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November 1, 2004

VIA ELECTRONIC FILING

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

RE: Project 2105-089 (Upper North Fork Feather River Project)

Dear Ms. Salas:

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
FOR HYDROPOWER LICENSE
THE UPPER NORTH FORK FEATHER RIVER PROJECT, FERC NO. 2105**

Thank you for providing the California Department of Fish and Game (Department) the opportunity to review and comment on the Federal Energy Regulatory Commission's (FERC) Draft Environmental Impact Statement for the relicensing of Upper North Fork Feather River Project, FERC 2105. In California, the fish and wildlife of the State are held in trust for the people of the State by and through the Department (Fish and Game Code Section 711.7(a)).

The Department has been an active participant in the relicensing of this project since early 1999. During this time, we have met with the Applicant frequently to develop, refine, and critique study proposals, designs, and initial results for their application. The Department, several federal, other state, and county agencies, and representatives of non-governmental organizations have met with the licensee for the purpose of completing a comprehensive settlement agreement upon which the relicensing application has been based.

The settlement agreement and application include measures that are an improvement over the existing operations and should improve or maintain aquatic habitat within the project streams to keep the fishery in good condition as required under Fish and Game Code Section 5937.

- Annual minimum flows for the Seneca and Belden reaches are increased. The winter minimum flows in these reaches are increased and include monthly pulse flows for channel maintenance. Ramping rates established for Seneca and Belden

reaches are based on what has been learned from operations on Rock Creek and Cresta reaches. The new dynamic flow regimes will better mimic the natural hydrograph and will consider water year type.

- The existing seepage and leakage from the Butt Valley dam and tunnels that contribute flow in lower Butt Creek will be maintained. Monitoring will be established to determine if pulse flows would be beneficial in this reach.
- Decisions regarding whether or not to implement recreation flows on Belden reach will be based on assessments of impacts to other resources and information gained from studies on Rock Creek and Cresta reaches.
- The project's three reservoirs (Lake Almanor, Butt Valley, and Belden forebay) will be managed at higher, more stable water levels during the summer recreation months.
- Monitoring and adaptive management plans will be developed in conjunction with resource agencies and other interested parties.
- The Applicant will augment the Department's annual fish stocking and management in Lake Almanor and the Belden reach.

The Department concurs with the FERC staff's recommendation that the monitoring of fish and invertebrate populations be conducted within the same years. We further recommend adequate planning and coordination of field data collection efforts to avoid potentially confounding the results of one study with activities associated with the other study. Specifically, macroinvertebrates should be monitored before fish monitoring using electrofishing. Reducing flows to accommodate electrofishing should not change the boundaries of the wetted channel perimeter.

The Department is generally supportive of the Applicant's proposed environmental measures, however we have a few remaining concerns.

Water temperature

The North Fork Feather River (NFFR) and tributaries historically supported cold water fisheries. The reservoirs and reaches have designated beneficial uses including cold water habitat and spawning. Under the current license proposal, no cold water standard has been proposed for the Seneca, Belden, or lower Butt Creek reaches. The Department recommends that 20°C be the maximum allowable temperature for these reaches. Temperatures near 20°C have been broadly used in various literature reviews as an upper limit in describing suitable trout habitat. A standard of 20°C would be consistent with the criterion that has been set for the NFFR lower reaches at Rock Creek and Cresta.

A specific mechanism to provide colder water in the NFFR reaches has not yet been proposed. The Department recognizes that the concept of modifications to the Prattville intake in Lake Almanor, including installation of a thermal curtain, is one possible means under review to provide colder water to downstream reaches. The Department encourages thorough review of all modeling and studies related to any and all suggested means of obtaining lower water temperatures. All potential measures should be given equal consideration and should be evaluated individually as well as in combination. The

Department supports the collaborative approach to finding solutions and will continue to be involved in the process with the Applicant, resource agencies, and other interested parties. As trustee for the state's fisheries resources, the Department will seek and support those measures that offer potential benefit to lower reaches of the NFFR while still protecting the values of the upper basin fisheries, including Lake Almanor and Butt Valley reservoir.

License Term

The Department continues to urge that the term of the new license be set at 30 years. The Department strongly believes that a watershed approach to hydropower licensing, where license expiration dates are coordinated within the watershed, will result in more efficient use of limited staff resources. This makes scientific sense in terms of coordination of study plans and study implementation. In issuing the new Rock Creek – Cresta License, FERC recognized the value of this approach when it set the term of that license for 33 years in order to facilitate parallel timing for expirations of future licenses for UNFFR and Poe projects.

Thank you for the opportunity to comment. The Department looks forward to working closely with the Applicant and other interested parties in the collaborative process in the licensing of the Upper North Fork Feather River Project. If you have questions about our comments, please contact Ms. Lori Powers, Fisheries Biologist, at (530) 832-9682 or lpowers@dfg.ca.gov.

Sincerely,

Banky Curtis
Regional Manager

cc: FERC Service List for the Upper North Fork Feather River Hydroelectric Project
FERC 2105-089

Top of Form

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