

From: Sharon Stohrer
To: Michael_Hoover@fws.gov
Date: 10/17/05 8:01AM
Subject: Re: Request for Extension of Comments

Mike,

Please submit CEQA Scoping comments on Project 2105 by close of business on Monday, 10/24/05. The submittal by FWS may be made before 5:00 pm at my email address or by hardcopy received at the Cal EPA address of the SWRCB. Thank you for the notification of your interests.

Sharon Stohrer

Sharon Stohrer
State Water Resources Control Board
1001 I Street, 14th Floor
Sacramento, CA 95814
(916) 341-5397

SSTOHRER@waterboards.ca.gov

>>> <Michael_Hoover@fws.gov> 10/14/05 12:45 PM >>>

The U.S. Fish and Wildlife Service requests a five working-day extension of time to file our comments for the Notice of Preparation and Environmental Checklist for CEQA compliance. If acceptable to your agency, our new deadline would then become close of business on October 24.

Mike Hoover

From: <Michael_Hoover@fws.gov>
To: Sharon Stohrer <sstohrer@waterrights.swrcb.ca.gov>
Date: 10/14/05 12:42PM
Subject: Request for Extension of Comments

The U.S. Fish and Wildlife Service requests a five working-day extension of time to file our comments for the Notice of Preparation and Environmental Checklist for CEQA compliance. If acceptable to your agency, our new deadline would then become close of business on October 24.

Mike Hoover

Sharon Stohrer

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United States Department of the Interior



FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In reply refer to:

NOV 4 2005

Sharon Stohrer
State Water Resources Control Board
1001 I Street, 14th floor
Sacramento, California 95812-2000

STATE WATER RESOURCES CONTROL BOARD
NOV 9 9 22 AM '05
DIV. OF WATER RIGHTS
SACRAMENTO

Dear Ms. Stohrer:

The U.S. Fish and Wildlife Service (Service) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report and Notice of CEQA Scoping Workshop, Upper North Fork Feather River Hydroelectric Project, Water Quality Certification. We offer the following comments for consideration by the Board.

The Service has participated in the 2105 Collaborative Licensing Group (Licensing Group), but was not signatory to the April 2004 partial Settlement Agreement referenced in the NOP. Our recommendations for protection, mitigation, and enhancement, are as described in filings with the Federal Energy Regulatory Commission on December 1, 2003, October 29, 2004, and February 14, 2005. Therein, we recommended enhanced and additional environmental measures to further mitigate effects of the project including, evaluation and implementation (except for Alternative "D") of the other structural and operational alternatives mentioned in the NOP as having been discussed to date. Accordingly, we believe that all of these alternatives, including a curtain at the Prattville intake, should be retained for evaluation in the EIR. Premature removal of identified alternatives without adequate justification may misalign with existing statutes.

There is a need to develop parameters to accurately and objectively quantify the feasibility criterion regarding temperature moderating benefits. Documentation to date has generally discussed the extent to which a particular measure meets the 20° Celsius or lower benchmark to achieve consistency with the Basin Plan requirement to protect coldwater habitat. We believe that any analysis of benefits should carefully examine the period of exceedence of this criterion within a season, the frequency of exceedence of this criterion over the long term between seasons, and changes in benefit (or impact) that would occur in the range above and below the criterion. Consideration of a single temperature objective would not, in our opinion, adequately described the temperature moderating benefits of an alternative measure, as changes in benefit to coldwater fishes occur across a wide range of temperatures, and are affected by other factors such as diel fluctuations.



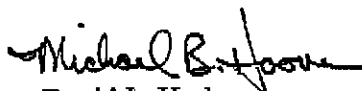
Sharon Stohrer

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The "off-site compensatory mitigation" alternative (Alternative "D" as presented by the Licensing Group) is the only alternative which does not directly address temperature moderation within the project reaches, although such a measure may have some, yet to be verified, thermal benefit downstream of the East Branch confluence, and thermal benefits elsewhere in the region. It is unclear how feasibility criteria would be applied in a way that on-site and off-site measures can be fairly compared. Some benefits of such a measure would not be in the form of temperature moderation, but rather, incidental improvement of other habitat components. Although the NOP mentions the need to assess incidental environmental impacts, it does not indicate whether such incidental non-thermal benefits to habitat components of such a measure would be considered in its the EIR, or whether the Board can or should use them in determining consistency with its Basin Plan. The Service believes that the thermal impacts of projects on the North Fork Feather River should be preferentially and maximally mitigated by actions which create thermal benefits within these same reaches.

However, if mitigation for thermal impacts of the project cannot be achieved within the project reaches using structural measures, we recommend at least one other alternative be developed in addition to Alternative "D" to provide a reasonable range of options. We suggest the Board examine the types of measures in our December 1, 2003, and subsequent filings. Therein, we specified increments of other measures (e.g., instream and pulse flow, vegetation management, etc.), which were not adopted or not fully adopted in the partial Settlement Agreement. These would not mitigate thermal impacts in-kind, but would provide some level of enhancement to coldwater fisheries within project reaches. Therefore, we believe such a option is worth consideration.

Sincerely,


David L. Harlow
Acting Field Supervisor