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UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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FEDERAL ENERGY  
REGULATORY COMMISSION

Pacific Gas and Electric Company )  
Upper North Fork Feather River Project ) Project No. 2105-000  
California )

**Certificate of Service**

I hereby certify that the foregoing letter and enclosure for the National Marine Fisheries Service has been delivered this day that the Federal Energy Regulatory Commission, and each person designated on the Service List compiled by the Commission Secretary for this project, has been served via deposit in the U.S. Mail.

Dated at Santa Rosa, California, this 22<sup>th</sup> day of November 2004.

  
Andrea Berry, Administrative Assistant



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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
777 Sonoma Ave., Room 325  
Santa Rosa, CA 95404-6528

November 22, 2004

**In Response Refer To:**  
150304SWR03SR8706:EJT

Magalie Roman Salas, Secretary (8 copies)  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

Thomas Jereb  
Project Relicensing Manager  
Pacific Gas and Electric Company  
Mail Code N11D  
P.O. Box 770000  
San Francisco, California 94177

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OFFICE OF THE  
SECRETARY  
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FEDERAL ENERGY REGULATORY COMMISSION

Re: Extension of Mandatory Conditions Review Process comment period for the Upper North Fork Feather River Project, FERC No. 2105

Dear Ms. Salas and Mr. Jereb:

The National Marine Fisheries Service (NOAA Fisheries) wishes to extend its comment period for the preliminary Terms and Condition, and Prescription (enclosed). Please also refer to our letter dated October 21, 2004,<sup>1</sup> which states our intention to prescribe trap-and-haul fish passage to the Seneca Reach of the North Fork Feather River. If any party wishes to provide comments, they should be received at our office prior to close of business on December 20, 2004. Please contact Mr. Eric Theiss at 916-930-3613 if he can be of any assistance.

Sincerely,

Steven Edmondson  
Northern California Habitat Supervisor

Enclosure

cc: (service list enclosed)

<sup>1</sup> Copies of this letter are available at: <http://elibrary.ferc.gov/idmws/nvcommon/NVViewer.asp?Doc=10277524:0>. Paper copies can also be provided by mail by contacting NOAA Fisheries (see above).



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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE

Southwest Region  
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NOV 26 2008 In Response Reply To:  
150304SWR03SR5706:ET

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Thomas Jereb  
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Mail Code N11D  
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Re: Comments, Recommended Terms and Conditions, and Prescriptions for the Upper North  
Fork Feather River Project, No. 2105

Dear Ms. Salas and Mr. Jereb:

Enclosed are an original and eight copies of the National Marine Fisheries Service's (NOAA Fisheries) comments, recommended terms and conditions, and prescriptions for the Upper North Fork Feather River Project, No. 2105 (Project), in response to the Federal Energy Regulatory Commission's (FERC) August 25, 2003, Notice of Application Ready for Environmental Analysis (REA).

Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) and Central Valley Steelhead (*O. mykiss*) are two anadromous species that are currently listed as threatened under the Endangered Species Act. Project features have modified and/or excluded these and other anadromous species from their habitats, contributing to their decline. Currently, these fish are blocked at the Feather River (or Oroville) Project (FERC No. 2100). However, that project is undergoing relicensing and fish passage to Oroville may be restored under that relicensing. Subsequently, fish passage could be implemented at the intervening projects as well. NOAA Fisheries therefore submits license conditions which will be employed upon presence of anadromous fishes in the Project area, and reserves its authority to reopen the Project license in order to further prescribe fishway conditions under section 18 of the Federal Power Act and provide additional 10(a) and 10(j) recommendations which are not foreseeable or predictable at this time.

The Pacific Gas and Electric Company (Applicant) and other interested stakeholders are invited to provide comments on the enclosed license conditions and reservation of fishway prescription



authority, and/or include relevant new evidence addressing the comments. Comments on the section 18 prescription are due 60 days from the close of the RBA comment period, January 30, 2004. Comments should be clearly identified, filed with the FERC, and sent to: Eric Theiss; NOAA Fisheries; 650 Capitol Mall, Suite 8-300; Sacramento, California 95814.

NOAA Fisheries will review all comments, FERC's draft National Environmental Policy Act (NEPA) document, and all other pertinent information, and will file a modified fishway prescription and response to comments based upon the enclosed schedule. Please note that FERC has stipulated a comment due date of January 15, 2004.

NOAA Fisheries requests that FERC, in the NEPA document, analyze a resource agency alternative that incorporates NOAA Fisheries' fishway prescription under section 18. The anadromous fisheries' resources of the State of California have been affected by hydropower development, and a FERC-licensed dam currently prevents the restoration of these fisheries to their historic habitats in the Feather River watershed. Two of these fishes are now listed under the Endangered Species Act. Although dams built by the Applicant have blocked access to habitats and diverted necessary water flows, the Applicant has never instituted anadromous fisheries mitigations. NOAA Fisheries requests that FERC analyze the cumulative impacts of FERC licensed dams and other impacts on anadromous fisheries in the North Fork Feather River watershed. This analysis should include project-related impacts to flow fluctuations, water quality, and relative contribution of each project to negative impacts on anadromous fishes in the watershed.

For additional detail on these matters, please refer to the requests which NOAA Fisheries has previously presented by letter dated July 26, 2002; December 20, 2002; February 21, 2003 and June 19, 2003 for the Upper North Fork Feather River Project, March 12, 2003, for the Poe (FERC No. 2107) Project, and October 11, 2001; December 3, 2002; July 12, 2002; and May 28, 2003; for the Feather River (Oroville) Project (FERC No. 2100). NOAA Fisheries has also made a presentation to the Project relicensing group (2105LG) during settlement negotiations, however the Applicant has declined to perform the studies. NOAA Fisheries considers it unfortunate that the Applicant and FERC have not chosen to assist us in the construction of our terms, conditions, and prescriptions for Project facilities. In the absence of the requested information, NOAA Fisheries must be conservative as we consider the current and reasonably foreseeable future impacts of the Project on our trust resources. Please contact Mr. Eric Theiss at (916) 930-3613 if you have any questions regarding this document and enclosure.

Sincerely,



Rodney R. McInnis  
Acting Regional Administrator

Enclosure

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**UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION**

In the Matter of the License for the )

Project No. 2105

Upper North Fork Feather River Project )  
\_\_\_\_\_ )

**NATIONAL MARINE FISHERIES SERVICE'S COMMENTS,  
RECOMMENDED TERMS AND CONDITIONS,  
AND FISHWAY PRESCRIPTIONS**

**INTRODUCTION**

These documents respond to the notice of Ready for Environmental Analysis issued by the Federal Energy Regulatory Commission (FERC) on August 25, 2003, for the Upper North Fork Feather River Project (Project) (FERC No. 2105). This letter provides FERC and the Pacific Gas and Electric Company (Applicant) with a Fishway Prescription under section 18 of the Federal Power Act, conditionally based upon the passage of anadromous fishes at one or more dams below the Project area. It is anticipated that these terms, conditions, and prescriptions will operate in concert with other fisheries protection devices installed at other FERC and non-FERC projects, in order to allow the safe, timely, and effective passage of anadromous fishes between their preferred freshwater and marine habitats. NOAA Fisheries also reserves its authority to prescribe fishways under section 18 of the Federal Power Act, and to provide further 10(a) and 10(j) recommendations, thereby allowing for the reopening of the Project license if necessary.

Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) and Central Valley Steelhead (*O. mykiss*) are two anadromous species that are currently listed as threatened under the Endangered Species Act. Project features have modified and/or excluded these and other anadromous species from their habitats, contributing to their decline. Currently, these fish are blocked at the Feather River (or Oroville) Project (FERC No. 2100). However, that project is undergoing relicensing and fish passage to Oroville may be restored under that relicensing. Subsequently, fish passage could be implemented at the intervening projects as well. At such time as fish passage is implemented at one or more of these projects, or at a time within the discretion of the Regional Administrator, NOAA Fisheries may notify FERC of its obligation to implement this prescription under the terms of the license currently under consideration, or reopen this license, thereby allowing for additional modification of the terms and conditions and prescription.

**BACKGROUND AND PROJECT DESCRIPTION**

Please refer to comments previously filed by NOAA Fisheries on July 26, 2002; December 20, 2002; February 21, 2003 and June 19, 2003 for the Upper North Fork Feather River Project, March 12, 2003, for the Poe (FERC No. 2107) Project, and October 11, 2001; December 5, 2002; July 12, 2002 and May 28, 2003 for the Feather River (Oroville) Project (FERC No. 2100).



## **RESOURCE GOALS AND OBJECTIVES**

The FERC's Licensing Regulations direct resource agencies to list the resource management goals and objectives to serve as the basis for study recommendations and subsequent prescriptions and recommendations for Project protection, mitigation, and enhancement measures (PM&E) to be incorporated into the new License.

### **Resource Goals**

1. Protect, conserve, enhance, and recover native anadromous salmonids and their habitats by providing access to historic habitats and by restoring fully functioning habitat conditions.
2. Identify and implement measures to protect, mitigate or minimize direct, indirect, and cumulative impacts to, and enhance native anadromous salmonid resources, including related spawning, rearing, and migration habitats and adjoining riparian habitats.

### **Resource Objectives**

1. *Flow* - Implement scheduled flows in the Feather River and regulated tributaries to the benefit of native anadromous salmonids and their habitats. This includes providing a range or schedule of flows necessary to: a) optimize suitable habitat; b) stabilize flows during spawning and incubation of ingravel forms; c) maintain flows necessary to facilitate the efficient migration of spawning adults; and the safe and timely emigration of smolts and kelts, and movement of rearing juveniles between feeding and sheltering areas; d) maintain flows necessary to ensure redd placement in viable areas; and e) maintain flows necessary for channel forming processes, riparian habitat protection, and maintenance movement of forage communities. This also includes impacts of flood control, irrigation or other project structures or operations that act to displace individuals or their forage or destabilize, scour, or degrades physical, chemical, or biological quality of habitat.
2. *Water Quality* - Modify project structures or operations necessary to mitigate direct, indirect, or cumulative water temperature and quality impacts associated with project structures and operations or enhance water temperature and quality conditions in salmonid habitat.
3. *Water Availability* - Coordinate operations with other projects, programs, or initiatives and/or use water transfers, water exchanges, water purchases, or other forms of agreements to maximize potential benefits to anadromous salmonids from limited water supplies.
4. *Fish Passage* - At such time as access is provided for anadromous fish to the North Fork Feather River, NOAA Fisheries may find that passage to historic spawning, rearing, and migration habitats within or near the project is necessary to complete their life cycles and utilize seasonal habitats necessary to contribute to the recovery of Central Valley spring-run Chinook salmon, Central Valley steelhead, and other species of concern. Access into the Project may include passive or active structures or devices which provide upstream and/or downstream passage. Passage within or near the Project boundary may include modifications to project

facilities and operations necessary to ensure the safe, timely, and efficient passage of upstream migrating adults, downstream passage of emigrating juveniles, and passage necessary for juveniles to access habitat necessary for the seasonal movement of rearing juveniles to feeding and shelter habitats.

5. *Channel Maintenance* - Implement flow regimes and non-flow related measures necessary to mitigate and minimize direct, indirect, and cumulative impacts of project facilities and operations on sediment movement and deposition, river geometry, and channel characteristics. This includes impacts on stream competence, capacity, flood plain conductivity, bank stability and extent, duration, and repetition of high flow events. In addition, this includes impacts to habitat diversity and complexity such as pool riffle sequencing and instream cover.

6. *Hatchery Operations* - Minimize and mitigate the impact of hatchery facilities and/or operations on native, wild anadromous salmonids. This includes the direct, indirect, and cumulative impacts of hatchery product on anadromous salmonids and the direct, indirect, and cumulative impacts of hatchery facilities and operations on salmonids and their habitats.

7. *Predation* - Minimize and mitigate the impact of Project structures or operations that either have in the past or continue to introduce predators, create suitable habitat for predators, harbor predators, or are conducive to the predation of native anadromous salmonids.

8. *Riparian Habitat* - Protect, mitigate or minimize direct, indirect, and cumulative impacts to, and enhance riparian habitat and habitat functions necessary to mitigate and minimize direct, indirect, and cumulative impacts of project facilities and operations.

9. *Flow Ramping* - Modify project structures or operations necessary to minimize impacts of flow fluctuations associated with increases or decreases in project discharges.

10. *Coordination* - In developing alternatives for relicensing, include a full range of alternatives for modifying project and non-project structures and operations to the benefit of anadromous salmonids and their habitats, while minimizing conflicts with operational requirements and other beneficial uses. This includes developing alternatives for greater coordination with other stakeholders and water development projects to ensure that, at a minimum, project structures and operations are consistent with on-going and future restoration efforts and potentially enhance these efforts.

## SECTION 10(j) RECOMMENDED TERMS AND CONDITIONS

### *Introduction*

At such time as the passage of anadromous fish has been implemented at one or more dams below the Project area, the Licensee shall implement measures to ensure that anadromous fish spawning, holding, and rearing habitat are adequately protected and enhanced as determined to be sufficient by NOAA Fisheries. The following terms and conditions should be considered to operate in concert with the abovementioned goals and

objectives. Upon the implementation of anadromous fish passage to the North Fork Feather River, and/or the implementation of anadromous fisheries protection devices in the Project area (see below), NOAA Fisheries may recommend that further terms and conditions be applied.

#### **Evaluation and Monitoring**

The fishways prescribed will be evaluated and monitored in order to meet the criteria specified by NOAA Fisheries in "Fish Screening Criteria for Anadromous Salmonids"<sup>1</sup> and other NOAA Fisheries' specifications as necessary to provide for the safe, timely, and effective passage of anadromous fishes. The licensee will provide for tests to assess the efficiency of passage at each of the devices stipulated below.

#### **Ramping Rate**

Currently there are no provisions to moderate the ramping rate within the project area for the protection of fisheries and wildlife. After anadromous fishes have been reintroduced to the Project area, it will be necessary to moderate the ramping rate so as not to produce a significant effect upon anadromous fishes, their habitat, or their forage.

#### **Flow Below Butt Valley Dam**

The Applicant shall provide a fish water release device at the Butt Valley dam, in order to provide sufficient flow to enable the safe, timely, and effective passage of adult anadromous fishes upstream, and kelt and juvenile anadromous fishes downstream. In order to determine this flow, a fish passage barrier analysis, and if necessary Instream Flow Incremental Methodology analysis, will be undertaken by the Applicant.

### **SECTION 18 FISHWAY PRESCRIPTION**

#### **Purpose**

This Fishway Prescription is designed to provide an appropriate balance between hydropower and the environmental resources of the North Fork Feather River. The Project operates in close coordination with other hydropower projects owned by the Applicant in and near this watershed, which otherwise would not have sufficient storage to operate. Anadromous fishes were undoubtedly a significant part of the ecosystem (Gresh et al. 2000<sup>2</sup>) before the construction of Project features and the associated projects

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<sup>1</sup> Fish Screening Criteria for Anadromous Salmonids. NOAA Fisheries South West Region. January 1997.

<sup>2</sup> Gresh, T., J. Lichatowich, and P. Schoonmaker. An Estimation of Historic and Current Levels of Salmon Production in the Northeast Pacific Ecosystem. Fisheries. January 2000.

<sup>1</sup>of the North Fork Feather. Central Valley spring-run Chinook salmon and Central Valley steelhead, both listed as Threatened under the Endangered Species Act, once utilized this habitat.

This prescription shall be implemented at the cost of the Applicant 12 months after formal notification has been supplied to FERC and the Applicant. The following prescription should be considered to operate in concert with the above mentioned goals and objectives. NOAA Fisheries reserves the right to file updated and/or supplemental supporting information in conjunction with its comments submitted during the National Environmental Policy Act (NEPA) review process.

### Description

At such time as the passage of anadromous fish has been implemented at one or more dams below the Project area, the Licensee shall, using design drawings developed in consultation with and approved by NOAA Fisheries, construct and operate a pool-and-weir fish ladder at Belden Dam. The elevational difference between each pool shall not be greater than 1 foot (ft). This ladder shall enable the safe, timely, and effective passage of adult Chinook salmon, steelhead, and lamprey. The design shall ensure that adult fishes are able to traverse the Belden Reservoir during their upstream migration in a safe, timely, and effective manner. The design shall include an attraction gallery, in order that adult salmonids would not be unduly delayed, and shall enable the fish ladder to be utilized at all anticipated flows. NOAA Fisheries reserves the authority to modify this prescription as needed in order to accomplish the goal of safe, timely, and effective upstream and downstream fish passage at Belden dam in a more practicable manner than that stipulated above.

At such time as the passage of anadromous fish has been implemented at one or more dams below the Project area, the Licensee shall, using design drawings developed in consultation with and approved by NOAA Fisheries, construct and operate an approved positive barrier screening device at the intake for Belden Powerhouse. This screen shall meet NOAA Fisheries' specifications stipulated in "Fish Screening Criteria for Anadromous Salmonids"<sup>3</sup> e.g. specifications for approach and sweeping velocities, screening material quality, automatic cleaning mechanisms, bypass entrance, bypass conduit, and bypass outfall. NOAA Fisheries reserves the authority to modify this prescription as needed in order to accomplish the goal of safe, timely, and effective upstream and downstream fish passage at Belden dam in a more practicable manner than that stipulated above.

At such time as the passage of anadromous fish has been implemented at one or more dams below the Project area, the Licensee shall, using design drawings developed in consultation with and approved by NOAA Fisheries, construct and operate a pool-and-weir fish ladder at Butt Valley Dam. The elevational difference between each pool shall

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<sup>3</sup> ibid.

not be greater than 1 ft. This ladder shall enable the safe, timely, and effective passage of adult Chinook salmon, steelhead, and lamprey. The design shall ensure that adult fishes are able to traverse the Butt Valley Reservoir during their upstream migration in a safe, timely, and effective manner. The design shall include an attraction gallery, in order that adult salmonids would not be unduly delayed, and shall enable the fish ladder to be utilized at all anticipated flows. NOAA Fisheries reserves the authority to modify this prescription as needed in order to accomplish the goal of safe, timely, and effective upstream and downstream fish passage at Butt Valley dam in a more practicable manner than that stipulated above.

At such time as the passage of anadromous fish has been implemented at one or more dams below the Project area, the Licensee shall, using design drawings developed in consultation with and approved by NOAA Fisheries, construct and operate an approved positive barrier screening device at the intake for Caribou I and II Powerhouses. This screen shall meet NOAA Fisheries' specifications stipulated in "Fish Screening Criteria for Anadromous Salmonids" e.g. specifications for approach and sweeping velocities, screening material quality, automatic cleaning mechanisms, bypass entrance, bypass conduit, and bypass outfall. NOAA Fisheries reserves the authority to modify this prescription as needed in order to accomplish the goal of safe, timely, and effective upstream and downstream fish passage at Butt Valley dam in a more practicable manner than that stipulated above.

#### **Reservation of Authority**

In addition to the above mentioned stipulations to be added as conditions for the Applicant currently under consideration, NOAA Fisheries reserves the authority to reopen the Project License in order to more fully elucidate and clarify the needs for anadromous fishes. Pursuant to section 18 of the Federal Power Act, as amended, the Secretary of the Department of Commerce, as delegated to the National Marine Fisheries Service, exercises its authority under section 18 by reserving the authority to prescribe the construction, operation, and maintenance of such fishways as deemed necessary, including measures to evaluate the need for fishways, and to determine, ensure, or improve the effectiveness of such fishways. This reservation includes the authority to prescribe fishways for fish species to be managed, enhanced, protected, or restored during the term of the license.

#### **Request for Public Comments on Fishway Prescription**

The Applicant and other interested stakeholders are invited to provide comments on the enclosed fishway prescription and include relevant new evidence supporting the comments. Comments are due 60 days after the due date for the section 18 fishway

prescription (January 30, 2004). Comments should be clearly identified, filed with the FERC, and sent to: Mr. Eric Theiss; NOAA Fisheries; 650 Capitol Mall, Suite 8-300; Sacramento, California 95814.

NOAA Fisheries will review all comments, FERC's draft National Environmental Policy Act document, and all other pertinent information, and will file a modified fishway prescription and response to comments. Please note that FERC has stipulated a comment due date of January 15, 2004.

**Schedule for Modification**

NOAA Fisheries expects to submit their modified prescriptions within 60 days after the close of FERC's draft NEPA document comment period, unless substantial or new information is provided during the NEPA comment period requiring additional time for review.