



June 18, 2013

Mr. Peter Barnes
State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

Subject: Comments on Notice of Preparation of an Environmental Impact Report for the Pit 1 Hydroelectric Project 401 Water Quality Certification Amendment

Dear Mr. Barnes:

The California Department of Fish and Wildlife (Department) received the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Pit 1 Hydroelectric Project (Project) on May 17, 2013.

The Department respectfully submits the following comments:

The Department believes the below issues need to be addressed in the EIR in order for the State Water Resources Control Board to amend the existing 401 Water Quality Certification. The amendment proposes to permanently eliminate or modify the requirement for flushing flows that may be detrimental to the State and Federally-listed endangered Shasta crayfish (*Pacifastacus fortis*):

1. A new survey for Shasta crayfish and non-native crayfish in the Project Area is needed in order for the EIR to evaluate the potential effects. It is our understanding that the last survey was conducted in 2009, in the Pit 1 bypass reach, and few Shasta crayfish were found.

According to California Environmental Quality Act Guidelines section 15125(a), ENVIRONMENTAL SETTING: “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published...” It further states: “This environmental setting will normally constitute the **baseline** (emphasis added) physical conditions by which a lead agency determines whether an impact is significant.”

The Department believes the 2009 survey results are outdated and new surveys are needed in order for the EIR to accurately define the current baseline conditions.

2. The Department also believes the entire Project's flow regime (January 1 thru December 31) should be evaluated and compared to baseline conditions in order to avoid or minimize potential effects to Shasta crayfish and other fish and wildlife resources within the Project area. The NOP identifies only the flushing flows (May or June, July, and August) being evaluated in the EIR.
3. The NOP identifies that Pacific Gas and Electric (PG&E) would minimize or avoid unplanned outages and out-of-season pulse flows in the Pit 1 bypass reach by implementing new operational procedures that will lower the Pit 1 forebay by 0.5 feet. The Department agrees this will provide some flexibility to PG&E, but it does not eliminate unforeseen operational outages or natural events that will result in pulse flows in the Pit 1 bypass reach. The EIR needs to evaluate unplanned outages and out-of-season pulse flows for the entire flow regime and compare these to baseline conditions in order to avoid or minimize potential effects to Shasta crayfish within the Project area.
4. Other interested parties have expressed a need for a single table to summarize all the historic Pit 1 Project surveys and results, which have been conducted for Shasta crayfish and non-native crayfish. The Department supports the need for this table and it should be included in the EIR.

If you have any questions regarding these comments, please contact Mr. Matt Myers, Staff Environmental Scientist, at (530) 225-3846 or email matt.myers@wildlife.ca.gov. Thank you for the opportunity to comment on the subject document. The Department looks forward to working with the State Water Board and all other interested parties.

Sincerely,



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Region 1 - Northern

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