



State of California -The Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
1234 East Shaw Avenue  
Fresno, California 93710  
<http://www.dfg.ca.gov>

EDMUND G. BROWN, Jr. Governor  
JOHN McCAMMAN, Director



March 23, 2011

Ms. Jennifer Watts  
State Water Resources Control Board  
1001 I Street  
Post Office Box 2000  
Sacramento, California 95812-2000

**Comments on Petition for Reconsideration of Investigation Order for  
the Merced Irrigation District Merced River Hydroelectric Project,  
Federal Energy Regulatory Commission (Commission) Project No.  
2179**

Dear Ms. Watts;

This letter responds to the notification dated March 4, 2011 from the State Water Resources Control Board (State Water Board) of a request by the Merced Irrigation District (Petitioner) to reconsider Investigation Order WR 2011-003-EXEC. The subject Investigation Order addresses information needed to support the on-going relicensing of the Petitioner's hydroelectric project on the Merced River (Commission Project No. 2179). As a resource agency actively engaged in the relicensing process, the California Department of Fish and Game (Department) concurs with the Investigation Order's premise that additional information is needed to fully understand the current impacts of the hydroelectric project on beneficial uses and to develop appropriate mitigation measures. For example, information currently available demonstrates that the hydroelectric project has a negative impact on the flow of the Merced River. Further, the best available science demonstrates that increased fish abundance is linked to increased flow levels. Based on this current information, the Department believes that mitigation measures that increase flow in the Merced River are immediately necessary to protect fishery beneficial uses. However, the Department believes that the additional information that will be provided in accordance with this Investigation Order will aid the Department and the State Water Board in balancing flow mitigation measures to ensure a viable benefit to the fish and feasibility to the Petitioner.

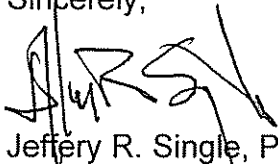
The Department believes that fully understanding project impacts to anadromous salmonid fish species and their habitats in the Merced River, including but not limited to steelhead, and spring run, fall, and late fall run salmon is required to balance the development of effective mitigation measures with current use. To

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that end, in 2002 the Department entered into a Memorandum of Understanding (MOU) with the Petitioner to conduct a set of studies regarding instream flow and water temperature requirements of salmonids in the Merced River. Unfortunately, at this time not all elements of the MOU studies have been completed so the current understanding of project impacts on anadromous salmonid survival, distribution, abundance, health, egg incubation and migration timing remains somewhat vague. Additional information would help to maximize benefits associated with magnitude, duration, and timing of additional water needed for salmonid restoration in the Merced River. In addition, some studies completed on the Merced River in the past now require expansion of scope and/or revision to accommodate current river conditions and scientific understanding. The Investigation Order establishes a timely and reasonable process to resolve these data gaps and assist the Department in fulfilling its role as a trustee agency and an agency with special expertise with regard to the State of California's fish and wildlife resources.

In conclusion, the Department supports the State Board's Investigation Order WR 2111-003-EXEC. By complying with the Order, the Petitioner will enhance the administrative record in a timely manner. Such information will form a stronger scientific foundation for effective license conditions in the on-going relicensing proceeding. If you have questions regarding these comments, please contact Ms. Julie Means, Senior Environmental Scientist, or Mr. Dean Marston, Environmental Program Manager, of my staff at (559) 243-4014, extensions 240 and 241, respectively.

Sincerely,



Jeffery R. Single, Ph.D.  
Regional Manager

Cc:

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