

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**Rugraw, LLC** ) **Project No. 12496**  
 ) **(Lassen Lodge Hydroelectric Project)**

**PACIFIC GAS AND ELECTRIC COMPANY'S  
COMMENTS ON JOINT SCOPING DOCUMENT 1**

Pursuant to the Commission's October 3, 2014 Notice Of Joint Scoping Meetings And Environmental Site Review And Soliciting Scoping Comments ("Scoping Notice"), Pacific Gas and Electric Company ("PG&E") hereby submits its comments on Commission Staff's Scoping Document 1 ("SD1") for the Commission's National Environmental Policy Act ("NEPA") review of Rugraw, LLC's ("Rugraw") April 21, 2014 application for license for the Lassen Lodge Hydroelectric Project No. 12496 ("LL Project").

**INTRODUCTION**

PG&E appreciates the opportunity to comment on SD1. PG&E is a strong advocate for hydroelectric generation and thus supports the responsible development of new hydroelectric projects. However, PG&E has concerns with respect to the potential impact of the LL Project on PG&E's licensed Battle Creek Hydroelectric Project No. 1121 ("Battle Creek Project"), which is located on the mainstem Battle Creek and the North and South Forks of Battle Creek and which includes three diversion structures on the South Fork Battle Creek downstream of the proposed location of the LL Project: the Coleman Diversion Dam, the Inskip Diversion Dam, and the South Diversion Dam. *See* 56 FPC 994 (1976).

PG&E's detailed concerns with respect to the potential impact of the LL Project on the Battle Creek Project are set forth below. PG&E respectfully requests that the Commission

consider these comments when preparing its NEPA document on, and issuing the license for, the LL Project.

### **BACKGROUND**

As discussed in SD1, the LL Project would be located on the South Fork Battle Creek. It would include a diversion dam at River Mile 23, an intake, a 7,258-foot-long pipeline feeding a 5,230-foot-long penstock, a 50 by 50-foot powerhouse containing a single turbine/generating unit with a capacity of 5.0 megawatts and an integral tailrace, and a concrete box culvert from which Project discharges would return to the South Fork Battle Creek. The LL Project's bypass reach would be approximately 2.4 miles-long. The LL Project would be operated as a run-of-river project. Rugraw proposes to provide a minimum flow of 13 cubic-feet-per-second ("cfs") to the bypass reach, with all flow greater than 13 cfs diverted by the LL Project's intake up to the maximum capacity of the turbine (95 cfs). Rugraw also proposes to follow a 30% of existing stream flow per hour ramping rate. *See* SD1 at p. 12.

As to PG&E's Battle Creek Project, PG&E is participating in a cooperative endeavor with state and federal agencies and non-governmental groups pursuant to a 1999 Memorandum Of Understanding ("MOU") to restore self-sustaining populations of Chinook salmon and steelhead and their habitat in the Battle Creek watershed (the Battle Creek Steelhead and Salmon Restoration Project ("Restoration Project")). The Restoration Project has been divided into three separate phases: Phase 1A; Phase 1B; and Phase 2. The Commission has already approved Phase 1A (*see Pacific Gas and Electric Co.*, 128 FERC ¶ 62,135 (2009)) and Phase 1B (*see Pacific Gas and Electric Co.*, 131 FERC ¶ 62,166 (2010)). PG&E is currently in the process of preparing the license amendment application to implement Phase 2. The Restoration Project includes, *inter alia*, modifications to nine dam sites at the Battle Creek

Project, including installation of fish passage facilities and removal of facilities, increases in minimum flows, and the rerouting of flows. Under the MOU, the Restoration Project, and the license for the Battle Creek Project, PG&E is required to maintain specified minimum instream flows past all three diversion structures and to comply with a strict ramping rate requirement of 0.1 ft/hr.<sup>1</sup>

### COMMENTS

PG&E has three major concerns with the LL Project.

PG&E's initial concern is that operation of the LL Project could adversely affect the ability of PG&E to comply with the 0.1 ft/hr ramping rate requirement at its downstream Coleman, Inskip, and South Diversion Dams on the South Fork Battle Creek. Specifically, if Rugraw follows the 30% of flow per hour ramping rate during project shutdowns and startups as it proposes, PG&E may be unable to comply with the mandated 0.1ft/hr ramping rate requirement at its downstream facilities. More specifically, if Rugraw ramps 30% of total stream volume per hour, the stream depth at the Inskip Diversion Dam (and other diversions) may drop faster than PG&E's requirement in its license to not ramp more than 0.1 ft of stream depth per hour. PG&E is required to ramp based not on a percentage of total stream volume, but rather, on the rate of water surface elevation drop. This method of ramping regulation is designed to prevent stranding of endangered salmonids.

A second concern is whether Rugraw's proposed ramping rate of 30% of total stream flow per hour may impede PG&E's ability to comply with the instream flow requirements of the Battle Creek Project license. For example, if 105 cfs is in the South Fork Battle Creek

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<sup>1</sup> The minimum instream flow requirements are specified in Article 33(a) of the Battle Creek Project license, while the ramping rate provision is set forth in Article 33(d). See 128 FERC ¶ 62,135 at pp. 64,336-338.

during March, and Rugraw ramps 30 cfs in one hour during an unplanned outage, there would be insufficient water at PG&E's South, Inskip, and Coleman Diversion Dams to meet the instream flow requirements mandated for those facilities, possibly causing PG&E to violate its license. This is because PG&E's automated gate controls cannot respond to a sudden 30 cfs gap in flow. Thus, a slower ramping rate at the LL Project is needed to ensure that sufficient stream flow volumes are available for use by PG&E downstream.

A final concern is whether Rugraw's proposed ramp rate gives sufficient time of travel so ramped water has time to pass its outlet before ramping again. If the natural streambed time of travel from the top of the LL Project's diversion is faster than the time of travel through its 2.4-mile-long conveyance structures (pipeline/penstock), this will not be an issue. However, if the water travels faster through the conveyance structures than the creek, PG&E will be at risk of non-compliance with its instream flow requirements at its downstream Diversion Dams. A slower ramping rate for the LL Project would mitigate for this potential adverse impact.

PG&E requests that the Commission specifically consider the above-discussed operational issues in its NEPA document on the LL Project. PG&E recommends that the Commission also evaluate the possibility of changing Rugraw's proposed volume-based ramp rate from 30% of total stream volume per hour to a requirement similar to that set forth in Article 33(d) of PG&E's Battle Creek Project License (*i.e.*, a requirement that PG&E target a ramping rate of 0.1 ft/hour when returning facilities back to service after outages). PG&E notes in this regard that Rugraw's proposed ramping rate would allow the equivalent of 100% of stream volume less 5 cfs to be diverted in three hours, while an equivalent ramping scenario at an adjacent PG&E site may take over 24 hours. Finally, PG&E recommends that such a revised ramping rate provision be included in the license for the LL Project. PG&E believes such a

change should be made to support endangered species management efforts as reflected in the MOU and the Restoration Project and to ensure that PG&E can meet its instream flow and ramping rate requirements at its Battle Creek Project license.

### CONCLUSION

PG&E respectfully requests that the Commission consider the comments of PG&E set forth herein in preparing its NEPA document on, and issuing the license for, the LL Project.

Respectfully submitted,

/s/ John A. Whittaker, IV

John A. Whittaker, IV  
WINSTON & STRAWN LLP  
1700 K Street, NW  
Washington, DC 20006  
Phone: (202) 282-5766  
Email: jwhittaker@winston.com

Judi K. Mosley  
PACIFIC GAS AND ELECTRIC COMPANY  
P.O. Box 7442  
San Francisco, CA 94120  
Phone: (415) 973-1455  
Email: JKM8@pge.com

ATTORNEYS FOR PACIFIC GAS AND ELECTRIC COMPANY

Dated: December 5, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document on the parties designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., this 5<sup>th</sup> day of December, 2014.

**/s/ John A. Whittaker, IV**  
John A. Whittaker, IV

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