



State Water Resources Control Board



Division of Water Rights

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Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

JUL 17 2008

ORIGINAL

FEDERAL ENERGY
REGULATORY COMMISSION

2008 JUL 22 P 2:30

FILED
SECRETARY OF THE
COMMISSION

Tom Jeréb
Pacific Gas and Electric Company
Mail Code N11C
P.O. Box 770000
San Francisco, CA 94177

Dear Mr. Jeréb:

REQUEST FOR WATER QUALITY CERTIFICATION FOR THE RELICENSING OF THE UPPER NORTH FORK FEATHER RIVER HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2105

Thank you for your letter requesting water quality certification pursuant to section 401 (a)(1) of the Federal Clean Water Act (33 U.S.C. § 1341 et seq.) for relicensing of Pacific Gas and Electric's (PG&E) Upper North Fork Feather River Project (Project 2105). The letter, received July 10, 2008, serves as a formal withdrawal and re-filing request for a 401 water quality certification (401 WQC) of this project. A 401 WQC will be required prior to issuance of a new Federal Energy Regulatory Commission (FERC) license on Project 2105.

PG&E's letter initiates a one-year time clock from the date received for the State Water Resources Control Board (State Water Board) to act on the request for a 401 WQC, subject to completion of the environmental review process described below. If the applicant does not provide requested supplemental information or provide the final environmental documentation before the one-year federal period for certification expires, State Water Board staff will recommend denial of water quality certification without prejudice. Alternatively, the applicant could choose to withdraw its request for water quality certification and file a new application for 401 WQC. (Cal. Code Regs., tit. 23, § 3836(c).)

The State Water Board is designated as the state agency for the purposes of acting upon the application for 401 WQC (Wat. Code, § 13160). The application for a 401 WQC for Project 2105 meets the requirements for a complete application. (Cal. Code Regs. tit. 23, § 3856.) A complete application for a 401 WQC must include a description of any steps that have been, or will be taken to avoid, minimize, or compensate for loss of, or significant adverse impacts to beneficial uses of water. The State Water Board may request additional information to clarify, amplify, correct, or otherwise supplement the contents of the application. Supplemental information may include evidence of compliance with the water quality control plan. (Cal. Code Regs. tit. 23, § 3836.)

A 401 WQC is issued when the State Water Board determines that an application for 401 WQC is complete and there is reasonable assurance the operation of the project will comply with water quality standards and other appropriate requirements. The State Water Board must analyze potential project-related environmental effects to the North Fork Feather River drainage prior to making a determination that continued operation of Project 2105 will be protective of the designated beneficial uses of the watershed.

Mr. Tom Jeréb

- 2 -

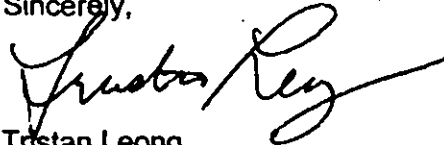
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Issuance of a 401 WQC is a discretionary action that requires the State Water Board to comply with the California Environmental Quality Act (CEQA). Under CEQA, an Environmental Impact Report (EIR) must be prepared if changes in the Project could have significant adverse environmental impacts or if the alternatives or mitigation measures could have significant adverse impacts, including incidental adverse impacts of changes that otherwise will provide an overall environmental benefit. The State Water Board must be provided with, and have ample time to review, the final environmental documents before taking action on the 401 WQC application. (Cal. Code Regs., tit. 23, § 3856(f).)

PG&E and the State Water Board have entered into a memorandum of understanding for the preparation of an EIR for compliance with CEQA. State Water Board staff, assisted by the consulting team of North State Resources and Stetson Engineers, is in the process of developing appropriate CEQA alternatives for analysis and completion of the EIR. State Water Board staff seeks the continued cooperation of PG&E to support this ongoing effort.

State Water Board staff looks forward to working with you on this project in protecting the water quality of the North Fork Feather River watershed. Should you have questions regarding this matter, please contact me at (916) 322-8469 or by email at tleong@waterboards.ca.gov.

Sincerely,



Tristan Leong
Environmental Scientist
Water Quality Certification Unit

cc: Ms. Kimberly D. Bose, Secretary
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