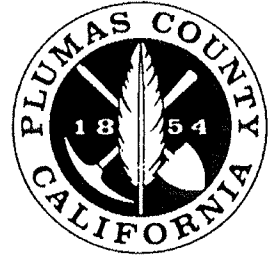


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July 6, 2021

E-Filing

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission (FERC)
888 First Street, N. E.
Washington, D.C. 20426

**RE: UPPER NORTH FORK FEATHER RIVER (UNFFR) HYDROELECTRIC PROJECT
FERC PROJECT NO. 2105 NEW PROJECT LICENSE
PLUMAS COUNTY COMMENT**

Dear Secretary Bose:

On October 23, 2002, Pacific Gas & Electric Company (PG&E) filed an application with FERC for a New License for Project No. 2105. Less than two years later and after many interested parties, including Plumas, working diligently together, the UNFFR Project – FERC No. 2105-089 Final Relicensing Settlement Agreement (Settlement Agreement) was executed. The term of the Settlement Agreement began on April 22, 2004 upon execution and will continue for the term of the New Project License, plus the term(s) of any annual license(s), or until the effective date of any FERC order approving surrender of all or part of the Project under the Federal Power Act.

Plumas understands FERC's July 16, 2020 declaratory order determined the State Water Resources Control Board waived its water quality certification authority under Section 401 of the Clean Water Act with respect to the relicensing of the UNFFR No. 2105 Project, and as a result, the water quality certification, including all conditions, are of no effect.

UNFFR Project – FERC No. 2105-089 Final Relicensing Settlement Agreement

Plumas continues to support the provisions of the Settlement Agreement and asserts any resulting terms or conditions of the New Project License must be consistent with the Settlement.

As such, Plumas urges FERC to incorporate the protection, mitigation, and enhancement measures stated in Appendix "A" of the Settlement Agreement as New Project License articles.

FERC need not include articles that are inconsistent with the Settlement Agreement, nor the measures stated in Appendix "B" of the Settlement.

Further and consistent with the Settlement Agreement, Plumas requests FERC use the provisions of the Settlement as an alternative to be considered in FERC's National Environmental Policy Act (NEPA) analysis process.

The purpose of the Settlement Agreement was to resolve, among the Parties, subjects of concern in support of FERC issuing a New Project License. Decades of efforts have been made by many interested parties; however, a New Project License has not been issued by FERC.

Plumas acknowledges the subjects resolved by the Settlement Agreement include streamflow management, recreation river flow management, reservoir operations including water levels and water surface elevations, defining water year types, water quality monitoring, wildlife habitat enhancement, development of recreation facilities, land management protection, and visual resource protection.

Plumas is also extremely aware of the subjects not resolved by the Settlement Agreement. Those of greatest concern include Lake Almanor shoreline erosion, water temperature, and the term of the new license.

As stated in the Settlement Agreement, Plumas supports a New License with a 40-year term and notes the Rock Creek-Cresta Hydroelectric Project No. 1962 License expires September 30, 2034.

As it relates to water temperature, Plumas is very concerned with potential impacts associated with the installation of thermal curtains, and emphatically does not support thermal curtains implemented, in any way, as part of the New Project License.

Protecting Lake Almanor cold freshwater lake fishery, freshwater habitat, water quality, wildlife habitat, recreational opportunities, and the economy is a paramount priority for Plumas and will not be sacrificed for the de minimis improvement of a singular UNFFR beneficial use of cold freshwater habitat in the downstream Rock Creek, Cresta, and Poe reaches. Plumas maintains the legal, social, economic, and policy balance favors protecting beneficial uses at Lake Almanor.

Plumas does not support increased cold water releases from Canyon Dam beyond what was agreed to in the Settlement Agreement.

Rather, Plumas recommends consideration of riparian restoration measures and riverine habitat improvements as a viable measure to achieve permanent and robust benefits, including water temperature reductions, for the UNFFR watershed and downstream reaches.

Plumas agrees shoreline erosion at Lake Almanor must be carefully monitored and addressed in the New License as it relates to Project operations that may unreasonably increase erosion. The first step is a shoreline monitoring and management plan with a schedule for preparation, consultation activities, quantifiable performance objectives, specific measures to limit erosion, implementation and monitoring protocols, and costs and budgeting.

And while the Settlement Agreement became effective as of the date of execution, many of the protection, mitigation, and enhancement measures are not triggered until the New License is issued by FERC.

Plumas and the residents of the County have been waiting nearly 20 years for FERC to issue the Project No. 2105 License. In the meantime, for example, the robust list of recreational opportunities and facility amenities planned in the Settlement Agreement—which will greatly benefit County residents and visitors—have been delayed seemingly unnecessarily. Developing and implementing those long anticipated recreational facilities must begin in a meaningful way.

California Regional Water Quality Control Board, Central Valley Region, Fifth Edition (Revised May 2018) Water Quality Control Plan (Basin Plan)

California Water Code Section 13050(f) defines beneficial uses of California's waters that may be protected against quality degradation to include (and not be limited to) "...domestic; municipal; agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves."

The Basin Plan states protection and enhancement of existing and potential beneficial uses are primary goals of water quality planning and that a significant point concerning the concept of beneficial uses is that all water quality problems can be stated in terms of whether there is water of sufficient quantity or quality to protect or enhance beneficial uses.

The Basin Plan for the Sacramento River Basin and San Joaquin River Basin includes the Feather River and identifies specifically the surface water bodies of Lake Almanor and the North Fork Feather River with beneficial uses to be protected and enhanced through water quality planning, as follows: hydropower generation, municipal and domestic supply, contact and non-contact recreation, freshwater habitat (cold and warm), spawning (warm), and wildlife habitat.

Conclusion

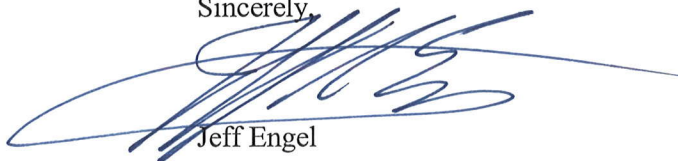
In summary, Plumas' position is that any resulting terms or conditions of the New Project License must be consistent with the Settlement Agreement, including no increased releases of cold water from Canyon Dam beyond what was agreed to in the Settlement, and that there be no adverse effects on Beneficial Uses to the surface water bodies of Lake Almanor and the North Fork Feather River and the environs under the FERC Project No. 2105 License.

Plumas appreciates receiving numerous County resident comment letters regarding the relicensing process and directs FERC's attention to these letters e-filed through FERC Online, which support the Settlement Agreement terms, as written, and emphatically do not support increased cold water releases from Lake Almanor.

The interests of Plumas rest in improving water quality and forest health, protecting ecosystems, advancing the quality of life for residents, safeguarding the economy and increasing economic prosperity, supporting tourism and local businesses, preserving property values, and maintaining access to recreational amenities.

Plumas respectfully requests FERC exercise its regulatory power in a rational, balanced, and equitable manner to ensure Plumas County's economy and its invaluable environmental resources are thriving for generations to come, while sustaining the long-term and safe operation of Project facilities over the term of the New License.

Sincerely,



Jeff Engel

Chair, Board of Supervisors

Cc: Doug LaMalfa, Congressional District 1
 Brian Dahle, Senate District 1
 Megan Dahle, Assembly District 1
 Board of Supervisors, Plumas
 Gabriel Hydrick, Plumas County Administrator
 Gretchen Stuhr, Plumas County Counsel
 Tracey Ferguson, Plumas Planning Director