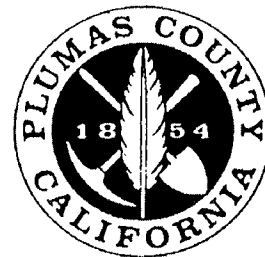


BOARD OF SUPERVISORS

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June 9, 2020

VIA ELECTRONIC SUBMITTAL

WR401Program@waterboards.ca.gov

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program

Mr. Jordan Smith
P.O. Box 2000
Sacramento, CA 95812-2000

RE: Public Comment

Draft Water Quality Certification

Upper North Fork Feather River Hydroelectric Project
Federal Energy Regulatory Commission Project No. 2105 (Lake Almanor, Butt Valley
Reservoir, and Belden Forebay)

Dear Mr. Smith:

Plumas County (Plumas) appreciates the opportunity to provide comments regarding the Draft Water Quality Certification (Draft Certification) for Pacific Gas and Electric (PG&E) Company's Upper North Fork Feather River (UNFFR) Hydroelectric Project Federal Energy Regulatory Commission (FERC) Project No. 2105 (Project).

Plumas has a direct and unique standing and history in this proceeding and continues to assert all arguments set out in prior comments within the record including, but not limited to, comments of Plumas County on the Upper North Fork Feather River Hydroelectric Project Draft Environmental Impact Report (DEIR) dated March 26, 2015 and available at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/ferc2105/unffr_plumascounty.pdf

Plumas supports the terms of the April 22, 2004 final UNFFR Project Relicensing Settlement Agreement (Settlement). Plumas understands the Draft Certification is consistent with Alternative 3 of the Revised Draft Environmental Impact Report for the Upper North Fork Feather River Hydroelectric Project (RDEIR) and implements the Settlement. Plumas applauds the State Water Resources Control Board (SWRCB) for honoring the Project Settlement in the Draft Certification in recognition that many interested parties including Plumas worked diligently together to develop and sign the Settlement in 2004.

Plumas supports Alternative 3 as described in the RDEIR and offers the following Draft Certification comments, provided in more detail below, concerning thermal curtains, Condition 6(B), oxygenation, and Certification consultation.

THERMAL CURTAINS

As a primary stakeholder to the Project, Plumas continues to be concerned with potential impacts and outcomes associated with the installation of thermal curtains. While the Draft Certification does not initially require the installation of thermal curtains, the Draft Certification contains provisions at Conditions 6, 7 and 8 that could lead to the development and implementation of a “Contingency Plan” (at Condition 6(D)) that could possibly include the installation of thermal curtains during the term of the new FERC license.

Plumas makes note that the Draft Certification calls for future monitoring, plans, or studies to inform future actions at the sole discretion of the Deputy Director. Plumas is concerned about this excessive delegation of authority to the Deputy Director. Also, Plumas questions the applicability of the California Environmental Quality Act (CEQA) to subsequent determinations and actions that may be at the discretion of the Deputy Director as those decisions appear to constitute discretionary decision-making under CEQA requiring further environmental analysis to the extent the action has not been analyzed in the RDEIR (“...any other required approvals” under Condition 6(B), Condition 6(D), Condition 7, and Condition 8).

Plumas strongly requests future consideration of the use of thermal curtains (Condition 6(D)) at the Prattville (Lake Almanor) and Caribou (Butt Valley Reservoir) intakes and that thermal curtains be completely withdrawn from the final Certification or that consultation processes for reconsideration of thermal curtains in the future be expanded and modified to include collaborative decision-making and better conform to case law that has been developing since the Project Draft Certification was circulated in 2015.

CONDITION 6(B)

“Reliable information” in Condition 6(B) – Supplemental Flow Reductions is defined under footnote 13 as “Such reliable information may include evidence of a fish kill or evidence of a significant reduction in suitable habitat likely to adversely affect fishery resources.”

Plumas suggests inserting “including by not limited to” in footnote 13 such that other events/evidence may be considered besides “fish kill” or the rather vague “evidence of a significant reduction in suitable habitat likely to adversely affect fishery resources.” Fish may not be the only consideration.

OXYGENATION

In the March 26, 2015 DEIR comment letter, Plumas County recommended oxygenation of Lake Almanor, and more particularly described in Attachment 1, comments of Gina Johnston, PhD, and Attachment 2, Comments of Alice Rich, PhD. Despite these DEIR comments, Plumas notes the RDEIR did not analyze oxygenation and the Draft Certification does not require augmentation of oxygen in Lake Almanor.

Plumas continues to stand by oxygenation as a reasonable measure for cooling downstream waters during peak summer heat conditions to mitigate for exacerbating summer anoxic conditions and thermal stress for coldwater fish in Lake Almanor and requests that oxygenation be considered in any future SWRCB proposals for larger withdrawals of cold water from the lower Canyon Dam gates during seasonal stratification conditions. Augmentation of an oxygenation facility near Canyon Dam is an opportunity to directly improve the water quality in Lake Almanor and can mitigate impacts on Lake Almanor’s coldwater habitat.

CERTIFICATION CONSULTATION

Plumas values consultation and notes in the Draft Certification being a consultation party under Condition 4 (Water Surface Elevations), Condition 7 (Water Quality Monitoring), Condition 8 (Lake Almanor Fishery Monitoring), Condition 14 (Whitewater Recreation Flows), and Condition 18 (Annual Consultation Meeting).

Plumas respectfully requests consultation be expanded and modified to include Plumas as a named party for the following conditions:

- Condition 1 – Minimum Instream Flows.
- Condition 2 – Ramping Rates.
- Condition 5 – Gaging and Facilities Modifications.
- Condition 6(B) – Supplemental Flow Reductions
- Condition 6(C) – Fishery Performance Goals
- Condition 6(D) – Feather River Temperature Contingency Plan
- Condition 9 – Gravel.
- Condition 10 – Lower Butt Creek Habitat.
- Condition 11 – North Fork Feather River Biological Resources Monitoring.
- Condition 13 – Recreation Facilities Management.
- Condition 15 – Aquatic Invasive Species.
- Condition 16 – Roads.
- Condition 17 – Reintroduction of Anadromous Fish.
- Condition 19 – Extremely Dry Conditions.

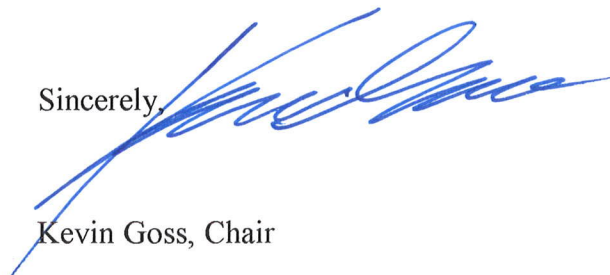
CONCLUDING REMARKS

In summary, the above Draft Certification comments are offered in order for Plumas to unequivocally support the adoption of the final Certification by the SWRCB and Alternative 3. Plumas believes the proposed revisions substantially affirm the decades of efforts by generations of Plumas County residents and the steadfast support by state assembly and senate and federal leaders representing the Project area who have urged the SWRCB to reach the most equitable, effective, and reasonable balance of beneficial uses under the Clean Water Act that the Project can provide over the term of the new FERC license.

Plumas commends the SWRCB for the recirculation of the Draft Certification RDEIR and inclusion of Alternative 3 which represents an important milestone in sustaining the long-term and safe operation of Project facilities, the development and implementation of long anticipated plans for the enhancement of Project amenities such as recreational opportunities, and the conservation and monitoring of environmental and biological resources for the reservoirs and stream waters within and downstream of the Project area.

Further, Plumas looks forward to inclusion and collaborative decision-making during future consultation activities.

Sincerely,



Kevin Goss, Chair

Cc: Board of Supervisors, Plumas
Doug LaMalfa, Congressional District 1
Brian Dahle, Senate District 1
Megan Dahle, Assembly District 1
Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission
Curtis Anderson, Office Chief, Northern Region, California Department of Water Resources