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Date: December 15, 2005

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

**Lassen and Plumas National Forest Comments
on Final Environmental Impact Statement
Upper North Fork Feather River Project
FERC No. 2105**

Dear Ms. Salas:

The Forest Service appreciates the opportunity to comment on the final environmental impact statement (final EIS) for the North Fork Feather River Project (FERC No. 2105) and respectfully submits the following comments for consideration in the Federal Energy Regulatory Commission's order on Project No. 2105-089.

As a member of the 2105 Licensing Group (2105LG), which is composed of numerous federal, State, and local government agencies, non-governmental organizations, Tribes, and members of the public, the Forest Service has been working collaboratively and diligently since October 2002 to resolve as many issues as possible with regard to the FERC relicensing of FERC No. 2105. On April 22, 2004, the 2105LG stakeholders identified below signed a settlement agreement that resolved issues related to lake level, stream flow, and recreation. The 2105LG submitted the April 2004 Settlement Agreement to FERC and requested that FERC use the provisions of the agreement as an alternative to be considered in the NEPA analysis process. Stakeholders who signed the April 2004 Settlement Agreement are: Pacific Gas and Electric Company; US Department of Agriculture, Forest Service; California Department of Fish and Game; Plumas County; American Whitewater; Chico Paddleheads; Shasta Paddlers; Mountain Meadows Conservancy and California Sportfishing Protection Alliance.

The Forest Service and the 2105LG continue to work collaboratively, seeking solutions to the remaining unresolved issues identified in the April 2004 Settlement Agreement, and focusing primarily on water temperature issues.

In September 2005, during the State CEQA scoping process, the 2105LG submitted the April 2004 Settlement Agreement to the SWRCB and encouraged an evaluation of it as an alternative, supported by the above-mentioned signatories. The Forest Service continues to support the 2004 Settlement Agreement as submitted and appreciates the opportunity to comment, specifically on Section 10(j) recommendations and Section 18 fish way prescriptions, filed by NOAA Fisheries



Service after draft EIS issuance and the analyses by FERC staff, relative to potential measures for providing colder water to the Upper North Fork Feather River during the summer.

The Forest Service offers the following comments filed jointly for the Lassen and Plumas National Forests on the FEIS we feel deserve due consideration in the Commission's order.

Sincerely,

/s/ James M. Peña
JAMES M. PEÑA
Forest Supervisor

cc: Laurie A Tippin

**Lassen and Plumas National Forest Comments
on Final Environmental Impact Statement
Upper North Fork Feather River Project
FERC No. 2105**

General Comments on FEIS

Page 3-200 “FS Facilities” and Page 3-204:

Within the Affected Environment descriptions of the Forest Service facilities, there are several statements that facilities (Almanor Family campground, Almanor and Canyon Dam boat launches for example) are operated by a concessionaire. While this was once the case, it is no longer correct, as there were no bidders for the recent concession prospectus issued by the Almanor District. Some of the described facilities are to be reconstructed using Forest Service and Licensee patching funds and after completion of reconstruction the facilities are to be managed by the Licensee as described in the project Settlement Agreement.

Page 3-201, Table 3-26:

Table 3-26 does not consistently identify Forest Service operated facilities. In addition to sites identified as Forest, Canyon dam boat launch and day-use area under the “Picnic Areas/Tables” category, Dyer View day-use area under the “Angler Access Sites” category and Almanor Family campground as well as Almanor group campground under the “Campgrounds/Campsites or (Bunkhouses) category should be identified as Forest Service facilities.

Response to Staff action regarding funding of River Ranger (Summary xxi and Section 5.1.4.3, pages 5-38 and 5-39:

Experience gained during implementation of the recreational boating provisions of the new Rock Creek-Cresta (FERC No. 1962) project license has demonstrated the there is a need for a structured boating management program as well as a mechanism to inform rivers users of changes brought about by the new license. While public awareness is growing, no mechanism was included in the Rock Creek-Cresta Settlement Agreement to provide a public service contact to answer questions, hear concerns and inform river users of changes in the river flow schedule.

During the Upper North Fork settlement process, the Rock Creek-Cresta experiences prompted discussion of how best to inform river users of changes in the flow schedule and manage recreational boating use of the river. Unlike the Rock Creek and Cresta reaches, Upper North Fork Feather recreational uses are well established and centered primarily around, camping, angling and water contact recreation. After discussion, it was concluded that a river ranger would provide a physical presence to assist the Licensee in monitoring whitewater boating use, evaluate carrying capacity thresholds, help identify user conflicts should they arise, provide public safety information, general maintenance at put-ins and take-outs and other mutually agreed on duties. The river ranger would administer Outfitter Guide permits when the Forest Service begins an outfitter guide program to provide boating opportunities to the general public.

The river ranger would also assist in the management of campgrounds and dispersed campsites distributed along the North Fork. The position would most likely work within the recreation functional area of the Mt Hough Ranger District and be partially funded by National Forest System funds. The incumbent would be given law enforcement training commensurate with that given to other recreation specialists but law enforcement would not be a significant component of the duties of the river ranger. The Forest Service respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 38 should be included in the new project license.

Response to Staff's Alternative (Section 2.2.2 and Summary)

Alternative Number 4, page 2-12: *Develop a monitoring program to document water quality trends in Lake Almanor under a new license and project operations.*

Response: The Forest Service believes that the water quality monitoring program proposed in Appendix A, Section 5, of the Settlement Agreement (SA) is appropriate to document water quality trends and to protect Lake Almanor as an important hydrogeneration, scenic, recreational, and economic resource. With the continued rapid increased residential construction in the Lake Almanor Basin and the increased recreational improvements proposed in the new license, the frequency and duration of water quality and bacteriological sampling proposed in Settlement Agreement was intended to insure Lake Almanor be protected from degradation from all sources, not just Project operations. The Forest Service believes that the level of water quality monitoring proposed in the SA is appropriate and preferable to that proposed by Staff.

Alternative Number 5, page 2-12: *Develop a bacteriological monitoring program for the first 3 years after license issuance, using a methodology appropriate to determine compliance with state water quality standards.*

Response: The Forest Service believes that the water quality monitoring program proposed in Appendix A, Section 5, of the SA is appropriate to determine compliance with state water quality standards. To demonstrate the level of protection provided for beneficial uses of Project waters and to identify any trends in water quality conditions in items 4 and 5 listed above, the signatories to the SA recommended that water quality monitoring be conducted in Lake Almanor every five years beginning in year three of the new license for the term of the license and that bacteriological monitoring be conducted annually for the first five years after license issuance and every other year for the remaining term of the license. The Forest Service believes that the level of water quality monitoring proposed in the SA is appropriate and preferable to that proposed by Staff.

Alternative Number 7, page 2-12: *Develop a plan to monitor DO concentrations in Lake Almanor and Butt Valley reservoir.*

Response: The Forest Service believes that the water quality monitoring program proposed in Appendix A, Section 3, Paragraph 3(A) of the SA provides for the development of a DO monitoring plan. Members of the Water Management Group (PG&E, SWRCB, CVRWQCB, Plumas County, FS, CDF&G, F&WS) and other parties who request involvement will develop a DO monitoring plan within a period of three years from issuance of the license to address DO concentrations in Lake Almanor and Butt Valley reservoir.

Alternative Number 8, page 2-13: *Revise the draft SMP and implement the revised plan.*

Response: The Forest Service believes that due to the complexity of the SMP and the uncertainty regarding the date of issuance of the new project license necessitated by the water quality certification process that there be a final opportunity to comment on the plan content. Previous discussion regarding the SMP centered upon the desire of the Licensee to revise and implement the plan shortly after issuance of the license. It is desirable to review the proposed changes prior to implementation to be certain that intent is not inadvertently altered during final revision.

Alternative Number 10, page 2-13: *Provide a pulse flow of 700 cfs in the Seneca reach and in the Belden reach in March of water years classified as dry.*

Response: The Forest Service believes that the pulse flow schedule proposed in Appendix A, Section 1, Paragraph 3(A) of the SA (675 cfs in January of Wet and Normal water years, 1,000 cfs in February and March of Normal water years, and 1,200 cfs in February and March of Wet water years for a period of 12 hours, plus ramping time) is a more prudent pulse flow plan than the alternative proposed by Staff. Due to limited gravel deposits in these reaches and the episodic nature of its entering the stream channels, concern was expressed by various members of the 2105 Collaborative that a too aggressive pulse flow schedule might have a negative impact on the spawning gravels, and the ultimate reproductive success of substrate dependant aquatic organisms. The SA also requires a gravel monitoring plan, which states that if “the resource agencies determine that the Pulse Flows appear to have a detrimental impact on the availability and distribution of spawning-sized gravel, or it appears that a Pulse Flow of a different magnitude or duration would be beneficial, the Pulse Flow schedule shall be altered to better achieve the desired results.” (See Appendix A, Section 1, Paragraph 3(B)). Although the plan proposed by the SA is slightly more conservative than that proposed by Staff it does allow for a more aggressive, i.e., greater magnitude pulse flows if monitoring warrants it. Because of its adaptive nature, the Forest Service believes that the SA Pulse Flow plan is the better option. The Forest Service respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 25 should not be altered.

Alternative Number 11, page 2-13: *Develop an aquatic resources monitoring plan for the Seneca and Belden reaches. Periodically monitor fish populations (in a manner consistent with data presented in pre-filing study reports) and benthic macroinvertebrates in the Seneca and Belden reaches, as recommended in the SA. Initiate monitoring during years 4 and 5 of the new license. After this 2-year monitoring period, the frequency of surveys could be reduced to every fifth year to evaluate long-term responses to measure implemented in the new license and any subsequent modifications that are made.*

Response: The Forest Service believes that the fishery and benthic macroinvertebrate monitoring condition described above is excessive and believes that the plan stipulated in the SA (*see* Appendix A, Section 1, sub-section 9) is sufficient and appropriate for the types of beneficial improvements expected under Staff's preference for the SA proposed minimum flow schedule. This belief is based on the combination of the incremental benefits in aquatic habitat and resulting fish population changes that the new flow schedule will produce, and the highly variable annual fish population changes that have been documented in the by pass reaches during relicensing studies.

Based on the PHABSIM study (Vol. 7, Appendix E3.1-10 of the UNFFR License Application (PG&E 2002)), the new proposed instream flow releases (maximum proposed flow release of 125 cfs in a normal water year type) in the Seneca Reach are predicted to result in an increase in maximum WUA for adult rainbow trout from 39% to 77%, a 38% increase over the current releases but with a predicted decrease in juvenile maximum WUA habitat from 99% to 92%, a decrease of 7%. A similar effect is also expected for the Belden Reach; adult rainbow trout maximum WUA is predicted to increase from 61% to 77% (maximum proposed flow release of 225 cfs in a normal water year type), a 13% increase over the current releases but with a decrease in juvenile maximum WUA habitat from 96% to 86%, a decrease of 10%.

Based on the generally modest incremental increase in adult rainbow trout maximum WUA, the concomitant decrease in juvenile maximum WUA at some flow/water year type scenarios, and highly variable population estimates that would be expected, The Forest Service believes that it might take up to three or four rainbow trout life cycles rather than Staff's estimation of 4-5 years before real, sustainable population changes could be identified from which to draw any conclusions on which to make meaningful resource decisions. This was also the conclusion of the 2105 Collaborative, which did not propose any sampling for 10-12 years after license issuance.

It should be noted that Appendix A, Section 1, sub-section 9 of the Settlement Agreement specified separate sampling periods for amphibians and fish and macroinvertebrate populations. As previously described, it was believed that fish populations would not fully respond to the new flow schedule for three or four rainbow trout life cycles. Provisions were made in the SA to adjust the specified bypass flow within certain defined limits if deemed necessary based on the fish and macroinvertebrate monitoring results. See the third paragraph of Appendix A, Section 1, sub-section 9 of the SA for a description of Minimum Streamflow review and adjustment

procedure. The Forest Service respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 26 should not be altered.

Alternative Number 12, page 2-13: *Implement one mid-term geomorphological evaluation in project reaches to assess the response of channel processes to the recommended flow schedule.*

Response: The Forest Service does not believe that this specific condition to develop a “mid-term geomorphological evaluation” is warranted. The Forest Service believes that the changes in the bypass reaches that may result from the proposed base flows and pulse flow schedules will not approach a geomorphic scale because of the control on river discharge exerted by Canyon dam. Any “mid-term geomorphological evaluation” would likely demonstrate that the Upper North Fork Feather is frozen in time due to control of channel structure and form altering discharges. The mid-term evaluation, while beneficial as documentation of condition at that time, might not provide useful insight into management of the river beyond what is currently known. Although proposed base flow releases for each reach are greater than existing flow releases, they and the proposed pulse flows are much less than the historic uncontrolled spring time flows which could exceed 5,000 cfs, or more, several times each year and were definitely of channel forming proportion. As reported in Section E3.1.11.2 of Volume 2 of the UNFFR License Application (PG&E 2002), 1,600 to 3,000 cfs is the approximated minimum discharge needed to mobilize the median bed material from representative sites in both the Belden and Seneca reaches. Also, based on the presence of well established mature vegetation, as well as younger willow, alders, and blackberries, at several of the geomorphology study transect sites that were able to survive the 1997 floods of 2,160 cfs in the Seneca Reach and 3,500 cfs in the Belden Reach, it was concluded that it would take flows of greater magnitudes to alter the mature vegetation on mid-channel bars. The magnitude of flows proposed by both the FWS and SA, combined with the narrow, somewhat incised channel morphology of the Belden and Seneca reaches, are not capable of the kinds of changes envisioned by Staff.

A more appropriate level of effort is outlined in the Gravel Monitoring Plan set forth in the SA, Appendix A., Section 1, paragraph 3. This plan calls for the development and implementation of a Gravel Monitoring Plan in consultation with the FS, CDFG, FWS, SWRCB, and other Parties that has been approved by the FS, and filed with the Commission. The emphasis of this program is to monitor the movement of spawning-sized gravel and recruitment of similar-sized material into each of the reaches. Based on the size of material that the pulse flows will be able to mobilize (gravel to small cobble), the Forest Service believes that the monitoring plan described in the SA is more appropriate for the types of effects that these flows will achieve.

Alternative Number 13, page 2-13: *As part of the proposed coarse sediment management plan, develop specific contingency actions for the enhancement of substrate distribution and abundance in bypass reaches.*

Response: The Forest Service believes that a more appropriate level of effort is outlined in the Gravel Monitoring Plan described in the SA, Appendix A, Section 1, subsection 3. This plan

calls for the development and implementation of a Gravel Monitoring Plan in consultation with the FS, CDFG, FWS, SWRCB, and other Parties that has been approved by the FS, and filed with the Commission. The emphasis of this program is to monitor the movement of spawning-sized gravel and recruitment of similar-sized material into each of the reaches. Based on the size of material that both the minimum instream release and pulse flows will be able to mobilize (gravel to small cobble), the Forest Service believes that there will not be significant negative changes to the bypass reaches substrate and that the monitoring plan described in the Settlement Agreement is more appropriate for the types of effects that these flows will achieve.

The Forest Service also believes that due to the natural sporadic input of gravels from hillslope processes, limited access points in the bypass reaches (especially in the Seneca reach) for gravel placement, and ability to document any loss or reduction of spawning gravels due to high flows until after that years spawning period has either already started or has even already been completed, that no contingency plan could be instituted until the following year. Consequently, because of this enforced time delay, there is limited value to a contingency plan to affect that years spawning success. The Settlement Agreement proposed monitoring plan is adaptive in nature, and would allow for changes in the following winter period pulse flow number and level to accommodate for this type of situation. The Forest Service respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 25 should not be altered.

Alternative Number 14, page 2-13: *Delay implementation of recreational flow releases for a period of 6 years to allow the riverine aquatic biota to respond to a new minimum and pulse flow schedule.*

Response: The Forest Service believes that it is not necessary to delay implementation of recreational flow releases for a period of 6 years to allow the riverine aquatic biota to respond to the new minimum and pulse flow schedule. Participants in the Upper North Fork Feather River settlement discussions were keenly aware of the difficulties the Rock Creek-Cresta project Ecological Resources Committee were having regarding selection of appropriate monitoring metrics that would adequately define the biotic impacts of recreational pulse flows and desired to avoid similar problems. Due to the timing of each of the relicensing efforts, Upper North Fork discussions were taking place prior to the end of the three year monitoring and evaluation period specified in the Rock Creek-Cresta Settlement Agreement. While Rock Creek-Cresta monitoring discussions and Settlement deliberations were taking place, the California Energy Commission and State Water Quality Control Board initiated a study on the impact of pulse flows on aquatic communities. Results of both efforts however, would not be available until after completion of settlement discussions. The Upper North Fork settlement participants did not wish to make firm decisions regarding recreational boating without benefit of these two efforts and recognizing the concern associated with recreational boating, built a two step decision process into the agreement.

While the concept of allowing the aquatic biota time to adjust to a new river flow schedule prior to making further changes such as initiating recreational releases is quite reasonable, difficulty with the concept is that in order to account for natural variability, the associated monitoring must be highly complex and of sufficient duration to pass statistical scrutiny. The stressors on the

aquatic system to name a few, include water year type, planting of adult trout to provide angling opportunities, operational emergencies, flaws in monitoring, a new flow schedule, and late season storms in an otherwise normal year. Ascribing cause to effect within a system subject to a wide range of natural variability becomes nearly impossible. The Rock Creek-Cresta ERC has been grappling with the problem of evaluating the impact of summer pulse flows with mixed success due to the difficulty of separating pulse flow impacts from the impacts of an otherwise highly dynamic system.

As described in Appendix A, Section 2, sub-section 2A through F, a decision is to be made whether to conduct recreation test flows for the purpose of evaluating impacts on sociological or ecological resources. If a decision is made to conduct test flows, the flows will continue for three years. At the end of the three year period, a second evaluation will take place and a decision will be made regarding continued recreational flows. The development of the Technical Review Group (TRG) and the three-year test period outlined in the Settlement Agreement provide ample time for all interested parties to analyze existing information on Recreation Pulse Flows and make recommendations on studies and the implementation schedule.

The concerns over recreational pulse flows fail to recognize the fact that from the time the Caribou powerhouses were built in 1921 and 1958 for Caribou No. 1 and No. 2, respectively, until the Belden Powerhouse went on line in 1969, the Belden reach frequently fluctuated during the summer from several hundred to well over a thousand cubic feet per second. See the United States Geological Survey (USGS) records for USGS gaging station 11399500 (NF Feather River near Prattville, California) and USGS gaging station 11401112 (NF Feather River below Belden Dam, California) for examples of this fluctuation. Of particular interest is the record of the 1969 water year for the North Fork Feather River below Belden Dam. During this same period the Belden Reach was known to have a robust trout fishery (Penland, 1989). Tourist oriented literature published by the Western Pacific Railroad in the 1920's prominently describes North Fork Feather fishing opportunities. Chapman's Magazine also described fishing opportunities in the Belden to Caribou reach of the North Fork Feather (Chapman's, 1941?). It seems unlikely that a modest flow change of 500 cfs once per month will cause substantial impacts to the aquatic community.

The Forest Service believes that the evaluation process as described in the Settlement Agreement provides sufficient riverine aquatic biota safeguards and that a 6 year delay in implementing recreational flow releases is unnecessary. The Forest Service respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 28 should not be altered.

Alternative Number 15, page 2-13: *Develop a woody debris management plan.*

Response: Due to the inaccessible nature of much of the Seneca reach, the opportunities to transport and place large woody debris (LWD) into the streambed, banks or floodplain are limited. LWD could be placed in the Upper North Fork below Canyon dam prior to a pulse flow event. Distribution of the debris would be dependent on the timing and magnitude of the pulse flow event and the number of pieces deposited prior to the event. If placed at Seneca, it is likely

that the debris would be redeposited on one or more of the private parcels downstream of Seneca. The benefits of distribution would be difficult to assess.

At Belden Dam, Licensee removes about 4-5 truckloads of LWD annually. Woody material less than 4-inches in diameter can pass through the trash racks at the dam, and is therefore not removed. The woody debris collected on the trashracks, mostly alder, is collected and burned. It was concluded in the LWD study conducted as part of the relicensing effort (Vol. 2 of the UNFFR License Application (PG&E 2002), section E3.1.11.4 Large Woody Debris Function and Recruitment) that this removal of woody material represented only a small local loss of LWD from the Belden Reach. Considering the very limited geomorphic function LWD has in the NFFR, this loss of LWD was not expected to alter the channel geomorphic conditions, as described below.

Much of the Belden and Seneca reaches are characterized by the presence of large boulders. It was observed in Vol. 2 of the UNFFR License Application (PG&E 2002), section E3.1.11.4 Large Woody Debris Function and Recruitment that most LWD fell or came to rest on top of the boulders, perching the wood above the low-flow channel. It was only infrequently observed that LWD was caught between boulders, near the channel bed, thus limiting the opportunity for interaction between LWD and the streambed during high flows, contributed to LWD instability, and thereby reduced the potential for LWD to influence channel morphology. Throughout the bypass reaches, large substrate and local geology control pool formation more so than LWD. This result is not surprising. One of the few studies investigating the geomorphic role of LWD in six headwater streams of the central Sierra Nevada, northwest of Lake Tahoe, documented that over half of the LWD in the channels was classified as having no geomorphic function (e.g., pool formation, steps, or dammed flow) (Berg et al 1998). Given the relatively small size of the woody debris in the Belden and Seneca reaches (length and diameter), the fast decomposition rate of alders (the primary species found in the study), and the large bed elements in most of the bypass reaches, it is very unlikely that additional recruitment from toe-of-slope areas under higher peak flows would result in a greater influence on channel geomorphology.

The Belden Reach is also a popular recreation area with three Forest Service campgrounds and one private campground located along the reach. In addition to being a popular fishing area, many people also swim, raft, and inner-tube in this reach. The Forest Service is concerned about public safety and that placement of large numbers of LWD into the river may also create an increased risk to river recreationists. The Caribou road crosses the Upper North Fork at Queen Lilly Campground. The bridge, constructed of wood, is not designed to readily pass large floating material. Should large woody debris placed upstream of the bridge become mobile there is a risk that the debris might become lodged in the bridge members.

Based on the reasons stated above, the Forest Service does not see the need to develop a woody debris management plan and does not favor placing any additional LWD into any of the bypass reaches other than what occurs under natural and pulse flow events. The Forest Service also notes that the 2105 Collaborative specifically considered the Project's potential impact on LWD and the ability of increased minimum stream flows and pulse flows to manage for future LWD

introduction into the various bypass reaches, and decided not to introduce any additional LWD into any of the bypass reaches.

Alternative Number 16, page 2-13: *Develop an adaptive management plan that addresses the results of all monitoring and special studies conducted on water temperature, water quality, flow, macroinvertebrates, gravel, woody debris, fisheries, amphibian populations and habitat, and vegetation.*

Response: The Forest Service does not believe that there is a need for a specific comprehensive “Adaptive Management Condition” as described above. The Settlement Agreement, in Appendix A, Section 1, describes four plans for monitoring of streamflow and potential changes in habitat and species abundances and/or composition, as follows: 1) stream sediments as part of pulse flow monitoring in Appendix A, Section 1, sub-section 3B; 2) streamflow measurement in Appendix A, Section 1, sub-section 5; 3) assessing habitat quality in lower Butt Creek in Appendix A, Section 1, sub-section 8 and providing pulse flows, as necessary per Appendix A, Section 1, sub-section 4; and 4) monitoring fish populations and macroinvertebrate community in the Belden and Seneca reaches in Appendix A, Section 1, sub-section 9. If determined to be necessary, provision to alter minimum streamflows (Appendix A, Section 1, sub-section 9), pulse flow timing and magnitude (Appendix A, Section 1, sub-section 3B), adopt pulse flows in lower Butt Creek (Appendix A, Section 1, sub-section 4), and revise ramping rates (Appendix A, Section 1, sub-section 6B) have been built into the SA. The FWS, FS, CDFG, and SWRCB are explicitly listed as agencies to be consulted with for all of the items listed above, with the exception of streamflow measurement, which shall be conducted under the requirements of FERC and under the supervision of the United States Geological Survey. Consequently, there is already a built-in link between the appropriate agencies for the identified resource management areas in any decision making process.

Alternative Number 18, page 2-13: *Develop a plan for the protection of threatened, endangered, proposed for listing, and sensitive species.*

The Forest Service supports development of a plan for the protection of threatened, endangered, proposed for listing, and sensitive species. The plan would incorporate elements of Forest Service 4(e) conditions 44 and 45 regarding special status species.

Alternative Number 21, page 2-13: *Develop and interagency bald eagle management plan within 1 year of license issuance.*

Response: The Forest Service in recognition of jurisdictional issues regarding Licensee lands within and outside the project boundary modified Condition No. 47-Bald Eagle Management Plan accordingly. We do appreciate the cooperation of the Licensee and believe that the two-year schedule as proposed by the Forest Service remains appropriate.

Staff comment page xxii, bullet 2: *Recreation flow implementation plan: PG&E proposes and the FS specifies implementing the recreation flow implementation plan, including test flows and monitoring, in the Belden reach, in year 1 of the license; we recommend delaying implementation of the plan until year 6. We recommend this modification because it provides an opportunity for the biotic community to adapt to the revised instream flow schedule without being disrupted by recreational release flows, which would improve the likelihood of enhancing macroinvertebrate and fish populations.*

Staff comment page xxii, bullet 3: *Scheduled recreation flow releases: PG&E proposes and the FS specifies releasing recreation flows in the Belden reach beginning in year 4 of the license, following implementation of the recreation flow implementation plan; we recommend delaying the recreation flow releases in the Belden reach until year 9, also following the implementation of the recreation flow implementation plan.*

Response: The Forest Service believes that it is not necessary to delay implementation of recreational flow releases until year 9 after issuance of the new project license. See the discussion regarding item 14 above. The Forest Service believes that the Upper North Fork Settlement Agreement represents the best approach to improving aquatic resources and enhancing recreational opportunities. The Agreement also includes an appropriate mechanism for adaptive management should modification be required. For these reasons we respectfully request that the FERC reconsider delaying the implementation of the recreational flow schedule and implement the flow schedule as outlined in the Settlement Agreement. The Forest Service respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 28 should not be altered.

Staff comment page xxii, bullet 4: *Lake Almanor water quality monitoring: PG&E proposes monitoring once every 5 years beginning in year 3 from license issuance; we recommend monitoring only in years 1 to 3.*

Response: The Forest Service believes that the water quality monitoring program proposed in Appendix A, Section 5, of the SA is appropriate and necessary to determine compliance with state water quality standards. To demonstrate the level of protection provided for beneficial uses of Project waters and to identify any trends in water quality conditions, the signatories to the Settlement Agreement recommended that water quality monitoring be conducted in Lake Almanor every five years beginning in year three of the new license for the term of the license. The Forest Service believes that the level of water quality monitoring proposed in the SA is appropriate and preferable to that proposed by Staff.

Staff comment page xxii, bullet 5: *Bioaccumulation (methylmercury and PCBs) monitoring in catchable-sized fish: PG&E proposes monitoring once every 5 years beginning in year 1 from license issuance; we recommend monitoring only in years 5, 10, and 15. PG&E also proposes monitoring for bioaccumulation of silver; we do not recommend monitoring for bioaccumulation of silver because previous sampling indicates that silver body burdens are low, silver does not*

typically biomagnify, and we are not aware of an established action or screening level that represents the risk to human health.

Response: The Forest Service believes that the level of fish tissue monitoring proposed in the SA is appropriate and preferable to that proposed by Staff. First, with the exception of smallmouth bass sampling in 2003, all other fish tissue sampling was conducted in 2001 and 2002; consequently, Staff's recommended sampling would not result in the first license required sampling be conducted for up to 10 years after the last fish tissue sampling had been conducted. The Forest Service believes that by scheduling the first sampling effort in the first year after license issuance and at five year intervals thereafter allows for a better evaluation of the status of the bioaccumulation of both methylmercury and PCBs in fish in Project waters over the entire license period, and not just during the first half. And second, while we recognize that silver does not typically biomagnify and the results from the 2002 and 2003 sampling effort were quite low, The Licensee also believes that since the Licensee conducts a cloud seeding program in the NFFR watershed that it is the responsibility of the Licensee to monitor for silver under the proposed schedule in the SA.

Staff comment page xxiii, bullet 1: *Bacteriological monitoring: PG&E proposes monitoring in years 1 to 5 from license issuance, then every other year; we recommend monitoring only in years 1 to 3.*

Response: The Forest Service believes that the bacterial monitoring program proposed in Appendix A, Section 5, of the SA is appropriate and necessary to determine compliance with state water quality standards. To demonstrate the level of protection provided for beneficial uses of Project waters and to identify any trends in bacterial conditions, the signatories to the Settlement Agreement recommended that bacteriological monitoring be conducted annually for the first five years after license issuance and every other year for the remaining term of the license. The Forest Service believes that the level of bacterial monitoring proposed in the SA is appropriate and preferable to that proposed by Staff.

References

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- Chapman's Magazine, 1941? Plumas, the Recreation County. *Chapman's Magazine*, Vol 1, No 2., Berkeley, Ca.
- Penland, Bill 1989. Deep canyon, heavy gold: a collection of true stories about everyday life in the Feather River Canyon and surrounding areas.