



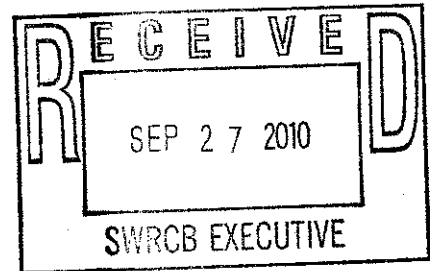
10/5/10 Bd. Mtg.  
Oroville Facilities  
Deadline: 9/24/10 by 12 noon

**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Southwest Region  
777 Sonoma Ave., Room 325  
Santa Rosa, California 95404-4731

September 22, 2010

In response, refer to:  
SWR/F/SWR3:RW

Jeanie Townsend, Clerk of the Board  
State Water Resources Control Board, Executive Office  
Cal/EPA Headquarters  
P.O. Box 100  
Sacramento, California 95812-0100



Re: **COMMENT LETTER: OROVILLE DRAFT WATER QUALITY CERTIFICATION**  
from the Department of Commerce, National Oceanic and Atmospheric Administration's  
National Marine Fisheries Service for the Oroville Facilities Hydroelectric Project,  
Federal Energy Regulatory Commission Project No. 2100, Feather River, California.

Dear Clerk Townsend:

The Department of Commerce, National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) reviewed the State Water Resources Control Board's (Board) "Draft Water Quality Certification," dated July 2, 2010, and the Board's "Response to Comments on the January 21, 2010, Draft Water Quality Certification," dated July 9, 2010, for the Oroville Facilities Hydroelectric Project, Federal Energy Regulatory Commission (Commission or FERC) Project No. 2100 (Project). NMFS has the following comments.

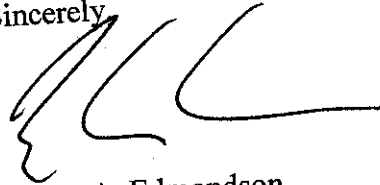
In the Draft Water Quality Certification, the Board discusses the Settlement Agreement for Licensing the Oroville Facilities, FERC Project No. 2100, March 2006, which was entered into by a number of Parties, including NMFS. The Board has incorporated relevant provisions of the Settlement Agreement in accordance with its authorities and regulations. NMFS finds the terms and conditions contained in the Draft Water Quality Certification to be protective of native anadromous fish including salmon and steelhead. Based on the Settlement Agreement that NMFS entered into, NMFS respectfully requests the Board incorporate, without material modifications, as conditions to the final Water Quality Certification, all the protection, mitigation, and enhancement measures stated in Appendix A of the Settlement Agreement that are within the Board's jurisdiction pursuant to Section 401 of the Clean Water Act and the Porter Cologne Water Quality Control Act and not include as conditions to the Water Quality Certification additional conditions that are inconsistent with this Settlement Agreement. However, NMFS fully appreciates that the Board must determine necessary conditions in accordance with its authorities and regulations.



Finally, NMFS appreciates the thorough and thoughtful analysis contained in the Draft Water Quality Certification. We are confident that the Board's ability to provide water quality certification under Section 401 of the Clean Water Act and the Porter Cologne Water Quality Control Act will help to ensure that NMFS' trust resources, anadromous fish and their habitats, as well as the trust resources of other State and Federal agencies in the Feather River, will benefit over the term of the Project's license.

If you have questions regarding this response, please contact Mr. Richard L. Wantuck of my staff (707-575-6063).

Sincerely,



Steven A. Edmondson  
Southwest Regional Habitat Manager  
Habitat Conservation Division

cc: Bob Hoffman, HCD, NMFS, Long Beach, CA  
Steve Edmondson, HCD, NMFS, Santa Rosa, CA  
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Rick Ramirez, DWR