



State Water Resources Control Board



Winston H. Hickox
Secretary for
Environmental
Protection

Division of Water Rights
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Division of Water Rights: <http://www.waterrights.ca.gov>

Gray Davis
Governor

October 31, 2002

Pacific Gas and Electric Company
c/o Mr. Tom Jereb, Project Manager
Mail Code N11C
P.O. Box 770000
San Francisco, CA 94177

Dear Mr. Jereb:

REQUEST FOR WATER QUALITY CERTIFICATION ON RELICENSING OF THE UPPER NORTH FORK FEATHER RIVER HYDROELECTRIC PROJECT (FERC NO. 2105)

The State Water Resources Control Board received your letter dated October 9, 2002, requesting water quality certification or waiver pursuant to Section 401(a)(1) of the Federal Clean Water Act (CWA) (33 USC § 1341 *et seq.*), for the relicensing of Pacific Gas and Electric Company's (PG&E) Upper North Fork Feather River Hydroelectric Project. Existing Federal Energy Regulatory Commission license (FERC License No. 2105) will expire on October 31, 2004, and prior to FERC issuance of a new license a section 401 Certification or waiver will be required. PG&E's letter, received October 10, 2002, initiates a one-year time clock for the SWRCB to act on this request for 401 Certification.

A 401 Water Quality Certification may be issued if it is determined that there is reasonable assurance that an activity is consistent with federal and state water quality standards. Issuance of a water quality certification is a discretionary act and is subject to the California Environmental Quality Act (CEQA). The SWRCB will act as the state lead agency for CEQA compliance on this relicensing action. Pursuant to the CWA and CEQA, SWRCB staff 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 in the downstream reaches of that watershed. Previous written correspondence from SWRCB staff (letter dated July 25, 2002) has identified various outstanding resource issues that were inadequately addressed in the draft Application for License. Additional information to satisfy these concerns must be provided for the SWRCB to complete its CEQA mandate and affirmatively certify the project.

The SWRCB must consider a final environmental document that satisfies CEQA. This document must identify measures, if necessary, that will avoid, reduce or mitigate potential significant impacts to the designated beneficial uses of the surface waters affected by the project and any monitoring program necessary to ensure compliance. It is our understanding that FERC will act as the federal lead agency under the National Environmental Policy Act (NEPA) for the project and will prepare and circulate that environmental document for their licensing action. CEQA encourages the use of an existing NEPA document (Public Resources Code § 221083.7), in lieu of preparing a new environmental document. As long as the federal document meets CEQA requirements, the final FERC NEPA document may be used to satisfy your CEQA needs.

A final environmental document must be provided to SWRCB staff no later than July 10, 2003, to allow adequate time for review and to prepare water quality certification recommendations for action by the Executive Director, SWRCB. If the final environmental document is not provided by the date identified above, SWRCB staff will recommend denial of water quality certification without prejudice subject to

California Environmental Protection Agency

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web site at <http://www.swrcb.ca.gov>."

Mr. Tom Jereb

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completion of an adequate environmental document. If the final environmental document is not available for PG&E's timely submittal to SWRCB staff, PG&E may choose to avoid a denial action by withdrawing the request for 401 Certification and subsequently re-filing it when the environmental document is final.

SWRCB staff appreciates the cooperation of PG&E staff and looks forward to working with you on this matter. Should you have questions regarding this project please contact me at (916)341-5397 or e-mail: stohrer@waterrights.swrcb.ca.gov, or you may contact Jim Canaday, FERCLicensing Team Leader, at (916)341-5308.

Sincerely,

Sharon Stohrer
Environmental Scientist

cc: Ms. Magalie R. Salas, Secretary
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