



November 30, 2012

Amber Villalobos  
State Water Resources Control Board  
Division of Water Rights-Water Quality Certification Program  
PO Box 2000  
Sacramento, CA 95812-2000

Sent via email to [avillalobos@waterboards.gov](mailto:avillalobos@waterboards.gov)

**RE: State Water Board Notice of Informal Consultation for McCloud-Pit Project (FERC Project No. 2106)**

Dear Ms. Villalobos,

California Trout (CalTrout) and Trout Unlimited (TU) are writing in response the State Water Resources Control Board's (State Water Board) *Notice of Section 15063(g) Informal Consultation with Responsible and Trustee Agencies Regarding an Environmental Document for Water Quality Certification* (Notice of Informal Consultation). We appreciate the opportunity to provide input to the State Water Board's California Environmental Quality Act (CEQA) process.

The McCloud River is one of the best loved of all California rivers, and it occupies a special place in our members' hearts. From the beginning of this relicensing proceeding in 2006, CalTrout and TU have been actively involved in helping craft a new flow regime for the McCloud-Pit process with a focus on flows needed to maintain healthy river conditions and improve the world-famous trout fishery. FERC (see Final EIS February 2011) recommends flows that follow the flow regime collaboratively developed by the Forest Service, Pacific Gas and Electric, CalTrout, Trout Unlimited, Federation of Fly Fishers, and the California Department of Fish and Game. These flows improve aquatic habitat, benefit aquatic resources and strike the right balance among recreational interests. We believe the State Water Board should support the FERC recommended flows.

We have been supportive of NMFS' efforts to investigate the potential for reintroduction of salmon and steelhead into project waters.<sup>1</sup> The National Marine Fisheries Service (NMFS) issued a *Biological and Conference Opinion on the Long-term Operations of the Central Valley Project and State Water Project* ("OCAP BiOp") on July 4, 2009, which includes reintroduction of salmon and steelhead upstream of Shasta Reservoir into the McCloud and/or Upper Sacramento watersheds. This will be a 3 year pilot program followed by either a long-term permanent reintroduction program or re-initiation of

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<sup>1</sup> See *California Trout, Trout Unlimited, Friends of the River comments on Scoping Document 1, Nov. 23, 2006* and *California Trout, Trout Unlimited, Federation of Fly Fishers comments on EIS, Sept. 28, 2010*.

consultation to determine additional measures to avoid take. We understand NMFS and BOR are moving forward on feasibility studies for the pilot program. We are supportive of this process.

Assessing flows and habitat needs for anadromous fish should be done comprehensively. Currently NMFS and the Bureau of Reclamation are conducting feasibility studies that will help inform future decision making. We believe a comprehensive review of habitat needs of anadromous fish should be informed by ongoing agency feasibility studies. As NMFS and BoR conduct these feasibility studies, we believe SWRCB should evaluate the FEIS-identified flows developed by USFS, CalTrout, TU, DFG and other stakeholders for their effect on the pilot program for reintroduction as part of the CEQA cumulative effects analysis.<sup>2</sup> Although the FEIS proposed flow regime targets protection for resident trout, we believe these flows will be equally protective of salmon and steelhead. All salmonids have basic requirements—cold water and healthy habitat—and the McCloud River is world renowned for both.

Depending on the results of the pilot program, there will be a decision to proceed (or not) with a long-term reintroduction program for the McCloud and/or Upper Sacramento River. This decision would be accompanied by a NEPA (or combined NEPA/CEQA) analysis. We propose that the State Water Board include within the Water Quality Certification a provision to automatically re-open the certification concurrently with that NEPA process to evaluate whether to adjust the flows established by the license to account for that reintroduction program should it be approved.

We wish to emphasize that our support for a robust investigation by NMFS and BOR of potential methods of reintroduction does not presuppose a commitment to any particular pilot program, let alone a final reintroduction plan. Our groups have been supportive of the investigation, but important questions remain about reintroduction methods, the short and long-term costs of those methods, the viability of a trap-and-haul program above Shasta Dam, and the ability of such a program to meet Central Valley salmon and steelhead recovery goals.

Another important consideration for California Trout and Trout Unlimited is that any reintroduction plan protects the existing use of the McCloud by the many anglers who prize the river before lending our support. Any fishing restrictions or changes in carefully negotiated flows should consider impacts to anglers who are the primary recreational users of the river. There are also landowners, recreational boaters, and many other stakeholders whose issues should also be addressed. More information is needed to help the agencies, our groups, and other stakeholders resolve those issues and the many uncertainties surrounding the reintroduction effort.

In summary, CalTrout and TU believe the State Water Board should take the following steps as it moves forward with this Water Quality Certification:

More importantly, the State Water Board should:

- 1) Support the proposed flow regime identified in the FEIS and developed collaborative by USFS, CalTrout, TU, DFG, and other stakeholders;
- 2) Acknowledge the potential for reintroduction of anadromous fish and the National Marine Fisheries and Bureau of Reclamation's assessment process; and

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<sup>2</sup> Much of this information has been developed by PG&E already since the FEIS was completed.

- 3) Establish a firm reopener to address the potential for reintroduction of anadromous fish and the question of whether to adjust the license flows for that occurrence, which would coincide with the NEPA proceeding for long-term reintroduction.

We believe it should be possible for the State Water Board to issue this WQC using a Mitigated Negative Declaration. Given the current backlog of certifications, and the Board's scarce resources, we hope that this proceeding can be completed in a timely manner.

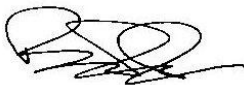
Thank you for the opportunity to comment on this matter.

Sincerely,



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