



# State Water Resources Control Board



**Linda S. Adams**

*Secretary for  
Environmental Protection*

## Division of Water Rights

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**Arnold Schwarzenegger**

*Governor*

September 1, 2006

CERTIFIED

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 THE UPPER  
NORTH FORK FEATHER RIVER HYDROELECTRIC PROJECT (PROJECT NO. 2105)

Thank you for your letter to Celeste Cantú, Executive Director of the State Water Resources Control Board (State Water Board), requesting water quality certification pursuant to section 401 (a)(1) of the Federal Clean Water Act (CWA) (33 U.S.C. § 1341(a)(1)), for relicensing of the Upper North Fork Feather River Project (Project 2105). The letter, received August 9, 2006, also serves as a formal withdrawal of the Pacific Gas and Electric (PG&E) Company request of record (August 29, 2005) for section 401 certification of this project. The letter initiates a one-year time clock for the State Water Board to act on your request for section 401 certification, subject to PG&E providing information requested by the State Water Board and completion of the environmental process described below.

Prior to Federal Energy Regulatory Commission (FERC) issuance of a new license on Project 2105, a section 401 certification or waiver will be required (33 U.S.C. § 1341(a)(1); 18 C.F.R. § 4.34 (b)(5)(i)). A water quality certification may be issued if the State Water Board determines that the activity will be consistent with federal and state water quality standards. Pursuant to the CWA, 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 in the downstream reaches of that watershed.

Issuance of a water quality certification is a discretionary act and is subject to the California Environmental Quality Act (CEQA). The State Water Board will act as the state lead agency for CEQA compliance on this relicensing action. The CEQA document must identify the potential significant impacts of the project, plus the incidental environmental impacts of any conditions of approval that may be necessary to protect the designated beneficial uses of the North Fork Feather River.

***California Environmental Protection Agency***

Mr. Tom Jereb

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PG&E, the consulting team of North State Resources and Stetson Engineers (NSR Team), and the State Water Board have entered into a memorandum of understanding for the NSR Team to assist in the preparation of an environmental impact report (EIR) for compliance with CEQA. Assisted by the NSR Team, State Water Board staff have completed the initial phases of the CEQA process, including an appraisal of existing resource information. We have identified inadequacies in the existing information and data gaps in critical resource areas that currently prevent the completion of a CEQA document.

Pursuant to section 3836 of the California Code of Regulations, State Water Board staff have requested supplemental information to develop the factual record necessary to support the issuance of a Section 401 Certification. State Water Board staff requested the cooperation of PG&E in obtaining adequate information to develop appropriate CEQA alternatives for analysis and completion of the Project 2105 EIR. In correspondence dated May 31, 2006, State Water Board staff described the information needs and presented conceptual resource workplans for studies that are expected to generate information necessary to fill data gaps and allow us to move forward with preparation of an EIR to support the State Water Board's action on the request for water quality certification.

State Water Board staff have met with PG&E on two occasions to discuss and clarify our supplemental information needs. State Water Board staff and the NSR Team have listened to PG&E demands for more detailed workplans, and promptly supplied those plans. State Water Board staff believe that the additional information described in the May 31 correspondence is needed, and we see no reason for further delay on the part of PG&E in satisfying this request. State Water Board staff expect that PG&E will exercise due diligence in providing the data requested to support this application for water quality certification.

PG&E is requested to provide a complete response to the May 31, 2006 letter described above, within 30 days of receipt of this letter. The State Water Board's regulations provide that an application for water quality certification may be denied without prejudice if the applicant fails to submit supplemental information in time for the State Water Board to properly review the information before the deadline to act on the application. (Cal. Code Regs., tit. 23, §§ 3836, subd. (b), 3837, subd. (b).) Accordingly, if PG&E does not provide a complete response to the May 31, 2006 letter within 30 days, or if PG&E's response does not satisfy State Water Board staff that PG&E will provide the supplemental information requested in a timely manner, State Water Board staff will recommend that the Executive Director deny PG&E's application for section 401 certification without prejudice.

Mr. Tom Jereb

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State Water Board staff looks forward to your cooperation on this matter. Should you have questions regarding this letter please contact me at (916) 341-5428 or my staff lead for this project, Sharon Stohrer, at (916) 341-5397 or e-mail: [sstohrer@waterboards.ca.gov](mailto:ssstohrer@waterboards.ca.gov)

Sincerely,

Original Signed By JAMES W. KASSEL for

Leslie F. Grober, Chief  
Hearings and Special Projects Section

cc: Ms. Magalie R. Salas, Secretary  
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Submission Contents

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