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December 22, 2025

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Subject: Response to Notice of Availability and Notice of Intent to Adopt a Mitigated Negative Declaration for the Helms Pumped Storage Project FERC Relicensing under P-2735-105 State Clearinghouse No. 2025110960

Dear Jessica Dyke:

This correspondence is in response to a November 17, 2025 "*Notice of Availability and Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration for Relicensing of the Helms Pumped Storage Project Federal Energy Regulatory Commission (FERC or Commission) Project No. 2735*". This NOI informed the California Department of Fish and Wildlife (CDFW), a California Environmental Quality Act (CEQA) Responsible and Trustee Agency, that the State Water Resources Control Board (State Water Board) intends to adopt an initial study (IS) and draft mitigated negative declaration (MND) for the relicensing of the Helms Pumped Storage Project (FERC Project No. 2735-105) (Proposed Project).

On July 25, 2025, the State Water Board Executive Director received a water quality certification (WQC or Certification) application from Pacific Gas and Electric Company (PG&E) for the FERC relicensing of the Helms Pumped Storage Project (Helms Project) pursuant to section 401 of the Federal Clean Water Act (33 U.S.C. § 1341). The State Water Board in its lead agency role gave notice that it intends to adopt a MND to support their consideration and action on PG&E's request for Certification.

BACKGROUND

The Helms Project hydropower facilities are owned, operated, and maintained by PG&E. The Project is located on the North Fork Kings River and Helms Creek in Fresno and Madera counties, California, approximately 50 miles (mi) northeast of the City of Fresno. The Project transfers water to and from Courtright Lake and Lake Wishon for power generation and water storage. Courtright Lake (upper reservoir) and Lake Wishon (lower reservoir), impounded by Courtright Dam on Helms Creek and Wishon

Dam on the North Fork Kings River, respectively, are both licensed facilities of the Haas-Kings River Hydroelectric Project (FERC Project No. 1988).

The Project includes intake and water conveyance systems, Helms Powerhouse and switchyard, a transmission and distribution line several recreation sites (including Trapper Springs Campground, Marmot Rock Campground, Wee-Mee-Kute Fishing Access, Courtright Boat Launch, Lily Pad Campground, Upper Kings River Group Campground, Short Hair Creek Fishing Access, Wishon Dam Fishing Access, Spillway Fishing Access, Coolidge Meadow Fishing Access, Upper Kings River Fishing Access, Helms Picnic Area, and Wishon Boat Launch), access roads and trails, and an 80-acre wildlife habitat management area.

The Helms Project hydropower facilities have been in operation since 1984. The current FERC license was issued May 18, 1976, and expires April 30, 2026. PG&E seeks to obtain a new 30- to 50-year license for the 1,212-megawatt Helms Project from FERC.

Under a new FERC license for the Helms Project, PG&E would accept to: (1) continue to operate the Helms Project; and (2) replace and rehabilitate existing recreation facilities; and (3) designate approximately 36 miles of existing roads and approximately one mile of existing trails as Project roads and trails; and (4) modify the FERC Project boundary to more accurately define lands necessary for Project operation and maintenance activities; and (5) implement new protection, mitigation, and enhancement plans and measures.

The Federal Power Act (FPA) requires that every hydropower license applicant must have a Certification pursuant to Section 401 of the Federal Water Pollution Control Act (Clean Water Act) or a waiver of certification from the state. The State Water Board is the state agency responsible for federal issuance of Certifications. FERC staff recognized that any conditions included in a final, valid, and timely WQC must also be included in the FERC license for the Project as Mandatory Conditions. The WQC conditions are not being assessed in this CEQA process. The State Water Board requires CEQA compliance to issue a WQC for the Proposed Project.

AUTHORITY

CDFW is the appropriate State Fish and Wildlife agency for resource consultation and FPA Section 10(j) (16 U.S.C. § 803, subd. (j)) purposes. The fish and wildlife resources of the State of California are held in trust for the people of the state by and through CDFW (Fish & G. Code § 711.7). CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (Fish & G. Code § 1802). The mission of CDFW is to manage California's diverse fish, wildlife, and plant resources, and the habitats on which they depend, for their ecological values and for their use and enjoyment by the public. It is the goal of CDFW to preserve, protect, and as needed, to restore the habitat necessary to support native fish, wildlife, and plant species within the FERC-designated boundaries of these Projects, as well as the areas adjacent to these Projects in which resources are affected by ongoing project operations and maintenance (O&M) activities and recreational use.

CDFW's coordination with the State Water Board and other resource agencies is an effective path to codifying our preferred conditions via certifications, because CDFW only has recommendation authority under the FPA. Along with federal land management agencies' mandatory 4(e) conditions and National Oceanic and Atmospheric Administration's (NMFS) Section 18 fishway prescriptions, Certification conditions can be used by state and federal agencies to help mitigate hydropower impacts on riverine ecosystems. In the proposed Projects, CDFW and the State Water Board will both act as Responsible and/or Trustee Agencies, as both agencies have discretionary permits and approvals to be made in support of the proposed Projects. Specifically, CDFW may be requested to provide a permit that would authorize "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), if deemed necessary for project implementation.

COMMENTS AND RECOMMENDATIONS

General

This IS/MND evaluates the potential environmental impacts of relicensing the Helms Project. The existing FERC license includes articles that serve as environmental measures for the Helms Project. Proposed PG&E measures are included in PG&E's Final License Application (FLA) (PG&E 2024). These Proposed Project recommendations include PG&E's recommendations for continued operation and maintenance of the Helms Project, implementation of PG&E's proposed protection, mitigation, and enhancement measures. The IS/MND should have revised, expanded and updated the existing FERC license articles as necessary and disclosed the potential impacts and proposed conservation measures that will support the Helms Project relicensing.

Under the Proposed Project, PG&E would maintain the O&M activities of the existing license, with a few exceptions. As part of a separate FERC and State Water Board discretionary permit review process, PG&E proposes to replace the three turbines in the Helms Powerhouse. No new facilities or substantial modification of existing facilities are proposed.

Before the Commission makes licensing decisions, it will consider all concerns relevant to the public interest. PG&E's recommendations for the Helms Project are described in the Final License Application (FLA) and supplemental filings (PG&E 2024) which will be part of the record from which the Commission will make its decisions. In addition, CDFW anticipates that the Commission will consider the findings of the Helms IS/MND along with the recommendations made herein when making relicensing decisions, including project concerns relevant to the public interest that were not addressed in the Helms Project FLA.

FERC Project Boundary

The IS/MND establishes that the Proposed FERC Project Boundary includes decreasing the area within the existing FERC Project Boundary by 528.06 acres (ac) from 4837.30 ac to 4309.24 ac of the existing federal lands, of which 344.86 ac are Patented. Most federal lands within the existing FERC Project Boundary overlap with federal lands within the Haas-Kings River Hydroelectric Project FERC Boundary (Section 2.2.1)

CDFW acknowledges that the existing FERC Boundary does not include any open water conveyance works, active borrow or spoil areas, dams, or reservoirs. The Department concurs with PG&E's proposed changes to the existing FERC Project Boundary of the Helms Project to include all lands necessary for the operation and maintenance of the Proposed Project, removal of lands no longer necessary for operation and maintenance of the Proposed Project, and correction of known errors in this CEQA analysis; therefore, this change should be reflected in the Impacts Analysis section of the IS/MND (Section 3.1)

Biological Resources Management

The IS/MND for the Proposed Project indicates that PG&E has developed or intends to develop resource management plans to be implemented after the issuance of a FERC license for the Helms Project. The resource management plans intend to protect or enhance the existing environment or to mitigate the Proposed Project-related effects to existing resources. For instance, PG&E modified measure No. 3 of the current FERC license into a Biological Resources Management Plan to satisfy CEQA's Environmental Resource Area pertaining to Biological Resources, Hydrology, and Water Quality (Section 2.2.4.5.).

PG&E's Biological Resources Management Plan includes measures to protect special-status plant species, wetlands, amphibians, aquatic reptiles, birds, and mammals during routing O&M activities (Section 2.2.4.5.). Special-status species are defined in the IS/MND as "those listed, proposed, or under status review for listing as rare, threatened, or endangered by the federal government and/or the state of California; managed by CDFW as Fully Protected or Species of Special Concern; designated by the Forest Service-Sierra Nevada Forest as Species of Conservation Concern when they occur on National Forest System lands; or designated by the United States Department of Interior (DOI), Bureau of Land Management (BLM) as Sensitive when they occur on BLM-administered lands."

Some conservation measures include limiting operating periods, biological monitoring, and restricted work areas to protect special-status species. The plan includes erosion control measures, safe pesticide application and other best management practices to minimize impacts on aquatic resources. The plan also addresses potential indirect adverse effects on special-status species because of habitat alteration during O&M activities.

PG&E Proposed Measure No. 8 Transportation System Management Plan (Section 2.2.4.7), further minimizes the potential indirect adverse effects of habitat alteration during O&M activities such as grading, vegetation management, and hazard tree removal.

The IS/MND assessed the impacts of the Proposed Project and its water operations on special-status species. As a result, CDFW recommends the implementation of the proposed conservation measures in PG&E's Proposed Measure No. 3 *Biological Resources Management Plan,* and PG&E's Proposed Measure No. 8 *Transportation System Management Plan* for the Helms Project IS/MND. Implementation of these proposed measures would ensure the avoidance or reduction of potentially adverse effects on biological resources from Proposed Project O&M activities.

Additional adverse effects or impacts resulting from pollution or runoff of toxic materials and sedimentation on aquatic organisms could occur during Proposed Project O&M activities. CDFW recommends implementation of PG&E's Measure No.4, *Hazardous Substances Plan* (Section 3.0)

Supplemental Fish Stocking

The Helms IS/MND indicates that "[to] augment the recreational trout fishery in Courtright Lake and Lake Wishon, PG&E will supplement CDFW's annual stocking by reimbursing CDFW for an equivalent amount of 9,000 pounds of catchable trout in fish food. This would enhance the fishing opportunities at both reservoirs through the term of the new license."

CDFW recommends the implementation of PG&E's Proposed Measure No. 10, *Supplemental Fish Stocking*. CDFW intends to renew and extend its current agreement with PG&E (PG&E & CDFW 2006, CDFW 2023) to continue to stock additional trout in Courtright and Wishon Reservoirs.

Amphibians and Aquatic Reptiles

The Helms IS/MND reports that Relicensing Study AR-2 identified 10 special status amphibian and aquatic reptile species with the potential to occur in the proposed FERC Project Boundary.

Designated critical habitat for the Federally and State threatened California tiger salamander (*Ambystoma californiense*) is present within the proposed FERC Project Boundary along the western end of the lower Helms-Gregg 230 kV Transmission Lines, and designated critical habitat for the federally threatened Yosemite toad (*Anaxyrus canorus*) is present within the proposed FERC Project Boundary primarily at the eastern end of the upper Helms-Gregg 230 kV Transmission Lines and in areas south of Courtright Lake (USFWS 2023a).

PG&E conducted five studies to identify potentially suitable habitat for special-status terrestrial wildlife which identified suitable breeding habitat or occurrences of special-status species in the vicinity of Proposed Project facilities. A total of 36 special-status terrestrial wildlife species with the potential to occur in the proposed FERC Project Boundary were identified in these studies. Critical habitat for the federally endangered and state threatened Southern Sierra Nevada fisher (*Pekania pennanti*) was found within the proposed FERC Project Boundary (USFWS 2023b).

The Helms IS/MND states that "[s]pecial status amphibians that spend most of their lives using upland subterranean habitats such as in rodent burrows, rock crevices, and friable soil (i.e., California tiger salamander, western spadefoot, or Yosemite toad) or sheltering habitats such as under leaf litter, logs, and root tangles (i.e., Kings River slender salamander [*Batrachoseps regius*] or gregarious slender salamander [*Batrachoseps gregarius*]), are particularly vulnerable to accidental crushing because they are typically hidden from view. Similarly, northwestern pond turtles (*Actinemys marmorata*) use terrestrial uplands for nesting, and underground eggs may be inadvertently disturbed or crushed by ground-moving activities. Individuals could also be crushed upland habitats or on roads during the species' periods of terrestrial movement.

It is anticipated these impacts would be either avoided or minor and localized with the implementation of the measures included in Proposed Measure No. 3, *Biological Resources Management Plan,* Measure No. 4, *Hazardous Substance Plan,* and Measure No. 8*, Transportation System Management Plan* such as managing equipment and vehicles (e.g., enforcing speed limits, checking under vehicles before use), and following procedures when an animal is encountered), and avoiding travel through standing water and conducting work near wetlands during the dry season would also minimize or avoid the potential for vehicles, equipment, or personnel operating in, proximate to, or moving through, aquatic habitats to crush amphibian eggs, larvae, or breeding adults. Additionally, California tiger salamander, western spadefoot [(*Spea hammondii*)], and Yosemite toad, and other common amphibian species often move over terrestrial habitats during or directly after rain events and at night; as such, measures included in Proposed Measure No. 3 would be timed so that Proposed Project O&M activities where overland travel of vehicles and equipment are used avoid these periods for amphibian movement."

CDFW recommends implementation of PG&E's Proposed Measure Nos. 3, 4, and 8. Number 8 would avoid or minimize the potential for adverse effects from vehicle and equipment use on special status amphibians and aquatic reptiles with the potential to occur within the proposed FERC Project Boundary. Therefore, impacts from the Proposed Project on special status amphibians and reptiles would be less than significant.

Vehicle and equipment use during Proposed Project O&M activities would have a less than significant impact on designated critical habitat for California tiger salamander or Yosemite toad within the proposed FERC Project Boundary with implementation of avoidance and minimization measures, as there would be no modification or degradation of primary constituent elements (PCEs).

Flow Requirements

The California Environmental Flows Framework (CEFF) (UC Davis 2024) identifies five distinct flows of a natural flow regime that are important to sustain the ecological, geomorphic, and biogeochemical functions of a river. CDFW recommends that a IS/MND analysis for a FERC relicensing includes a discussion of how each alternative provides functional flows and a discussion of how any flow proposals that do not contain all functional flows provide support to the physical, biological, and ecological processes of the North Fork Kings River. Moreover, CDFW would request clarification about any proposed changes in minimum flow releases.

Comprehensive functional flow requirements are important to maintain both the fishes, wildlife, and riparian species that need a healthy river to survive and complete their lifecycles. CDFW supports license conditions conducive to functional environmental flows that promote riparian and floodplain restoration, adequate water quality and special-status species.

However, the Proposed Project does not include dams or flow releases. Therefore, a cursory review of the Helms IS/MND document reveals that it does not include flow schedules. Disclosing a detailed flow schedule information is typically essential in the evaluation of the flow requirements for Projects under FERC licensing. CDFW requests that PG&E include tables and descriptions of minimum instream flows, pulse flows, floodplain flows, and compliance points. This issue would be further evaluated in the subsequent CEQA document, consistent with CEQA Guidelines Section 15063 (c)(3).

Water Quality

The Helms IS/MND describes water quality in Courtright Lake and Lake Wishon using data collected during 2022 and 2023 relicensing surveys (PG&E 2024), data that are available for 2015 on the California Environmental Data Exchange Network (CEDEN), and historical existing and relevant water quality data collected between 1984 and 1988 in Courtright Lake and Lake Wishon, pursuant to Article 48 of the current License (PG&E 1990). These data include in situ measurements, water chemistry (general chemistry, metals, nutrients, and chlorophyll-a as an index of algal productivity), and bacteria.

The Helms IS/MND analysis shows that "water quality in Courtright Lake and Lake Wishon is clear (i.e., low turbidity, low total suspended solids) with low mineral content (i.e., low specific conductivity, low hardness, low total dissolved solids) and low buffering capacity (i.e., low alkalinity), and low levels of algal nutrients. Both reservoirs exhibit thermal stratification in the summer and occasionally freeze for a short period during the winter. Water quality was consistent with the applicable Tulare Lake Basin Plan water quality objectives relevant to the Proposed Project with two exceptions (i.e., dissolved oxygen, pH)."

CDFW finds it concerning that several water quality parameters presented variances from the Central Valley Regional Water Quality Control Board's Water Quality Control Plan for the Tulare Lake Basin (Tulare Lake Basin Plan) objectives and/or the US Environmental Protection Agency (USEPA) national water quality criteria:

(1) Dissolved oxygen [DO] concentrations were below the 9 mg/L Basin Plan numerical water quality objective in surface waters during August and September 2023 and throughout the reservoir water columns in October 2023.
(2) Specific conductivity measurements collected during 2023 in Courtright Lake were less than the 100 micromhos per centimeter (μmhos/cm) maximum electrical conductivity objective in the Tulare Lake Basin Plan. Significant changes in conductivity are often indicative of discharge or source pollution (USEPA 2025).
(3) The pH measurements collected during 2023 were predominantly less than the 6.5 s.u. Basin Plan numerical water quality objective. Low pH concentrations are likely due to the low buffering capacity (i.e., low total alkalinity) in Courtright Lake and Lake Wishon (PG&E 2024).
(4) The total alkalinity measurements collected during 2023 were less than the USEPA national water quality criteria (20 mg/L [4-day average]) for the protection of freshwater aquatic life (USEPA 2023).

PG&E must continue a robust water quality monitoring program in the Proposed Project Area to make determinations about the North Fork Kings River's current ability to meet water quality requirements set forth by the Tulare Lake Basin Plan.

CONCLUSION

The findings of PG&E's environmental analysis under CEQA should ensure adequate assessment and disclosure of potential project impacts on environmental resources. An adequate and timely CEQA process should inform the development of new water quality certifications for the Helms Project.

With implementation of the PG&E Proposed Measure No. 3, *Biological Resources Management Plan*, Proposed Measure No. 4, *Hazardous Substance Plan*, Proposed Measure No. 8, *Transportation System Management Plan*, and Proposed Measure No. 10, *Supplemental Fish Stocking* Proposed Project O&M activities in or adjacent to water resources would have little to no adverse effects on biological resources and water quality in Courtright Lake or Lake Wishon.

CDFW appreciates the opportunity to review and provide public comments to the State Water Board on their "*Notice of Availability and Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration for Relicensing of the Helms Pumped Storage Project Federal Energy Regulatory Commission (FERC or Commission) Project No. 2735*". Please address any questions or concerns regarding these comments to Abimael León, the Regional FERC Coordinator, at Abimael.Leon@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

cc: Debbie-Anne A. Reese, Secretary (via Electronic Submission)
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REFERENCES

California Department of Fish and Wildlife (CDFW). 2023. California Freshwater Sport Fishing Regulations. 2006. Agreement Between Pacific Gas and Electric Company and State of California, Department of Fish and Game, for Stocking of Additional Trout in Courtright and Wishon Reservoirs, Fresno County, California. 7 pp. and appendices.

California Natural Diversity Database (CNDDB). December 2025. State and Federally Listed Endangered and Threatened Animals of California. California Department of Fish and Wildlife. Sacramento, CA.

PG&E and CDFW. 2006. Agreement between Pacific Gas and Electric Company and State of California Department of Fish and Game, for stocking of additional trout in Courtright and Wishon Reservoirs, Fresno County. Revised Trout Stocking Agreement.

PG&E (Pacific Gas and Electric Company). 1990. Helms Pumped Storage Project (FERC 2735): Effects of pumped storage operations on water quality in Lake Wishon and Courtright Lake. Report 026.11-90.5. Prepared by S.G. Ahern and C.O. White.

PG&E (Pacific Gas and Electric Company). 2024. Helms Pumped Storage Project FERC Project No. 2735 Application for New License, Major Project – Existing Dam Volume II – Exhibit E (Public), pp. 57-58.

PG&E (Pacific Gas and Electric Company). 2024a. Helms Pumped Storage Project FERC Project No. 2735 Application for New License, Major Project - Existing Dam Volume I - Initial Statement and Exhibits A, B, C, D, G, and H (Public), pg. 59.

PG&E (Pacific Gas and Electric Company). 2024b. Helms Pumped Storage Project FERC Project No. 2735. Application for New License, Major Project – Existing Dam. Accessed December 2024. Available online at: (FERC) Project No. 2735 / Helms Hydroelectric Project | California State Water Resources Control Board.

PG&E (Pacific Gas and Electric Company). 2024c. Application for New License [Helms], Major Project – Existing Dam Volume II – Exhibit E (Public), pp. 266-269. Accessed: December 15, 2025.

University of California, Davis. (UC Davis). 2024. California Environmental Flows Framework. Available at: Functional Flows Approach | California Environmental Flows Framework (ucdavis.edu). Accessed December 2025.

USEPA (U.S. Environmental Protection Agency). 2023. National recommended aquatic life water quality criteria web page. Accessed February 2, 2024, at National Recommended Water Quality Criteria - Aquatic Life Criteria Table | US EPA U.S. Environmental Protection Agency, Washington, D.C.

USFWS (U.S. Fish and Wildlife Service). 2023a. Information for Planning and Consultation (IPaC): Online project planning tool. Accessed December 2025. Available online at: IPaC: Home.

USFWS (U.S. Fish and Wildlife Service). 2023b. ECOS. Environmental Conservation Online System. Accessed August 2023. Available online at: ECOS: Home.