

Board of Directors
Bruce E. Dandy, President
Robert Eranio, Vice President
Daniel C. Naumann, Secretary/Treasurer
Sheldon G. Berger
Lynn Maulhardt
Roger E. Orr
F.W. Richardson



UNITED WATER CONSERVATION DISTRICT
"Conserving Water Since 1927"

Legal Counsel
Anthony H. Trembley

General Manager
E. Michael Solomon

Opw
4/7/09 ERW
FERC 2426
JW

2009 APR - 6 PM 12:57

SEARCHED
SERIALIZED
INDEXED
FILED

March 31, 2009

Camilla Williams
California State Water Resources Control Board
1001 J Street
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Response to Reconsideration and Request for Stay of Water Quality Certification
for the Re-Operation of Pyramid Dam for the California Aqueduct Hydroelectric
Project, FERC Project No. 2426.

Thank you for the opportunity to respond to the request to reconsider the water quality certification for the re-operation of the Pyramid Dam Hydroelectric Project as petitioned by CalTrout and Friends of the River (Petitioners). This comment letter includes a general review of the proposed flow regime described in the technical report prepared by Land Protection Partners (consultant) that was included in the request by the Petitioners.

INTRODUCTION

I am a fisheries biologist and the Fisheries Program Manager for United Water Conservation District. I have extensive experience within the entire Santa Clara River watershed including Piru Creek and have worked with both arroyo toads and California red-legged frogs. United Water Conservation District has hired local consultants to conduct annual focused arroyo toad surveys since 2004. The results of these surveys suggest that the current habitat conditions within Piru Creek between Piru and Pyramid Lakes is conducive to successful arroyo toad reproduction. The current habitat conditions that exist within middle Piru Creek are a product of the flood events of 2005 and the changes to the flow regime within this reach of Piru Creek as requested by the United States Fish and Wildlife Service.

RESPONSE

The Petitioners' consultant report describes the basic biology and ecology of the focus species, namely arroyo toad and California red-legged frog, and describes the potential elimination of breeding habitat resulting from the recent changes to the flow regime that is focused on mimicking the natural hydrograph in the project reach of Piru Creek. The consultant states in their report titled *Alternate Flow Regime to Protect Native Species in*

Middle Piru Creek (Los Angeles and Ventura Counties, California) January 5, 2009, “assessing whether actions will benefit or adversely affect native species remains difficult” (page 1, paragraph 2), yet on the same page, paragraph 4 the consultant states “In this report we review why the proposed flow regime will (emphasis added) have significant adverse impacts on sensitive species and beneficial uses in middle Piru Creek and why it will not (emphasis added) provide some of the benefits that have been asserted by project proponents.” This is contradictory and confusing. The consultant states that it will be difficult to assess benefits or impacts but on the same page describes specific, definite “significant adverse impacts” that will occur from the proposed flow regime.

It does not appear from this report if the authors have any personal and empirical experience within Piru Creek between Piru and Pyramid Lakes or have collected or analyzed any site specific geomorphic, hydraulic or habitat suitability data to support their proposed flow regime. The determination of managed flows below dams has been well documented and has been a large part of many FERC relicensing projects throughout the United States. One widely used method is described in the Instream Flow Incremental Methodology, IFIM (Bovee et al. 1998). This methodology was developed to guide applicants to design a cooperative based protocol that is based on the best site specific methods in determining managed instream flows. A commonly used method within the IFIM approach is the Physical Habitat Simulation (PHABSIM) model. This method relies on site specific hydraulic data collected within habitats utilized by the focused species including various life histories and habitat suitability criteria that are either collected within the project drainage or transferred from a similar drainage, if no site specific criteria exists or can be collected. This model can also include other variables that are important to the continued existence of the target species. Proposing a managed flow regime without collecting the site specific data stated above ignores the importance of understanding how various flows affect the aquatic life stages of the target species. The proposed change in flow regime required by the USFWS is not designed to enhance or modify the natural hydrograph but is designed to mimic the natural hydrograph in as much as that is possible.

CONCLUSIONS

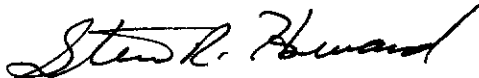
The requested natural flow regime by the USFWS appears to have the support of the herpetologists that are most familiar with Piru Creek. Dr. Sam Sweet from the University of California Santa Barbara and Nancy Sandburg of the United States Forest Service are two of these biologists and their site specific experience with arroyo toads in Piru Creek is unmatched. This local knowledge should be recognized, respected and given the elevated status among experts. The results described in the consultant’s report contradict the opinions of the local biologists and the resource agency that is responsible for the protection of the focused species, namely arroyo toads and California red-legged frog. If the consultant has site specific information to support their proposed flow regime that contradicts local knowledge and opinions, then it should be included in their assessment. Such specific information is not included the report.

Piru Creek was for the most part an intermittent drainage before Pyramid and Santa Felicia Dams were constructed. The native species of concern, including coastal rainbow trout, adapted and thrived within this dynamic arid environment. Large, flashy flows

followed by extended dry conditions are common in southern California drainages including the Santa Clara River. A good example of an intermittent drainage within the Santa Clara River that still has a natural, unimpeded hydrograph is Sespe Creek. Sespe Creek supports a healthy coastal rainbow trout population and arroyo toads within the intermittent upper reaches of the drainage. During extreme dry conditions, coastal rainbow trout either disperse to perennial tributaries or become stranded until flows return. This species has persisted even in these harsh conditions. The same is true for arroyo toads. There are two perennial tributaries within Piru Creek between the two lakes and they both contain adequate habitat and coastal rainbow trout.

It is true that high winter flows are important to the health of southern California drainages and the native species that persist there. This is especially true when non-native flora and fauna out compete the native species for space, forage and habitat. Non-native flora can also affect the geomorphology of a drainage when they become part of the riparian structure. These affects, combined with managed flows that are not carefully assessed can be detrimental to the physical landscape and biological composition of affected water bodies. The 25 cfs bypass flows that were required from Pyramid Lake over many years had an adverse affect on the physical and biological composition of Piru Creek. I first visited this reach of Piru Creek approximately twenty five years ago when I was in my teens to fish for rainbow trout. I remember how thick the riparian vegetation was and how the wetted perimeter (active channel width) of Piru Creek was narrow with high water velocities. I frequented Sespe and Santa Paula Creeks at that time and did not understand why Piru Creek was so different. I now know why Piru Creek was in such a non-natural condition. I support the proposed flow regime requested by the USFWS since it mimics the natural hydrograph, as much as possible.

Sincerely,



Steve Howard
Fisheries Program Manager
United Water Conservation District
106 N 8th Street
Santa Paula, CA 93060
805-671-9536

LITERATURE CITED

Bovee, K. D., B. L. Lamb, J. M. Bartholow, C. B. Stalnaker, J. Taylor and J. Henriksen. 1998. Stream habitat analysis using the instream flow incremental methodology. U.S. Geological Survey, Biological Resources Division information and Technical Report USGS/BRD-1998-0004. vii + 131pp.