



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

November 30, 2012

In response, refer to:
FERC 2106:LT

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

Re: Response to the State Water Resources Control Board's Notice of Informal Consultation with the Responsible and Trustee Agencies, to Solicit Input on the CEQA Process for Water Quality Certification of the McCloud-Pit Hydroelectric Project, FERC Project No. 2106

Dear Ms. Villalobos:

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) understands the California State Water Resources Control Board is seeking input from the agencies responsible for resources affected by the McCloud-Pit Hydroelectric Project. Our understanding is the Board will use the information in the California Environmental Quality Act review process related to issuing a Clean Water Act water quality certification for the Project.

Your October 31, 2012, letter requests recommendations and supporting information regarding whether an Environmental Impact Report or a Negative Declaration should be prepared. NMFS advises against a Negative Declaration because there is substantial evidence before the Board that the Project may have a significant effect on the environment; therefore, we recommend the preparation of an Environmental Impact Report.

The Board will find substantial evidence of Project-related environmental effects in the record of the Federal Energy Regulatory Commission's (FERC) licensing proceeding, including the reports and technical memoranda pertaining to field studies and models, the licensee's Application for New License, FERC's Draft and Final Environmental Impact Statements (EIS), and in several other filings submitted by interested parties and resource agencies.

NMFS previously advised the Board (by letter dated March 5, 2012) regarding the deficient evaluations of the Project's cumulative effects on the fishery resources under our jurisdiction – namely, anadromous salmon and steelhead, and their habitats. A cumulative effects analysis must look forward and evaluate potential future Project effects. NMFS is not alone in these criticisms of FERC's evaluations of the Project's effects. We suggest the Board review the



comments of the Environmental Protection Agency (EPA) (filed with FERC on September 28, 2010) that also raise concerns about FERC's deficient cumulative effects analysis – which they conclude does not adequately look forward and evaluate potential future Project effects. Consistent with NMFS' findings, the EPA wrote:

“On cumulative impacts, we are concerned the DEIS has not adequately evaluated the reasonably foreseeable introduction of endangered species, anadromous salmonids, into McCloud Creek over the life of the FERC license.”

and

“The cumulative impact assessment of the DEIS is incomplete. It mentions studies to evaluate fish passage at downstream dams that block anadromous salmonids (p.148), but downplays the likelihood of these endangered species arriving in the project area over the 50-year term of the FERC license.”

NMFS understands the Board is aware of the reasonably foreseeable introduction of anadromous salmonids into stream reaches upstream of Shasta Dam, including the McCloud River. Board staff has participated on the Interagency Fish Passage Steering Committee (for Shasta Dam) that has been established by the U.S. Bureau of Reclamation, in response to the NMFS “*Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project.*” Initial investigations by the Committee suggest that existing habitat in the McCloud River is capable of supporting anadromous fishes, but that some Project-related habitat enhancements may be required. Field visits and preliminary fish passage engineering evaluations have also been performed, and the Bureau is now hiring a contractor to develop and permit a pilot fish passage implementation plan. When the plan is completed, a second contract is to be awarded to implement the initial fish passage experiments.

Given the Project's significant effects on instream flows (that in turn strongly influence stream temperatures), as well as on gravel and large woody material supply and transport, it is clear that Project operations will affect the anadromous fish pilot studies to be implemented within the coming decade. The Water Quality Control Plan for the Sacramento River and San Joaquin River basins has a designated beneficial use in the McCloud River for cold water spawning of salmon and steelhead (Table II-1). Given this designated use and the probable future beneficial uses by anadromous fishes in the McCloud River, NMFS recommends the Board consider evaluating the following unanswered questions about Project effects in its Environmental Impact Report:

- 1) What seasonal water discharges or pulse flows from the Project's McCloud Dam are required to enable successful upriver migration of winter-run or spring-run Chinook salmon and steelhead over the natural gradient features (*e.g.*, cascades, falls, *etc.*) to holding and spawning areas in the lower McCloud River?
- 2) What summer water discharges from the Project's McCloud Dam are required to maintain river temperatures suitable for spawning and embryo incubation within the winter-run Chinook spawning grounds? Similar questions arise regarding the summer

temperatures suitable for the holding of adult spring-run Chinook salmon, the temperatures suitable for fish to migrate to tributaries, and the temperatures suitable for juvenile rearing.

- 3) What effect does the McCloud Dam's blockage of gravel supply from the upper to the lower McCloud River have on the suitability and availability of spawning substrates for anadromous fishes?
- 4) What effect does the McCloud Dam's blockage of large woody material supply from the upper to the lower McCloud River have on the habitats used by the several freshwater life stages of anadromous fishes?

Clearly, Project-controlled factors listed above will influence the earliest pilot studies to be conducted on the McCloud – and these are on track to be implemented in the foreseeable future. NMFS refers the Board to our letter dated March 5, 2012, for additional detail.

Lastly, NMFS recommends the Board consider conditioning the water quality certificate so that sufficient information is timely available for use in the Bureau's execution of their Shasta Dam fish passage implementation. This may require an automatic "trigger" for additional licensee study, in advance of Bureau-led actions. If NMFS can be of assistance to you regarding any of the topics discussed herein, please do not hesitate to contact us. We also look forward to your continued participation in the activities of the Interagency Fish Passage Steering Committee.

If you have questions regarding this document, please contact Mr. Larry Thompson (916-930-3613) of my staff.

Sincerely,



Richard L. Wantuck
Regional Supervisor
Fisheries Bioengineering and Hydropower Programs
Habitat Conservation Division

cc: Steve Edmondson, NMFS, Santa Rosa, CA
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