while maintaining compliance with PG&E's FERC license for the Project. The amendment also provides an opportunity for PG&E to simultaneously adopt interim protective measures which aim to minimize impacts of modified operations and establish funding for monitoring for Chinook salmon (*Oncorhynchus tshawytscha*) and steelhead trout (*Oncorhynchus mykiss*). We also

Attachment A

understand that FERC requested PG&E to consult with the State Water Board to determine if a water quality certification is necessary for the proposed amendment, assess the potential impacts of its proposal, and clarify whether proposed changes were outside of the Project license requirements. In addition to the requests below we would appreciate PG&E sharing any information or analysis regarding its proposed amendment's potential environmental and water quality effects, specifically effects on turbidity, temperatures, storage levels, and flows.

During the November 13 meeting, PG&E requested that State Water Board staff clarify if PG&E needs a water quality certification for its proposed FERC license amendment. Under section 401 of the Clean Water Act (33 U.S.C. § 1341), State water quality certification is required for a federal permit or license for an activity that may result in a discharge to waters of the United States. As stated by FERC in its October 4, 2023 request for additional information, a water quality certification is required for any action that may result in a change in discharge or have a material adverse impact on water quality.

Based on the changes to Project operations that PG&E has proposed, State Water Board staff have determined that a water quality certification is needed for PG&E's anticipated FERC license amendment application. The proposed changes would result in changes in discharge (both increases and decreases in the volume of water discharged from PG&E facilities and potential discharges of pollutants) and could have a material adverse impact on water quality. Specifically, PG&E's July 31, 2023 proposal includes: (1) keeping Lake Pillsbury's spillway gates open year-round resulting in periods where inflows, which would otherwise have been retained (i.e., by closed spillway gates) to provide sufficient storage to maintain FERC license-required minimum instream flows, are bypassed, resulting in a potential increase in discharge during those time periods when flows would have otherwise been retained to meet the minimum instream flows later in the water year; (2) allowing Lake Pillsbury spilled flows, which otherwise would have been retained by closed spillway gates, to be diverted to the East Branch Russian River, resulting in a potential increase in discharge to the East Branch Russian River; and (3) funding for a new adaptive resolution imaging sonar (ARIS) system, sonar monitoring, stream gaging program, and a temperature probe where installation of new or modification of existing monitoring equipment could involve a discharge of dredged or fill material. In addition, PG&E proposes to evaluate and potentially modify minimum instream flows based on Lake Pillsbury storage conditions, potentially resulting in decreased releases throughout the summer and fall, which could result in elevated downstream water temperatures and potential increased channel dewatering and stranding of aquatic organisms.

In follow-up to the meeting, State Water Board staff request the following additional information:

1. In its October 4, 2023, request for additional information, FERC requested PG&E provide an assessment of impacts to all resources, including water quality (such as effects to water temperature in the Eel River and East Branch Russian River with and without the proposed amendment). Has PG&E completed an assessment of impacts to water quality? If so, please provide it to inform the State Water Board's analysis of potential water quality impacts. If still under development, please provide the anticipated date this information will be available.

2. PG&E's July 31, 2023 proposed amendment states:

Third, additional diversions may be allowed to EBRR [East Branch Russian River] when Lake Pillsbury is spilling, and all targeted environmental conditions (as determined by the Agencies) are satisfied in the Eel River. Diversions are

Attachment A

limited by the bypass pipe capacity of approximately 135 cfs and using appropriate ramping rates and diversion thresholds (exemption from Section E.5 of the RPA). The Agencies will develop initial guidelines to submit to FERC by November 30, 2023, for minimum E-11 flow thresholds for spill diversions to E-16 to commence and end, as well as diversion ramping rates. PG&E may then develop an alternative E.5 diversion prescription based on Agency guidelines, which may be implemented upon Agency review and approval. These guidelines may be refined in subsequent years based on the mitigation monitoring efforts described below. PG&E will inform stakeholders of possible discretionary diversions, details of which will be included in the guidelines submitted by November 30, 2023.

FERC's October 4, 2023 letter sought clarification as to the nature of the forthcoming guidelines and whether they represent a departure from the requirements of PG&E's Project license. Similarly, State Water Board staff request PG&E to clarify whether the guidelines (not publicly filed on FERC's eLibrary as of December 4, 2023) could allow for a change in the timing, quantity, or volume of diversions to the East Branch Russian River compared to diversions allowed under its current FERC license.

3. PG&E's July 31, 2023 proposal states:

Fourth, to allow for flexible management in the event of severe Lake Pillsbury storage depletions that could pose future risk to dam infrastructure stability, minimum instream flows at compliance points (including E-11 flows to the Eel River) may be further modified annually upon mutual written agreement between PG&E and the Agencies. If proposed flow regimes are agreed upon, PG&E will notify FERC within 30 days of reaching an agreement with the Agencies, or no later than May 1 of every year. If no adjustments are needed, the flows will automatically conform to the conditions outlined above. If FERC does not respond with objections within 15 days of PG&E's submittal, the proposed flow regime developed by PG&E and reviewed by the Agencies will go into effect on May 16 of each year.

FERC's October 4, 2023 letter recommended PG&E remove the annual adjustment element of its proposed amendment or modify it in such a way that the parameters for additional flow modifications are clearly defined and analyzed. If PG&E plans to include the annual adjustment element in its proposed amendment, are there any bounds on flow adjustments? Without bounds on annual flow adjustments, there is a potential for adverse effects (e.g., increased channel dewatering) as a result of modified minimum instream flows, changes to Lake Pillsbury's coldwater pool volume, elevated downstream temperatures, and potential increases in sediment discharges as a result of low reservoir elevations.

4. PG&E's proposal states consultation or approval from Agencies will be required for modifications to Eel River (i.e., gage E-11) and East Branch Russian River (i.e., E-16) minimum instream flows, additional diversions to the East Branch Russian River, development of diversion guidelines, development of a temperature model to inform a flexible management approach to reservoir releases, additional funding for monitoring and gage installation and maintenance, and revisions to mitigation measures. As requested during our November 13th meeting, State Water Board staff request to be included in the list of Agencies that will be consulted. Additionally, in the consultation process, what are the protocols if agreement is not reached between PG&E and agencies on needed modifications?

5. PG&E's current Project license was amended in 2004 to implement a flow regime consistent with the 2002 NMFS Reasonable and Prudent Alternative (RPA). RPA section E.5 states:

Attachment A

Diversions in excess of the sum of the minimum flow *MF16* specified in Section C and the release to the Potter Valley Irrigation District specified in section E.4 can only be made when the Lake Pillsbury Storage is above the Target Storage Curve. Exceptions to this rule can occur only due to rare and brief emergency power and water demands.

PG&E's July 31, 2023 proposal states:

Diversions are limited by the bypass pipe capacity of approximately 135 cfs and using appropriate ramping rates and diversion thresholds (exemption from Section E.5 of the RPA).

State Water Board staff request PG&E to clarify whether an exemption to RPA section E.5 could result in additional periods where storage levels are less than the RPA Target Storage Curve. If there are potentially additional periods where storage levels are below the RPA Target Storage Curve, is there a potential for adverse effects on Eel River or East Branch Russian River temperatures?

6. As stated above, PG&E's July 31, 2023 proposal includes funding for a new ARIS system, sonar monitoring, stream gaging program, and a temperature probe. Please clarify if PG&E's proposal involves construction activities with the potential to result in a discharge (e.g., dredged or fill material) to waters of the United States. If so, does PG&E plan to obtain a United States Army Corps of Engineers (USACE) Nationwide Permit or other USACE permit under Clean Water Act Section 404 for placement of the monitoring equipment? State Water Board staff request a list of the proposed locations and descriptions of the proposed monitoring equipment.

7. PG&E's request states that PG&E expects modified operations may be necessary beginning in January 2024. Also, State Water Board staff understand that, prior to DSOD's decision requiring Lake Pillsbury's spillway gates to remain open year-round, PG&E would be able to close Lake Pillsbury's spillway gates on April 1. Given these timing issues, State Water Board staff request PG&E provide analyses and reports characterizing the emergency nature of Lake Pillsbury's dam safety and seismic risk to assist in the CEQA process. Staff are considering whether an emergency exemption can be used for CEQA compliance and would appreciate any information PG&E can provide to support this evaluation.

State Water Board staff are available to discuss the above determination and information requests if desired and look forward to PG&E's pre-filing meeting request.

Thank you,

Derek Wadsworth, P.E.
Water Resource Control Engineer
Water Quality Certification Program
Division of Water Rights

ATTACHMENT B

**STATE WATER RESOURCES CONTROL BOARD STAFF'S SEPTEMBER 19 2024
EMAIL COMMUNICATION TO PG&E REGARDING WATER QUALITY
CERTIFICATION AND TECHNICAL COMMENTS REGARDING PG&E'S
JULY 31, 2024 PROPOSED LICENSE AMENDMENT**

From: Wadsworth, Derek@Waterboards
To: McCready, Chadwick; Thaler, Parker@Waterboards; Fisch, Nathan@Waterboards; Heinrich, Dana@Waterboards; Ragazzi, Erin@Waterboards; Rabe, Allison@Waterboards
Cc: Moore, Trevor; Lent, Michelle; Matt Robart; Diane Barr; Anderson, Andrew
Subject: RE: For Review- Potter Valley RPA Flow Amendment & Supporting Documents
Date: Thursday, September 19, 2024 6:26:00 PM
Attachments: [RE_Potter_Valley_FERC_License_Amendment_Meeting.pdf](#)

Hi PG&E Team,

Thank you for meeting with us on August 16, 2024, to discuss PG&E's proposed revisions to its draft license amendment filed with FERC on July 31, 2023. PG&E's license amendment is necessitated by PG&E's plan to keep Scott Dam's spillway gates open indefinitely, thus reducing the water storage capacity in Lake Pillsbury by approximately 20,000 acre-feet.

State Water Board staff understand from PG&E's presentation at the August 16, 2024 meeting and materials provided before and after the meeting that PG&E is proposing to change FERC License flow requirements (specifically Condition Nos. A, B.1, C.1, C.2 and D.1 from NMFS's 2002 Biological Opinion Reasonable Prudent Alternative [RPA]). From Slide 8 of PG&E's presentation, State Water Board staff understand that PG&E's most significant proposed change is to reduce East Branch Russian River (EBRR) FERC license-required minimum instream flows from existing requirements (5 to 75 cfs) to critical water year flows (i.e., 5 cfs) from April 15 to June 30 when Scott Dam is not spilling and from July 1 to September 30, regardless of whether Scott Dam is spilling or current water year (WY) classification. At the August 16, 2024 meeting, PG&E stated that Potter Valley Irrigation District (PVID) would request flows on an on-demand-basis with an assumed average demand of 35 cfs during the irrigation season (Apr. 15 to Oct. 15). Following the meeting, PG&E staff emailed State Water Board staff and requested technical comments on its revised license amendment proposal. Below, State Water Board staff are providing technical comments on PG&E's revised license amendment proposal as well as comments on the proposed amendment's anticipated water quality certification process.

401 Water Quality Certification:

As stated at the August 16, 2024 meeting, it remains State Water Board staff's determination that a Clean Water Act section 401 water quality certification (certification) is necessary for PG&E's license amendment proposal. PG&E's license amendment proposal would increase the amount of water being discharged at Scott Dam by increasing the volume, intensity, frequency, and duration of spill events due to the Lake Pillsbury spillway gates being kept open year-round. State Water Board staff initially provided this determination to PG&E on December 4, 2023 (email attached). State Water Board staff understand the dual interest (dam safety, environmental) for PG&E's license amendment proposal and strongly recommend that PG&E timely submit a pre-filing meeting request ([40 CFR 121.4](#)) and apply for a water quality certification in order to facilitate a potential certification action in time to address declining reservoir storage levels and the possibility of limited inflows into Lake Pillsbury.

Summary of Pending State Water Board Additional Information Requests:

State Water Board staff requested additional information relevant to the anticipated application for certification for PG&E’s license amendment proposal from PG&E staff via emails on December 4, 2023, and June 3, 2024 (email chain attached) and to date, have not received a response. For ease of review and responses, below, State Water Board staff reiterates its previous requests for additional information with updates based on our recent conversation.

1. State Water Board staff requests that PG&E provide information or analysis it has regarding its license amendment proposal’s potential environmental and water quality effects, specifically effects on turbidity, temperatures, storage levels, and flows for all affected segments of the Eel and EBRR;
2. In FERC’s October 4, 2023, request for additional information, FERC requested PG&E provide an assessment of impacts to all resources, including:

“geology and soils; water quantity (including effects to available water for consumptive uses and agriculture in the East Branch Russian River); water quality (including effects to water temperature in the Eel River and East Branch Russian River with and without the proposed amendment); aquatic resources (including impacts to resident fish species, macroinvertebrates, amphibians, and reptiles); terrestrial resources; threatened and endangered species; recreation resources (including impacts to recreation resources at Lake Pillsbury, Eel River, and East Branch Russian River); cultural and historic resources; land use and aesthetic resources (including a discussion of impacts to shoreline development at Lake Pillsbury); and any impacts to communities with environmental justice concerns.”

State Water Board staff are also requesting this information and look forward to reviewing PG&E’s responses to FERC.

3. State Water Board staff request PG&E provide analyses and reports characterizing the emergency nature of Lake Pillsbury’s dam safety and seismic risk. Staff are considering whether an emergency exemption can be used for CEQA compliance and would appreciate any information PG&E can provide to inform this evaluation.

State Water Board Technical Comments on PG&E’s Revised License Amendment Proposal:

State Water Board staff appreciates PG&E providing a copy of the meeting presentation, proposed changes to the existing license flow requirements, and technical memo regarding temperature model runs. In addition to the pending requests above, State Water Board staff identify the following information requests as relevant to understanding PG&E’s license amendment proposal’s potential impacts to dam safety, flows, water quality, environmental resources, and beneficial uses (as defined by the Water Quality Control Plan for the North Coast Region). State Water Board staff are available to discuss with PG&E the scope and purpose of the following technical information requests:

1. Water balance operations analysis to understand how PG&E’s license amendment proposal will change Eel River and EBRR flows and Lake Pillsbury reservoir elevation and storage.
 - a. Scope: Slide Nos. 11-18 of PG&E’s August 16, 2024 presentation indicate that PG&E has utilized a water balance operations analysis to understand how PG&E’s license amendment proposal would affect spill at Scott Dam, Eel River flows, EBRR flows, Lake Pillsbury Reservoir elevation and storage, and timing of

Attachment B

- Lake Pillsbury spill. State Water Board staff request PG&E provide all spreadsheets and results.
- b. Purpose: The water balance operations analysis will aid State Water Board staff understanding of how PG&E's license amendment proposal would affect flows and storage compared to historical conditions and future conditions without the amendment in place, including reservoir elevation dam safety risks that may occur in the absence of PG&E's proposed amendment.
2. PVID deliveries sensitivity analysis for the water balance operations and temperature model analyses.
 - a. Scope: PG&E's temperature memo states, "*The Proposed Flow Amendment was not found to be sufficiently protective in the driest year (i.e., 2021), when historical operations resulted in slightly cooler conditions below Scott Dam.*" And a clarifying footnote to that statement, which states, "*Under a more restrictive variance and with roughly 3,000 AF lower deliveries to PVID than the modeled deliveries.*"
 - b. Purpose: The PVID deliveries sensitivity analysis will aid State Water Board staff understanding of how PVID deliveries affect Eel River and EBRR flows, Lake Pillsbury storage levels, and Eel River and EBRR temperatures.
 3. Temperature model analysis to understand how the proposed amendment's flow regime will change Eel River and EBRR temperatures.
 - a. Scope: In FERC's October 2023 request for additional information, FERC requested that PG&E perform an assessment of impacts to resources, including effects to water temperature in the Eel River and EBRR with and without the proposed amendment.
 - b. Purpose: State Water Board staff need the same information to evaluate the potential water quality impacts of the proposed amendment.
 4. Analysis to determine the frequency/return interval of critical water year (WY) conditions on the EBRR and Eel River below Lake Pillsbury.
 - a. Scope: Under historical Lake Pillsbury inflow conditions, how often (i.e., percentage of time and return interval) and for what duration (days/year) would critical water year flows have been released to the EBRR (RPA Condition No. C.1) and to the Eel River below Lake Pillsbury (RPA Condition No. B.1)?
 - b. Purpose: PG&E's proposal includes releasing critical water year flows to the EBRR (revised RPA Condition No. C.1) and to the Eel River below Lake Pillsbury (revised RPA Condition No. B.1). If multiple years of critical water year flows in the Eel River between Scott Dam and Cape Horn Dam and/or EBRR have historically never occurred, occurred only for short durations, or been very infrequent, then additional monitoring and adaptive management actions in the affected river reaches may be appropriate.
 5. Spawning habitat analysis.
 - a. Scope: An estimate of how spawning habitat area changes as a result of PG&E's license amendment proposal. State Water Board staff recommend PG&E leverage weighted usable area (WUA) data from PG&E's 2017 Pre-Application Document.
 - b. Purpose: State Water Board staff asked PG&E at the August 16, 2024 meeting to describe how flows at Gage No. E-2 (i.e., in the Eel River reach between Scott Dam and Cape Horn Dam) would be reduced to critical WY flows (i.e., 20 cfs) as shown in PG&E's revised license amendment proposal (i.e., revised RPA Condition B.1). PG&E staff stated that in practice flows would never fall below 35 cfs due to infrastructure limitations (i.e., LLO needle valve 1" opening is 35 cfs). State Water Board staff request water balance operations analysis results to understand how flows will be altered at Gage No. E-2 under PG&E's license amendment proposal's revised flow requirements since ESA-listed salmonids can access and spawn within the Eel River reach between Scott Dam and Cape Horn

Attachment B

Dam. If flows and spawning habitat are significantly reduced in this river reach during times of biological significance compared to existing conditions, additional monitoring and adaptive management actions may be appropriate.

6. Characterization of EBRR fish and wildlife populations.
 - a. Scope: In FERC's October 2023 request for additional information, FERC requested that PG&E perform an assessment of impacts to resources, including impacts to resident fish species, macroinvertebrates, amphibians, and reptiles.
 - b. Purpose: Water Board staff need the same information to evaluate the potential impacts of the proposed amendment on beneficial uses.
7. Assessment of wetland resources.
 - a. Scope: Identification and assessment of riparian and wetland habitat along the affected portions of the EBRR, Eel River, and Lake Pillsbury that will be hydraulically disconnected from surface waters as a result of PG&E's proposed amendment.
 - b. Purpose: PG&E's proposed amendment includes flow changes which could impact Lake Pillsbury reservoir levels, as well as Eel River and EBRR river stage elevations. State Water Board staff are concerned that PG&E's proposed amendment could decrease riparian and wetland habitat. In FERC's October 2023 request for additional information, FERC requested that PG&E perform an assessment of impacts to resources, including impacts to aquatic resources (e.g., resident fish species, macroinvertebrates, amphibians, and reptiles) and terrestrial resources. State Water Board staff require similar information concerning impacts to wetland resources in order to evaluate impacts to aquatic resources.

State Water Board staff look forward to working with PG&E on this FERC license amendment and its certification.

Sincerely,

Derek Wadsworth, P.E.
Water Resource Control Engineer
401 Water Quality Certification Program Division
of Water Rights
State Water Resources Control Board

From: McCready, Chadwick <COMM@pge.com>

Sent: Friday, August 16, 2024 12:47 PM

To: Thaler, Parker@Waterboards <parker.thaler@waterboards.ca.gov>; Fisch, Nathan@Waterboards <Nathan.Fisch@Waterboards.ca.gov>; Wadsworth, Derek@Waterboards <Derek.Wadsworth@Waterboards.ca.gov>; Heinrich, Dana@Waterboards <Dana.Heinrich@waterboards.ca.gov>; Ragazzi, Erin@Waterboards <Erin.Ragazzi@waterboards.ca.gov>; Rabe, Allison@Waterboards <Allison.Rabe@Waterboards.ca.gov>

Cc: Moore, Trevor <TQMI@pge.com>; Lent, Michelle <M4LQ@pge.com>; Matt Robart <Matt@camasllc.com>; Diane Barr <Diane@camasllc.com>; Anderson, Andrew <A5AK@pge.com>

Subject: For Review- Potter Valley RPA Flow Amendment & Supporting Documents

Attachment B

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

Classification: Confidential

Greetings SWRCB staff,

Thank you for attending our coordination call for the Potter Valley RPA Flow Amendment. Attached you will find the following items for your review:

- The slides from today's meeting
- The red-lined draft of the proposed amendment to Appendix A of the RPA
- A memo discussing the results of the water temperature modeling under the proposed amendment flow regime

In addition, for your reference is a research paper by FitsGerald et al discussing physiological constraints of anadromous salmonids in the Eel River.

PG&E would appreciate any technical comments you may have on these items by August 30, 2024. Please let me know if you have any questions or concerns.

Thank you,



Chadwick McCready

Hydro License Coordinator | Power Generation

Pacific Gas & Electric Company

C: (530) 685-5710 | e: Chadwick.Mccready@pge.com

You can read about PG&E's data privacy practices at [PGE.com/privacy](https://www.pge.com/privacy).

ATTACHMENT C
FERC CERTIFICATE OF SERVICE

Certificate of Service

I hereby certify that I have this day filed electronically with the Federal Energy Regulatory Commission and served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 27th day of September 2024.

Derek Wadsworth

Derek Wadsworth, P.E.
Water Resource Control Engineer
Water Quality Certification Program
Division of Water Rights,
Derek.Wadsworth@waterboards.ca.gov