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December 4, 2020

***E-Filing***

Ms. Kimberly D. Bose, Secretary  
FEDERAL ENERGY REGULATORY COMMISSION  
888 – 1<sup>st</sup> Street, N.E.  
Washington, D.C. 20426-0001

**Subject: Upper North Fork Feather River Hydroelectric Project, FERC Project No. 2105**

On October 21, 2020 Pacific Gas and Electric Company (PG&E) filed with the Federal Energy Regulatory Commission (FERC or Commission) a letter explaining PG&E's position on the conditions included in the State Water Resources Control Board's (SWRCB) Water Quality Certification (WQC) issued for the Upper North Fork Feather River Project (FERC No. 2105) (Project).<sup>1</sup>

By Declaratory Order dated July 16, 2020,<sup>2</sup> the SWRCB's authority to issue a WQC was waived by the Commission. Therefore, any of the waived WQC conditions the Commission chooses to include in the license must be consistent with Section 10(a) of the Federal Power Act and supported by the record before FERC. As stated in this filing, PG&E is sending this letter to indicate which of the WQC conditions PG&E believes support water quality and could be appropriately included and/or modified to be consistent with FPA Section 10(a) and the FERC record, as well as those which should not be included in the license.

To better communicate our concerns with the SWRCB WQC conditions, PG&E provides the Summary below and also a mark-up of the WQC conditions. The mark-up is Attachment A to this letter. In Attachment A red strikethrough denotes removing text which does not align with the FERC record; minor additions made for clarity are in green.

Many of the conditions in the WQC are redundant to conditions already included in FERC's Final Environmental Impact Statement (FEIS) for the Project, the Settlement Agreement, and/or US Forest Service 4(e) conditions, however, the WQC conditions add prescriptive details that the conditions in those other documents did not include. With respect to the WQC conditions that are merely redundant conditions, PG&E does not object to the inclusion of the conditions in principle, but has indicated in Attachment A where additional, unnecessary details included in the SWRCB's version of the condition should be removed before possible inclusion in the new Project license.

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<sup>1</sup> PG&E's October 21, 2020 letter to FERC is incorporated by reference.

<sup>2</sup> FERC's Declaratory Order dated July 16, 2020 is incorporated by reference.

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The following conditions do not address water quality concerns and so are not within the scope of the SWRCB's authority under Section 401 and should not be included in the new license, except as described in the FEIS, Settlement Agreement or US Forest Service 4(e) conditions:

- CONDITION 3. Pulse Flows
- CONDITION 8. Lake Almanor Fishery
- CONDITION 9. Gravel
- CONDITION 10. Lower Butt Creek Habitat
- CONDITION 11. North Fork Feather River Biological Resources
- CONDITION 12. Fish Stocking
- CONDITION 13. Recreation Facilities Management
- CONDITION 14. Whitewater Recreation Flows
- CONDITION 15. Aquatic Invasive Species
- CONDITION 16. Roads
- CONDITION 17. Reintroduction of Anadromous Fish
- CONDITION 18. Annual Consultation Meetings
- CONDITION 19. Extremely Dry Conditions
- CONDITION 20. Grebes Management

In addition, many of the WQC conditions require approval by the Deputy Director of the SWRCB. As the SWRCB's authority to issue certification is waived, the Deputy Director and the SWRCB do not have authority over these conditions once they are included in the license. FERC has exclusive enforcement authority over license conditions and all references to the Deputy Director or SWRCB having authority to amend or approve changes should be removed.

### **Summary:**

Condition 1 mostly aligns with what has already been filed; however the SWRCB overreached in requiring review and approval from the Deputy Director or linking Condition 5, which requires modification to align with other previously approved conditions in the Settlement Agreement. For example, rather than listing the gauges that will be used to measure instream flows, the SWRCB requires measurement to be conducted as described in Condition 5. However, Condition 5 is vague as to what is being measured and is overly prescriptive in that it requires a monitoring plan the Deputy Director can revise without consultation with the broader stakeholder group.

Condition 2 also aligns with portions of the existing plans that have been agreed upon by stakeholders, though it deviates from these plans in that it grants the SWRCB broad authority to modify the ramping rate and block loading operation. Existing language in the Settlement Agreement provides for a process to amend both the ramping rate as well as block loading. Including the SWRCB's language in the new license would create a conflict between the agreed upon language in the Settlement Agreement and the License.

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Condition 4 modifies an agreed upon process for making changes to the minimum water surface elevations of Project reservoirs, which included unanimous agreement with parties, including the SWRCB, to provide the Deputy Director with the sole ability to amend proposed actions should there be a need to change the surface elevation. Condition 4 also includes a clause allowing the Deputy Director to impose additional requirements at its sole discretion at any time with no consultation with other parties.

As previously mentioned, Condition 5 is vague as to which facilities are being referenced and also overly prescriptive as it relates to the proposed plan. The plan is meant to be developed in consultation with a group of stakeholders, but as written, the Deputy Director could modify the plan at its sole discretion.

Condition 6 has been discussed at length in our filings on the Draft WQC, State Water Board EIR, and Final WQC, which were filed with FERC on October 21, 2020. This condition attempts to control water temperatures in reaches downstream of the Project area using increased flow releases from Canyon Dam and reduced flows from the Caribou powerhouses, and provides for the option of installing thermal curtains in the future at the sole discretion of the Deputy Director. FERC's FEIS evaluated 42 scenarios for controlling downstream water temperatures including increased minimum flows and thermal curtains (FEIS pg. 3-64 and Appendix D) and concluded that the benefits of the various thermal curtain options would offset not offset the "extreme adverse effects" (FEIS pg. 5-29) caused by these measures. FERC further concluded that the benefits of higher MIF releases from Canyon Dam and reduced flows through the Caribou powerhouses were not sufficient to justify the increased costs associated with these higher flows (FEIS pg. 5-30). In addition, the SWRCB based this Condition on flawed models that did not support their conclusions in the RDEIR (See *PG&E Comments on the Revised Draft Environmental Impact Report for the Upper North Fork Feather River Hydroelectric Project License* dated July 7 2020 (filed with FERC on October 21 2020, page 13, Section IV and Exhibit C of the same document), and discounts the significant adverse impacts this measure would have on other resource areas. These adverse impacts are so significant that the SWRCB added Conditions 6B and 8 to mitigate for some of these impacts. In addition, the State Board has so little confidence in its condition that it added Condition 6C to determine if the condition is effective.

While Condition 7 recognizes that Water Quality Monitoring is meant to be developed in consultation with a group of stakeholders, as written, the Deputy Director could modify the plan at its sole discretion. Thus, the details of the plan are overly prescriptive and inconsistent with the Settlement Agreement and the process for amending or creating the plan.

Conditions 21-44 are standard conditions for a WQC issued by the SWRCB. All of these conditions should be rejected by the Commission since the SWRCB's authority to issue WQC has been waived.

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As noted above, PG&E is also providing a mark-up of the WQC conditions. Please see Attachment A to this letter. Red strikethrough denotes removing text which does not align with the FERC record; minor additions made for clarity are in green.

If you have any questions regarding this letter, please contact Steve Bauman, the Upper North Fork Feather River Project Manager at [steve.bauman@pge.com](mailto:steve.bauman@pge.com) or 415-973-7410 or you can reach me at [annette.fraglia@pge.com](mailto:annette.fraglia@pge.com) or 415 973-7145.

Sincerely,



Annette Faraglia  
Chief Counsel, Hydro Generation

cc: **via Email:**

Allan Creamer (FERC)  
Upper North Fork Feather River Service List, FERC Project No. 2105

**via U.S. Mail:**

Director, U.S. National Park Service  
Director, U.S. Department of Interior  
Erica Niebauer Office of Regional Solicitor (U.S. Department of Interior)  
Jennifer P. Carville, Advocate (Friends of the River)  
Kent Connaughton, Supervisor (Lassen National Forest)  
Mike Fitzwater, Secretary (Fall River Wild Trout Foundation)

Attachment

# Attachment A

Many of the conditions in the WQC are redundant of conditions already included in FERC's Final Environmental Impact Statement (FEIS) for the Project, the Settlement Agreement, and/or US Forest Service 4(e) conditions. However, the WQC conditions add unnecessary prescriptive details that the conditions in those documents did not include. In the following mark up, PG&E has indicated where additional details should not be included in the new license. Red strikethrough denotes removing text which does not align with the FERC record; minor additions made for clarity are in green. PG&E believes the remaining text is appropriate for inclusion in the license because it is supported by the record in this proceeding and consistent with other licensing documents such as the FEIS, Settlement Agreement, and US Forest Service 4(e)s.

## **CONDITION 1. Minimum Instream Flows**

### **1(A) Water Year Types**

The Licensee shall determine the water year type based on the forecast of unimpaired runoff as provided by the California Department of Water Resources (DWR) Bulletin 120<sup>31</sup> for the Feather River at Lake Oroville. The water year types are defined in accordance with Table 1 and associated information in this condition.

**Table 1. Water-Year Types**

Water Year Type	Forecasted Unimpaired Runoff (thousand acre-feet (TAF))
Wet	Greater than or equal to 5,679 TAF
Normal	Less than 5,679 TAF, but greater than or equal to 3,228 TAF
Dry	Less than 3,228 TAF, but greater than or equal to 2,505 TAF
Critically Dry	Less than 2,505 TAF

In February, March, April, and May the Licensee shall, within five days of DWR's release of Bulletin 120, determine the water year type based on the DWR Bulletin 120 forecast and shall operate based on that forecast. The May forecast shall be used to establish the water year type for the remaining months until February of the subsequent year, when forecasting shall begin again. Within 15 days of each water year type determination, the Licensee shall provide written notice of the determination to State Water Resources Control Board (State Water Board) staff.

<sup>3</sup> Bulletin 120 is a publication issued four times a year, in the second week of February, March, April, and May by DWR. It contains forecasts of the volume of seasonal runoff from California's major watersheds, and summaries of precipitation, snowpack, reservoir storage, and runoff in various regions of California

**1(B) Minimum Instream Flows**

Within 60 days of license issuance, the Licensee shall operate according to the minimum instream flows (MIFs) outlined in Table 2 and Table 3. The MIFs listed in Table 2 and Table 3 shall be measured at Gage NF-2 (United States Geological Survey (USGS) Gage No. 11399500) and Gage NF-70 (USGS Gage No. 11401112), respectively.

**Table 2. Minimum Instream Flow Requirements (in cubic feet per second) for North Fork Feather River Flows Below Canyon Dam as measured at Gage NF-2, USGS Gage No. 11399500**

Water Year Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Wet	90	100	125	150	150	150	95	80	60	60	60	75
Normal	90	100	125	125	125	125	90	80	60	60	60	75
Dry	90	100	110	110	110	110	80	70	60	60	60	75
Critically Dry	75	75	90	90	90	80	75	60	60	60	60	70

**Table 3. Minimum Instream Flow Requirements (in cubic feet per second) for North Fork Feather River Flows Below Belden Dam as measured at Gage NF-70, USGS Gage No. 11401112**

Water Year Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Wet	140	140	180	235	235	225	175	140	140	120	120	120
Normal	140	140	175	225	225	225	175	140	140	120	120	120
Dry	135	140	175	195	195	160	130	110	100	100	110	115
Critically Dry	105	130	170	180	185	90	80	75	75	75	85	90

**1(C) Minimum Instream Flow Measurement and Dissemination**

MIFs for the North Fork Feather River shall be measured in two ways: (1) as a 24-hour average flow; and (2) as an instantaneous flow. The 24-hour average flow is the average of the instantaneous (15-minute) flow readings from midnight of one day to midnight of the following day, ~~unless an alternate 24-hour timeframe is approved by the Deputy Director of the Division of Water Rights (Deputy Director) in writing.~~ The Licensee shall record instantaneous (15-minute) streamflow at all gages consistent with USGS standards. The instantaneous streamflow shall be at least 90 percent of the

MIFs specified in Table 2 and Table 3, provided the instantaneous average flows over a 24-hour period are equal to or greater than the MIFs required in Table 2 and Table 3.

For the purpose of measuring streamflows on the North Fork Feather River below Canyon Dam and Belden Dam, the Licensee shall operate and maintain ~~the existing gages at NF-2 and NF-70 (United States Geological Survey (USGS) gages 11399500 and 11401112, respectively) consistent with all requirements of FERC and under the supervision of USGS. the gages consistent with Condition 5- (Gaging and Facilities Modifications).~~

The Licensee shall measure and document all MIF releases and associated streamflow, as measured at the gages required per this certification, in a publicly available and readily accessible format. ~~The Licensee shall publicly notice on the internet all known events that will affect MIF releases (e.g., powerhouse outages, construction, etc.) in Project reaches a minimum of 30 days in advance. If 30 days advance notice is not feasible, the Licensee shall notify the Deputy Director and publicly notice the event as soon as feasible. As part of notice to the Deputy Director, the Licensee shall describe the reason 30-day advance notice was not feasible and steps the Licensee will take in the future to avoid delayed notice, if appropriate.~~

#### **1(D) Powerhouse Outages**

The Licensee shall schedule maintenance or other planned powerhouse outages in a way that avoids negative ecological impacts associated with the outage (e.g., spills). The Licensee shall provide written notification to the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), and the Deputy Director at least 90 days prior to any planned or scheduled powerhouse outages that would affect streamflow in the North Fork Feather River. At a minimum, notification shall include a description of the outage and measures the Licensee will implement to minimize the magnitude and duration of spills into the Project reach. ~~The Licensee may proceed with the planned powerhouse outage unless otherwise directed, in writing, by the Deputy Director. The Licensee shall provide public notice of the outage in accordance with Condition 1(C).~~

#### **1(E) Planned Temporary Flow Modifications**

The Licensee may request temporary MIF variances for non-emergency facility construction, modification, or maintenance. ~~Non-emergency variance requests shall be submitted to the Deputy Director for approval as far in advance as practicable, but no less than four months in advance of the desired effective date.~~ The Licensee shall notify the United States Forest Service (Forest Service), **SWRCB**, CDFW, and USFWS of the proposed temporary MIF variance. The request shall include: a description of the proposed construction, modification, or maintenance; the planned duration and magnitude of the MIF variance; documentation of notification to the Forest Service, **SWRCB**, CDFW, and USFWS, and any comments received; measures that will be implemented to protect water quality and beneficial uses; and a schedule for the proposed construction, modification, or maintenance. ~~The Deputy Director may deny~~

~~the request or require modifications as part of any approval. Upon Deputy Director approval, the Licensee shall provide public notice of the MIF variance in accordance with Condition 1(C). The Licensee shall file with FERC the Deputy Director approved temporary modifications to MIF requirements and any approved amendments thereto.~~

### **1(F) Unplanned Temporary Flow Modifications**

The MIFs specified in Condition 1(B) may be temporarily modified if required by equipment malfunction reasonably beyond the control of the Licensee, as directed by law enforcement authorities or in emergencies. An emergency is defined as an unforeseen event that is reasonably out of the control of the Licensee and requires the Licensee to take immediate action, either unilaterally or under instruction by law enforcement or other regulatory agency staff, to prevent imminent loss of human life or substantial property damage. An emergency may include, but is not limited to: natural events such as landslides, storms, or wildfires; malfunction or failure of Project works<sup>4</sup>; and recreation accidents. Drought is not considered an emergency for purposes of this condition.

~~When possible, the Licensee shall notify the Deputy Director prior to any unplanned temporary MIF modification. In all instances, the Licensee shall notify the Deputy Director within 24 hours of the beginning of any unplanned temporary streamflow modification. Within 96 hours of the beginning of any unplanned temporary streamflow modification, the Licensee shall provide the Deputy Director with an update of the conditions associated with the modification and an estimated timeline for returning to the required MIFs.~~

~~Within 30 days of any unplanned temporary MIF modification, the Licensee shall provide the Deputy Director with: (1) a written description of the modification and reason(s) for its necessity; (2) photo documentation of the emergency or reason for the streamflow modification; (3) a timeline for returning to the required MIF or timeline when the MIF resumed; (4) a description of corrective actions taken in response to an unplanned under release of flow; and (5) a plan to prevent the need for modification of MIFs resulting from a similar emergency or event in the future.~~

### **~~1(G) Evaluation of MIFs~~**

~~After considering monitoring results from Condition 7 (Water Quality) and Condition 11 (North Fork Feather River Biological Resources), or following recommendation(s) by one for more resource agency or State Water Board staff, the Deputy Director may require the Licensee to initiate consultation with the Forest Service, CDFW, USFWS,~~

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<sup>4</sup>~~Project works must be inspected and maintained to manufacturers' specified schedule or at least annually. The inspection schedule default is the most rigorous schedule. Upon State Water Board staff, Forest Service, CDFW, or USFWS' request, the Licensee shall provide documentation of: all inspections, results, dates, staff performing inspections, and recommended maintenance; schedule for performing maintenance; and the date maintenance was performed. Lack of appropriate inspections, maintenance, or documentation may remove events from the "emergency" category, as determined by the Deputy Director. require the Licensee to initiate consultation with the Forest Service, CDFW, USFWS, and State Water Board staff to determine whether the required MIFs are protecting water quality and beneficial uses, and determine what, if any, adjustments are necessary.~~

~~and State Water Board staff to determine whether the required MIFs are protecting water quality and beneficial uses, and determine what, if any, adjustments are necessary~~

~~Within six months of initiating consultation, the Licensee shall submit to the Deputy Director: documentation of consultation; any changes to the MIFs proposed by the Licensee; the consulting agencies' comments and recommendations; and a description of how any changes proposed by the Licensee incorporate or address the comments and recommendations. Based on the monitoring results and other relevant information, the Deputy Director may approve the Licensee's proposal or require other changes to the MIFs specified in Condition 1(B) to the extent necessary to ensure reasonable protection of the beneficial uses of the North Fork Feather River. If changes to the MIFs are required, within 10 days of the Deputy Director's approval of the Licensee's proposal or changes to the MIFs, the Licensee shall file a request with FERC to amend the MIF requirements in the license. The Licensee shall implement the new MIFs as soon as reasonably practicable after receiving the Deputy Director's decision and any other required approvals.~~

## **CONDITION 2. Ramping Rate**

### **2(A) Ramping Rate**

The Licensee shall limit stage changes in the North Fork Feather River below Canyon Dam and below Belden Dam to no more than 0.5 foot/hour up and down year-round. Compliance for this requirement shall be measured at Gage NF-2 below Canyon Dam and Gage NF-70 below Belden Dam. The Licensee shall implement the ramping rate within 60 days of license issuance. For the first two years after license issuance, the Licensee shall comply with the ramping rate to the extent reasonably practicable given gate and other operating limitations. ~~If after two years the Licensee is unable to consistently comply with the ramping rate, the Licensee shall submit a plan to the Deputy Director for an alternative ramping rate, infrastructure modifications, or both to improve the Licensee's ability to control the ramping rate. The Deputy Director may approve the plan or require the Licensee to implement an alternative ramping rate or infrastructure modifications to the extent necessary to reasonably protect beneficial uses from the impacts of rapid flow fluctuations. Within 10 days of the Deputy Director's decision, the Licensee shall file a request with FERC to obtain any necessary approvals of changes to the ramping rate and/or implement infrastructure modifications. The Licensee shall implement the new ramping rate and/or infrastructure modifications as soon as reasonably practicable after receiving the Deputy Director's decision and any other required approvals. The ramping rate is required year-round when flows are controllable at Project impoundments and is applicable to other flow requirements, including Pulse Flows (Condition 3), Water Temperature Management (Condition 6), and Whitewater Recreation Flows (Condition 14).~~

## **2(B) — Evaluation of Ramping Rate**

~~After considering monitoring results from Condition 7 (Water Quality and Condition 11 (North Fork Feather River Biological Resources), or following recommendation(s) by one or more resource agency or State Water Board staff, the Deputy Director may require the Licensee to initiate consultation with the Forest Service, CDFW, USFWS, and State Water Board staff to determine if the required ramping rate is protecting water quality and beneficial uses, and determine what, if any, adjustments are necessary.~~

~~Within six months of initiating consultation, the Licensee shall submit to the Deputy Director: documentation of consultation; any changes to the ramping rate proposed by the Licensee; the consulting agencies' comments and recommendations; and a description of how any changes proposed by the Licensee incorporate or address the comments and recommendations. Based on the monitoring results and any other relevant information, the Deputy Director may approve the Licensee's proposal or require other modifications to the ramping rate specified in Condition 2(A) to the extent necessary to ensure reasonable protection of the beneficial uses of the North Fork Feather River. If changes to the ramping rate are required, within 10 days of the Deputy Director's decision the Licensee shall file with FERC a request to amend the FERC license for implementation of the modified ramping rate. The Licensee shall implement the new ramping rate as soon as reasonably practicable after receiving the Deputy Director's decision and any other required approvals.~~

## **2(C) Belden Powerhouse Block Loading**

From March 1 to July 1, the Licensee shall block load Belden Powerhouse when the Rock Creek Dam is spilling water and the flows below Rock Creek Dam are in excess of the minimum streamflow specified in the Rock Creek-Cresta Hydroelectric Project (FERC Project No. 1962) FERC license and less than 3,000 cfs (as measured at Gage NF-57, which is also known as USGS Gage No. 11403200).

The Licensee may request modification of the Belden Powerhouse block loading operations following consultation with the Forest Service, CDFW, USFWS, and State Water Board staff. ~~If changes to block loading operation are desired, the Licensee shall submit the proposed revisions to Belden Powerhouse block loading operations to the Deputy Director for review and approval. At a minimum the block loading change proposal shall include: a description of the proposed changes to block loading and related Belden Powerhouse operations; information supporting the proposed changes to block loading; and documentation of consultation, including the comments and recommendations made in connection with the proposal, and a description of how the proposal incorporates or addresses the comments and recommendations. The Deputy Director may require modifications as part of any approval.~~ The Licensee shall file with FERC ~~the Deputy Director approved~~ revisions to Belden Powerhouse block loading operations. The Licensee shall implement the revised Belden Powerhouse operations upon receipt of ~~Deputy Director and~~ any ~~other~~ required approvals.

## 2(D) Unplanned Temporary Ramping Rate Modifications

A temporary variance from ramping rate and Belden Powerhouse block loading requirements may be granted if required by equipment malfunction beyond the reasonable control of the Licensee, as directed by law enforcement authorities or in emergencies. An emergency is defined in Condition 1(F).

~~When possible, the Licensee shall notify the Deputy Director prior to any unplanned temporary modification from the ramping rate or Belden Powerhouse block loading requirement. In all instances, the Licensee shall notify the Deputy Director within 24 hours of the beginning of any unplanned temporary modification from the ramping rate or Belden Powerhouse block loading requirement. Within 96 hours of the beginning of any unplanned temporary modification from the ramping rate or Belden Powerhouse block loading requirement, the Licensee shall provide the Deputy Director with an update of the conditions associated with the modification and an estimated timeline for returning to the required ramping rate or block loading requirement.~~

~~Within 30 days of any unplanned temporary modification from the ramping rate or Belden Powerhouse block loading requirement, the Licensee shall provide the Deputy Director with: (1) a written description of the modification and reason(s) for its necessity; (2) photo documentation of the emergency or reason for the modification; (3) a timeline for returning to the required ramping rate or block loading requirement or timeline when the modification ceased and compliance with Condition 2 requirements resumed; (4) a description of corrective actions taken in response to an unplanned modification from the ramping rate or Belden Powerhouse block loading requirement; and (5) a plan to prevent the need for modification resulting from a similar emergency or event in the future.~~

## ~~CONDITION 3. Pulse Flows~~

### ~~3(A) Pulse Flows~~

~~The Licensee shall implement pulse flows from Canyon Dam and Belden Dam as outlined in this condition. For purposes of this condition, water year types shall be determined in accordance with Condition 1(A). No pulse flows are required if two successive days of mean daily water temperature greater than 10°C are measured at Gage NF-2 (Seneca Reach) or Gage NF-70 (Belden Reach), or if rainbow trout spawning is observed in either the Seneca Reach or Belden Reach and reported to the Licensee by staff by the Forest Service, CDFW, or USFWS.~~

~~Pulse flow releases from Canyon Dam and Belden Dam shall be implemented continuously for a minimum of 12 hours at the streamflow shown in Table 4. The requirement to perform February and March pulse flows shall be based on the water year as defined on the first of the month (i.e., February 1 and March 1, respectively). Pulse flows shall be implemented consistent with the Ramping Rates (Condition 2).~~

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**Table 4. North Fork Feather River Pulse Flows**

Month	Dry Water Year	Normal Water Year	Wet Water Year
January	—	675 cfs	675 cfs
February	—	1,000 cfs	1,200 cfs
March	700 cfs	1,000 cfs	1,200 cfs

In March of Normal and Wet water years, following implementation of the pulse flows in the Seneca Reach, the Licensee shall reduce and hold the pulse flows at 400 cfs for six hours between 9:00 AM and 3:00 PM of a weekend (i.e., Saturday or Sunday).

### **3(B) Evaluation of Pulse Flows**

After considering monitoring results from Condition 9 (Gravel), or following recommendation(s) by one or more resource agency or State Water Board staff, the Deputy Director may require the Licensee to initiate consultation with the Forest Service, CDFW, USFWS, and State Water Board staff to determine if the required pulse flows are protecting water quality and beneficial uses, and determine what, if any, adjustments are necessary.

Within six months of initiating consultation, the Licensee shall submit to the Deputy Director: documentation of consultation; any changes to pulse flows recommended by the Licensee; the consulting agencies' comments and recommendations; and a description of how the proposed changes to pulse flow requirements incorporate or address the comments and recommendations. Based on the monitoring results and any other relevant information, the Deputy Director may make changes to the pulse flow requirements to the extent necessary to ensure reasonable protection of the beneficial uses of the North Fork Feather River. If changes to the pulse flows are required, within 10 days of the Deputy Director's decision the Licensee shall file with FERC a request to amend the FERC license for implementation of the pulse flows. The Licensee shall implement the new pulse flows as soon as reasonably practicable after receiving the Deputy Director's decision and any other required approvals.

### **3(C) Lower Butt Creek Pulse Flows**

Based on the Butt Creek Habitat Evaluation Report and other information developed in accordance with Condition 10 (Lower Butt Creek Habitat Evaluation), the Deputy Director may require the Licensee to develop a Lower Butt Creek Pulse Flow Plan (LBC Pulse Flow Plan) for Deputy Director review and approval.

If required by the Deputy Director, the LBC Pulse Flow Plan shall be developed in consultation with the Forest Service, CDFW, USFWS, and State Water Board staff. At a minimum the LBC Pulse Flow Plan shall describe the magnitude, ramping, and duration of pulse flows that will be implemented in order to recruit and distribute spawning sized gravel, taking into consideration woody material and live vegetation concerns. The Licensee shall also include the following with the LBC Pulse Flow Plan: documentation of consultation; comments and recommendations made in connection with the LBC Pulse Flow Plan; and a description of how the LBC Pulse Flow Plan incorporates or addresses the comments and recommendations. The Deputy Director may make

~~changes, including changes to the magnitude, ramping, or duration of the pulse flows, as part of any approval. Within 10 days of Deputy Director approval, the Licensee shall file the Deputy Director approved LBC Pulse Flow Plan with FERC. The Licensee shall implement the new pulse flows as soon as reasonably practicable after receiving Deputy Director and any other required approvals.~~

**CONDITION 4. Water Surface (Reservoir) Elevations**

The Licensee shall operate Lake Almanor, Butt Valley Reservoir, and Belden Forebay to maintain water surface elevations (also referred to as reservoir levels) at or above the elevations listed in Table 5, Table 6, and Table 7, respectively. For purposes of this condition, water year types shall be determined in accordance with Condition 1(A). ~~Water surface elevations may be measured at alternate gages if approved by the Deputy Director as part of the Gaging and Facilities Modification Plan (Condition 5).~~

**Table 5. Lake Almanor Water Surface Elevations, as measured at Gage NF-1 (USGS Gage No. 11399000) using PG&E datum<sup>5</sup>**

Water Year Type	Reservoir Elevation on May 31	Reservoir Elevation from June 1 through August 31
Wet	4,485 feet	4,485 feet
Normal	4,485 feet	4,485 feet
Dry	4,483 feet	4,480 feet
Critically Dry	4,482 feet	4,480 feet

**Table 6. Butt Valley Reservoir Water Surface Elevations, as measured at Gage NF-8 using PG&E datum**

Water Year Type	Reservoir Elevation from October 1 through May 30	Reservoir Elevation from June 1 through September 30
All Types	4,115 feet	4,120 feet

**Table 7. Belden Forebay Water Surface Elevation, as measured at Gage NF-67 using PG&E datum**

Water Year Type	Reservoir Elevation from January 1 through December 31
All Types	2,905 feet

~~If the Licensee determines that one or more reservoir water surface elevation requirements will not be met, the Licensee shall notify the Deputy Director at least 30 days in advance of when the~~

<sup>5</sup> PG&E datum is 10.2 feet lower than the USGS datum.

~~Licensee projects the reservoir's water surface elevation will fall below the requirement. Prior to or immediately following Deputy Director notification, the Licensee shall consult with Forest Service, USFWS, CDFW,~~

~~Plumas County, and State Water Board staff, to identify actions the Licensee will implement to notify reservoir users and maximize access to and use of the reservoirs given the projected lower water surface elevation(s). The Licensee shall provide the Deputy Director with the list of actions that the Licensee will implement no later than seven days prior to when the Licensee projects the reservoir's water surface elevation will fall below the requirement. The Licensee shall implement the actions unless the Deputy Director requires the Licensee to implement additional or modified actions. The Licensee shall file the actions with FERC within 10 days of providing them to the Deputy Director and receipt of any additional or modified actions required by the Deputy Director. Within 30 days of the initial Deputy Director notice, the Licensee shall provide the Deputy Director with documentation explaining why the water surface elevation(s) was not met and what steps the Licensee will take to prevent it from occurring in the future, as feasible and appropriate.~~

~~The Deputy Director may impose additional water surface elevation requirements to the extent necessary to ensure the reasonable protection of the beneficial uses of Lake Almanor, Butt Valley Reservoir, and Belden Forebay. The Licensee shall file any additional requirements with FERC within 10 days of Deputy Director issuance. The Licensee shall implement the new water surface elevation requirements as soon as reasonably practicable after receiving the Deputy Director's decision and any other required approvals.~~

~~The water surface elevations specified in Tables 5-7 may be temporarily modified consistent with the situations described in Condition 1(F). For any unplanned water surface elevation modifications, the Licensee shall comply with the notification (24-hours), update (96-hour), and reporting provisions (within 30 days) required in Condition 1(F).~~

#### **~~CONDITION 5. Gaging and Facilities Modifications~~**

~~No later than one year following license issuance, the Licensee shall submit a Gaging and Facilities Modification Plan to the Deputy Director for review and approval. The Gaging and Facilities Modification Plan shall be adequate to ensure compliance with the conditions of this certification. The facilities covered in the Gaging and Facilities Modification Plan include infrastructure related to the control or measurement of water flows, water levels, and water quality. The Gaging and Facilities Modification Plan shall be developed in consultation with the Forest Service, CDFW, USFWS, and State Water Board staff. Unless otherwise approved by the Deputy Director in writing, construction and modification of facilities and gages for the requirements outlined in this certification shall be completed and in use as soon as reasonable feasible and no later than three years following license issuance.~~

~~At a minimum, the Gaging and Facility Modification Plan shall include:~~

- ~~(i) Purpose of the plan;~~

- ~~(ii) List, map, and detailed description of existing and proposed new gages associated with the Project. The description shall include: (a) type of gages; (b) frequency of data collection and data quality assurance/quality control (QA/QC) procedures; (c) where data for the gages will be stored and made publicly available; and (d) gage maintenance.~~
- ~~(iii) Detailed descriptions of proposed facility and gage modifications necessary to comply with this certification, including relevant maps and designs;~~
- ~~(iv) Schedule for installation of new gage(s) and facilities modifications, and reporting upon completion of construction and modifications associated with the plan;~~
- ~~(v) Measures that will be implemented to protect water quality and beneficial uses during: (a) installation/construction, operation, and maintenance of gages over the term of the license and any extensions, and (b) construction of any proposed facilities modifications;~~
- ~~(vi) Monitoring and reporting that will be implemented during construction and modifications of gages and facilities;~~
- ~~(vii) A plan for how modifications to the plan will be implemented to address gaging-related changes throughout the term of the FERC license and any extensions;~~
- ~~(viii) Rehabilitation of the Lower Butt Creek gage (Gage NF-9); and~~
- ~~(ix) Documentation of consultation with Forest Service, CDFW, USFWS, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.~~

~~The Deputy Director may require modifications as part of any approval. The Licensee shall file with FERC the Deputy Director approved Gaging and Facilities Modification Plan, and any approved amendments thereto. The Licensee shall implement the Gaging and Facilities Modification Plan upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.~~

#### **~~CONDITION 6. Water Temperature Management Program~~**

##### **~~6(A) Canyon Dam Supplemental Flows~~**

~~Within 60 days of license issuance, the Licensee shall operate Canyon Dam releases to prevent the mean daily water temperature<sup>13</sup> of the North Fork Feather River from exceeding 20°C, as measured at Gage NF-57 (USGS Gage No. 11403200), from June 16 through September 15. The Licensee shall release supplemental flows up to a total release of 250 cfs from the low-level Canyon Dam outlet to reduce water temperature. The total release includes the supplemental flows for river temperature reduction required in this condition and the MIFs outlined in Table 2. To the extent~~

~~feasible, the Licensee shall initiate Canyon Dam releases from the low-level Canyon Dam outlet prior to, and in all cases no later than within 24 hours of an exceedance of 20°C mean daily water temperature at Gage NF-57 (between June 16 – September 15). Releases from the Canyon Dam outlet shall be implemented in compliance with Ramping Rates (Condition 2). Temporary modifications of the supplemental flows are subject to the same requirements listed in Condition 1(E) and 1(F).~~

### ~~6(B) Supplemental Flow Reductions~~

~~If reliable information<sup>14</sup> such as the monitoring results from Condition 7 (Water Quality or Condition 8 (Lake Almanor Fishery) indicates that continued release of supplemental flows may adversely affect the Lake Almanor fishery, the Deputy Director may decrease or suspend the supplemental flows, or require the Licensee to initiate consultation with the Forest Service, CDFW, USFWS, Plumas County, and State Water Board staff to determine if a decrease or suspension of the supplemental flows is necessary to reasonably protect the cold freshwater beneficial uses of Lake Almanor and the North Fork Feather River, and determine what, if any, adjustments are necessary. The Deputy Director will promptly review any recommendation to evaluate, decrease, or suspend supplemental flows that is submitted by a resource or local agency and supported by adequate documentation. Within six months of initiating consultation or any other time frame specified by the Deputy Director, the Licensee shall submit to the Deputy Director: documentation of consultation; a recommendation regarding the need for a modification of the existing supplemental flows; the consulting agencies' comments and recommendations; and a description of how the recommendation incorporates or addresses the comments and recommendations.~~

~~The Licensee shall file with FERC the Deputy Director-approved decreases in or suspension of the supplemental flows or other actions. The Licensee shall implement~~

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<sup>13</sup>~~Mean daily water temperature is the average of the incremental readings of instantaneous water temperature from midnight (12:00 AM) of one day to midnight (12:00 AM) of the next day.~~

<sup>14</sup>~~Such reliable information may include, but is not limited to, evidence of a fish kill or evidence of a significant reduction in suitable habitat likely to adversely affect fishery resources.~~

~~the decreases in or suspension of supplemental flows or other actions upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.~~

### ~~6(C) Fishery Performance Goals~~

~~Within two years of license issuance, the Licensee shall develop a Fisheries Goals Report in consultation with Forest Service, CDFW, USFWS, and State Water Board staff and submit it to the Deputy Director for review and approval. The Fisheries Goals Report shall identify fishery performance metrics (e.g., total abundance, density, age composition, spatial distribution, seasonal survival, etc.) for the North Fork Feather~~

~~River that are specific, measurable, attainable with improved habitat conditions, and time-bound, which can be used to assess whether the supplemental flows are effectively controlling temperature and providing reasonable protection to cold-freshwater species. The Licensee shall include with the Fisheries Goals Report: documentation of consultation; comments and recommendations made in connection with the Fisheries Goals Report; and a description of how the Fisheries Goals Report incorporates or addresses the comments and recommendations. The Deputy Director may require modifications as part of any approval.~~

~~The Licensee shall file with FERC the Deputy Director approved Fisheries Goals Report and any approved amendments thereto.~~

#### **~~6(D) Feather River Temperature Contingency Plan~~**

~~If at any time the Deputy Director determines and notifies the Licensee that the supplemental flows are insufficient to achieve the goals in the Fisheries Goals Report, the Licensee shall develop a Feather River Temperature Contingency Plan (Contingency Plan) in consultation with the Forest Service, CDFW, USFWS, Plumas County, and State Water Board staff. The Licensee shall submit the Contingency Plan to the Executive Director for review and approval in accordance with the timeline established in the Deputy Director's notification. The goal of the Contingency Plan is to identify action(s) for achieving the fisheries goals and improving habitat conditions altered by the diversion, storage, and use of water associated with Project operations. The Licensee shall evaluate a range of actions as part of the consultation including additional supplemental flows and installation of thermal curtains at the Prattville and Caribou intakes. The Licensee shall include with the Contingency Plan: documentation of consultation; comments and recommendations made in connection with the Contingency Plan; and a description of how the Contingency Plan incorporates or addresses the comments and recommendations.~~

~~Before taking action on the Contingency Plan, the Executive Director will provide public notice and an opportunity for comment. The Executive Director may approve the Contingency Plan, with or without conditions, or require the Licensee to evaluate or implement any other temperature control measures that the Executive Director determines are feasible, reasonable, and necessary to meet the fisheries goals. The Licensee shall file with FERC the Executive Director approved Contingency Plan or any other temperature control measures required by the Executive Director. The Licensee shall implement the Contingency Plan or other temperature control measures required by the Executive Director upon receipt of Executive Director approval and any other required approvals, in accordance with the schedule and requirements specified therein.~~

#### **~~CONDITION 7. Water Quality~~**

~~No later than one year following license issuance, the Licensee shall submit a Water Quality Monitoring Plan (Water Quality Plan) to the Deputy Director for review and approval. The Water Quality Plan shall be developed in consultation with the Forest~~

~~Service, CDFW, USFWS, Plumas County, Central Valley Regional Water Quality Control Board (Central Valley Regional Water Board), and State Water Board staff. Section 5 of Appendix A to the Settlement Agreement may serve as the basis for the Water Quality Plan.~~

~~At a minimum, the Water Quality Plan shall include:~~

- ~~(i) List of water quality parameters to be monitored that includes, but is not limited to: water temperature, dissolved oxygen, turbidity, and bacteria. The list shall also include current water quality objectives for the parameters as provided in the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins* (SR/SJR Basin Plan) (Central Valley Regional Water Board 2018) or amendments thereto;~~
- ~~(ii) Proposed monitoring plan, including monitoring locations with a map, sampling protocols, analytical methods, QA/QC procedures, and the schedule and frequency of monitoring;~~
- ~~(iii) Format, schedule, and reporting to document, summarize, and analyze monitoring results. The Licensee shall propose any updates to the plan based on the monitoring results or new information related to water quality conditions in the watershed that may be impacted by Project operations. Reports shall include identification of any potential water quality concerns, as well as proposed actions to address any Project-related impacts. Reports shall be submitted to Forest Service, CDFW, Plumas County, USFWS, Central Valley Regional Water Board, and State Water Board staff; and~~
- ~~(iv) Documentation of consultation with Forest Service, CDFW, USFWS, Plumas County, Central Valley Regional Water Board, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.~~

~~The Deputy Director may require modifications to the plan as part of any approval. The Licensee shall file with FERC the Deputy Director approved Water Quality Plan, and any approved amendments thereto. The Deputy Director also may direct the Licensee to implement reasonable control measures to address water quality impacts associated with the Project, including but not limited to oxygenation in Lake Almanor if warranted based on water quality monitoring. The Licensee shall implement the Water Quality Plan and any other required measures upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.~~

**~~CONDITION 8. — Lake Almanor Fishery~~**

~~No later than one year following license issuance, the Licensee shall submit a Lake~~

~~Almanor Fishery Monitoring Plan (Almanor Fish Monitoring Plan) to the Deputy Director for review and approval. The Almanor Fish Monitoring Plan shall be developed in consultation with the Forest Service, Plumas County, CDFW, USFWS, and State Water Board staff. The primary goal of the Almanor Fish Monitoring Plan shall be to monitor the health of Lake Almanor's fisheries. At a minimum, the Almanor Fish Monitoring Plan shall include:~~

- ~~(i) — Types of monitoring that will be implemented in Lake Almanor, including but not limited to angler surveys, fish condition, and fish community composition. The plan shall describe who will conduct the monitoring and how it will be performed, including methods, QA/QC, frequency, and timing;~~
- ~~(ii) — An annual evaluation of the monitoring data to determine, in consultation with CDFW, Forest Service, Plumas County, USFWS, and State Water Board staff, whether any changes to Lake Almanor's fish stocking program are necessary to ensure the Project's operations do not adversely affect Lake Almanor's fishery. The annual evaluation shall include a recommendation, if necessary, to fund additional stocking under Condition 12 (Fish Stocking);~~
- ~~(iii) — Format, schedule, and reporting to document, summarize, and analyze monitoring results. The Licensee shall propose any updates to the plan based on the monitoring results or new information related to fishery conditions in Lake Almanor that may be impacted by Project operations. Reports shall include identification of any potential fishery concerns, as well as proposed actions to address any Project-related impacts. Reports shall be submitted to Forest Service, Plumas County, CDFW, USFWS, and State Water Board staff; and~~
- ~~(iv) — Documentation of consultation with the Forest Service, Plumas County, CDFW, USFWS, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.~~

~~The Deputy Director may require modifications as part of any approval. The Deputy Director also may direct the Licensee to implement measures to address impacts to Lake Almanor's fisheries associated with the Project. The Licensee shall file with FERC the Deputy Director approved Almanor Fish Monitoring Plan, and any approved amendments thereto. The Licensee shall implement the Almanor Fish Monitoring Plan and any other required measures upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.~~

**CONDITION 9. — Gravel**

~~No later than two years following license issuance, the Licensee shall submit a Gravel Plan to the Deputy Director for review and approval. The Gravel Plan shall be developed in consultation with the Forest Service, CDFW, USFWS, and State Water~~

~~Board staff. Section 1.3(B) of Appendix A to the Settlement Agreement may serve as the basis for the Gravel Plan.~~

~~The primary goal of the Gravel Plan shall be to evaluate the movement of sediment and gravel in the Belden Reach and Seneca Reach, and implement actions to address gravel transport, if needed. At a minimum, the Gravel Plan shall include:~~

- ~~(i) Objectives and goals that support successful sediment and gravel transport while maintaining SR/SJR Basin Plan water quality objectives;~~
- ~~(ii) Monitoring locations;~~
- ~~(iii) Protocol, timing, and frequency of monitoring;~~
- ~~(iv) Metrics for evaluating sediment and gravel movement, including numeric triggers, that will identify the need to modify the pulse flows or implement other actions;~~
- ~~(v) Format, schedule, and reporting to document, summarize, and analyze monitoring results. The Licensee shall propose any updates to the plan based on the monitoring results or new information related to sediment and gravel conditions that may be impacted by Project operations. Reports shall include identification of any potential concerns, as well as proposed actions to address any Project-related impacts; and~~
- ~~(vi) Documentation of consultation with the Forest Service, CDFW, USFWS, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.~~

~~The Deputy Director may require modifications as part of any approval. The Deputy Director also may direct the Licensee to implement measures to address impacts to sediment and gravel movement associated with the Project. The Licensee shall file with FERC the Deputy Director approved Gravel Plan, and any approved amendments thereto. The Licensee shall implement the Gravel Plan and any other required measures upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.~~

#### **CONDITION 10. Lower Butt Creek Habitat**

~~No later than two years following license issuance, the Licensee shall submit, to FERC, a Lower Butt Creek Habitat Evaluation Plan (LBC Habitat Plan) to the Deputy Director for review and approval. The primary goal of the LBC Habitat Plan shall be to monitor and assess aquatic habitat quality and the need for pulse flows or other actions in Lower Butt Creek between Butt Valley Dam and the confluence with the North Fork Feather River. The LBC Habitat Plan shall be developed in consultation with the Forest Service, CDFW, USFWS, and State Water Board staff. Section 1.8 of Appendix A to~~

~~the Settlement Agreement may serve as the basis for the LBC Habitat Plan required by this condition.~~

~~At a minimum, the LBC Habitat Plan shall include:~~

- ~~(i) The purpose of the LBC Habitat Plan;~~
- ~~(ii) Proposed monitoring, including monitoring locations with a map, sampling protocols, and the schedule and frequency of monitoring;~~
- ~~(iii) Criteria by which habitat quality will be evaluated;~~
- ~~(iv) Criteria by which the need for pulse flows or other actions will be assessed;~~
- ~~(v) Provisions for and a schedule to complete and submit to the Deputy Director, for review and approval, a Butt Creek Habitat Evaluation Report that documents, summarizes, and analyzes monitoring results and includes recommendations regarding the need for pulse flows or other actions. The Butt Creek Habitat Evaluation Report shall be developed in consultation with Forest Service, CDFW, USFWS, and State Water Board staff; and~~
- ~~(vi) Documentation of consultation with Forest Service, CDFW, USFWS, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.~~

~~The Deputy Director may require modifications as part of any approval. The Licensee shall file with FERC the Deputy Director-approved LBC Habitat Plan, and any approved amendments thereto. The Licensee shall implement the LBC Habitat Plan and Butt Creek Habitat Evaluation Report, respectively, upon receipt of Deputy Director approval and any other required approvals, in accordance with the schedule and requirements specified therein.~~

#### ~~**CONDITION 11. North Fork Feather River Biological Resources**~~

~~No later than one year following license issuance, the Licensee shall submit a North Fork Feather River Biological Resources Monitoring Plan (Biological Resources Monitoring Plan) to the Deputy Director for review and approval. The Biological Resources Monitoring Plan shall be developed in consultation with the Forest Service, CDFW, USFWS, and State Water Board staff. The Biological Resources Monitoring Plan shall describe stream fish, benthic macroinvertebrate (BMI), and amphibian monitoring the Licensee will conduct in Project-affected reaches over the term of the license and any extensions. Section 1.9 of Appendix A to the Settlement Agreement may serve as the basis for the Biological Resources Monitoring Plan required by this condition.~~

~~At a minimum, the Biological Resources Monitoring Plan shall include:~~

- ~~(i) The purpose of the plan;~~
- ~~(ii) Specific years that monitoring will occur throughout the term of the license and any extensions;~~
- ~~(iii) Standardized sampling and data protocols with consideration given to methods used for downstream monitoring associated with the Rock Creek Cresta Hydroelectric Project (FERC Project No. 1962) and Poe Hydroelectric Project (FERC Project No. 2107);~~
- ~~(iv) Fish data monitoring protocols that will support assessment of the fisheries with respect to the Fisheries Goals Report (Condition 6(C));~~
- ~~(v) BMI monitoring using the Surface Water Ambient Monitoring Program Protocols (State Water Board 2017) and amendments thereto or its successor program, or an alternative methodology approved by the Deputy Director. The protocols shall include population heterogeneity, composition, and trends;~~
- ~~(vi) Monitoring of state and/or federally listed amphibian species;~~
- ~~(vii) Format, schedule, and reporting to document, summarize, and analyze monitoring results. The reports shall include identification of any impacts to biological resources and recommendations to address such impacts. The Licensee shall propose any updates to the Biological Resources Monitoring Plan based on the monitoring results. Reports shall be submitted to the Forest Service, CDFW, USFWS, and State Water Board staff; and~~
- ~~(viii) Documentation of consultation with Forest Service, CDFW, USFWS, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.~~

~~The Deputy Director may require modifications as part of any approval. The Deputy Director also may direct the Licensee to implement measures to address impacts to biological resources associated with the Project. The Licensee shall file with FERC the Deputy Director approved Biological Resources Monitoring Plan, and any approved amendments thereto. The Licensee shall implement the Biological Resources Monitoring Plan and any required measures upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.~~

#### **~~CONDITION 12. Fish Stocking~~**

~~No later than one year following license issuance, the Licensee shall enter into an agreement with CDFW to make funds available annually for CDFW's fish stocking~~

~~efforts in Lake Almanor and the Belden Reach. The Licensee shall implement the agreement, and any amendments thereto, for the term of the FERC license and any extensions. Section 7.5 of Appendix A to the Settlement Agreement may serve as the basis for the agreement between the Licensee and CDFW. The agreement shall include funding provisions for any additional Lake Almanor fish stocking determined to be necessary under Condition 8 (Lake Almanor Fishery). The Licensee shall provide the Deputy Director with a copy of the agreement once executed. The Licensee shall notify and provide documentation to the Deputy Director of any modification or amendment to the agreement over the license term and any extensions.~~

### **CONDITION 13. — Recreation Facilities Management**

~~No later than two years following license issuance, the Licensee shall submit a Recreation Facilities Management Plan (Recreation Plan) to the Deputy Director for review and approval. The Recreation Plan shall be developed in consultation with the Forest Service, CDFW, USFWS, and State Water Board staff. Appropriate portions of section 7 of Appendix A to the Settlement Agreement may serve as the basis for the Recreation Plan.~~

~~At a minimum, the Recreation Plan shall include:~~

- ~~(i) — A description of operations and maintenance activities associated with the Project recreation facilities that have the potential to impact water quality, and measures that will be implemented to address any impacts;~~
- ~~(ii) — Identification of recreation use surveys that will be conducted as part of the Project and submittal of the associated results to State Water Board staff;~~
- ~~(iii) — A list, description, and schedule for modifications to existing and construction of new recreation facilities associated with the Project. For each facility modification or new construction, the Licensee shall describe the measures and monitoring the Licensee will implement to protect water quality, beneficial uses, and aquatic biological resources;~~
- ~~(iv) — Format, schedule, and reporting to document, summarize, and analyze completion of recreation facility construction or modification and associated monitoring results; and~~
- ~~(v) — Documentation of consultation with Forest Service, CDFW, USFWS, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.~~

~~The Deputy Director may require modifications to the Recreation Plan as part of any approval. Throughout the term of the FERC license and any extensions, the Licensee~~

~~shall submit any modifications to or new construction of recreation facilities not covered by the original Deputy Director approved Recreation Plan as amendments to the plan for Deputy Director review and approval. The Licensee shall file the Deputy Director approved Recreation Plan, and any required modifications or approved amendments thereto, with FERC. The Licensee shall implement the Recreation Plan upon receipt of Deputy Director and any other required approvals, in accordance with the schedule and requirements specified therein.~~

~~If the result of a recreational survey indicate an increase in recreation use, the Licensee shall evaluate the potential effects to determine whether modifications to Project facilities or other measures are needed to protect water quality and beneficial uses and provide the Deputy Director with the analysis and any associated recommendations for review and approval. The Deputy Director may make modifications as part of any approval, including directing the Licensee to implement specific measures or actions.~~

#### **CONDITION 14. — Whitewater Recreation Flows**

~~No later than two years following license issuance, the Licensee shall submit a Whitewater Recreation Flow Plan (Whitewater Plan) to the Deputy Director for review and approval. The Whitewater Plan shall be developed in consultation the Forest Service, CDFW, USFWS, American Whitewater, Plumas County, and State Water Board staff. The primary goal of the Whitewater Plan shall be to develop whitewater recreation flows and adaptive management protocols that help ensure adequate boating opportunities in the Belden Reach throughout the term of the license and any extensions. The Whitewater Plan shall also include flows in the Seneca Reach associated with Pulse Flows (Condition 3(A)). Section 2 of Appendix A to the Settlement Agreement may serve as the basis for the Whitewater Plan required by this condition.~~

~~At a minimum, the Whitewater Plan shall include:~~

- ~~(i) — Magnitude and duration of whitewater recreation flows;~~
- ~~(ii) — Frequency and timing of whitewater recreation flows;~~
- ~~(iii) — Potential situations in which the Licensee may be excused from providing all or a portion of whitewater recreation flows;~~
- ~~(iv) — Protocol for monitoring whitewater boating use and triggers to add or remove whitewater boating days based on whitewater boating monitoring;~~

- ~~(v) Noticing to inform the Forest Service, CDFW, USFWS, American Whitewater, Plumas County, State Water Board staff, and the public when the Licensee plans to release whitewater recreation flows;~~
- ~~(vi) Format, schedule, and reporting to document whitewater boating opportunities and use. The Licensee shall propose updates to the Whitewater Plan based on the monitoring results and other related information;~~
- ~~(vii) Implementation of flows outlined in Condition 3(A) (Pulse Flows) that require the Licensee to, in March of Normal and Wet water years, following implementation of pulse flows in the Seneca Reach, release and hold 400 cfs for six hours between 9:00 AM and 3:00 PM of a weekend; and~~
- ~~(viii) Documentation of consultation with Forest Service, CDFW, USFWS, American Whitewater, Plumas County, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.~~

~~The Deputy Director may require modifications as part of any approval. The Licensee shall file with FERC the Deputy Director approved Whitewater Plan, and any approved amendments thereto. The Licensee shall implement the Whitewater Plan upon receipt of Deputy Director approval and any other required approvals, in accordance with the schedule and requirements specified therein.~~

**CONDITION 15. — Aquatic Invasive Species**

~~No later than two years following license issuance, the Licensee shall submit an Aquatic Invasive Species Plan (AIS Plan) to the Deputy Director for review and approval. The AIS Plan shall be developed in consultation with the Forest Service, CDFW, USFWS, Plumas County, and State Water Board staff. The AIS Plan shall provide guidance to manage aquatic invasive species that occur or have the potential to occur in Project-affected waters. The goals of the AIS Plan are to: (1) identify and implement best management practices (BMPs) to minimize and prevent the introduction and spread of aquatic invasive species into and throughout Project-affected waters; (2) provide education and outreach to ensure public awareness of the potential effects of aquatic invasive species throughout Project-affected waters and actions needed to avoid or address them; (3) develop and implement monitoring programs to ensure early detection of aquatic invasive species; and (4) monitor and manage the spread of established aquatic invasive species.~~

~~At a minimum, the AIS Plan shall include:~~

- ~~(i) — The purpose of the plan;~~
- ~~(ii) — Identification of aquatic invasive species that occur or have the potential to occur in Project-affected waters. For those that occur, include information on the location and density of the aquatic species occurrences;~~

- ~~(iii) — BMPs the Licensee will implement to manage aquatic invasive species;~~
- ~~(iv) — Education and outreach program the Licensee will implement to ensure public awareness and actions to avoid the introduction and spread of aquatic invasive species;~~
- ~~(v) — Monitoring program the Licensee will implement to ensure early detection of new aquatic invasive species and monitor the spread or reduction of established aquatic invasive species. The monitoring program shall include the species that will be monitored for, monitoring protocols, frequency, and locations;~~
- ~~(vi) — Format, schedule, and reporting to document, summarize, and analyze monitoring results. The reports shall include identification of changes associated with the presence of aquatic invasive species in Project-affected waters and recommendations to address the presence. The Deputy Director may direct the Licensee to implement measures to address aquatic invasive species in Project-affected waters. The Licensee shall propose any updates to the AIS Plan based on the monitoring results or other available information. Reports shall be submitted to the Forest Service, CDFW, USFWS, and State Water Board staff; and~~
- ~~(vii) — Documentation of consultation with the Forest Service, CDFW, USFWS, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.~~

~~The Deputy Director may require modifications as part of any approval. The Licensee shall file with FERC the Deputy Director-approved AIS Plan, and any approved amendments thereto. The Licensee shall implement the AIS Plan upon receipt of Deputy Director approval and any other required approvals, in accordance with the schedule and requirements specified therein.~~

#### **~~CONDITION 16. — Roads~~**

~~Within two years of license issuance, the Licensee shall file a Road Management Plan with the Deputy Director for review and approval. The Road Management Plan shall be developed in consultation with Central Valley Regional Water Board, Forest Service, and State Water Board staff. The Road Management Plan shall describe the maintenance and construction of Project roads in a manner that is protective of water quality. At a minimum, the Road Management Plan shall include the following:~~

- ~~(i) — An inventory and map of all roads associated with the Project, including locations of drainage structures, streams, and surface water bodies;~~
- ~~(ii) — An assessment of Project roads to determine if any drainage structures or road segments are impacting or have the potential to impact water quality;~~

- ~~(iii) Proposed measures and an implementation schedule to rehabilitate existing damage and minimize erosion from Project roads. Proposed measures designed to improve drainage should be consistent with the most current United States Department of Agriculture (USDA), *Forest Service National Best Management Practices for Water Quality Management on National Forest System Lands* (USDA Forest Service 2012);~~
- ~~(iv) A process for the Licensee to propose updates or modifications to the plan for activities unknown at the time of plan approval, such as new road construction, decommissioning, or new BMPs;~~
- ~~(v) A schedule and plan for inspection and maintenance of Project roads throughout the term of the license and any extensions; and~~
- ~~(vi) Documentation of consultation with Central Valley Regional Water Board, Forest Service, and State Water Board staff, comments and recommendations made in connection with the plan, and a description of how the plan incorporates or addresses the comments and recommendations.~~

~~The Deputy Director may require modifications as part of any approval. The Licensee shall file with FERC the Deputy Director-approved Road Management Plan, and any approved amendments thereto. The Licensee shall implement the Road Management Plan upon receipt of Deputy Director approval and any other required approvals, in accordance with the schedule and requirements specified therein.~~

#### **CONDITION 17. — Reintroduction of Anadromous Fish**

~~The State Water Board reserves the authority to modify or add conditions to this certification if State Water Board staff determine that it is reasonably foreseeable that state or federally listed anadromous fish species will be reintroduced into Project-affected streams (e.g., anadromous fish passage per the Amended Feather River Habitat Expansion Agreement [dated March 2011]), to ensure adequate protection of SR/SJR Basin Plan objectives and beneficial uses.~~

~~The State Water Board also reserves the authority to require the Licensee to develop and conduct studies if it is reasonably foreseeable that listed anadromous fish species will be reintroduced into Project-affected areas. Such studies shall be designed in consultation with the National Marine Fisheries Service, the Forest Service, CDFW, USFWS, and State Water Board staff, to develop fish passage, flows, or other measures, as well as determine appropriate modifications to the certification to minimize potential impacts and protect water quality and beneficial uses. Introduction of anadromous fish may require reevaluation of Project facilities, flow regimes, fish stocking plans, gravel augmentation, temperature control measures, and access to Project-affected tributaries.~~

**CONDITION 18. — Annual Consultation Meetings**

~~No later than one year following license issuance, the Licensee shall establish a Technical Review Group (TRG) to meet annually regarding implementation of the Project license. At a minimum, USFWS, State Water Board staff, the 2004 Settlement Agreement Parties<sup>15</sup>, and other interested parties shall be invited to participate in the TRG. The annual meeting shall be noticed at least 30 days in advance to the TRG members and on the Licensee's Project webpage. The annual meeting shall be open to the public. The TRG shall establish communication protocols to facilitate interactions between group members that allow for open participation and communication between all parties.~~

~~The first meeting of the TRG shall be held no later than the first full calendar year after license issuance. At the annual meetings, the TRG shall:~~

- ~~(i) — Review the status of implementing the FERC license and certification conditions;~~
- ~~(ii) — Review monitoring data from all monitoring conducted the previous year;~~
- ~~(iii) — Review elements of current year maintenance plans and any non-routine maintenance;~~
- ~~(iv) — Discuss foreseeable changes to Project facilities or features;~~
- ~~(v) — Discuss necessary revisions or modifications to MIFs, ramping rates, pulse flows, or supplemental flows;~~
- ~~(vi) — Discuss plans approved and a schedule for plans required as part of this certification and opportunities for public participation in the plan development process; and~~
- ~~(vii) — Discuss species listing implications, including:
  - ~~a. — Needed protection measures for species newly listed as threatened, endangered, or sensitive;~~
  - ~~b. — Changes to existing plans for actions that may no longer be necessary due to delisting of a species; and~~
  - ~~c. — Changes to existing plans to incorporate new information about species requiring protection.~~~~

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<sup>15</sup>~~The 2004 Settlement Agreement Parties include: PG&E, Forest Service, CDFW, Plumas County, American Whitewater, California Sportfishing Protection Alliance, Anglers Committee; Chico Paddleheads, Shasta Paddlers, and Mountain Meadows Conservancy.~~

~~Materials shall be provided to TRG members at least 30 days prior to the annual meeting. The Licensee shall submit a report to State Water Board staff that summarizes the annual consultation meeting no later than 60 days following the annual consultation meeting.~~

**~~CONDITION 19. — Extremely Dry Conditions~~**

~~In the event of extremely dry conditions, which may include a year in which the Governor of the State of California declares a drought emergency for Plumas County or Butte County, or multiple consecutive Dry or Critically Dry water year types, the Licensee may request modification of the flow and/or surface water elevation requirements of this certification. If the Licensee anticipates that it may request modification pursuant to this condition, the Licensee shall notify the Forest Service, CDFW, USFWS, and the Deputy Director of the Licensee's concerns related to flows and/or water surface elevations as early as possible. The Licensee shall request modification pursuant to this condition by requesting Deputy Director review and approval of a Revised Operations Plan at least 30 days in advance of any requested flow or water surface level modifications, unless otherwise approved in writing by the Deputy Director. The Licensee shall develop any Revised Operations Plan in consultation with the Forest Service, CDFW, USFWS, and State Water Board staff. The Licensee shall also provide a summary of any comments received and how the comments were addressed.~~

~~The Licensee shall provide notice of the proposed Revised Operations Plan to interested parties at least seven days prior to submittal to the Deputy Director. The Licensee's request shall include: an estimate of water to be saved and the alternative beneficial uses for which the water is being conserved; a timeline for the return to regular operations; proposed monitoring for the revised operations, including an estimation of any impacts the revised operations may have on any beneficial uses of water; and proposed water conservation measures that will be implemented. If conservation measures are not applicable, the Licensee shall describe the circumstances and justification for not implementing water conservation measures.~~

~~The Deputy Director may require modifications to the Revised Operations Plan as part of any approval. The Licensee may implement the Revised Operations Plan upon receipt of Deputy Director and other required approvals, in accordance with the schedule and requirements specified therein. The Licensee shall file with FERC the Deputy Director approved Revised Operations Plan, and any approved amendments thereto.~~

**~~CONDITION 20. — Grebes Management~~**

~~No later than two years following license issuance, the Licensee shall submit a Grebes Management Plan to the Deputy Director for review and approval. The Grebes Management Plan shall be developed in consultation with the CDFW, USFWS, Plumas Audubon Society, and State Water Board staff. The goal of the Grebes Management~~

~~Plan shall be to identify any adverse Project impacts on Grebe nesting and propose any reasonable measures to avoid or reduce identified adverse impacts. The Licensee shall include with the Grebes Management Plan: documentation of consultation with CDFW, USFWS, Plumas Audubon Society, and State Water Board staff; comments and recommendations made in connection with the plan; and a description of how the plan incorporates or addresses the comments and recommendations.~~

~~The Deputy Director may require modifications as part of any approval. The Licensee shall file with FERC the Deputy Director-approved Grebes Management Plan, and any approved amendments thereto. The Licensee shall implement the Grebes Management Plan upon receipt of Deputy Director approval and any other required approvals, in accordance with the schedule and requirements specified therein.~~

#### ~~CONDITIONS 21 – 44.~~

~~**CONDITION 21.** This certification is subject to modification to incorporate feasible measures to avoid or reduce significant environmental impacts or to make any necessary findings based on any environmental documents certified by the State Water Board after this certification is issued, including any revisions to those environmental documents made as a result of judicial review of the State Water Board's approval of the Project.~~

~~**CONDITION 22.** The Licensee shall ensure no net loss of wetland or riparian habitat functions and compliance with the *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State* (State Water Board 2019).~~

~~**CONDITION 23.** Unless otherwise specified in this certification, any plan developed as a condition of this certification requires review and approval by the Deputy Director. The State Water Board's approval authority, including authority delegated to the Deputy Director or others, includes the authority to withhold approval or to require modification of a proposal, plan, or report prior to approval. The State Water Board may take enforcement action if the Licensee fails to provide or implement a required item in a timely manner. If a time extension is needed to submit an item for Deputy Director approval, the Licensee shall submit a written request for the extension, with justification, to the Deputy Director no later than 60 days prior to the deadline. The Licensee shall file with FERC any Deputy Director-approved time extensions. The Licensee shall not implement any plans or reports until after receiving Deputy Director approval and any other necessary regulatory approvals.~~

~~**CONDITION 24.** The State Water Board reserves the authority to add to or modify the conditions of this certification: (1) to incorporate changes in technology, sampling, or methodologies; (2) if monitoring results indicate that continued operation of the Project could violate water quality objectives or impair beneficial uses; (3) to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act; (4) to coordinate the operations of this Project and other hydrologically-connected water development projects, where coordination of operations is reasonably~~

~~necessary to meet water quality objectives and protect beneficial uses of water; and (5) to require additional monitoring and/or other measures, as needed, to ensure that continued Project operations meet water quality objectives and protect the beneficial uses of Lake Almanor, Butt Valley Reservoir, and the North Fork Feather River.~~

~~**CONDITION 25.** Future changes in climate projected to occur during the FERC license term may significantly alter the baseline assumptions used to develop the conditions of this certification. The State Water Board reserves authority to add to or modify the conditions of this certification, to require additional monitoring and/or other measures, as needed, to verify that Project operations meet water quality objectives and protect the beneficial uses assigned to Project-affected stream reaches.~~

~~**CONDITION 26.** The State Water Board shall provide notice and an opportunity to be heard in exercising its authority to add to or modify the conditions of this certification.~~

~~**CONDITION 27.** This certification is contingent on compliance with all applicable requirements of the SR/SJR Basin Plan.~~

~~**CONDITION 28.** Notwithstanding any more specific conditions in this certification, the Project shall be operated in a manner consistent with all water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act. The Licensee must take all reasonable measures to protect the beneficial uses of the North Fork Feather River, Lake Almanor, Butt Valley Reservoir, Lower Butt Creek, or their tributaries.~~

~~**CONDITION 29.** Unless otherwise specified in this certification or at the request of the Deputy Director, data and/or reports shall be submitted electronically in a format accepted by the State Water Board to facilitate the incorporation of this information into public reports and the State Water Board's water quality database systems in compliance with California Water Code section 13167.~~

~~**CONDITION 30.** This certification does not authorize any act which results in the taking of a threatened, endangered, or candidate species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (ESA) (Fish & Game Code §§ 2050 – 2097) or the federal ESA (16 U.S.C. §§ 1531 – 1544). If a “take” will result from any act authorized under this certification or water rights held by the Licensee, the Licensee must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. The Licensee is responsible for meeting all requirements of the applicable ESAs for the Project authorized under this certification.~~

~~**CONDITION 31.** The Licensee shall submit any change to the Project, including operations, facilities, technology changes or upgrades, or methodology, which would have a significant or material effect on the findings, conclusions, or conditions of this certification, to the State Water Board for prior review and written approval. The State Water Board shall determine significance and may require consultation with state and/or federal agencies. If the State Water Board is not notified of a change to the Project, it~~

~~will be considered a violation of this certification. If such a change would also require submission to FERC, the change must first be submitted and approved by the Executive Director of the State Water Board unless otherwise delegated in this certification or other State Water Board approval.~~

~~**CONDITION 32.** In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation is subject to any remedies, penalties, process, or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process, or sanctions for the violation or threatened violation constitutes a limitation necessary to ensure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to any violation of the conditions of this certification, the State Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.~~

~~**CONDITION 33.** In response to a suspected violation of any condition of this certification, the State Water Board or Central Valley Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. (Wat. Code, §§ 1051, 13165, 13267, and 13383.)~~

~~**CONDITION 34.** This certification shall not be construed as replacement or substitution for any necessary federal, state, and local approvals. The Licensee is responsible for compliance with all applicable federal, state, or local laws or ordinances and shall obtain authorization from applicable regulatory agencies prior to the commencement of Project activities.~~

~~**CONDITION 35.** Any requirement in this certification that refers to an agency or entity whose authorities and responsibilities are transferred to or subsumed by another state or federal agency or entity, will apply equally to the successor agency or entity.~~

~~**CONDITION 36.** Upon request, a construction schedule shall be provided to agency staff. The Licensee shall provide State Water Board and Central Valley Regional Water Board staff access to Project sites to document compliance with this certification.~~

~~**CONDITION 37.** A copy of this certification shall be provided to any contractor and all subcontractors conducting Project-related work, and copies shall remain in their possession at the Project site(s). The Licensee shall be responsible for work conducted by its contractor, subcontractors, or other persons conducting Project-related work.~~

~~**CONDITION 38.** Onsite containment for storage of chemicals classified as hazardous shall be away from watercourses and include secondary containment and appropriate management as specified in California Code of Regulations, title 27, section 20320.~~

~~**CONDITION 39.** Activities associated with operation and maintenance of the Project that threaten or potentially threaten water quality shall be subject to further review by the Deputy Director and Executive Officer of the Central Valley Regional Water Board. Any proposal for Project maintenance or repair work involving Project-affected water bodies, including desilting of dam impoundments, impoundment drawdowns to facilitate repair or maintenance work, and tailrace dredging, shall be filed with the Deputy Director for prior review and approval.~~

~~**CONDITION 40.** The Licensee shall comply with the terms and conditions in the State Water Board's *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction General Permit; State Water Board Order 2009-0009-DWQ, as amended by State Water Board Orders 2010-0014-DWQ and 2012-0006-DWQ), and ongoing amendments during the life of the Project.~~

~~**CONDITION 41.** Nothing in this certification shall be construed as State Water Board approval of the validity of any water rights, including pre-1914 claims. The State Water Board has separate authority under the Water Code to investigate and take enforcement action, if necessary, to prevent any unauthorized or threatened unauthorized diversions of water.~~

~~**CONDITION 42.** This certification is subject to modification or revocation upon administrative or judicial review, including but not limited to 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).~~

~~**CONDITION 43.** This certification 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.~~

~~**CONDITION 44.** This certification is conditioned upon total payment of any fee required under California Code of Regulations, title 23, division 3, chapter 28.~~

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official Service List in this proceeding (Project No. 2105) in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure.

Dated at Walnut Creek, California this 4<sup>th</sup> day of December, 2020

*/s/ Lynn Powell*

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**LYNN POWELL**

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