



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southwest Region

777 Sonoma Ave., Room 325

Santa Rosa, CA 95404-4731

January 8, 2013

In response, refer to:
FERC P-2155

Michael Maher
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, California 95812-2000

Re: Response to State Water Resources Control Board's "Notice of Pacific Gas & Electric Company's Petition for Reconsideration of Water Quality Certification for Chili Bar Hydroelectric Project," Federal Energy Regulatory Commission Project No. 2155, South Fork American River, California

Dear Mr. Maher:

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) supports the State Water Resources Control Board's (SWRCB) Water Quality Certification for Pacific Gas and Electric Company's (Applicant) Chili Bar Hydroelectric Project, Federal Energy Regulatory Commission Project No. 2155. In particular, we support the inclusion of the SWRCB's conditions regarding the potential reintroduction of anadromous fish (#12) and climate change (#21).

NMFS listed the distinct population segment of California Central Valley (CCV) steelhead as threatened under the Endangered Species Act (71 FR 834, January 5, 2006). In addition, our "*Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project*" (CVP/SWP BO) has a reasonable and prudent alternative (RPA) that includes the development of a Fish Passage Program (NMFS 2009a). The CVP/SWP BO's Fish Passage Program, in part, would aid in the recovery of CCV steelhead by reintroducing CCV steelhead past Nimbus and Folsom dams and into the upper American River (NMFS 2009b). The Fish Passage Program would determine how, when, and where such reintroductions of CCV steelhead would occur.

NMFS would like to correct the Applicant's comments (PG&E 2012) regarding the "remanded OCAP BO." While parts of the CVP/SWP BO were remanded to be redone by court order, the court did not vacate the CVP/SWP BO's RPA for the Fish Passage Program. Therefore, the RPA for the Fish Passage Program is currently being implemented in its entirety.



In addition, NMFS supports reasonable preparations for future environmental and hydrologic conditions caused by climate change that will affect anadromous fish (USFS 2012; NOAA 2012 at: <http://www.climate.gov/#climateWatch>).

NMFS appreciates the SWRCB's consideration regarding the Water Quality Certification Conditions #12 and #21. These conditions direct the Applicant to become informed and be ready to adapt the project's operations, if necessary, to protect beneficial uses associated with anadromous fish, such as CCV steelhead, and to verify that Project operations meet water quality objectives and protect the beneficial uses assigned to Project-affected stream reaches.

If you have questions regarding this document, please contact Mr. William Foster (916-930-3617) of my staff.

Sincerely,



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

Enclosure (References)

cc: Steve Edmondson, NMFS, Santa Rosa, CA
Maria Rea, NMFS, Sacramento, CA
Annie Manji, CDFG, Sacramento, CA
Ms. Pamela Creedon, Executive Officer
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Mr. Matthew A. Fogelson, In-House Counsel
Pacific Gas & Electric Company
P.O. Box 7442, B30A
San Francisco, CA 94120-7442

Pacific Gas and Electric Company)
Chili Bar Hydroelectric Project)
South Fork American River)

Project No. P-2155

**NOAA's NATIONAL MARINE FISHERIES SERVICE
RESPONSE TO SWRCB NOTICE OF PG&E PETITION**

REFERENCES

- National Marine Fisheries Service (NMFS). 2009a. *Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and State Water Project*. NMFS, Southwest Region, Long Beach, California. June 4, 2009. <http://swr.nmfs.noaa.gov/ocap.htm>.
- NMFS. 2009b. *Public Draft Recovery Plan for the Evolutionarily Significant Units of Sacramento River Winter-run Chinook Salmon and Central Valley Spring-run Chinook Salmon and the Distinct Population Segment of Central Valley Steelhead*. NMFS, Southwest Region, Sacramento Protected Resources Division. October 2009.
- National Oceanic and Atmospheric Administration (NOAA). 2012. Climate Change Website: <http://www.climate.gov/#climateWatch>. Accessed December 31, 2012.
- Pacific Gas and Electric Company (PG&E). 2012. Letter from (PG&E) to (SWRCB), Re: *Chili Bar Hydroelectric Project, FERC Project No. 2155. Request for Preparation of State Board Staff Record in Connection with Pacific Gas and Electric Company's Petition/or Reconsideration of the Water Quality Certification for the Chili Bar Hydroelectric Project*. PG&E, San Francisco, CA. December 7, 2012.
- U.S. Forest Service (USFS). 2012. Daniels, A.E.; Morrison, J.F.; Joyce, L.A.; Crookston, N.L.; Chen, S.C.; McNulty, S.G. *Climate Projections FAQ. General Technical Report, #RMRS-GTR-277WWW*. U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. Fort Collins, CO. April 2012.