



**Alan C. Lloyd, Ph.D.**  
Agency Secretary

# State Water Resources Control Board

## Division of Water Rights

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**Arnold Schwarzenegger**  
Governor

December 12, 2005

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Dear Secretary Salas:

STATE WATER RESOURCES CONTROL BOARD REQUEST FOR TIME EXTENSION  
FOR FILING OF COMMENTS ON THE ENVIRONMENTAL IMPACT STATEMENT (EIS)  
FOR THE UPPER NORTH FORK FEATHER RIVER PROJECT (FERC NO. 2105-089)

The State Water Resources Control Board (State Water Board) has received the final Environmental Impact Statement (EIS) developed by the Federal Energy Regulatory Commission (FERC/Commission) for the relicensing of the Upper North Fork Feather River Project (Project 2105). Pursuant to FERC regulations (18 CFR § 380.9 of Part 380) and in response to the Notice of Availability of the EIS (issued on November 10, 2005), State Water Board staff intend to provide comments to the Commission regarding project effects on water quality. However, State Water Board staff respectfully request an extension of time to complete a response that will be useful to the Commission in the licensing process.

The Commission's notice of final EIS availability solicits comments on issues not previously analyzed in the draft environmental document. The analyses of measures for providing colder water temperatures in the North Fork Feather River and for anadromous fish passage first appear in the final EIS, and are significant issues for consideration by the State Water Board when evaluating Project 2105 for water quality certification under the Clean Water Act (33 U.S.C. §1341). In addition, substantive new evidence has recently been made available to State Water Board staff, which documents occupied breeding habitat for the Willow Flycatcher, a state endangered species, along the margins of Lake Almanor. State Water Board staff comments on these subjects will provide insight for the Commission and will aid that body in their decision-making.

Due to the number of hydropower licensing activities currently going on within the state of California, State Water Board staff resource time is limited and the deadline of December 19<sup>th</sup> will compromise our ability to develop a complete response. To provide constructive comments and appropriate assistance to the Commission in the Project 2105 license proceeding, staff seek additional time to complete the filing of comments on the Commission's final EIS. State Water Board staff request that the Commission grant a 28-day extension of time to respond with comments on the Upper North Fork Feather River Project final EIS, allowing for timely submittal up to close of business on January 16, 2006.

***California Environmental Protection Agency***

Magalie R. Salas, Secretary

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To discuss this matter further, please contact me by phone at (916) 341-5397 or by e-mail: [sstohrer@waterboards.ca.gov](mailto:sstohrer@waterboards.ca.gov). Thank you for your consideration on this time extension, I look forward to your timely response.

Sincerely,

/ original signed by /

Sharon Stohrer  
Environmental Scientist

cc: Mr. John Mudre  
Federal Energy Regulatory Commission  
888 First Street, Room 63-14  
Washington, D.C. 20426

Mr. Randal S. Livingston  
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