



**May 2024**

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## **California Public Utilities Commission Denies PG&E Application for Transfer of Assets: A Big Win for CSPA**

On May 9, 2024, the California Public Utilities Commission (Commission) [denied](#) an application for transfer of assets filed by Pacific Gas and Electric Company (PG&E) and its subsidiary, Pacific Generation. Among the assets PG&E proposed to transfer were all of its hydropower projects. These included projects that PG&E has proposed to fully or partly decommission.

This decision is a win for the California Hydropower Reform Coalition (CHRC), of which California Sportfishing Protection Alliance (CSPA) is an active member. CHRC challenged PG&E's application throughout regulatory hearings conducted by the Commission. CSPA provided written testimony for the hearings. CHRC argued that the transfer of assets was not in the public interest.

In its decision, the Commission agreed, stating that PG&E was required to "demonstrate, among other things, that their requests are adequately justified, reasonable, and in the public interest." The Commission found that PG&E's proposed transaction failed to meet "even the minimal public interest standard."

CSPA has worked for many decades to hold PG&E and other hydroelectric project operators accountable both for public safety and for the danger their projects pose to fisheries and riparian habitats. The Commission's decision is a welcome outcome for CSPA and its colleagues in the CHRC who represent a

wide range of interests that are affected by hydroelectric facilities.

## Help CSPA Protect Our Rivers from Hydropower Dams by Becoming a Member Today!

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Photo: Battle Creek, Cindy Charles

## CSPA Protests Water Right Petition for Proposed Delta Tunnel

CSPA, AquAlliance, and the San Joaquin Audubon Society filed a protest on May 13, 2024 opposing the Department of Water Resources' (DWR's) petition to change its water rights. The change in water rights would allow DWR to construct and operate a proposed tunnel under the eastern side of the Sacramento – San Joaquin Delta estuary. If constructed and operated, the tunnel would divert and move massive amounts of Sacramento River water to the San Joaquin Valley and southern California each year.

The tunnel would harm fish, birds, and land animals. It would worsen water

quality in the Delta and San Francisco Bay.

DWR proposes to keep the existing weak standards that have failed to protect fisheries and water quality. In addition, DWR proposes to establish new weak standards specifically to govern the tunnel's operation. DWR also plans to put more power in the hands of the people who have devastated the Delta ecosystem, and to allow them to weaken standards even further in the future.

The protest states: "The exorbitant costs of the Delta tunnel make the program feasible only if it is funded by taxpayer money, thus making the public finance the further degradation of public trust resources ..."

The protest concludes, in part:

"Compatibility of Delta export operations with protection of the Bay-Delta ecosystem ... is ultimately dependent on reduction of the annual volume of Delta exports. ... Development of alternative means to achieve water supply reliability begins with reduction of the existing unreasonable and unsustainable uses of water in the southern two thirds of California. ... The State Water Board should deny the Petition."

State Water Board hearings on the proposed Delta tunnel will likely begin in early 2025. The hearings are likely to last at least a year.

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Photo: Spillway at Bowman Reservoir, Tosha Duncan, Creative Commons

## CSPA Intervenes in Litigation on Drum-Spalding and Yuba-Bear Hydroelectric Project

On May 7, 2024, CSPA and its allies intervened in the ongoing case of Nevada Irrigation District (NID) versus the Federal Energy Regulatory Commission (FERC).

In the case before the United States Court of Appeals for the DC Circuit, NID is challenging the authority of the California State Water Resources Control Board (State Board) to issue a water quality certification for NID's Yuba-Bear Hydroelectric Project.

Clean Water Act Section 401 grants the State Board the authority to issue water quality certifications. The Clean Water Act is a federal law that allows states to keep the nation's waters "fishable, swimmable, and drinkable". NID is attempting to circumvent regulatory measures that would improve outcomes for rivers, habitat, and fish related to the operation of the Yuba-Bear and Drum-Spaulding hydroelectric projects.

CSPA intervened in these cases to protect the Clean Water Act and more specifically to uphold the State Board's authority to apply license terms on hydroelectric projects in California through the water quality certification process.

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California Sportfishing Protection Alliance | PO Box 1061 | Groveland, CA 95321 US

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