



State Water Resources Control Board

MARCH 4, 2020

Mr. Steve Bauman
Senior Project Manager
Pacific Gas and Electric Company
Mail Code N11C
P.O. Box 770000
San Francisco, CA 94177

**Upper North Fork Feather River Hydroelectric Project
Federal Energy Regulatory Commission Project No. 2105
Plumas County**

SUBJECT: DENIAL WITHOUT PREJUDICE OF WATER QUALITY CERTIFICATION

Dear Mr. Bauman:

On March 6, 2019, the Pacific Gas and Electric Company (PG&E) submitted to the State Water Resources Control Board (State Water Board or Board) a new request for water quality certification pursuant to section 401(a)(1) of the Federal Clean Water Act (33 USC § 1341 et seq.) for the relicensing of the Upper North Fork Feather Hydroelectric Project (Project). Waterbodies associated with the Project include Lake Almanor, Butt Valley Reservoir, Belden Forebay, Butt Creek, and the North Fork Feather River.

In taking a certification action, the State Water Board must either: (1) issue an appropriately conditioned certification; or (2) deny certification. (Cal. Code Regs., tit. 23, § 3859.) The State Water Board may issue certification if the Board determines that an activity will comply with state and federal water quality standards and appropriate environmental documents have been adopted to support certification that meet the requirements of the California Environmental Quality Act (CEQA). However, when a proposed project's "*compliance with water quality standards and other appropriate requirements is not yet necessarily determined, but the application suffers from some procedural inadequacy (e.g., failure to...meet CEQA requirements),*" the State Water Board may deny certification without prejudice. (Cal. Code Regs., tit. 23, § 3837, subd. (b)(2).)

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

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The State Water Board is the lead agency for purposes of compliance with CEQA. The Draft Environmental Impact Report (EIR) was released for public comment on November 26, 2014. Comments are being addressed in a Recirculated Draft EIR, to be released for public comment in March 2020 along with the draft water quality certification. The State Water Board cannot issue a water quality certification until the CEQA process is complete.

PG&E is hereby notified that the March 6, 2019 request for water quality certification for the Project is denied without prejudice, effective the date of this letter. The State Water Board encourages PG&E to submit a new formal request for certification.

If you have questions regarding this letter, please contact Jordan Smith in the Water Quality Certification Program of the Division of Water Rights at (916) 323-3645 or at jordan.smith@waterboards.ca.gov. Written correspondence should be directed to: State Water Resources Control Board; Division of Water Rights – Water Quality Certification Program; Attn: Mr. Jordan Smith; P.O. Box 2000 Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY

Eileen Sobeck
Executive Director

cc: Mr. Tomás Torres, Director
U.S. Environmental Protection Agency
Region 9, Water Division
75 Hawthorne Street
San Francisco, CA 94105

Ms. Kimberly D. Bose, Secretary
VIA efile
Federal Regulatory Energy Commission
888 First Street, NE
Washington, D.C. 20426

Ms. Patrick Pulupa, Executive Officer
Central Valley RWQCB
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Interested Parties Mailing List