

**BEFORE THE STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

**In the Matter of
Water Quality Certification for the
DeSabla – Centerville Hydroelectric Project**

FERC Project No. 803

**ORAL COMMENTS OF CHRIS SHUTES ON
DRAFT ORDER 2016-XX
IN THE MATTER OF PETITION FOR RECONSIDERATION OF WATER QUALITY
CERTIFICATION FOR THE
PACIFIC GAS AND ELECTRIC COMPANY
DeSABLA-CENTERVILLE HYDROELECTRIC PROJECT
FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 803**

August 2, 2016

Chair Marcus and Members of the Board:

Good morning. Chris Shutes, FERC Projects Director for the California Sportfishing Protection Alliance and Vice Chair of the California Hydropower Reform Coalition.

Ten years ago, CSPA hired me specifically to work on the relicensing of the DeSabla – Centerville Hydroelectric Project on Butte Creek and the West Branch Feather River. The operation of the project was high on the list on CSPA's concerns following a pre-spawn die-off of about ten thousand spring-run Chinook salmon in Butte Creek in 2003. My marching orders were to advocate that the Lower Centerville Diversion not operate in summer and fall, keeping all project flow in Butte Creek. Today, we take a large step toward achieving that goal.

Since 2003, PG&E and the agencies have substantially improved the operation of the project. In combination with multiple improvements in Butte Creek downstream of the project, Butte Creek has become a success story in fisheries restoration. CSPA and my conservation group colleagues have, along the way, contributed to improved operation of the project through our engagement in relicensing and by being first responders to incidents related to the project that could affect aquatic resources as well as project operations.

We look forward to a more formal role in the project's Operations Group. We have worked with Board staff and other resource agencies to define the important role that the Conservation Groups should have in the implantation of this new license. Specifically, we have discussed NMFS's concern regarding the NGO role in decision making. We believe that the revised language in the Draft Order addresses NMFS's concern. Though PG&E declined to discuss this matter with us, we believe the Draft Order addresses PG&E's expressed concern on this matter as well. I would particularly like to thank the Board and staff for requiring a defined role to active NGO's in the implementation of the Certification and the new license. We have asked FERC to require such a role in various projects over the past several years, and have discussed the issue with FERC staff.

FERC staff's most frequent response has been to ask, why don't you ask the 401 agencies to require it? On this as on several other key hydropower issues, the Board is ahead of its counterparts in Washington D.C.

It is unfortunate that PG&E's management and/or attorneys chose to challenge global issues related to the Board's authority under the Clean Water Act in PG&E's Petition for Reconsideration. Equally unfortunate was the description by a PG&E manager before Congress of how this project exemplified what is wrong with the Water Quality Certification process for hydropower licensing. As the Board and staff are no doubt well aware, I and my colleagues have repeatedly expressed concerns over delays in Certification. However, in this case, delay is at least equally due to PG&E's actions, as well as PG&E's indecision about the disposition of Centerville Powerhouse.

We would all be better off moving forward in the spirit and with the track record of cooperation that has been established in the project's Operations Group by PG&E's staff and staff from the resource agencies.

I would like to thank three past staff members of the Board's Water Quality Certification unit: Jim Canaday, Russ Kanz, and Amber Villalobos. Each of these people spent years bringing this Certification to fruition. Each applied the Clean Water Act as he or she believed appropriate, in spite of considerable conflict and pressure that surrounded the relicensing process. We can ask for no more. They did well.

Please adopt the Draft Order and the revised Certification today.

Thank you.