

**Congress of the United States**  
**Washington, DC 20515**

June 23, 2021

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N. E.  
Washington, D.C. 20426

RE: UPPER NORTH FORK FEATHER RIVER PROJECT, FERC NO. 2105

Dear Secretary Bose:

I am writing to express the concerns that have been addressed to me by my constituents regarding the relicensing of the Upper North Fork Feather River Project, FERC No. 2105 (Project). As you are aware, Pacific Gas & Electric (PGE) has attempted to relicense the Project for over twenty years, and we would like to see this process completed quickly. However, many members of the communities that surround Lake Almanor have expressed concerns with the Water Quality Certification (WQC) issued by the State Water Resource Control Board (SWRCB) last summer.

As a result of the Declaratory Order, dated July 16, 2020, the SWRCB's authority to issue a WQC was waived by the Commission and as far as we can tell the SWRCB chose not to challenge this waiver. Therefore, should the Commission choose to include any waived WQC conditions in the license, I ask that the Commission should ensure the conditions are consistent with Section 10(a) of the Federal Power Act and supported by the record before FERC. Your staff will find many of the conditions are redundant to the Final Environmental Impact Statement (FEIS) for the Project, the 2004 Settlement Agreement, or US Forest Service 4(e) conditions. However, some of the conditions found in the WQC are outside the scope of the SWRCB's authority under the Clean Water Act or require ongoing approval by the Deputy Director of the SWRCB throughout the license term, which is inconsistent with the Commission's exclusive authority to implement and enforce licenses. Since the Commission's Declaratory Order is final and the SWRCB's authority has been waived, all references to these incompatible conditions should be removed.

Additionally, Condition 6, "Water Temperature Management" of the WQC, calls for an increase in water releases from Lake Almanor of up to 250 cfs from June 16<sup>th</sup> to September 15<sup>th</sup> in order to reduce water temperatures in the lower reaches of the Upper North Fork Feather River downstream from the Project area. As described by FERC in its FEIS, these additional flows would provide only minimal downstream benefits while causing significant adverse effects on other beneficial uses, including fishery and other resources in Lake Almanor.

I ask that you give the concerns addressed by my constituents full and fair consideration as your staff move forward with the relicensing of the Project. Further details on the inconsistencies, and general abuse of authority by the SWRCB's WQC, can be found in PGE's letters to FERC dated October 21<sup>st</sup>, and December 4<sup>th</sup>, 2020. Please contact my Legislative Director, John Veale, for any additional comments or clarification of concerns at (202) 225-3076.

Respectfully,



Doug LaMalfa  
Member of Congress