

**California Sportfishing Protection Alliance
Friends of Butte Creek
American Whitewater
Friends of the River
Golden West Women Flyfishers
Northern California Council, Federation of Flyfishers**

June 13, 2013

Ms. Amber Villalobos
State Water Resources Control Board
Via electronic submittal

Re: Comments on the Draft Water Quality Certification for the Relicensing of the DeSabra – Centerville Project (FERC No. 803)

Dear Ms. Villalobos:

The California Sportfishing Protection Alliance, Friends of Butte Creek, American Whitewater, and Friends of the River, Golden West Women Flyfishers, and the Northern California Council of the Federation of Flyfishers (collectively, Conservation Groups) hereby comment on the draft Water Quality Certification for the relicensings of the DeSabra – Centerville Project (FERC #803) in the Butte Creek and West Branch Feather River watersheds, California.

In general, Conservation Groups support the draft Certification. The Certification does an excellent job of presenting two alternative operational scenarios for the Project brought forward in relicensing by various agencies and other relicensing participants, and the controversy that surrounds these scenarios.¹ The Certification courageously proposes testing what it calls a “full flows” scenario, in spite of previous opposition by licensee Pacific Gas & Electric Company, and in contradistinction to the conclusions of the Federal Energy Regulatory Commission (FERC).

Conservation Groups, in our comments on “Ready for Environmental Analysis” in the FERC docket, presented an alternative very similar to the “Scenario 2” (“full flows”) that is set forth in the draft Certification.² We recommended that FERC analyze our alternative under NEPA. FERC declined, and did not include such this alternative or a similar alternative in its draft or final Environmental Assessment (EA), stating on p. 38 of the draft EA: “because the alternative being proposed is not supported in its entirety by any of the resource agencies, especially those with mandatory conditioning authority, we do

¹ See Draft Certification, Section 4.1(A), pp. 6-9.

² See Conservation Groups’ Comments and Recommendations on Ready for Environmental Analysis, FERC eLibrary no. 20080627-5050, esp. pp. 30-32.

not consider the Conservation Groups' alternative to be a reasonable, complete NEPA alternative.”³

In comments on the Draft EA, Conservation Groups answered this dismissal:

In response, we note that the only mandatory conditioning agency *under the Federal Power Act* with *mandatory authority over the “primary issue”* in this proceeding is the California State Water Resources Control Board, which is precluded from supporting any alternative presented by other parties because doing so would be pre-decisional in regards to its authority and obligations under Section 401 of the Clean Water Act. The Commission has thus erected a standard which cannot be met by definition. Further, the standard for inclusion of an alternative under NEPA is not whether an alternative has been advocated or supported by any resource agency. The standard is whether an alternative is reasonable, and whether a reasonable range of alternatives has been analyzed (regarding range, see discussion above).⁴

The State Board has now answered. A “full flows” alternative is not only reasonable, but in draft at least is required as a five-year test, with a presumption that full flows will continue unless the Deputy Director of Water Rights modifies the requirement following a persuasive argument by another party that is supported by substantial evidence. The draft Certification points out: “Technical disagreement centers on whether it would benefit salmon to increase flows in the reach of Butte Creek between the Lower Centerville Diversion Dam and the Centerville Powerhouse.”⁵ Further: “With lack of agreement between the agencies and relicensing participants, additional information is needed to determine appropriate operations. Implementation of Condition 1 will provide this additional information. Condition 1 requires PG&E to end diversions at Lower Centerville Diversion Dam one year after the DeSabra Forebay water temperature reduction device (required in Condition 9) is operational.”⁶

The State Board has stepped in to resolve an issue from which FERC stepped aside. We believe that the Board is both substantively correct and within its authority to condition as the Draft Certification proposes the operation of the Centerville Development and Butte Creek.

We will not revisit the arguments that arose in relicensing. Conservation Groups' Comments and Recommendations on Ready for Environmental Analysis are part of the record for the Certification: they are cited in the draft Certification, and are listed in the

³ See *Draft Environmental Assessment for Minor Part Hydropower License DeSabra – Centerville Hydroelectric Project, FERC Project No. 803-087, California*, FERC eLibrary no. 20081229-4000, p. 38.

⁴ See Conservation Groups' Comments on the Draft Environmental Assessment, FERC eLibrary no. 20090226-5028, p. 6.

⁵ See Draft Certification, p. 7.

⁶ *Ibid*, p. 8.

references. We submit our comments on the Draft EA as an appendix to the present comments to supplement the record for the Certification.

The Board got it right in requiring a test of “full flows.” The Board also got it right in presuming that “take” of spring-run Chinook salmon and of steelhead, both listed species under the federal Endangered Species Act, will be decreased “by increasing flows for a portion of the summer period in Butte Creek,”⁷ and that this should be required absent substantial evidence of other adverse impacts that warrant returning to the historic management approach.

Therefore, our comments on the Certification focus on specific points and issues. As stated above, Conservation Groups support the Certification. We recommend its implementation except as noted or explicitly qualified in these comments.

Operations Group

On page 17 of the draft Certification, specific Conservation Groups (California Sportfishing Protection Alliance, Friends of Butte Creek, American Whitewater, and Friends of the River) are identified as being part of an “Operations Group,” along with licensee, National Marine Fisheries Service, U.S. Fish and Wildlife Service, U.S. Forest Service, California Department of Fish and Wildlife, and State Water Board. We appreciate the consideration shown to us by the Board. However, we do not find a Condition in the Certification in which the Operations Group is defined. Further, in some conditions a consulting role is specifically provided to Conservation Groups, while in other conditions that require consultation with resource agencies the Conservation Groups are not mentioned. To better clarify the consulting role that the Certification provides for Conservation Groups, we recommend that, in addition to providing clarity in each individual condition, the Board add a condition that defines the Operations Group and the role of Conservation Groups within it. The definition of our role should review the different plans, monitoring actions, and other items on which Conservation Groups are expected to consult, and other actions in which Conservation Groups are expected to participate.

Conservation Groups have observed and respect the effective collaboration between the fisheries agencies, the Forest Service, and the licensee in the past several years. We will work to add to this effectiveness.

Condition 1: Instream flows

Conservation Groups support this Condition.

⁷ *Ibid*, p. 7.

A. Butte Creek Minimum Flows

The primary annual time periods with which Conservation Groups have biological concerns about potential future operation of Centerville Powerhouse are late spring, summer, and fall. Conservation Groups are very concerned about any potential delay in implementation of full flows in Butte Creek in this critical annual time period, particularly in light of the fact that completion of the water temperature reduction device at DeSabra Forebay has a four year timeline, plus an additional year of water temperature model validation. If the Board provides for any further delay of the implementation of full flows in order to allow additional monitoring, the Final Certification should clearly describe the information sought and the rationale for the timeline, and why the monitoring warrants the delay.

The Draft Certification suggests a binary choice of full flows or year-round operation of Centerville Powerhouse. Conservation Groups do not necessarily oppose operation of Centerville Powerhouse in the fall after precipitation has durably increased flow in Butte Creek, in winter, and in spring until flow in Butte Creek has appreciably dropped off. The Forks of Butte Project upstream of DeSabra Powerhouse operates, roughly speaking, only during these higher flow periods. Should licensee PG&E determine that continued operation of Centerville Powerhouse during a similar more limited time period may be a good business decision, Conservation Groups believe that it may be appropriate for the State Board to issue a revised draft Certification that considers and conditions such a potential situation.

In the Final License Application for the relicensing of the DeSabra – Centerville Project, licensee stated that it proposed to refurbish or rebuild Centerville Powerhouse “because the development is close to the end of its useful life.”⁸ In fact, Centerville Powerhouse has been non-operational since 2011.⁹ In a presentation to relicensing participants dated April 24, 2007, licensee PG&E estimated that the cost of refurbishing or replacing Centerville Powerhouse would be \$39.8 Million. This was the same cost that PG&E estimated in a filing with FERC in 1994.¹⁰ Should PG&E indeed propose to continue to operate (and perforce rebuild or refurbish) Centerville Powerhouse, the Board should carefully evaluate PG&E’s statements of costs. A good reference for projected and actual costs for a large PG&E infrastructure project would be the ongoing upgrade of the Rock Creek Powerhouse on the North Fork Feather River. The overall cost of the Rock Creek Powerhouse upgrade should also serve as a metric for the relative costs and benefits per of refurbishing Centerville Powerhouse. The Rock Creek upgrade will increase the generation capacity of the Rock Creek Powerhouse by 13 MW, and this added generation

⁸ See Final License Application, FERC eLibrary no. 20071002-4025, Exhibit B, pp. B-70 and B-71.

⁹ See DeSabra – Centerville 2011 Operations Plan, FERC eLibrary no. 20110620-5123. PG&E has no plans to move forward on repairs at Centerville Powerhouse in 2013 (Tom Jereb, PG&E manager, personal communication, May 1, 2013)

¹⁰ See FERC eLibrary no. 19940623-0126

will be eligible for credit as renewable.¹¹ By comparison, when Centerville Powerhouse was operating, average summer generation was less than 2 MW.

If sometime in the future the Deputy Director determines pursuant to Condition 1(A) that a return to operation of Centerville Canal and Centerville Powerhouse is appropriate, there should be opportunity for comment and hearing by licensee, resource agencies, and other interested stakeholders including Conservation Groups.

B. West Branch Feather River minimum flows

Section B assigns to the Deputy Director the potential to decide to increase minimum flows in the West Branch Feather River, following a recommendation from the licensee or a resource agency. Conservation Groups request opportunity for comment prior to any such increase. Section B also includes the requirement for licensee to submit a plan regarding the migration corridor between Big Kimsheew Creek and Hendricks Diversion Dam. Conservation Groups request opportunity for comment prior to approval of the plan by the Deputy Director.

F. Helltown Ravine

Section F requires a minimum flow in Helltown Ravine. This flow would benefit the population of foothill yellow-legged frogs (FYLF) that inhabit this ravine and that breed in Butte Creek near the mouth of this ravine. As written, the measure would not require action by licensee when Lower Centerville Canal is not operating. Conservation Groups recommend that the Certification be revised to require that licensee construct needed works and use them to bypass water from Helltown Ravine upstream of Lower Centerville Canal to Helltown Ravine downstream of Lower Centerville Canal when water cannot be released to Helltown Ravine from Lower Centerville Canal.

Condition 6: Water Quality Monitoring Plan

Condition 6 requires licensee to file a water quality monitoring plan with the Deputy Director within one year of license issuance. Conservation Groups request opportunity to comment on the plan prior to approval by the Deputy Director. Conservation Groups are particularly concerned with turbidity events caused by project operations or outages, and have reported such events to the licensee and to regulatory agencies on many occasions over the past ten years.

Condition 9: DeSabra Forebay Temperature Improvements

Conservation Groups support the construction of a temperature reduction device at DeSabra Forebay. We recommend that licensees and the agencies work together to

¹¹ See www.pgecurrents.com/2012/07/19/video-pge-renovating-1950s-powerhouse-to-generate-more-electricity/

expedite design and construction of such a device. This concept has been on the table since the NMFS's Preliminary Biological Opinion in 2006. It is time to construct this critical piece of infrastructure.

Conservation Groups are unclear about some technical issues relating to modeling requirements set forth in the section entitled "Model CE-QUAL-W2 Validation, and Validated Model CE-QUAL-W2 Application." It is important to understand how well the temperature reduction device works once it is constructed, as compared with the target improvement. We believe that the best way to evaluate the efficacy of the device after construction is to monitor the temperature differential between water entering DeSabla Forebay and water leaving the Forebay or entering DeSabla Powerhouse, and then compare that differential to the differentials monitored prior to construction. In evaluating the differentials, Licensee should examine comparable ambient temperature periods, ideally with comparable Julian days. We recommend that the Certification be modified to explicitly require this comparison.

We understand that licensee can re-validate the CE-QUAL-W2 water temperature model after the DeSabla Forebay water temperature reduction device becomes operational. We do not see, however, how doing this will confirm or refute "that the water temperature reductions in Butte Creek predicted by the CE-QUAL-W2 water temperature model are achieved." Re-validating the model will allow comparison of earlier model runs with model runs using the re-validated model. However, it will not allow direct evaluation of the accuracy of predicted improvements in Butte Creek because the actual ambient meteorology during the year that the model is re-validated will be different from the meteorology during the year when the model was previously validated. One year of data should be adequate to re-validate the water temperature model; this is typical in relicensing.

Section B (2) says that the Temperature Improvement Plan shall rely on "a model run that will compare the predicted versus modeled temperature reductions in DeSabla Forebay and in Butte Creek." This terminology is confusing: the "predicted" temperature reduction was also modeled. The Condition should require that licensee compare the temperature improvements that the previously validated CE-QUAL-W2 model predicted with the temperature improvements that the re-validated CE-QUAL-W2 model predicts. As noted above, Licensee should re-validate the CE-QUAL-W2 model using the new year of ambient and water temperature monitoring that takes place after construction of the Temperature Reduction Device. However, Conservation Groups fail to understand how a newly validated model will provide additional information on the effects of the Project on salmon in Butte Creek under a full flows scenario as compared to current summer operations. Any such effects must be evaluated in action. We see no good cause to further delay implementation of the full flows requirement for more than one year after the completion of the Temperature Reduction Device.

Conservation Groups request opportunity to comment on the Temperature Improvement Plan prior to its adoption, with the same 30-day comment period provided for the Agencies.

Condition 15: Fish Stocking

Conservation Groups recommend that where stocking takes place in project-affected waters, only rainbow trout be stocked. We believe this is consistent with current California Department of Fish and Wildlife (DFW) policy.

Condition 16: ESA-Listed Anadromous Fish Monitoring Plan

Conservation Groups request that licensee be required to consult with Conservation Groups as well as Agencies in the development of the Anadromous Fish Monitoring Plan. Conservation Groups also request opportunity to comment on the Anadromous Fish Monitoring Plan prior to its adoption, with the same 30-day comment period provided for the Agencies.

Condition 16 requires annual snorkel surveys. Snorkel surveys when there are full flows in the section of Butte Creek between Lower Centerville Diversion Dam and Centerville Powerhouse may not be possible in some months, because flows may be too high to safely or accurately conduct snorkel surveys. Licensee and DFW will have five years to plan modifications of fish monitoring in this reach during the four years of planning and construction of the DeSabra Forebay Temperature Reduction Device and one year of temperature monitoring thereafter. However, it is likely that they will need to further adjust survey methods to adapt to full flow conditions as they happen.

The information about spring-run Chinook salmon in Butte Creek that DFW has collected over the last ten-plus years, and the DFW reports based on this information, have been state-of-the-art. It is possible that some of the resolution in determining the dispersal and migration of salmon in Butte Creek that was possible because of summer flows less than 50 cfs upstream of Centerville Powerhouse may not be replicable under full flows. While this loss may be unfortunate, it places monitoring and management in the proper perspective: monitoring should support management. Fundamental management decisions should not be delayed or changed because their implementation would limit monitoring.

While the plan will determine specifics, Conservation Groups believe it is important to highlight several fish monitoring elements that are not mentioned in the draft Certification. We recommend that “minimum monitoring” section of this Condition call out monitoring of steelhead migration and redds. This section should also call out monitoring of juvenile rearing for both steelhead and salmon yearlings. Finally, the section should call particular attention to the need to observe holding and spawning of spring-run Chinook in the three miles of Butte Creek immediately upstream of Centerville Powerhouse, where holding of spring-run Chinook has been limited under current

operations by impaired thermal conditions that result from diversion of water into the Lower Centerville Canal.

In our Comments and Recommendations on Ready for Environmental Analysis, Conservation Groups recommended annual placement of a removable weir in Butte Creek just upstream of Centerville Powerhouse. In addition to being a potential management tool to limit migration of salmon from below Centerville to upstream in case of a mid-summer flow adjustment, such a weir may be useful in monitoring dispersal and migration. This is a tool that licensee, DFW and others may wish to consider in developing the Anadromous Fish and Spring-Run Chinook monitoring plans.

Condition 17: Spring-Run Chinook Monitoring Plan

Conservation Groups find it hard to follow where Conditions 16 and 17 begin and end, and where they overlap. We recommend that the Board consider combining these two measures in the final Certification.

Condition 18: Long-Term and Annual Operations and Maintenance Plans, and Annual Meeting

Conservation Groups request that licensee be required to consult with Conservation Groups as well as Agencies in the development of the Long-Term and Annual Operations and Maintenance Plans. Conservation Groups also request opportunity to comment on the Long-Term and Annual Operations and Maintenance Plans prior to their adoption, with the same 30-day comment period provided for the Agencies. Conservation Groups also request notice of the Annual Meeting, and of the posting of the Annual Operations and Maintenance Plan to a public website.

Condition 20: Foothill Yellow-Legged Frog Monitoring

Conservation Groups request that licensee be required to consult with Conservation Groups as well as Agencies in the development of the Foothill Yellow-Legged Frog Monitoring Plan. Conservation Groups also request opportunity to comment on the Foothill Yellow-Legged Frog Monitoring Plan prior to its adoption, with the same 30-day comment period provided for the Agencies.

Condition 25: Transportation System Management

During relicensing, Conservation Groups emphasized the importance to the whitewater boating community of access to Butte Creek at DeSabra Powerhouse and Centerville Powerhouse.¹² Conservation Groups requested no flow-related whitewater mitigations for this project, with the understanding that PG&E would be willing to ensure

¹² See e.g. Conservation Groups' Comments and Recommendations on Ready for Environmental Analysis, FERC eLibrary no. 20080627-5050, pp. 23-24, 32.

river access at DeSabra and Centerville powerhouses. We are concerned that the language contained in the Final License Application and FERC's Environmental Assessment does not contain enforceable conditions that will require access at these two locations.

While the Transportation System Management Condition is not specifically related to recreational access, it does specify that the licensee must develop a road inventory that addresses uses, including recreation. We recommend that the Board revise the Certification to address river recreation access in this Condition, or that the Board add a separate, stand-alone Condition to address river recreation access at the DeSabra and Centerville Powerhouses. Conservation Groups request that the Certification require the licensee to consult with Conservation Groups as well as Agencies in the development of the Transportation System Management Plan, and that Conservation Groups be provided the same 30-day comment period for this Condition that is provided for the Agencies.

Condition 26: Long-Term Operations of Centerville Development

Conservation Groups believe that Condition 26 addresses many of the essential issues concerning the long-term disposition of the facilities of the Centerville Development. As suggested in our comments on Condition 1(A) above, we recommend that the Certification also set conditions for a hybrid operation where the Centerville Development operates only in late fall, winter, and early spring. These conditions should include safety and infrastructure integrity measures needed during non-operation of the Lower Centerville Canal when "full flows" are in Butte Creek in late spring, summer and early fall.

The Lower Centerville Canal is an important recreation access-way for the residents of Butte Creek Canyon and the broader Chico area. The final disposition of the Lower Centerville Canal, and its recreational benefits, must be considered if this part of the project is to be decommissioned. Conservation Groups strongly recommend that the Certification require a public consultation process should licensee determine that it will altogether cease operation of the Centerville Development. Such a process is important not only to Conservation Groups, but also in particular to local residents and property owners.

Condition 39: Protection of beneficial uses

Condition 40: Possible modification in response to climate change

Condition 41: Compliance with all applicable requirements of the Basin Plan

Condition 42: Compliance with all water quality standards

Condition 50: Certification subject to modification or revocation

Licensee PG&E opposed these general conditions in its December 6, 2012 Petition for Reconsideration of the Water Quality Certification for the relicensing of the Chili Bar Project (FERC #2155). Many of the present Conservation Groups supported the Board in denying reconsideration of these standard conditions, and we again support the Board in the inclusion of these conditions in the present Certification.

Appendix A, Mitigation Measure 4: Mitigation for possible reduction in fishing opportunities at DeSabra Forebay

Conservation Groups appreciate the Board’s consideration of mitigation for possible reduced fishing opportunities at DeSabra Forebay. Conservation Groups look forward to working with licensee and local anglers to develop alternative fishing venues should conditions in the Forebay require such alternatives.

The Draft Certification should be adopted with the revisions suggested by Conservation Groups.

Thank you for the opportunity to comment on the Draft Water Quality Certification for the relicensing of the DeSabra – Centerville Hydroelectric Project.

Respectfully submitted,



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