

Stipulation for Amendment of
Rights-of-Way for
Canyon Power Project
Approved by
Secretary of the Interior
on May 26, 1961
to fulfill the conditions
set forth in Provision 6 of
said Amended Permit

Pursuant to the Act of December 19, 1913 (38 Stat. 242), and in consideration of relocation and installation of its facilities and the granting to it by the United States of amended rights-of-way applied for, the City and County of San Francisco, a municipal corporation of the State of California, on May 23, 1961 stipulated and agreed and did bind itself, its successors and assigns to the terms, conditions and obligations set forth in the amended rights-of-way approved May 26, 1961 and amendments or modifications subsequent thereto.

Condition number 6 of said amended rights-of-way provided, among other things, that the interim stream flow releases would be subject to a study for a recommended flow schedule. The study, with recommendations, was completed August 23, 1976. Following the City's objections to certain aspects of the study's recommendations, the City now hereby agrees, amends and/or supplements said rights-of-way and binds itself, its successors and assigns, to each of the following terms, conditions, and obligations, consisting of six provisions, including the water release schedule set forth on Exhibit A:

1. That the minimum amount of water released from Hetch Hetchy Reservoir to the Tuolumne River at O'Shaughnessy Dam be in accordance with the schedule attached hereto as Exhibit A.
2. *Ramping* That the allowable rate of change in the magnitude of water releases from Hetch Hetchy Reservoir to the river at O'Shaughnessy Dam be changed from the present stipulation of "... not more than double nor less than one-half the previous release over a one-hour period ..." to "not more than double nor less than one-half the previous release over a four-hour period except when the previous release is 200 cfs or less, in which case the rate of change shall not exceed 50 cfs over a four-hour period."
3. That, insofar as the storage capacity at Hetch Hetchy Reservoir and emergency situations allow, releases to the Tuolumne River shall be managed to prevent sudden or short-term high magnitude releases or spills at O'Shaughnessy Dam.
4. That the San Francisco Public Utilities Commission provide the appropriate field offices of the U.S. Forest Service, the National Park Service, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game with periodic reports of releases from Hetch Hetchy Reservoir to the Tuolumne River at O'Shaughnessy Dam. The reports should (1) be furnished on a monthly basis by the 10th workday of the month following that reported on, (2) indicate the magnitude of the release at any given time during the report period, and (3) contain an explanation of any circumstances preventing compliance with the schedule of minimum reservoir releases specified in Recommendation No. 1.
5. *Mapping flows?* That the San Francisco Public Utilities Commission notify the appropriate field office of the U.S. Forest Service, the National Park Service, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game at least 7 days in advance of any anticipated noncompliance with the schedule of minimum reservoir releases specified in Recommendation No. 1.
6. That the foregoing conditions are imposed for the Tuolumne River from O'Shaughnessy Dam to Early Intake with respect to the existing Hetch Hetchy facilities and capacities along the Tuolumne River. San Francisco agrees that any proposed expansion, alteration, or other modification of the water and power supply facilities which could alter flows along that stretch of river will be subject to review by the Department of the Interior for the purpose of determining what change, if any, should be made in the flow release schedule stipulated in Condition 1. San Francisco further agrees that it will provide to the Department of the Interior advance information concerning any such proposed projects and will assist

the Department of the Interior in making its review by undertaking as part of San Francisco's environmental review a study of any such project's impact on fish, wildlife, recreational, and aesthetic values due to changes in river flow. The plan of study will be formulated in coordination with the U.S. Fish and Wildlife Service, National Park Service, U.S. Forest Service and the California Department of Fish and Game, and approved by the Department of the Interior, to insure that all aspects of the proposed projects that could impact river flow are adequately investigated. At the conclusion of the study and based upon such study, the U.S. Fish and Wildlife Service will recommend to the Secretary of the Interior such changes in the flow releases schedule as may be necessary to protect fish, wildlife, recreational, and aesthetic values. Such recommendations, shall become part of these conditions, unless San Francisco, within 30 days from receipt of notice of the recommendations, shall file with the Secretary of the Interior, its objections thereto. In such event, at its request, San Francisco shall be afforded a hearing regarding these objections before a special hearing officer who will render proposed findings of fact. The Secretary, after considering the proposed findings of fact and the record, shall determine what additional flows, if any, shall be required over those specified above.

The City further agrees that said conditions, and release schedule, are hereby made a part of and included in said rights-of-way and its stipulations.

IN WITNESS WHEREOF, the said City and County of San Francisco has caused this instrument to be executed in the City of San Francisco, California, this 13th day of December, 1984.

General Manager of Public
Utilities Commission, City
and County of San Francisco

Subscribed and sworn to before me
this 13th day of December, 1984

FORM APPROVED:

Thomas M. Berliner

City Attorney
City and County of San Francisco

DATE:

12/14/84

Romaine A. Bolduc

Secretary, Public Utilities Com.
City and County of San Francisco

DATE:

December 13, 1984

2528p

WCA

John P. Potts
Assistant Secretary for Fish and
Wildlife and Parks

JAN 31 1985

DATE:

Exhibit A

That the minimum amounts of water to be released from Hetch Hetchy Reservoir to the Tuolumne River, at O'Shaughnessy Dam shall be in accordance with the following schedules:

	<u>Minimum Release Schedules (cfs)</u>			<u>Cumulative Precip. (Inches)/runoff (acre-feet)</u>		
	<u>A</u>	<u>B</u>	<u>C</u>	<u>A</u> Equal to or greater than:	<u>B</u> Less than Col. A but equal to or greater than:	<u>C</u> Less than Col. B:
January	50	40	35	8.8	6.1	---
February	60	50	35	14.0	9.5	---
March	60	50	35	18.6	14.2	---
April	75	65	35	23.0	18.0	---
May	100	80	50	26.6	19.5	---
June	125	110	75	28.5	21.3	---
July	125	110	75	575,000	390,000	---
August	125	110	75	640,000	400,000	---
September 1-15	100	80	75	---	---	---
September 16-30	80	65	50	---	---	---
October	60	50	35	---	---	---
November	60	50	35	---	---	---
December	50	40	35	---	---	---
Minimum amount of Water (acre-feet)	59,235	50,019	35,215			
Frequency (percent) ^{1/}	60	32	8			

Determination of applicable schedule (A, B or C) is to be made on the first of each month during January through August. Determinations for January through June are to be based on cumulative precipitation at Hetch Hetchy since October 1 of the preceding year. Determinations for July and August are to be made based on calculated cumulative runoff into Hetch Hetchy since October 1 of the preceding year. The release schedule which is in effect on August 1 of each year shall remain in effect until the following January.

^{1/} The frequency of each schedule is based on precipitation and runoff data which have been collected over the past 58 years at Hetch Hetchy. During the first three months Schedule B is adjusted to be in effect an average of 25% of the time and Schedule C 15% of the time.

