

COVER SHEET

FEDERAL ENERGY REGULATORY COMMISSION

FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE
UPPER NORTH FORK FEATHER RIVER PROJECT

Project No. 2105-089

APPENDIX C

STAFF RESPONSES TO COMMENTS ON THE
UPPER NORTH FORK FEATHER RIVER
DRAFT ENVIRONMENTAL IMPACT STATEMENT

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FEIS

APPENDIX C

**STAFF RESPONSES TO COMMENTS ON THE
UPPER NORTH FORK FEATHER RIVER
HYDROELECTRIC PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT**

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ACRONYMS AND ABBREVIATIONS

AIR	additional information request
APE	area of potential effect
Basin Plan	Central Valley Regional Water Quality Control Board Basin Plan
CDFG	California Department of Fish and Game
CEQA	California Environmental Quality Act
cfs	cubic feet per second
Commission	Federal Energy Regulatory Commission
DO	dissolved oxygen
EIR	environmental impact report
EIS	environmental impact statement
EPA	U.S. Environmental Protection Agency
FCWCD	Plumas County Flood Control and Water Conservation District
FERC	Federal Energy Regulatory Commission
FPA	Federal Power Act
FS	U.S. Forest Service
FYLF	foothill yellow-legged frog
HPMP	historic properties management plan
I&E	information and education
IFIM	Instream Flow Incremental Methodology
Interior	U.S. Department of the Interior
LNFFR	Lower North Fork Feather River
LWD	large woody debris
MCDG	Maidu Cultural and Development Group
MIF	minimum instream flow
MOU	memorandum of understanding
NEPA	National Environmental Policy Act
NFFR	North Fork Feather River
NHPA	National Historic Preservation Act
PA	programmatic agreement
PG&E	Pacific Gas and Electric
PME	protection, mitigation, and enhancement
RRMP	recreation resource management plan
SA	Settlement Agreement
SHPO	State Historic Preservation Officer
SMP	shoreline management plan
SSC	California Species of Special Concern
SWRCB	State Water Resources Control Board
TCPs	traditional cultural properties
UNFFR	North Fork Feather River
WQC	water quality certification

The Federal Energy Regulatory Commission (Commission or FERC) issued its draft environmental impact statement (EIS) for the relicensing of the Upper North Fork Feather River (UNFFR) Project to the U.S. Environmental Protection Agency (EPA) on September 9, 2004, and EPA issued it on September 17, 2004. The Commission requested comments be filed by November 1, 2004. The following entities filed comments pertaining to the draft EIS:

<u>Commenting Entities</u>	<u>Date of Letter</u>
Dale Knutsen	September 27, 2004
Greenville Rancheria	October 14, 2004
Bob Baiocchi	October 15, 2004
National Marine Fisheries Service	October 21, 2004
Carol Ghens and Jeri Deane	October 26, 2004
Butt Lake Anglers Association	October 27, 2004
U.S. Department of the Interior (Interior)	October 27, 2004
State Water Resources Control Board (SWRCB)	October 27, 2004
Maidu Cultural and Development Group	October 29, 2004
Pacific Gas and Electric Company (PG&E)	October 29, 2004
Plumas County Board of Supervisors	October 29, 2004
West Almanor Community Services District and Fire Department	October 29, 2004
Ron Decoto	October 31, 2004
Almanor Fishing Association	November 1, 2004
American Whitewater, Chico Paddleheads, and Shasta Paddlers (AW)	November 1, 2004
California Department of Fish and Game (CDFG)	November 1, 2004
U.S. Forest Service (FS)	November 1, 2004
Plumas County Fish & Game Commission	November 15, 2004
Plumas Association of Realtors	November 28, 2004
U.S. Environmental Protection Agency	November 29, 2004
Plumas County Flood Control and Water Conservation District	December 27, 2004

In this appendix, we summarize the comments received, provide responses to those comments, and indicate where we have modified the text of the EIS. We have grouped the comments by topic.

In addition to the letters listed above, we received numerous letters from September 10, 2004, to November 30, 2004, from special interest groups and members of the public expressing their opposition to modifying the Prattville intake or Butt Valley reservoir with a floating curtain(s) and dredging sediments from the bottom of Lake Almanor. In its October 27, 2004, letter, the Butt Lake Anglers Association stated that using a floating curtain to draft cold water from Lake Almanor should not be considered a reasonable alternative. The Save Lake Almanor Committee filed petitions signed by more than 3,000 people expressing vehement opposition to installing floating curtains at Lake Almanor and Butt Valley reservoir as well as dredging 42,000 cubic yards of sediment from the bottom of Lake Almanor and placement of that sediment along the Lake Almanor shoreline.

At the meetings we held to receive comments on the draft EIS, several elected officials or their representatives provided comments on the thermal curtain and further evaluation of alternatives to provide cooler water to the lower NFFR. Representatives of Congressmen Doolittle and Herger, State Senator Aanestad, and Assemblymen Keene and LaMalfa noted that their constituency has expressed a widespread and deep opposition to installing or further study of a “thermal curtain,” and recommended that other alternatives to provide cool water be evaluated more extensively.

GENERAL AND PROCEDURAL

General and Procedural Comment 1 (submitted by Interior, October 27, 2004):

Interior states that page 8 of the draft EIS fails to mention its September 16, 2003, letter to the Commission stating that no decision had been reached on the Settlement Agreement (SA) and that negotiations were not complete.

Response: We could not locate a letter from Interior dated September 16, 2003. However, we revised section 1.6, *Settlement Agreement*, to include the October 16, 2003, letter from Interior.

General and Procedural Comment 2 (submitted by Interior, October 27, 2004):

Interior states that the draft EIS reference to PG&E's proposed protection, mitigation, and enhancement (PME) measures on page 12 appears to refer to the SA and not those measures submitted to the Commission in the final license application.

Response: In section 3.1 of the SA, the parties to the settlement requested that FERC accept and incorporate, without material modification, as license articles all of the PME measures included in appendix A of the SA. On page 9 of the draft EIS, we stated that we consider the final SA to represent the proposed measures of PG&E and other signatory parties to the agreement, superceding previous recommendations made by these respective entities. The list of PME measures proposed by PG&E in section 2.1.2 of the final EIS includes measures proposed in the SA as well as additional measures from the final license application that are not addressed in the SA.

General and Procedural Comment 3 (submitted by Plumas County, October 29, 2004): Plumas County states that it was unaware that PG&E had not applied to the SWRCB for its required water quality certification (WQC). Plumas County states its concerns with the time required to prepare a California Environmental Quality Act (CEQA) document and obtain the water quality certification.

Response: As discussed in section 5.6.1, *Water Quality Certification*, of the draft EIS, PG&E initially applied to the SWRCB for WQC on October 9, 2002, and then withdrew that application and refiled it on September 22, 2003. In the final EIS, we add that PG&E most recently withdrew its application and refiled it with the SWRCB on August 29, 2005. The SWRCB has 1 year to act on PG&E's application. In section 5.6.6, *California Environmental Quality Act*, of the draft EIS, we point out that CEQA guidelines state that when federal review of a project also is required, state agencies are encouraged to integrate the two processes to the fullest extent possible, which may include a joint environmental impact report (EIR)/environmental impact statement (EIS). We also point out that, even though the UNFFR Project EIS is not a joint EIR/EIS, the SWRCB has the opportunity to use this document, as appropriate, to satisfy its responsibilities under CEQA.

General and Procedural Comment 4 (submitted by Plumas County, October 29, 2004): Plumas County requests that the Commission acknowledge the Red River Deed while developing license conditions for the UNFFR Project.

Response: We revised our discussion of the shoreline management plan in section 3.3.6, *Land Use and Aesthetics*, of the final EIS to include information about the Red River Deed reservation. The Red River Deed reservation is a special deed reservation held by property owners whose property was formerly owned by the Red River Lumber Company. The intent of the deed reservation appears to be to ensure that local residents and users will always have the use of Lake Almanor waters for their enjoyment.

General and Procedural Comment 5 (submitted by CDFG, November 1, 2004, and SWRCB, October 27, 2004): The SWRCB recommends that the Commission consider the licensing history of other projects within the North Fork Feather River (NFFR) watershed and provide discussion in the final EIS supporting a sound and conservative approach to granting the new UNFFR Project license term. The SWRCB and CDFG believe that a 30-year license term would be consistent with intent expressed by the licensee and other parties to the Rock Creek-Cresta Project SA. CDFG and the SWRCB point out that the Rock Creek-Cresta Project license was set at 33 years in anticipation of future licenses for the UNFFR and Poe projects, both of which are in the same watershed as the Rock Creek-Cresta Project.

Response: After considering appropriate information, the Commission will make its determination regarding any new license term for this project in the license order. Under the authority of the FPA, the Commission can issue licenses with terms ranging from 30 to 50 years. In issuing new and subsequent licenses, it is the Commission's policy to coordinate the expiration dates of licenses in the same river basin to the maximum extent possible, to maximize future consideration of cumulative impacts at the same time in contemporaneous proceedings at relicensing (see 18 C.F.R. § 2.23 [2004]).

General and Procedural Comment 6 (submitted by the FS, November 1, 2004): The FS suggests adding Settlement Agreement (SA) and California Species of Special Concern (SSC) to the *List of Acronyms and Abbreviations* included in the front of the final EIS.

Response: We have added SA and SSC to the list of acronyms and abbreviations in the front of the final EIS.

General and Procedural Comment 7 (submitted by the FS, November 1, 2004): The FS points out that footnote 8 on page 9 of the draft EIS lists the signatories of the April 22, 2004, SA and references the Plumas National Forest specifically. The FS notes that although Jim Peña, Forest Supervisor of the Plumas National Forest, signed the agreement, it was with concurrence and on behalf of the Lassen National Forest and that the SA is applicable to both the Plumas and Lassen National Forests.

Response: We have added the Lassen National Forest to the list of signatories to the SA included in footnote 8 of the final EIS.

General and Procedural Comment 8 (submitted by the FS, November 1, 2004): The FS requests that we modify the proposed environmental measure listed in section 2.1.2, *Proposed Environmental Measures*, related to maintaining Lake Almanor water levels. The FS points out that the fourth bullet included in that measure should be modified to reflect more recent language in the SA that provides for consultation with interested parties. The FS also states that its final Section 4(e) condition will reflect the current SA wording.

Response: In sections 2.1.2, *Proposed Environmental Measures*, and 5.2.1, *Recommended Alternative*, of the final EIS, we modified the fourth bullet included in the measure related to maintaining Lake Almanor water levels to include the more detailed language regarding consultation included in both the SA and the FS' final Section 4(e) condition no. 30.

General and Procedural Comment 9 (submitted by the Baiocchi Family, October 15, 2004): The Baiocchi family believes that the Project 2105 SA is grossly deficient because there was no environmental review before the agreement was signed and also no review of the SA by the public in Plumas County before it was signed to determine whether any of the agreed-upon terms and conditions of the SA would adversely affect the human environment of the UNFFR watershed.

Response: On September 15, 2004, we provided public notice that the Project 2105 SA had been filed with the Commission and was available for public inspection. With that notice, we also solicited public comment on the SA by November 1, 2004. The final EIS provides our environmental review of the terms and conditions included in the SA.

General and Procedural Comment 10 (submitted by the Baiocchi Family, October 15, 2004): The Baiocchi family believes that the draft EIS gave the impression that the terms and conditions of the SA were valid and in accordance with the National Environmental Policy Act (NEPA), CEQA, and other applicable state and federal statutes. The Baiocchi family believes that the final EIS should identify each term and condition on a line-by-line basis to determine whether the specific agreed-upon term and condition does not have any effect on the human environment of the NFFR and whether that term and condition is in accordance with state and federal law.

Response: We note that each term and condition of the SA was disclosed and analyzed in the text of each resource section of the draft EIS.

General and Procedural Comment 11 (submitted by the Baiocchi Family, October 15, 2004): The Baiocchi family states that the draft EIS cannot serve as a supplement for a CEQA document as recommended by the SWRCB because CEQA requires mitigation

and also requires studies to be conducted before the document is submitted for public review.

Response: In section 5.6.6, *California Environmental Quality Act*, of the draft EIS, we point out that CEQA guidelines state that, when federal review of a project is also required, state agencies are encouraged to integrate the two processes to the fullest extent possible, which may include a joint EIR/EIS.

General and Procedural Comment 12 (submitted by the Baiocchi Family, October 15, 2004): The Baiocchi family states that the draft EIS did not disclose PG&E's compliance record in maintaining the FERC-ordered mandatory environmental minimum daily flow requirements downstream of Canyon dam and also downstream of the Belden forebay dam in the NFFR. The Baiocchi family also states that the draft EIS did not disclose PG&E's comprehensive compliance record in maintaining the FERC-ordered mandatory environmental daily flows downstream of all of PG&E dams on the NFFR. The Baiocchi family believes that the public needs to know PG&E's compliance record and how FERC staff monitors and mandates full compliance of minimum flow requirements for the term of the existing license. The Baiocchi family further believes that the draft EIS should disclose how FERC would monitor and enforce any mandatory environmental minimum daily flows required in any new license issued for the UNFFR Project.

Response: The Commission will evaluate PG&E's compliance history and ability to comply with the new license in any license order issued for the UNFFR Project. In section 5.2.1, *Recommended Alternative*, of the final EIS we recommend that PG&E operate and maintain existing gages on the NFFR to determine river stage and minimum streamflow below Canyon dam (NF-2) and Belden forebay dam (NF-70) under the supervision of the USGS. We also recommend that PG&E complete any modification to the two gage facilities that may be necessary to measure the new minimum streamflow releases within 3 years of license issuance.

General and Procedural Comment 13 (submitted by EPA, November 29, 2004): EPA recommends that the final EIS provide additional information about the No-action Alternative to describe the environmental effects of continuing to operate the project under the terms and conditions of the current license.

Response: Continuing to operate the project under the terms and conditions of the current license would essentially result in a continuation of the environmental conditions that we describe in the *Affected Environment* sections for each resource area. We clarify this point in section 5.1 of the final EIS.

General and Procedural Comment 14 (submitted by EPA, November 29, 2004): EPA recommends that the final EIS include a concise summary of the environmental analysis performed in section 3 of the draft EIS to clearly compare the effects of all

alternatives, including the No-action Alternative. EPA suggests that the comparison should clarify (1) the effects of the hydroelectric project operation on each resource, (2) the PME measures that are proposed under each alternative, and (3) the effects of the project after implementing the PME measures under each alternative. EPA further suggests summarizing and displaying this information in tabular format.

Response: We note that the information specified by EPA is presented in the text of each resource section of the draft EIS.

General and Procedural Comment 15 (submitted by EPA, November 29, 2004):

EPA recommends that the final EIS clearly describe the environmental review and public involvement processes that will be used after issuance of the FERC license to evaluate actions that are related to possible changes to the Prattville intake and that would have the potential to cause environmental impacts.

Response: The Commission accepted oral testimony on the draft EIS at two meetings: one held on October 19, 2004, in Chester, California, and one held on October 20, 2004, in Chico, California. At the Chester meeting, PG&E presented the results of recent modeling studies that investigated the effects of potential changes in project structures and operation on water temperatures within and downstream of project reaches of the NFFR, as well as the impacts of these potential changes on limnological and ecological conditions in Lake Almanor and Butt Valley reservoir. On December 17, 2004, the Commission requested that PG&E file the study reports it mentioned at the October meeting because the studies described potential measures for mitigating the project's effects on water temperature. PG&E provided the requested information to the Commission on January 13, 2005, and we analyze this information in section 3.3.1, *Water Resources*, of this final EIS. With this final EIS we are requesting public comment on our analysis of this information.

General and Procedural Comment 16 (submitted by EPA, November 29, 2004):

EPA recommends that the final EIS describe the status of the Clean Water Act 401 WQC that PG&E has requested from the SWRCB.

Response: Section 5.6.1, *Water Quality Certification*, of the final EIS states that PG&E most recently withdrew its application for WQC and refiled it with the SWRCB on August 29, 2005. The SWRCB has 1 year to act on PG&E's application.

General and Procedural Comment 17 (submitted by EPA, November 29, 2004):

EPA believes that several PME measures recommended in the draft EIS have the potential to affect air quality from construction or prescribed burning including road maintenance, removal of fish barriers, development of recreational facilities, bramble control, and woody debris management. EPA recommends that the final EIS include a discussion of existing air quality and conformity with state and federal air regulations. EPA recommends that the final EIS describe and estimate air emissions from potential

construction and other activities as well as proposed mitigation measures to minimize those emissions.

Response: We initially defined the issues that we intended to address in our SD1, issued on April 25, 2003, and these issues did not include air quality. No parties commented on the need to address air quality in response to the SD1, and our SD2 reflected our final view of the issues that we intended to address in the EIS. We indicate on page 3 of the draft EIS that operation of the UNFFR Project would displace about 100,000 metric tons of carbon emissions from fossil-fueled generation plants in a year. Construction equipment needed for the relatively minor proposed and recommended modifications to the existing project would be operated in accordance with applicable air quality standards.

General and Procedural Comment 18 (submitted by EPA, November 29, 2004): EPA recommends that the final EIS include an evaluation of environmental justice communities within the geographic scope of the project. If such communities exist, EPA recommends that the final EIS document the public involvement methods used to communicate with those communities.

Response: We modified section 3.3.8, *Socioeconomic Resources*, of the final EIS to include a discussion of the demographics of the UNFFR Project area. We have not identified any disproportionate, adverse effect of the proposed action on any minority or low-income population or Indian tribe.

CUMULATIVE EFFECTS

Cumulative Effects Comment 1 (submitted by NOAA Fisheries, October 21, 2004): NOAA Fisheries requests that we analyze the cumulative impacts of FERC-licensed dams and other impacts on anadromous fisheries in the NFFR watershed. NOAA Fisheries suggests that this analysis should include project-related impacts on flow fluctuations and water quality and the relative contribution of each project to negative impacts on anadromous fishes in the watershed.

Response: Our analysis of the cumulative effects of FERC-licensed dams and other effects on anadromous fishes is contained in section 3.3.2, *Aquatic Resources*, of this final EIS. Because anadromous fishes are currently only present downstream of Lake Oroville we conclude that the UNFFR Project or other projects upstream of Lake Oroville have no influence on anadromous fishes in the North Fork Feather River watershed. However, if in the future anadromous fishes should be reintroduced upstream of Lake Oroville, our discussion of the cumulative effects of the project on water resources (section 3.3.1.3 of the final EIS) and fisheries (section 3.3.2.3 of the final EIS) describes habitat conditions for anadromous fishes.

Cumulative Effects Comment 2 (submitted by the FS, November 1, 2004): The FS requests that we include amphibians (or herpetofauna) as a cumulatively affected

resource. The FS states that there have been numerous discussions on how low water temperatures and an unnatural hydrograph may prevent environmental cues for amphibian species to complete a normal life-cycle and therefore create conditions that are not suitable for amphibian species within the Belden and Seneca reaches. The nearest confirmed foothill yellow-legged frog (FYLF) population is some distance downstream but the FS asserts that the project has significantly altered streamflow allowing encroachment of riparian vegetation on previously open and dynamic gravel bars that may have provided FYLF breeding, basking, and rearing habitat.

Response: We did not include amphibians or herpetofauna as a cumulatively affected resource in SD2 or section 3.2 of our draft EIS because of the substantial distance downstream of the UNFFR Project that the nearest confirmed population of FYLF is located. This species is the only known sensitive species of herpetofauna that could be influenced by hydroelectric project operation in the North Fork Feather River watershed. High spring flow and water temperature cues are suspected as being important for triggering reproduction of FYLF during the spring. Rearing of Sierra populations of FYLF during late spring and summer appears to primarily occur in low velocity, edgewater habitat where the temperature generally ranges from 20 to 23 degrees C. Our discussion of the cumulative effects of the UNFFR Project on water resources in section 3.3.1.3 of the final EIS provides an indication of potential influences of project operations on downstream flow and water temperature, which could influence downstream FYLF habitat.

Cumulative Effects Comment 3 (submitted by The Baiocchi Family, November 3, 2004): The Baiocchi family states that the draft EIS failed to disclose and evaluate the cumulative effects on water quality (turbidity), water temperatures, wild trout and planted trout species and their habitat, macroinvertebrate species and their habitat, frog species and their habitat, public angling and wading, other public benefits such as public camping and family fishing, and public safety (children, families, camping, swimming) caused by short-term whitewater flows in the reaches of the NFFR below Belden forebay dam, Rock Creek dam (FERC Project No. 1962), Cresta dam (FERC Project No. 1962), and Poe dam (FERC Project No. 2107). The Baiocchi family would like for us to revise the EIS to include this information and also include mitigation for adverse effects.

Response: We disclosed the resources that we intended to evaluate in our cumulative effects analysis and our basis for doing so in our SD2 and section 3.2 of the draft EIS. We consider conditions that relate to increased turbidity and, in most instances, water temperature to be project-specific effects and therefore analyze such factors in section 3.3.1.2 of our final EIS. We discussed cumulative effects of the proposed project on aquatic resources (fish and invertebrates) in section 3.3.2.3 of the draft EIS. See the previous response regarding frog species. We consider the recreational resources mentioned by the Baiocchi family to be site-specific in nature and therefore analyze them in section 3.3.5.2 of the final EIS.

Cumulative Effects Comment 4 (submitted by EPA, November 29, 2004): EPA recommends that the final EIS provide a substantive discussion of, and quantify where possible, the cumulative effects of the project when considered with other past, present, or reasonably foreseeable projects, regardless of what agency or person undertakes those actions. EPA also recommends that the final EIS propose mitigation for all cumulative impacts and clearly state the lead agency's mitigation responsibilities and the mitigation responsibilities of other entities.

Response: We identified resources that could be cumulatively affected by the relicensing of this project (water quality and quantity, fisheries, and bald eagles) in section 3.2, *Scope of Cumulative Effects Analysis*, of the draft EIS. We discussed and quantified, to the extent that data is available, the cumulative effects on these resources in sections 3.3.1.3, *Cumulative Effects on Water Resources*, 3.3.2.3, *Cumulative Effects on Aquatic Resources*, and 3.3.4.3, *Cumulative Effects on Bald Eagles*, of the draft EIS. We identify environmental measures, and the responsible entities, that would address cumulative effects, as appropriate, in these respective sections of the EIS.

WATER RESOURCES

Water Resources Comment 1 (submitted by Interior, October 27, 2004): Interior points out that the mean annual flow in lower Butt Creek as described on page 37 of the draft EIS is inconsistent with the value shown in table 3-2 and on page 97.

Response: Interior's comment regarding the mean annual flow in lower Butt Creek results from misunderstanding our statement on page 37 and a typographical error on page 97. The mean annual flow at the NF9, Butt Creek near Caribou Station, is 29 cfs as indicated in table 3-2, which is "about 30 cfs" as stated on page 37. We revised this text in the final EIS to indicate that the mean annual flow at this station is 29 cfs. On page 97 of the draft EIS, we inadvertently left the word "typically" out of the description of flows, which is based on the monthly percent exceedance analysis. We modified the text in section 3.3.2, *Aquatic Resources*, of the final EIS to reflect this clarification.

Water Resources Comment 2 (submitted by PG&E, October 29, 2004, and EPA, November 29, 2004): EPA recommends that the final EIS disclose the 2002 and 2003 water monitoring results for cadmium, lead, mercury, and silver and compare those results to applicable criteria and discuss their significance. Along with its comments on the draft EIS, PG&E provided the results of its 2002–2003 water quality studies and analysis of the California Department of Water Resources trend data.

Response: As we indicated in the draft EIS, the 2002–2003 cadmium, lead, mercury, and silver data were not available when that document was prepared. We have revised section 3.3.1, *Water Resources*, of the final EIS to include our analysis of PG&E's 2002–2003 monitoring results for trace metal concentrations in water, along with our analysis

of other water quality data that were filed by PG&E on November 1, 2004, after release of the draft EIS.

Water Resources Comment 3 (submitted by PG&E, October 29, 2004, and EPA, November 29, 2004): EPA recommends that the final EIS (1) include the results of the 2002 and 2003 fish tissue studies that were not available for the draft EIS, (2) discuss the level of risk that bioaccumulation of reported concentrations of mercury or PCBs in fish could present to human health and the health of other predators, and (3) describe possible mitigation measures to address those effects. Along with its comments on the draft EIS, PG&E provided the results of its 2002 and 2003 fish contaminant testing in Butt Valley reservoir, Belden forebay, and downstream of the forebay in Belden reach.

Response: As described in the draft EIS, results of PG&E's 2002-2003 bioaccumulation studies were not available when the document was prepared. On November 1, 2004, PG&E filed the results of these studies with the Commission. We revised section 3.3.1, *Water Resources*, of the final EIS to include our analysis of PG&E's 2002-2003 monitoring results for bioaccumulation of mercury and PCBs in fish and the level of health risks to humans and other predators.

Water Resources Comment 4 (submitted by Plumas County Board of Supervisors, October 29, 2004, and the FS, November 1, 2004): Plumas County concurs with the recommended revision of the Shoreline Management Plan (SMP) but would like for PG&E to meet with local citizens and the 2105 Committee prior to finalizing the plan and filing it with the Commission. The FS points out that the version of the SMP included in the final license application does not contain edits provided to PG&E by the FS and other parties in July 2004. The FS states that PG&E needs to review and incorporate these additional edits prior to implementation of the SMP.

Response: We concur with Plumas County and the FS that it would be worthwhile for PG&E to consult with the 2105 Committee, the FS, and local citizens prior to revising the SMP and have revised our recommendation in the final EIS accordingly.

Water Resources Comment 5 (submitted by Plumas County Board of Supervisors, October 29, 2004): Plumas County does not believe that the members of the Rock Creek-Cresta Ecological Resource Committee have the authority to make the final decision on PG&E implementation of any modifications to the Prattville intake. Plumas County disagrees with the statement on page 47 of the draft EIS that indicates that the Rock Creek-Cresta SA requires PG&E to develop and implement a water temperature management plan, conduct modeling to evaluate the anticipated effectiveness of Prattville intake modification measures, and implement Prattville intake modifications determined by representatives of the parties signing the agreement to be reasonable and practicable measures to maintain daily mean temperatures of 20°C or less in the Rock Creek and Cresta bypassed reaches.

Response: We agree with Plumas County that the Rock Creek-Cresta SA signatories do not have the authority to make the final decision regarding PG&E's implementation of Prattville intake modifications. However, we point out that the Rock Creek-Cresta SA directed PG&E to evaluate the feasibility and effectiveness of modifying the Prattville intake and implementing other potential structural and operational measures to maintain daily mean temperatures of 20°C or less in the Rock Creek and Cresta bypassed reaches. PG&E has been doing this for the past few years and has filed several reports containing the effectiveness, feasibility, and secondary effects of a wide range of potential measures that it had evaluated to address this issue on January 13, 2005, in response to an additional information request (AIR) issued by the Commission on December 17, 2004. On July 29, 2005, PG&E filed a report for Project No. 1962 that summarizes numerous water temperature control measures that were evaluated to provide cooler water temperatures in the Rock Creek-Cresta Project. PG&E is continuing to evaluate alternative potential measures to address the warm summer temperatures in the LNFFR. At some point in the future, PG&E and/or the Rock Creek-Cresta Ecological Resource Committee may support implementation of one of these measures. However, neither of these entities has the authority to require that a specific measure be implemented.

Water Resources Comment 6 (submitted by Plumas County Board of Supervisors, October 29, 2004): Plumas County disagrees that, under the terms of the Rock Creek-Cresta SA, PG&E is required to evaluate and potentially modify the Prattville intake as well as implement other options for using the coldwater supply in Lake Almanor and Butt Valley reservoir to attain cooler temperatures in the NFFR downstream of the Caribou developments as stated on page 71 of the draft EIS. Plumas County believes that the Rock Creek-Cresta SA does not limit the coldwater temperature reductions to only using the coldwater supply in Lake Almanor and Butt Valley reservoir but directs PG&E to seek any and all potential options, including re-operation of its Caribou facilities, stream course enhancement, water tower coolers, etc.

Response: The Rock Creek-Cresta SA obligates PG&E to evaluate the effectiveness and feasibility of implementing measures to maintain mean daily water temperatures of 20°C or less in the Rock Creek and Cresta bypassed reaches. This SA specified that PG&E must evaluate modifying the Prattville intake, and it indicates that other measures may need to be evaluated.

Water Resources Comment 7 (submitted by Plumas County Board of Supervisors, October 29, 2004): Plumas County would like to see the list of potential project modifications on page 76 of the draft EIS expanded to include additional viable options to meet the stream temperature objective desired by the SWRCB, including those options suggested by 2105 LG during its October 14, 2004, meeting.

Response: The list that Plumas County refers to in the draft EIS is not intended to be an all-encompassing list of potential options to meet the stream temperature objective but rather a list of recommendations provided by the FS in its preliminary Section 4(e)

conditions filed on December 1, 2003. Therefore, we have not revised this list as recommended by Plumas County.

Water Resources Comment 8 (submitted by Plumas County Board of Supervisors, October 29, 2004): Plumas County patently refutes that a 1.8 to 2.5°C change in water temperature is a substantial reduction and requests that FERC modify the reference to obsolete data.

Response: While the context of this comment is not entirely clear, we used the best available information while preparing the draft EIS, and, as we stated on page 77 of the draft EIS, "... available information [was] not sufficient to determine the effects that modifying the Prattville intake in conjunction with PG&E proposed and agency recommended water level and flow regime restrictions for the project would have on the thermal regime of Lake Almanor, Butt Valley reservoir, and the NFFR." To remedy this situation, the Commission issued an AIR to PG&E on December 17, 2004, to obtain the results of studies that had been conducted to evaluate the effectiveness, feasibility, and secondary effects of potential options to maintain daily mean water temperatures of 20°C or less in the LNFFR. On January 13, 2005, PG&E filed several reports with the Commission addressing these issues. We evaluated these reports along with other pertinent information that is available to evaluate a wide range of potential measures to provide cooler water in the LNFFR and incorporate this analysis into the final EIS. This analysis shows that some of the options to cool water in the lower NFFR could reduce temperatures by more than 2.5°C in some reaches.

Water Resources Comment 9 (submitted by Plumas County Board of Supervisors, October 29, 2004): Plumas County believes that federal and state water pollution regulations do not allow any entity the right to erode the property of others and requests that the Commission require PG&E to mitigate for what it considers to be severe shoreline erosion that has occurred since the normal maximum water level was permanently raised to elevation 4,494 (PG&E datum) in 1976. Plumas believes that it is the Commission's responsibility to ensure that PG&E protect the environmental resources within the project boundary that are affected by shoreline erosion. Plumas County would like for the Commission to order PG&E to consult with Plumas County and the resource agencies to develop site-specific erosion control plans. Plumas County expressed its willingness to work with PG&E to identify those erosion areas for which specific erosion control plans should be prepared.

Response: In section 5.2.1, *Recommended Alternative*, of the final EIS, we recommend that PG&E finalize the SMP in consultation with the SWRCB, CDFG, the FS, Plumas County, the Maidu community, the 2105 Committee, and local citizens to evaluate potential adverse effects of shoreline erosion resulting from implementation of any altered lake level management requirements for water quality, aquatic resources, cultural resources, recreation, and aesthetics that may be included in a new license for this project.

Water Resources Comment 10 (submitted by Plumas County Board of Supervisors, October 29, 2004): Plumas County recommends the following alternatives to modify downstream temperatures to improve fish habitat: (1) modeling appropriate Seneca releases from the appropriate Canyon dam gate to offset heating at the Rock Creek, Cresta, and Poe projects in conjunction with reoperating Caribou Nos. 1 and 2, and taking Caribou Nos. 1 or 2 offline for the month of August; (2) adopting a CDFG management plan for the UNFFR by addressing poaching, regulations and staffing; and (3) considering revegetation of Indian Creek in conjunction with possible irrigation alternatives to improve the quality and quantity of water at Belden.

Response: In section 3.3.1.2, *Water Temperature and Dissolved Oxygen Management*, of the final EIS, we analyzed the effects of increasing minimum instream flow releases to the Seneca reach, reducing Butt Valley and Caribou powerhouse discharges, reoperating Caribou Nos. 1 and 2, and revegetating the riparian corridor along Indian Creek. CDFG is responsible for managing its budget and personnel to enforce its regulations, thus we did not analyze the effects of these actions in this final EIS. Water rights issues in the East Branch of the NFFR and its tributaries are also beyond the scope of the Commission's jurisdiction and there is an absence of available information on this subject, hence we do not address the effects of possible irrigation alternatives in this document. Please see section 5.2 of the final EIS for our recommendations that address the water temperature issue.

Water Resources Comment 11 (submitted by Plumas County Board of Supervisors, October 29, 2004): Plumas County believes that a water quality monitoring program with 5-year monitoring intervals is insufficient to monitor trends efficiently. Plumas County believes that with the rapid growth in home construction, the increase in recreational facilities, and the increase in recreational activity on Lake Almanor, there is ample justification for monitoring at 3-year, rather than 5-year, intervals. Plumas County believes that monitoring the water quality of Lake Almanor only once every 5 years would unnecessarily prolong determination of any adverse effects that may occur and could delay implementation of corrective actions. Plumas County also requests additional bacteriological monitoring sites in non-swimming areas.

Response: We acknowledge that during the term of any new license issued for this project, there is potential for an increase in the number of recreationists using the project area, which could result in an increase in coliform bacteria and human pathogen concentrations in project waters. In light of this potential, we recommend that PG&E provide/upgrade sanitary facilities at appropriate locations in the project area. Details of these types of recreation-related measures would be specified in our recommended recreation resource management plan (RRMP). Depending on the type of sanitary facilities that are installed, it may be appropriate to monitor coliform concentrations in adjacent project waters to ensure that the facilities are operating as intended. Such monitoring would be specified in the RRMP. Because we recommend measures that are

intended to ensure that the project satisfies applicable water quality standards, we recommend sampling only to verify that this occurs, not to determine trends. We conclude that monitoring the limnology of Lake Almanor at 5-year intervals is sufficient to accomplish our goal.

Water Resources Comment 12 (submitted by Ron Decoto, October 31, 2004): Mr. Decoto notes that various springs are listed on page 34 of the draft EIS. Mr. Decoto asks if Pratt Spring and Dotta Spring are presently active and why Bailey Springs and Mud Creek Spring were not included.

Response: The current understanding of inflow from springs to Lake Almanor is limited because of the many springs that are submersed under the lake during most periods. PG&E (2002a) reported that numerous springs were visible near the lake's edge in the Big Spring area during periods of low lake levels in 2000 and 2001. We revised section 3.3.1, *Water Resources*, of the final EIS to include information on the estimated amount of inflow from submerged springs and conclude that these springs have minimal effect on the overall water quality of Lake Almanor. However, we are not aware of any recent indication of the status of Pratt or Dotta springs. We did not discuss Bailey Springs or Mud Creek Spring in the draft EIS because we did not have any information about these springs.

Water Resources Comment 13 (submitted by Ron Decoto, October 31, 2004): Mr. Decoto believes that three water quality monitoring locations in Lake Almanor are insufficient and recommends a minimum of six locations and then provides a list of eight locations. These include one in the channel near the Canyon dam outlet tower, three in the east arm of the lake, one near the Prattville intake structure, and three in the west arm of the lake.

Response: While monitoring water quality at additional locations in Lake Almanor would provide greater coverage of conditions in the lake, we do not believe that it is needed to verify that the changes in project operations have the anticipated effects on water quality in the lake and are in compliance with applicable water quality standards, which are the objectives of our recommended monitoring effort. In our environmental effects discussion in section 3.3.1, *Water Quality*, of the final EIS, we conclude that monitoring water quality in Lake Almanor in the channel near the Canyon dam outlet tower structure, and one station each in the eastern and western lobes of the lake would be appropriate to detect project-related changes in water quality.

Water Resources Comment 14 (submitted by Ron Decoto, October 31, 2004): Mr. Decoto states his opposition to PG&E's proposal to switch Canyon dam releases without a study of the effects on salmonid habitat, dissolved oxygen (DO), and water temperature. Mr. Decoto also inquires if PG&E's proposal to increase the minimum instream flow (MIF) in the Seneca reach from 35 cfs year-round to 60–150 cfs, depending on month

and hydrologic water year type, would change water levels in Lake Almanor. Mr. Decoto adds that he would oppose this proposal if it does.

Response: In 2001, PG&E conducted a short-term study to evaluate the effects that switching from using the Canyon dam lower-level gates to the upper-level gates along with increasing flow releases would have on water temperature, DO, other water quality, and odors. On pages 79 to 82 of the draft EIS, we discussed the results of the short-term study and the general insight into the effects of implementing such a measure. We conclude that the concept of switching from the Canyon dam outlet tower's low-level gates (invert elevation of 4,422 feet, PG&E datum) to the upper-level gates (invert elevation of 4,467 feet, PG&E datum) is a reasonable approach to improving water quality in the NFFR downstream of Canyon dam and odors in the vicinity of the dam. However, we note that PG&E should consult with the appropriate resource agencies prior to changing the typical-use pattern of the Canyon dam outlet tower gates to ensure that stakeholder concerns are addressed appropriately, in particular water temperatures. We hold to our conclusion and recommend that PG&E consult with appropriate resource agencies to develop a monitoring plan to document concentrations of sulfide, iron, manganese, arsenic, and other water quality parameters that result from seasonal releases from Canyon dam and implement the plan in the first year of any new project license. We believe that this monitoring along with other recommended water temperature monitoring would effectively evaluate the effects of releasing water from the upper-level gates of Canyon dam. PG&E has not directly linked its proposed MIFs from Canyon dam with its proposed Lake Almanor water levels. PG&E's modeling and our analysis of the effects of the increased Canyon dam releases assume a corresponding reduction in Butt Valley powerhouse discharges when the change is less than or equal to the discharges, which is generally the case. As discussed on page 127 of the draft EIS, PG&E proposes to maintain higher Lake Almanor water levels during the late spring/summer period than it is required to under the existing license.

Water Resources Comment 15 (submitted by CDFG, November 1, 2004): CDFG points out that no coldwater standard has been proposed for the Seneca, Belden, or lower Butt Creek reaches and recommends that 20°C be the maximum allowable temperature for these reaches. CDFG states that temperatures near 20°C have been broadly used in various literature reviews as an upper limit in describing suitable trout habitat and believes that a standard of 20°C would be consistent with the criterion that has been set for the lower reaches of the NFFR at Rock Creek and Cresta.

Response: We agree with CDFG and continue to base our evaluation of water temperatures for the Seneca, Belden, and Butt Creek bypassed reaches on an upper limit of 20°C and changes from the existing condition.

Water Resources Comment 16 (submitted by the FS, November 1, 2004): The FS states that peaking of the Belden powerhouse was recognized as a significant contributor to the number and magnitude of spill flows occurring at Rock Creek dam and explains

that, during settlement negotiations, PG&E agreed to block load (i.e., maintain a constant generating load for a predetermined period) the Belden powerhouse to reduce the number of spill flows at Rock Creek dam. The FS points out that a Belden powerhouse block loading protocol was included in the UNFFR SA and is reflected in its final Section 4(e) condition no. 25. The FS also believes that peaking of the Belden powerhouse may not be occurring at this time.

Response: We acknowledge that PG&E also agreed to block load the Belden powerhouse in the Rock Creek-Cresta SA, although it is not required to do so under the current UNFFR Project license. We revised section 3.3.1, *Water Resources*, of the final EIS accordingly.

Water Resources Comment 17 (submitted by the FS, November 1, 2004): In reference to lines 9 to 10 of page 66 of the draft EIS, the FS points out that the SA includes a provision for pulse flows if monitoring of lower Butt Valley Creek indicates that a pulse flow or multiple pulse flows would benefit the fishery.

Response: We acknowledge that the SA includes a provision for providing pulse flows in lower Butt Creek if the habitat quality has degraded in lower Butt Creek and pulse flows would provide a significant benefit. We also revised section 3.3.1 of the final EIS to clarify that no measure proposed for this license explicitly reduces flows below the Butt Valley dam.

Water Resources Comment 18 (submitted by the FS, November 1, 2004): The FS points out that its final Section 4(e) conditions will not include a condition related to water quality. The FS also states that it supports the water quality component of the project SA.

Response: We revised section 3.3.1 of the final EIS to reflect the FS support of the water quality component of the SA.

Water Resources Comment 19 (submitted by the Baiocchi Family, November 3, 2004): The Baiocchi family states that there is an agreement between the CDWR and PG&E to deliver water from Lake Almanor to the Oroville reservoir. The Baiocchi family believes that the final EIS should include a delivery schedule that shows how the water would be delivered by PG&E without affecting any portion of the river environment of the NFFR and also not affecting the public trust fish and aquatic resources.

Response: The agreement that the Baiocchi family refers to is an agreement entered into on January 17, 1986, between CDWR, PG&E, and Western Canal Water District. We acknowledged this agreement in the footnote to table 3-4 on page 41 of the draft EIS. We revised this footnote to provide additional information about the agreement to clarify that the required annual release of 145,000 acre-feet from storage between March 1 and

October 31 is used for irrigation downstream of Lake Oroville. There is no indication that PG&E intends to alter its release schedule for this obligation.

Water Resources Comment 20 (submitted by SWRCB, October 27, 2004): The SWRCB describes how the Central Valley Regional Water Quality Control Board Basin Plan (Basin Plan) for the Sacramento River and San Joaquin River Basins designates beneficial uses of the NFFR (municipal and domestic water supply, power, contact recreation (including canoeing and rafting), non-contact recreation, cold freshwater habitat, coldwater spawning, and wildlife habitat) and Lake Almanor (power, contact recreation, cold freshwater habitat, warm freshwater habitat, warmwater spawning, and wildlife habitat). The SWRCB recommends that the final EIS include a clear assessment of how each of these designated beneficial uses can be protected with continued operation (or re-operation) of the UNFFR Project.

Response: In both the draft and final EIS, we analyze the effects that the proposed and recommended alternatives would have on the beneficial uses designated in the Basin Plan.

Water Resources Comment 21 (submitted by SWRCB, October 27, 2004): The SWRCB disagrees with our conclusion that water quality monitoring programs for Lake Almanor, including water column sampling for compliance with Basin Plan bacteria, biostimulatory substances, chemical constituents and toxicity objectives, should be limited to the first 3 years following issuance of the license. The SWRCB points out that any new license issued for the UNFFR Project would be for at least 30 years and asserts that baseline conditions developed during the first 3 years may not be at all representative of the pathogen or constituent levels measured under future use conditions. The SWRCB states that, in the draft EIS, we identify various project-related sources and conditions that have potential to alter water quality conditions over the extended life of a 30-year license. The SWRCB believes that monitoring must be conducted throughout the license term at intervals not to exceed 5 years to track continuing compliance with state and federal water quality criteria and demonstrate protection of the beneficial uses designated for this water body during the license term.

Response: We agree with the SWRCB that it would not be appropriate to monitor water quality for 3 years if the objective is to monitor long-term trends. However, we have a different objective than the SWRCB and the signatories of the UNFFR Project SA for the water quality monitoring that we recommend. We view water quality monitoring as a means to verify that the project meets the applicable water quality standards rather than a means to detect violations over the term of the license. We recommend site-specific measures to address adverse effects of project operations on water quality and anticipate that these measures would allow the project to meet applicable water quality standards. Although we conclude that our recommended monitoring plans would be sufficient to demonstrate that the project meets applicable water quality standards, we do not object to

PG&E conducting additional water quality monitoring as agreed to in the SA for this project.

Water Resources Comment 22 (submitted by SWRCB, October 27, 2004): The SWRCB points out that the draft EIS did not propose any measures to reduce seasonal water temperatures that typically climb above conditions suitable for cold freshwater biota in waters of the NFFR affected by the UNFFR Project. The SWRCB states that the final EIS should include an evaluation of the effects of the Prattville intake modification and a range of other feasible options to mitigate for environmental impacts under the direct and indirect control of the UNFFR Project features or operations. The SWRCB states that compliance with CEQA and the subsequent development of a conditioned 401 WQC for licensing of the UNFFR Project will require the appropriate assurances that the Basin Plan water temperature standard for the NFFR can be protected with continued operation.

Response: The Commission issued an AIR to PG&E on December 17, 2004, to obtain the results of studies that had been conducted to evaluate the effectiveness, feasibility, and secondary effects of potential options to maintain daily mean water temperatures of 20°C or less in the LNFFR. On January 13, 2005, PG&E filed several reports with the Commission addressing these issues. We used these reports along with other pertinent information that is available to analyze a wide range of potential measures to provide cooler water in the NFFR and incorporate this analysis along with our recommendation to address the high water temperature issue into the final EIS.

Water Resources Comment 23 (submitted by SWRCB, October 27, 2004): The SWRCB states that the final EIS should analyze a full range of alternatives for mitigation of temperature impairments and must demonstrate how the UNFFR Project may be operated in a manner that achieves adequate protection of cold freshwater habitat downstream through all affected stream reaches of the NFFR. The SWRCB states that the final EIS should provide information adequate to evaluate the controllable factors related to restoration and protection of cold freshwater habitat in the NFFR watershed. This information should include but not be limited to the analyses of (1) selective temperature withdrawal from Lake Almanor through a modified Prattville intake structure, (2) selective withdrawal through a modified Caribou No. 2 deepwater intake structure in combination with the Caribou No. 1 intake, (3) seasonal re-operation of the Canyon dam variable outlet tower, and (4) increased minimum flows in the Seneca reach as released through the low-level outlet at Canyon dam. In addition, the SWRCB believes that the final EIS should analyze a range of non-Lake Almanor alternatives that have the potential, individually or collectively, to reduce thermal conditions in the Belden reach, the Rock Creek and Cresta reaches, and the Poe reach of the NFFR.

Response: See response to previous comment.

Water Resources Comment 24 (submitted by SWRCB, October 27, 2004 and the Plumas County Flood Control and Water Conservation District (FCWCD), December 27, 2004): The SWRCB concurs with our recommendation for development and implementation of a monitoring plan to document DO concentrations in Lake Almanor, Butt Valley reservoir, and in the NFFR downstream of the Caribou powerhouse tailrace(s). The SWRCB and the Plumas County FCWCD recommend that the final EIS explore alternatives for increasing DO concentrations in the hypolimnion layer of large water bodies, and then analyze feasible measures with potential to increase DO in Lake Almanor and Butt Valley reservoir.

Response: The objectives of the DO monitoring that we recommended in the draft EIS were to (1) collect data to support the Rock Creek-Cresta Project's modeling effort for Prattville intake modifications, and (2) document DO levels after modification of the Prattville intake or implementation of other water temperature control measures, as appropriate. Based on our analysis of information concerning options to control water temperatures in the NFFR filed in response to our December 17, 2004, AIR, we do not consider modifying the Prattville intake to be a reasonable, practicable control measure to maintain daily mean temperatures at 20°C or lower in the Rock Creek and Cresta bypassed reaches. Therefore, we no longer recommend development and implementation of a plan to monitor DO concentrations to meet the objectives stated above.

Although DO concentrations are low in the hypolimnion of Lake Almanor and Butt Valley reservoir under existing conditions, they are typical of stratified deep reservoirs and natural lakes. Our review of table 3-8 indicates that the low DO levels in these reservoirs are typically not propagated downstream to the project bypassed reaches. Under existing conditions, Lake Almanor supports a coldwater and warmwater fishery, and Butt Valley reservoir supports a trophy rainbow and brown trout fishery. Therefore, we conclude that there is not sufficient evidence to warrant augmentation of DO in the hypolimnion of either Lake Almanor or Butt Valley reservoir. PG&E monitors DO concentrations at four vertical-profile monitoring stations in both Lake Almanor and Butt Valley reservoir as part of its ongoing implementation of the FERC-approved Water Temperature Monitoring Plan for the Rock Creek-Cresta Project. In addition, we recommend that DO concentrations be monitored as part of the Lake Almanor water quality monitoring program with the objective of documenting the lake's limnology including DO levels resulting from operating the project according to the requirements of any new license.

Water Resources Comment 25 (submitted by EPA, November 29, 2004): EPA states that the final EIS should include a discussion of the potential for PCBs and mercury exposure to human populations that may be at elevated risk due to subsistence consumption of fish. EPA states that the discussion should disclose, if known, information about current and historical consumptive practices of exposed populations, existing body burdens of those groups, plans to gather that information if one does not

currently exist, and a strategy to advise individual consumers of the elevated exposure risks.

Response: On page 74 of the draft EIS, we state that biomagnification of methylmercury and PCBs in fish and crayfish could lead to elevated concentrations of these contaminants in predators of these organisms including humans and birds of prey. We also note that PG&E had not yet filed the results of its 2002 and 2003 fish tissue studies and that we could not determine the level of risk that bioaccumulation of mercury and PCBs may present to human health and the health of other predators based on the available information. On November 1, 2004, PG&E filed the results of its 2002 and 2003 fish tissue bioaccumulation studies. We incorporated our analysis of these study results, along with our assessment of the risk to human populations and other predators into the final EIS. We note that human populations practicing subsistence consumption of fish would have higher risks than populations with lower fish consumption levels, although we have seen no evidence that subsistence consumption of fish occurs in the area. Gathering information on the existing body burdens of these contaminants in human populations is not a responsibility of PG&E. Therefore, we do not recommend a measure to do so in any new license for the project. We recommend that as part of our recommended water quality monitoring program, PG&E consult with the appropriate agencies to aid in developing a strategy to advise anglers of the elevated exposure if the results of the recommended fish tissue bioaccumulation screening study indicates a significant elevation in the risk to human health.

AQUATIC RESOURCES

Aquatic Resources Comment 1 (submitted by NOAA Fisheries, October 21, 2004): NOAA Fisheries requests including a discussion regarding Central Valley steelhead trout and Central Valley spring-run Chinook salmon in section 3.3.4.1, *Threatened and Endangered Species*, and section 5.6.4, *Endangered Species Act*.

Response: We address these two species in sections 3.3.2, *Aquatic Resources*, and 5.6.4, *Endangered Species Act*, in the final EIS. Because these two species do not occur in the project area, an analysis in section 3.3.4, *Threatened and Endangered Species*, is not warranted.

Aquatic Resources Comment 2 (submitted by the Department of Interior, October 27, 2004): Interior indicates that the draft EIS does not accurately characterize the difference in flow volume and habitat benefit between the SA and its recommended minimum flow schedule. Interior contends that the flows proposed in the SA fall significantly below optimal habitat flows than do Interior-recommended flows.

Response: We respectfully disagree with Interior. Our original analysis accurately depicts the likely differences in habitat availability for several life stages of rainbow trout, Sacramento sucker, and macroinvertebrates as a result of the proposed flow

schedules. The increase in adult rainbow trout habitat resulting from Interior's flow recommendation would result in a decrease in habitat for juvenile trout and a reduction in macroinvertebrate community diversity. The flow schedule that we have recommended would result in substantial increases in suitable habitat for all life stages of trout and increase macroinvertebrate diversity as compared to baseline conditions. We conclude that our recommended flows would provide greater benefits to the overall aquatic environment as compared to those recommended by Interior. We added text to section 5.4, *Fish and Wildlife Agency Recommendations*, in the final EIS to further support our conclusion.

Aquatic Resources Comment 3 (submitted by the Department of Interior, October 27, 2004): Interior indicates that the draft EIS evaluates the benefits of pulse flows solely on their effect on spawning gravel in the streambed.

Response: We expanded our analysis regarding the benefits of pulse flows to include information on substrates other than spawning gravels in section 3.3.2.2, *Environmental Effects*, in *Aquatic Resources* of the final EIS. Additionally, based on the information provided by Interior, we now recommend a pulse flow of 700 cfs in water years classified as dry and modified section 5.2.1, *Recommended Alternative*, of the final EIS accordingly.

Aquatic Resources Comment 4 (submitted by the Department of Interior, October 27, 2004): Interior notes that the draft EIS neglects to assess the potential long-term effects of recreational flow releases on the aquatic biota in Belden reach.

Response: We assessed the effects of recreational releases on aquatic biota on pages 119 through 121 of the draft EIS. Our recommendation on page 336 of the draft EIS calls for the establishment of a Technical Review Group (TRG), including Interior, within 6 months of license issuance. The objective of the TRG would be to develop and implement a plan to monitor both the short-term and long-term effects of recreational releases on ecological resources in the Belden reach. We conclude that our original recommendation as stated in the draft EIS is appropriate.

Aquatic Resources Comment 5 (submitted by PG&E, October 29, 2004): PG&E states that it is uncertain as to the intended purpose of the adaptive management plan recommended by Interior in its 10(j) recommendation no. 13 and included in the staff's alternative. PG&E believes that the adaptive management plan as described is too vague and also that limits to maximum change under the adaptive management plan also need to be established to allow assessment of the potential impact on project purposes relative to the costs.

Response: As we state on pages 125 and 343 of the draft EIS, we consider the adaptive management plan to be an overarching plan that would encompass specific aquatic and wildlife monitoring plans that we recommend elsewhere in the EIS. We expect the

specific goals and objectives of each monitoring plan that are included in the biological monitoring and adaptive management plan to be identified during our specified plan development consultations as well as specification of the monitoring results that would trigger implementation of actions. Potential actions could include such straightforward measures as an increase, modification, decrease, or elimination of the monitoring. Actions could also entail such measures as re-examination of the specifics of a license condition, such as elements of the flow regime that may be specified in a license order. When actions taken pertain to items specified in the license order, a license amendment may be necessary. We added text to section 5.2.1, *Recommended Alternative*, of the final EIS, where our recommended biological and adaptive management plan is described, to clarify our intentions.

Aquatic Resources Comment 6 (submitted by PG&E, October 29, 2004; Ron Decoto, October 31, 2004; and the Baiocchi Family, November 3, 2004): PG&E, Mr. Decoto, and the Baiocchi family expressed concern about the frequency of our recommended biological monitoring for aquatic resources. PG&E asserts that the frequency we recommend is excessive, and Mr. Decoto and the Baiocchi family feel we should recommend more frequent monitoring.

Response: Our biological monitoring schedule (discussed on pages 123 and 124 with our recommendation on page 342 of the draft EIS) was developed so that data could be collected on both the short-term (beginning during the fourth year from license issuance and continuing during the fifth year) and long-term (every 5 years after the initial 2-year sampling effort) effects of the recommended flow schedules. Over the course of a new license, our recommended monitoring schedule would allow for PG&E to evaluate the response of the aquatic biota, to determine whether populations are trending in the right direction and to make adjustments to project operations if necessary. Because the measure proposed in the SA does not call for monitoring until years 10–12, we are concerned that changes, negative or positive, to the fish, amphibian, and macroinvertebrate communities would not be detected and any adjustments would not be implemented in a timely manner. As we state in the draft EIS, we conclude that, upon implementation of a new flow regime under a new license, populations of aquatic biota would undergo a period of flux during years 1 to 3, and therefore monitoring during this period would not be particularly meaningful. We conclude that changing the monitoring frequency that we recommend in our draft EIS is not warranted.

Aquatic Resources Comment 7 (submitted by PG&E, October 29, 2004): PG&E does not support the proposed woody debris management plan included in the recommended alternative in the draft EIS for several reasons: large woody debris (LWD) was found to have limited influence on channel morphology in the project area streams, placing enough LWD to have any significant effect on aquatic resources in the Seneca reach would be difficult due to access constraints, and placing LWD in the Belden reach may be hazardous to recreationists.

Response: We continue to support the implementation of a woody debris management plan for the Seneca and Belden bypassed reaches. Although the function of LWD in the system may be limited in scope and influence as suggested by the studies conducted by PG&E, it is likely that a management plan, drafted in consultation with CDFG, SWRCB, FS, and FWS, in concert with the new minimum and pulse flow schedules would enhance long-term LWD-related geomorphic function (e.g., debris jams, floodplain inundation) and that these actions would enhance aquatic habitat by increasing habitat complexity. If, based on information gathered from LWD studies, the resource agencies decide to go forward with the physical placement of LWD, we recommend including flagging, marking, and an educational campaign to warn recreational boaters about the potential hazards of LWD in the bypassed reaches.

Aquatic Resources Comment 8 (submitted by the Plumas County Board of Supervisors, October 29, 2004): Plumas County states that the estimated 4°C decrease in temperature as a result of modifications to the Prattville intake in the Belden reach has been revised and should be corrected in the final EIS.

Response: The temperature analysis for the draft EIS was based on the SNTMP models provided by PG&E. In response to an AIR issued by the Commission on December 17, 2004, PG&E filed several reports addressing this issue with the Commission on January 13, 2005, which were used for our analysis in the final EIS. These studies indicate that a temperature change of 4°C in the Belden reach is not likely as a result of modifications to the Prattville intake. We revised section 3.3.2.2, *Environmental Effects*, in *Aquatic Resources* of the final EIS.

Aquatic Resources Comment 9 (submitted by the Plumas County Board of Supervisors, October 29, 2004): Plumas County requests that the Commission require PG&E to maintain Lake Almanor reservoir levels as described in the draft EIS and the SA if any modification to pulse or instream flows are made as a result of adaptive management actions.

Response: Although we do not expect pulse and instream flows to alter Lake Almanor levels in a manner that would adversely affect recreation, water quality, and resource availability, we adjusted section 5.2.1, *Recommended Alternative*, in the final EIS to clarify that the reservoir levels specified in the SA must be maintained.

Aquatic Resources Comment 10 (submitted by the Plumas County Board of Supervisors, October 29, 2004 and the FS, November 1, 2004): Plumas County and the FS express support for the removal of the Gansner Bar fish barrier. Plumas County recommends that the Commission conduct further analysis to determine the original purpose of the barrier and assess the benefits of barrier removal. The FS believes removal of the fish barrier would allow rainbow trout and hardhead residing in the river downstream of the junction of the East Branch and the North Fork to regain access to the upper Belden reach.

Response: We agree that the removal of the Gansner Bar fish barrier would likely result in an increased capacity for fish to move freely throughout this section of the reach. We have revised section 3.3.2.2, *Environmental Effects*, in *Aquatic Resources* of the final EIS to better express staff's conclusion that the removal of the Gansner Bar fish barrier could positively benefit fish by enhancing connectivity between river reaches. The draft EIS discusses in detail the original purpose of the dam (pages 96 and 97), and we therefore conclude that no additional analysis is necessary.

Aquatic Resources Comment 11 (submitted by Ron Decoto, October 31, 2004): Mr. Decoto questions PG&E's proposal to remove the Gansner Bar fish barrier and believes that allowing Sacramento suckers free access to this reach would be detrimental to the trout population.

Response: Sacramento suckers are native to the Feather River and are already present upstream of the Gansner Bar fish barrier. Efforts to remove this species after installation of the Gansner Bar fish barrier were largely ineffective when viewed on a relatively long-term time scale. Further, Sacramento suckers and rainbow trout are two species typical of coldwater riverine systems in California and have evolved to coexist in these systems. As indicated on page 131 of our draft EIS, we conclude that the removal of the Gansner Bar fish barrier would likely have little effect on the interaction between these two species in the Belden reach and that removal of the barrier would likely improve connectivity within this river reach.

Aquatic Resources Comment 12 (Plumas County, October 29, 2004 and Ron Decoto, October 31, 2004): Plumas County agrees that monitoring of salmonid and wakasagi populations in Lake Almanor and Butt Valley Reservoir would be important if Prattville intake modifications were to proceed. Mr. Decoto recommends evaluating all fish populations in Lake Almanor and Butt Valley reservoir, not just salmonid and wakasagi populations.

Response: Our recommendation in the draft EIS to monitor only salmonid and wakasagi populations is based on data gathered from reservoir studies and entrainment studies. These studies indicate that potential effects of Prattville intake modifications would be related to changes in the thermocline and in turn to species that are associated with this component of the Lake Almanor ecosystem, which are primarily salmonids and the wakasagi. We do not see the need to monitor and evaluate additional fish populations.

Aquatic Resources Comment 13 (submitted by Ron Decoto, October 31, 2004): Mr. Decoto questions the accuracy of the Lake Almanor fisheries surveys used to characterize the fish composition in project waters because they failed to capture tui chub, which Mr. Decoto describes as one of the most abundant species in Lake Almanor. Mr. Decoto recommends including tui chub on the list of species to be monitored in Lake Almanor and Butt Valley reservoir. Mr. Decoto also recommends adding smallmouth bass to that

list because Lake Almanor supports one of the top trophy smallmouth bass fisheries in California.

Response: Although tui chub were not captured in the fisheries surveys conducted by PG&E, they were identified as a component of the Lake Almanor fish community in section 3.3.2.1, *Affected Environment*, in *Aquatic Resources* of our draft EIS. As mentioned in our response to Aquatic Resources Comment 12, our recommendation in the draft EIS to monitor the effects of potential modifications to the Prattville intake involved only salmonid and wakasagi populations because data gathered from reservoir fisheries and entrainment studies indicates that these species have the potential to be adversely affected based on their habitat preferences and spatial distribution within the reservoir (i.e., mid- to lower water column). Consequently, we did not, and in the final EIS we do not, recommend that additional analysis be conducted on tui chub or smallmouth bass populations in Lake Almanor.

Aquatic Resources Comment 14 (submitted by Ron Decoto, October 31, 2004): Mr. Decoto questions the statement in the draft EIS that the average water depth in Lake Almanor is 60 feet and states that he recalls the depth to be approximately 39 feet.

Response: After additional analysis, we have determined that the average depth of Lake Almanor is closer to 40 feet as Mr. Decoto has indicated. We have adjusted the text in section 3.3.2.1, *Aquatic Resources*, of the final EIS, accordingly.

Aquatic Resources Comment 15 (submitted by Ron Decoto, October 31, 2004): Mr. Decoto questions the accuracy of characterizing the angler catch in Lake Almanor based on one creel survey and states that CDFG has conducted extensive creel census surveys during the past 35 years and that these should be used to more accurately portray angler catch in Lake Almanor.

Response: The creel survey conducted by PG&E in 2001 was designed in consultation with the resource agencies (i.e., Interior, CDFG, and FS) and was intended to provide a current indication of angler success at Lake Almanor. We consider it appropriate to rely on the most recent data available to characterize the existing conditions, which serves as our analytical baseline.

Aquatic Resources Comment 16 (submitted by Ron Decoto, October 31, 2004): Mr. Decoto disagrees with the statement in the draft EIS that wakasagi tend to aggregate around the thermocline and states that his observations show that wakasagi prefer depths less than 25 feet. Mr. Decoto recommends conducting more extensive surveys on the distribution and population size of wakasagi in both Lake Almanor and Butt Valley reservoir.

Response: Our original analysis was based on data from hydroacoustic surveys conducted in Lake Almanor in 2001 (HTI, 2002) and on data from netting in the tailwater

of Butt Valley powerhouse. These studies indicate that wakasagi tend to be aggregated at the thermocline and that wakasagi make up 98.8 percent of the tailwater catch. Hydroacoustic data from the Prattville intake on Lake Almanor during the entrainment study indicate that these fish were entrained at an average depth of 33 to 46 feet. In addition, we contacted Dennis P. Lee, (Senior Fisheries Biologist [Supervisor], CDFG Fisheries Programs Branch) to corroborate the statement made in the draft EIS. According to Mr. Lee “wakasagi concentrate below the thermocline in reservoirs such as Folsom and Oroville during the summer months and near the outlet structures. A thermocline typically develops in these reservoirs at a depth of about 45 feet and wakasagi are usually found at deeper depths, sometimes to 100 feet during the summer months. They appear to prefer cooler water temperatures than other introduced species such as threadfin shad in the same waters.” We conclude that the same type of behavior is likely for wakasagi in Lake Almanor. Based on the entrainment data for wakasagi in the project reservoirs, we conclude that this species would likely be associated with the thermocline during summer stratification. We conclude that the data is sufficient and that our original analysis in the draft EIS does not need to be modified.

Aquatic Resources Comment 17 (submitted by Ron Decoto, October 31, 2004): Mr. Decoto notes that table 3-15 should have been referenced on page 94 (line 13) in the draft EIS. Mr. Decoto also questions the accuracy of the text in the draft EIS (page 94, line 13) when discussing trout more than 17 inches long comprising a substantial portion of the angler catch.

Response: We have adjusted the reference to table 3-15 in section 3.3.2.1, *Affected Environment*, in *Aquatic Resources*, of the final EIS, as Mr. Decoto suggests. Results of the creel survey conducted by EA in 2001 indicate that 37 individual trout measuring greater than 17 inches were captured in Butt Valley reservoir, which equates to 33 percent of the catch, as stated in the draft EIS.

Aquatic Resources Comment 18 (submitted by Ron Decoto, October 31, 2004): Mr. Decoto notes that the draft EIS states that it is not known if wakasagi reproduce in Butt Valley reservoir (page 94, line 16). Mr. Decoto indicates that he has observed wakasagi spawning in the Butt Valley powerhouse tailrace area and at the mouth of Butt Creek.

Response: At the time we prepared the draft EIS, we did not have information on wakasagi spawning behavior in Butt Valley reservoir. After further analysis, we have determined that it is likely that wakasagi spawn in the reservoir. We agree with Mr. Decoto and have revised the text in section 3.3.2.1, *Affected Environment*, in *Aquatic Resources* of the final EIS.

Aquatic Resources Comment 19 (submitted by Ron Decoto, October 31, 2004): Mr. Decoto states that he suspects Sacramento perch have been entrained at the Prattville intake and recommends including Sacramento perch on the list of species to be monitored in Lake Almanor and Butt Valley reservoir. Mr. Decoto also points out that in the draft

EIS Sacramento perch is listed in table 3-13 as a species identified in Butt Valley reservoir, but that Sacramento perch is not discussed in the text as a species occurring in Butt Valley reservoir.

Response: Mr. Decoto provides no data to support his assertion that Sacramento perch are entrained at the Prattville intake. The applicant collected 91,616 fish during the entrainment study conducted in 2002. Of that total, none were Sacramento perch. Because entrainment studies have shown that the applicant's Lake Almanor facilities are likely having little effect on Sacramento perch, we do not recommend that this species be studied in more detail. Further, any proposed modification of the Prattville intake would not be likely to affect Sacramento perch, because this species does not occupy habitats associated with the thermocline.

We have revised section 3.3.2.1, *Affected Environment*, in *Aquatic Resources* of the final EIS to include Sacramento perch in the text of the final EIS as a species that occurs in Butt Valley reservoir.

Aquatic Resources Comment 20 (submitted by the California Fish and Game Department, Regional Headquarters, Rancho Cordova, California, November 1, 2004): CDFG recommends adequate planning and coordination of field data collection efforts to avoid potentially confounding the results of one study with activities associated with another study. Specifically, CDFG recommends that macroinvertebrate monitoring occur prior to any fish monitoring using electrofishing. CDFG also recommends that any reduction of flows done to accommodate electrofishing does not change the boundaries of the wetted channel perimeter.

Response: In section 5.2.1, *Recommended Alternative*, of the final EIS, we have recommended development of an aquatic monitoring plan in consultation with CDFG, FS, FWS, and SWRCB. During the development of that plan, CDFG should provide its expertise on data collection efforts.

Aquatic Resources Comment 21 (submitted by James Pena, Forest Supervisor of the Plumas National Forest, U.S. Forest Service, November 1, 2004): The FS states that the Sacramento perch is not an FS sensitive species for either the Lassen or Plumas National Forests.

Response: We have revised the text in section 3.3.2.1, *Affected Environment*, in *Aquatic Resources* of the final EIS accordingly.

Aquatic Resources Comment 22 (submitted by James Pena, Forest Supervisor of the Plumas National Forest, U.S. Forest Service, November 1, 2004): The FS points out that the emergency and planned maintenance outage spill plan originally recommended in its preliminary Section 4(e) condition no. 30 was not included in the list of final Section 4(e) conditions. The FS believes that the intent of this condition is met by Belden block

loading and ramping rates defined in the SA (section 1, items 6 and 7) and reflected in its final Section 4(e) condition no. 25.

Response: We have revised the text in section 3.3.2.2, *Environmental Effects*, in *Aquatic Resources* of the final EIS accordingly.

Aquatic Resources Comment 23 (submitted by James Pena, Forest Supervisor of the Plumas National Forest, U.S. Forest Service, November 1, 2004): The FS points out that its preliminary Section 4(e) condition no. 33 has been replaced with its final Section 4(e) condition no. 26, which reflects the SA (section 1, item 9). The FS also explains that fish entrainment monitoring is not included in either the final Section 4(e) conditions or the SA.

Response: We have revised the text in section 3.3.2.2, *Environmental Effects*, in *Aquatic Resources* of the final EIS to reflect the environmental measures specified in the FS final Section 4(e) conditions.

Aquatic Resources Comment 24 (submitted by James Pena, Forest Supervisor of the Plumas National Forest, U.S. Forest Service, November 1, 2004): The FS states that it supports modification or removal of human-made fish barriers but does not support manipulation of natural barriers and provides revised text for inclusion in the final EIS.

Response: It is not our intent to recommend the removal of any natural fish barriers in the project reaches. We have revised the text in section 3.3.2.2, *Environmental Effects*, in *Aquatic Resources* of the final EIS to make this clear.

Aquatic Resources Comment 25 (submitted by James Pena, Forest Supervisor of the Plumas National Forest, U.S. Forest Service, November 1, 2004, the Baiocchi Family, November 3, 2004, and by the Plumas County Flood Control and Water Conservation District, December 27, 2004): The FS cautions that if fish passage over Belden forebay dam is provided as discussed in NOAA Fisheries preliminary Section 18 fish passage prescription, the possible effects on hardhead should be investigated because hardhead would gain access to the Belden reach with removal of the Gansner Bar fish barrier dam. The Baiocchi family asserts that the Commission must require PG&E to fully cooperate with NOAA Fisheries because PG&E dams in the NFFR affect the upstream migration of spring-run salmon and steelhead species to their historical spawning and rearing habitat. Plumas County FCWCD opposes the introduction of Central Valley spring-run Chinook salmon and Central Valley steelhead into the NFFR because it believes that the spawning, rearing and holding areas are inadequate under current and proposed conditions.

Response: A modified Section 18 prescription was submitted by NOAA Fisheries on March 11, 2005, which does not include upstream fish passage over Belden dam. Therefore, the effects on hardhead are no longer relevant as they would not have access

to waters upstream of the Belden dam. Consequently, the potential effects of passing fish over Belden dam have not been analyzed in greater detail in the final EIS. However, we have analyzed the potential effects of NOAA Fisheries' modified Section 18 fish passage prescription for introducing anadromous salmonids into the UNFFR in section 3.3.2.2, *Environmental Effects*, in *Aquatic Resources*, of the final EIS. Because the capture and subsequent release of anadromous fish into the UNFFR is tied directly to the relicensing of the Oroville Project (P-2100), we expect that a substantial amount of the associated environmental analyses will be undertaken pursuant to federal actions associated with that project.

Aquatic Resources Comment 26 (submitted by James Pena, Forest Supervisor of the Plumas National Forest, U.S. Forest Service, November 1, 2004, and Plumas County Flood Control and Water Conservation District, December 27, 2004): The FS points out that if anadromous fish are introduced into the Seneca reach, there is the potential for the inadvertent introduction of fish pathogens into the NFFR as well and states that reintroduction planning should include an investigation of the risk of disease introduction. Plumas County FCWCD is also concerned with the genetic uncertainty of the strain to be introduced and the possible introduction of disease into the watershed. Plumas County FCWCD suggests an alternative site for species reintroduction in waters unaffected by the UNFFR Project.

Response: We expect that, prior to any introduction of anadromous fish to historical habitat in the project area, NOAA Fisheries would assess the potential for the introduction of fish pathogens and determine the appropriate genetic strain of fish species selected for introduction. Commission staff analysis of this issue would be conducted in association with the Oroville licensing proceeding.

Aquatic Resources Comment 27 (submitted by James Pena, Forest Supervisor of the Plumas National Forest, U.S. Forest Service, November 1, 2004): The FS states that it is not entirely the licensee's decision to recommend a change to the pulse flow schedule, even though PG&E would petition the Commission to make the change.

Response: We agree with the FS' comment and have clarified our recommended measure in the final EIS to reflect the interagency collaborative effort required for both the assessment of the effectiveness of pulse flows and any related recommendations for a change to the pulse flow schedule. Ultimately, the Commission would need to approve any proposed change in the pulse flow schedule that may be specified in a license for this project.

Aquatic Resources Comment 28 (submitted by James Pena, Forest Supervisor of the Plumas National Forest, United States Forest Service, November 1, 2004): The FS points out that the draft EIS did not include text that was specified in the SA regarding adjustments to ramping rates for recreational flow releases. The SA states that the total

volume of water released as a result of modifications would not exceed 110 percent of the original volume of water scheduled for release.

Response: We have revised the text in section 5.2.1, *Recommended Alternative*, of the final EIS, to specify that if changes to ramping rates for recreational flows are implemented as a result of monitoring, the total volume would not exceed 110 percent of the original recreational flow release volume.

Aquatic Resources Comment 29 (submitted by The Baiocchi Family, November 3, 2004): The Baiocchi family points out that CDFG Code 5937 is mandatory and requires dam owners to release water at all times to keep fish in good condition. The Baiocchi family believes that the SA is not in compliance with Code 5937 because it does not include mandatory daily flow requirements from Butt Valley dam into Butt Creek.

Response: Our recommended alternative includes a provision that PG&E would not reduce existing dam leakage, tunnel leakage, spring or other natural flows that currently provide inflow to lower Butt Creek downstream of the Butt Valley dam (SA section 1, item 2). Our analysis in the draft EIS shows that a combination of accretion and dam leakage results in an instream flow of 14 to 21 cfs into Butt Creek, providing approximately the maximum amount of riverine habitat (weighted usable area) available for adult and juvenile rainbow trout as modeled by the IFIM study. Our analysis also shows that macroinvertebrate community diversity is also maximized within this range of flows. We will defer to the CDFG on whether the terms of the SA violate CDFG Code 5937.

Aquatic Resources Comment 30 (submitted by the Baiocchi Family, November 3, 2004): The Baiocchi family noted that the draft EIS did not evaluate the cumulative effects of whitewater releases on trout and macroinvertebrates.

Response: We consider the interaction of scheduled whitewater releases on trout and macroinvertebrates to be a site specific rather than cumulative effect, and analyzed this effect on page 119 of the draft EIS.

Aquatic Resources Comment 31 (submitted by SWRCB, October 27, 2004): The SWRCB believes that the conclusions provided on pages 109 and 132 of the draft EIS are not supported by the analysis of temperature data or by current scientific literature. SWRCB would like the final EIS to reconsider the temperature data and provide additional analysis of the effects of temperature on aquatic species.

Response: In response to SWRCB's comment we included additional analyses on the effects of temperature on aquatic species in the bypassed reaches of the UNFFR Project in section 3.3.2.2, *Environmental Effects*, in *Aquatic Resources* of the final EIS.

Aquatic Resources Comment 32 (submitted by Plumas County Flood Control and Water Conservation District, December 27, 2004): Plumas FCWCD believes that pulse flows in dry and critically dry years are inconsistent with a natural hydrograph. Plumas County FCWCD does not agree that these flows are necessary and is confident the proposed recreational flow schedule for dry and critically dry years is sufficient to promote diversity in the reaches downstream of Belden

Response: In the draft EIS, our initially recommended pulse flow schedule was consistent with Plumas County FCWCD's comments; however, after additional analysis, we agree with a component of Interior's Section 10(j) recommendation no. 2 that calls for pulse flow releases of 700 cfs in the Seneca and Belden bypassed reaches in March of dry years, if releases in the preceding January or February have not occurred. We have modified section 3.3.2.2, *Environmental Effects*, in *Aquatic Resources*, of the final EIS to include additional analysis of the effects of our recommended pulse flows.

Aquatic Resources Comment 33 (from Mr. Aaron Seandel, public comment made during DEIS meeting in Chester, CA, October 19, 2004): During the public meeting on October 19, 2004, Mr. Seandel requested that the recommended alternative included in the final EIS clearly show that no pulse flows would be required in dry or critically dry years.

Response: The recommended pulse flow regimes are presented in tabular form in both the draft EIS and the final EIS. We have recommended the flows described in the SA and table 3-18 accurately presents the pulse flows to be implemented. After additional analysis, which is presented in section 3.3.2.2, *Environmental Effects*, in *Aquatic Resources* of the final EIS, we have modified our recommendation on pulse flows to include releases of 700 cfs in the Seneca and Belden bypassed reaches in March of dry years, if releases in the preceding January or February have not occurred.

Aquatic Resources Comment 34 (from Mr. Aaron Seandel, public comment made during DEIS meeting in Chester, CA, October 19, 2004): During the public meeting on October 19, 2004, Mr. Seandel asserted that our statement on page 41 of the draft EIS regarding the designation of the beneficial use of the Feather River as cold freshwater habitat was inaccurate.

Response: The draft EIS states that Lake Almanor is designated as cold freshwater habitat. Section 303 of the federal Clean Water Act authorizes the delineation of beneficial uses for the navigable waters of the United States. The Water Quality Control Plan (Basin Plan) for the Sacramento River and San Joaquin River Basins has defined cold freshwater as an existing beneficial use of the Feather River.

TERRESTRIAL RESOURCES

Terrestrial Resources Comment 1 (submitted by PG&E, October 29, 2004): PG&E points out that the bramble control program originally proposed in its license application was modified during settlement discussions and replaced in the final SA with a provision that it would provide and maintain four trails to the shoreline of the Belden reach from existing informal parking areas where public access could be provided in a safe manner. PG&E requests that the final EIS incorporate this change.

Response: We have removed text referring to the proposed bramble control program from sections 2.1.2, *Proposed Environmental Measures*; 3.3.3.2, *Terrestrial Resources*; and 5.2.1, *Recommended Alternative*, of the final EIS. As discussed in the draft EIS, the original purpose of the bramble control program was to facilitate angler access to the Belden bypassed reach. We discussed the proposal for the four trails to the Belden bypassed reach in section 3.3.5.2, *Recreational Resources*, of the draft EIS and concluded that the proposed trails would provide safe access to the Belden bypassed reach, and would also protect riparian areas. Therefore, providing and maintaining four trails in the Belden reach would achieve the original goal of the bramble control program. Section 5.2.1, *Recommended Alternative*, of the final EIS includes our recommendation to provide the four trails in the Belden reach.

Terrestrial Resources Comment 2 (submitted by the FS, November 1, 2004): The FS points out that the provisions included in its preliminary Section 4(e) condition no. 35 recommending a vegetation management plan have been incorporated into its final Section 4(e) condition no. 40 specifying land management and visual resource protection.

Response: We appreciate the FS' cooperation in addressing vegetation management issues in final Section 4(e) condition nos. 40 and 41. We have revised the text in sections 3.3.3 2, *Terrestrial Resources*, and 3.3.4.2, *Threatened and Endangered Species*, of the final EIS to reflect the change.

Terrestrial Resources Comment 3 (submitted by the FS, November 1, 2004): The FS points out that its final Section 4(e) condition no. 41 specifies that PG&E prepare a vegetation management plan that addresses assessing and treating hazardous fuels surrounding project facilities.

Response: We have modified the text of sections 3.3.3 2, *Terrestrial Resources*, and 3.3.4.2, *Threatened and Endangered Species*, of the final EIS to include the appropriate final Section 4(e) conditions provided by the FS and have modified section 5.2.1, *Recommended Alternative*, of the final EIS to include the FS final 4(e) conditions.

Terrestrial Resources Comment 4 (submitted by the FS, November 1, 2004): The FS specifies that the wildlife habitat enhancement plan as addressed in its final Section 4(e) condition no. 31 and the threatened, endangered, proposed for listing, and sensitive species protection plan as addressed in its final Section 4(e) condition no. 45 should be

two distinct plans. The FS believes these two plans should be separated because the wildlife habitat enhancement plan only addresses an area of PG&E land located primarily in the Lake Almanor causeway area and the threatened, endangered, proposed for listing, and sensitive species protection plan addresses PG&E's responsibilities on any NFS lands within the project boundary.

Response: We have revised section 3.3.3.2, *Terrestrial Resources*, of the final EIS to clarify the rationale for combining the two plans. The final SA measure to design and implement a wildlife habitat enhancement plan would benefit a variety of sensitive biological resources at the UNFFR Project, including rare plants, wetlands, streamside riparian communities, cultural resources, and sensitive wildlife habitat. Development of such a plan to manage wildlife habitat, even if only for a limited geographic area, would require the same type of systematic, cooperative approach that would be needed for development of a plan to manage and protect threatened, endangered, proposed for listing and sensitive species on all lands within the project boundary, and would involve consultation with the same resource agencies, landowners, and other interested parties. For these reasons, we conclude that incorporating the threatened, endangered, proposed for listing, and sensitive species protection plan as one element of wildlife habitat enhancement plan would prove more practical and cost effective than development of a separate plan. During development of this plan, it may be helpful for PG&E to organize the document in such a manner that elements of the plan that only apply to specific geographic areas be clearly identified (e.g., presented as separate chapters), and we encourage the FS to work with PG&E during the consultation that would occur during development of the plan to facilitate this organization.

Terrestrial Resources Comment 5 (submitted by the FS, November 1, 2004): The FS points out that its final Section 4(e) condition no. 46 addresses the broad headings included in the discussion of the noxious weed management plan in the draft EIS and provides additional detail on identifying, controlling, and monitoring invasive plants.

Response: We have added a discussion of the FS-specified noxious weed management plan measures specified in final Section 4(e) condition no. 46 to section 3.3.3.2, *Terrestrial Resources*, of the final EIS. In its license application and in the SA, PG&E proposed preparing a plan for identifying, monitoring, and controlling and containing the spread of noxious weeds on NFS lands within the project boundary.

Terrestrial Resources Comment 6 (submitted by the Plumas Association of Realtors, November 28, 2004): The Plumas Association of Realtors states that it is unclear if the whitewater boating releases will create a positive impact on the riparian zone in the area of release.

Response: Effects of flow releases on riparian habitat are discussed on pages 153 through 155 in section 3.3.3.2, *Terrestrial Resources*, of the draft EIS. Proposed whitewater boating flows would increase water velocities which would decrease sediment

deposition and reduce further encroachment of vegetation in the stream channel. The minimum instream flows would be shaped seasonally to more accurately mimic the natural hydrograph by allowing for larger flows in the spring and lesser flows in the summer and fall.

We recognize that riparian vegetation occupies a very small proportion of the landscape at the project and that the short-term loss of this habitat type as a result of increased flows in the UNFFR reaches could alter habitat used for forage, hiding, nesting, or denning by associated wildlife. However, the long-term benefits of higher instream flows are likely to outweigh the adverse effects of short-term habitat loss and alteration. Additionally, monitoring the response of riparian vegetation to the flow regime specified in any license issued for this project, would ensure that sufficient re-establishment of riparian vegetation consistent with the new flow regime occurs to support the dependent beneficial aspects of the aquatic and wildlife communities.

Terrestrial Resources Comment 7 (submitted by EPA, November 29, 2004): EPA states that the final EIS should include a map that clearly identifies wetlands and other waters of the United States within the project area. EPA states that the text in the final EIS should quantify the total acreage of these areas as well as the amount of wetlands and waters of the United States that will be affected by the proposed project.

Response: Discussion of wetland and other aquatic resources, including vegetation series maps and delineation methodologies, are contained in the license application for the UNFFR Project. The license application is an integral part of the record for this proceeding and can also be reviewed on-line at the Commission's website via the FERC eLibrary. We relied on this information to conduct our analysis but do not duplicate all of it in our NEPA document.

Based upon the information available to us, relicensing the project would not significantly affect wetlands.

THREATENED AND ENDANGERED SPECIES

Threatened and Endangered Species Comment 1 (submitted by the FS, November 1, 2004): The FS states that it recognizes that jurisdictional limitations will at times not adequately encompass the requirements of a comprehensive management plan and that its final Section 4(e) condition no. 47 specifying development of a bald eagle management plan now includes the statement, "Coordination of licensee activities on licensee lands within the project boundary with the Forest Service and other appropriate agencies to achieve the goals and requirements set forth in this plan" in place of the statement "Coordination of any plans for timber harvest or mining on licensee lands within the larger Lake Almanor area with the FS and other appropriate agencies, to reach the goals and requirements set forth in this plan."

Response: We have modified section 3.3.4.2, *Threatened and Endangered Species*, of the final EIS to reflect this clarification.

Threatened and Endangered Species Comment 2 (submitted by EPA, November 29, 2004): EPA states that the final EIS should include a discussion of the project's compliance with Section 7 of the ESA, provide an update of the status of consultation with the FWS regarding impacts on the bald eagle, and include the Biological Opinion if it has been issued by FWS.

Response: The Biological Opinion was issued by FWS on January 25, 2005. The FWS concurred with our determination that the project is not likely to adversely affect the threatened valley elderberry longhorn beetle and the California red-legged frog, and would have no effect on slender orcutt grass. It is FWS's biological opinion that the proposed action is not likely to jeopardize the continued existence of the bald eagle with implementation of our recommended environmental measures. We modified sections 3.3.4.2 and 5.6.4 of the final EIS to reflect this new information.

RECREATION RESOURCES

Recreation Resources Comment 1 (submitted by Interior, October 27, 2004): Interior points out that the citation in Table 3-32 on page 221 in the draft EIS to PG&E 2002a may be incorrect because the reference appears to correspond to the schedule for the Rock Creek and Cresta reaches, not the Belden reach.

Response: Table 3-32, included in section 3.3.5, *Recreation Resources*, of the draft EIS is taken from Table B of the Project 2105 relicensing settlement agreement. The reference has been corrected in the final EIS.

Recreation Resources Comment 2 (submitted by Plumas County, October 29, 2004): Plumas County states that it anticipated PG&E receiving a license for the UNFFR Project by November 2004 and that it agreed with the timeline for recreation maintenance and improvements included in the SA because it believed it was contingent on that date. Plumas County requests that the completion dates for the recreation measures included in the SA be modified to reflect the difference between the actual license issuance date and November 2004.

Response: In Section 5.2.1, *Recommended Alternative*, of the final EIS, we have recommended finalization of the draft RRMP in consultation with Plumas County, the FS, CDFG, and Interior. The recreation facilities development program is an element of the RRMP, and it defines the schedules for completion of the proposed recreation development projects. During the finalization of the RRMP, Plumas County should suggest modification of the timeline for recreation maintenance and improvements included in the SA.

Recreation Resources Comment 3 (submitted by Plumas County, October 29, 2004): Plumas County states that the Lake Almanor Recreation Trail (LART) should be added to Appendix A and that the lighting of Goose Island and the peninsula were not included in the document.

Response: The final, signed Project 2105 relicensing settlement agreement (SA) was filed with the Commission on April 30, 2004. Appendix B of the SA, which includes measures agreed to among the parties to the SA, addresses the LART but also clearly states that these measures were not to be included in any new project license, Section 4(e) conditions, or any other mandatory license conditions. Therefore, we have not included any of the measures listed in appendix B of the SA in our recommended alternative. The lighting of Goose Island and the peninsula was not proposed in either the final SA or the final license application, and has not been addressed in the final EIS.

Recreation Resources Comment 4 (submitted by Ron Decoto, October 29, 2004): Mr. Decoto states that the inaccessibility of the Alder Creek boat launch to those members of the public with special needs is preventing a substantial number of recreation users from enjoying the Butt Valley reservoir and recommends modifying the boat launch during the first year after license issuance.

Response: In Section 5.2.1, *Recommended Alternative*, of the final EIS, we have recommended finalization of the draft RRMP in consultation with Plumas County, the FS, CDFG, and Interior. The recreation facilities development program is an element of the RRMP, and it defines the schedules proposed for completion of the proposed recreation development projects. Improvements to the Alder Creek boat launch are included in the draft recreation facilities development program and are proposed for completion within 5 to 10 years following license issuance. We agree that modifying the boat launch facility sooner, rather than later, would benefit those members of the public with special needs, and we suggest that Mr. Decoto propose accelerating the modification of the Alder Creek boat launch to the agencies involved with the finalization of the RRMP.

Recreation Resources Comment 5 (submitted by Ron Decoto, October 29, 2004): Mr. Decoto states his concern with limited lake access for shore based anglers because of development of private lands around Lake Almanor. Mr. Decoto recommends that PG&E deed their lake and creek frontage property at the Hamilton Branch powerhouse to CDFG because this location provides angler access during winter months to both Lake Almanor and the tailrace of the Hamilton Branch powerhouse since PG&E removes snow from County Road A147 to the powerhouse. Mr. Decoto also states his concern with the sale of Lassen View Resort, which is the site where the Lake Almanor Fishing Association and CDFG rear trout in netpens. Mr. Decoto states that this has been a highly successful program and may be terminated following the sale of the property unless the program can be moved to PG&E lake frontage property.

Response: The Hamilton Branch powerhouse and associated lands are not part of the UNFFR Project and activities at the Hamilton Branch Project are beyond the scope of this relicensing.

Recreation Resources Comment 6 (submitted by the FS, November 1, 2004): The FS states that operation and maintenance (O&M) of recreation facilities is discussed in the draft EIS, but does not utilize the specific definitions provided in the SA that were developed after much discussion between PG&E and the Forest Service. The FS points out that the intent of these definitions is to clearly specify PG&E's responsibilities in operating Forest Service recreational facilities following their reconstruction. The FS provides the definitions for "heavy maintenance" and "operational maintenance" and asks that we use these terms in the final EIS as applicable rather than the more generic term "O&M." The FS states that its final Section 4(e) condition will reflect this wording.

Response: We have modified the text of sections 2.1.2, *Proposed Environmental Measures*, 3.3.5.2, *Recreation Resources*, and 5.2.1, *Recommended Alternative* of the final EIS to include the terms 'operational maintenance' and 'heavy maintenance,' and their definitions, as described in the SA and in final FS Section 4(e) condition no. 33.

Recreation Resources Comment 7 (submitted by the FS, November 1, 2004): The FS points out that the recreational facilities discussed in the proposed environmental measure regarding the adjustment of the project boundary are located on both the Plumas and Lassen National Forests, and that the measure should indicate that.

Response: We have modified the text of sections 2.1.2, *Proposed Environmental Measures*, 3.3.5.2, *Recreation Resources*, and 5.2.1, *Recommended Alternative* of the final EIS to include the Plumas National Forest.

Recreation Resources Comment 8 (submitted by the FS, November 1, 2004): The FS suggests a number of changes to Table 3-26 to eliminate name redundancy and to provide clarity and consistency with the SA and Section 4(e) documents. The FS suggests making these changes throughout the final EIS.

Response: We have modified the text of section 3.3.5, *Recreation Resources*, of the final EIS to include the suggested modifications to the text.

Recreation Resources Comment 9 (submitted by the FS, November 1, 2004): The FS points out that Almanor campground south and the Almanor campground north are now combined under the one facility name "Almanor Family Campground." The FS suggests making this change throughout the final EIS.

Response: We have modified the text in section 3.3.5, *Recreation Resources*, of the final EIS referring to the Almanor campground south and the Almanor campground north to only refer to the Almanor Family Campground.

Recreation Resources Comment 10 (submitted by the FS, November 1, 2004): The FS points out that the California State University Chico Research Foundation (CSUCRF) is no longer the FS concession permittee. To allow for changing permittee names the FS suggests using more generic wording to describe facilities currently operated and maintained under a special-use permit such as a “concession or Forest Service operation.”

Response: We have removed the California State University Chico Research Foundation (CSUCRF) from the text in section 3.3.5, *Recreation Resources*, of the final EIS and replaced it with more generic wording.

Recreation Resources Comment 11 (submitted by the FS, November 1, 2004): The FS notes that the SA addresses the need for changing the names of project facilities with similar names in order to reduce visitor confusion under the “Interpretation and Education Program.”

Response: We have modified our discussion of the proposed I&E Program in Section 3.3.5.2, *Recreation Resources*, of the final EIS to include the missing SA text addressing facility naming practices.

Recreation Resources Comment 12 (submitted by the FS, November 1, 2004): The FS provides modified text for describing the Lake Almanor Recreation Trail (LART).

Response: We have moved the discussion of the LART in section 3.3.5, *Recreation Resources*, of the final EIS under the subheading *FS facilities* and included the suggested modifications to the text.

Recreation Resources Comment 13 (submitted by the FS, November 1, 2004): The FS requests clarification of the Almanor campground listed in Table 3-27.

Response: The Almanor Campground listed in Table 3-27 of the draft EIS refers to the north and south loops of the Almanor Family Campground operated and maintained by the FS. Table 3-27 has been modified in the final EIS to clarify the campground listed.

Recreation Resources Comment 14 (submitted by the FS, November 1, 2004): The FS states that it does not consider the draft RRMP complete and that additional review and edits are needed prior to finalization. The FS states that it will designate a representative(s) for future RLA Working Group meeting attendance.

Response: We also consider the RRMP included in the final license application and addressed in the SA to be a draft and have recommended finalization of the RRMP in section 5.2.1, *Recommended Alternative*, of the final EIS.

Recreation Resources Comment 15 (submitted by the Baiocchi Family, October 15, 2004 and the FS, November 1, 2004): The Baiocchi family states that all existing and proposed recreation facilities must be compatible for the handicapped and recommends that the final EIS include a list of recreational facilities which are not compatible for the handicapped and show how they will be improved to be compatible for the handicapped. The FS provides some suggested modifications to Table 3-31, including specification of the location of various FS facilities (on either the Plumas or Lassen National Forest).

Response: Table 3-31 included in section 3.3.5, *Recreation Resources*, of the final EIS summarizes the accessibility of existing PG&E and FS facilities according to ADA guidelines. We have modified the facility names listed in Table 3-31 to be consistent with other facility names that have been modified throughout the EIS. However, some of the changes suggested by the FS do not reflect the results of the ADA-accessibility study conducted by PG&E. Improvements to recreation facilities, including improvements in accordance with ADAAG, have been proposed by PG&E and recommended by the FS. These improvements are detailed and discussed in section 3.3.5.2, *Recreation Resources*, of the draft EIS. While Section 2.7(b) of the Commission's regulations require a project licensee to consider the needs of the physically disabled in the design and construction of public recreational facilities on project lands and waters, including public access to such facilities, the Commission has no statutory role in implementing or enforcing the ADA as it applies to its licenses. A licensee's obligation to comply with the ADA exists independent of its project license. We have suggested that it would be helpful if the final RRMP developed by PG&E for project recreational facilities included a discussion of how the licensee considered the needs of physically disabled individuals in the design and construction of the proposed recreational enhancements.

Recreation Resources Comment 16 (submitted by the FS, November 1, 2004): The FS states that text has been added to its final Section 4(e) condition no. 32 regarding its jurisdiction over ADA compliance for recreation facilities located on National Forest System lands.

Response: We have modified the text of section 3.3.5.2, *Recreation Resources*, of the final EIS, to include text in the FS final Section 4(e) condition no. 32 that specifies that all FS recreation facilities be constructed in accordance with ADAAG guidelines at the time the recreation facilities are upgraded or constructed.

Recreation Resources Comment 17 (submitted by the FS, November 1, 2004): The FS addresses the discussion in section 3.3.5.2, *Recreational Resources*, of the draft EIS of its funding partnership with PG&E to complete recreation improvements. The FS agrees

that PG&E will provide matching funding with a maximum cap of \$5,000,000 (2004 dollars) but disagrees that this amount will be exactly 40 percent of the costs. The FS requests clarification of the wording to indicate that PG&E proposes providing approximately 40 percent of the needed funding.

Response: We have revised the discussion of the proposed funding partnership between PG&E and the FS included in section 3.3.5.2, *Recreation Resources*, and have revised the text of section 5.2.1, *Recommended Alternative*, of the final EIS, to indicate that PG&E proposes providing approximately 40 percent of the matching funding up to a total maximum of \$5,000,000 (2004 dollars) for the FS to complete recreation improvements, including reconstruction of existing facilities, and construction of new facilities at the following FS-owned recreation facilities: the Almanor Family Campground, the Almanor Group Campground, the Almanor amphitheater, the Almanor picnic area, and the Almanor beach.

Recreation Resources Comment 18 (submitted by the FS, November 1, 2004): The FS requests that our discussion of the disposition of any remainder of the \$5,000,000 provided by PG&E that may result because the FS is unable to raise their proportionate share, should be included in both section 3.3.5, *Recreational Resources*, and in section 5.2.1, *Recommended Alternative*, of the final EIS.

Response: We have modified the text of section 5.2.1, *Recommended Alternative*, of the final EIS, to include the discussion of the disposition of any remainder of the \$5,000,000 provided by PG&E that may result because the FS is unable to raise their proportionate share.

Recreation Resources Comment 19 (submitted by the FS, November 1, 2004): The FS requests clarification of the discussion regarding the reconstruction of the Almanor Family Campground and Amphitheater, the Almanor Group Campground, the Almanor Picnic Area, and the Almanor Beach to show that PG&E will only provide matching funding (up to a maximum cap of \$5,000,000) to the FS who will be responsible for the actual construction at these sites.

Response: We have revised the text of section 3.3.5.2, *Recreational Resources*, of the final EIS, to clarify that the FS recommended that PG&E provide matching funding to the FS, who would then be responsible for the actual construction at these sites.

Recreation Resources Comment 20 (submitted by the FS, November 1, 2004): The FS points out that their earlier recommendation that PG&E take over full operation, maintenance and interpretation at the Almanor picnic area under an annual operations agreement with the Forest Service is now obsolete and should be removed from the final EIS.

Response: We have revised section 3.3.5.2, *Recreational Resources*, of the final EIS, to include text of the FS final Section 4(e) condition nos. 32(1)A.1.c and 33, which clearly state that the FS does not recommend that PG&E be responsible for operational maintenance and heavy maintenance of the Almanor Picnic Area.

Recreation Resources Comment 21 (submitted by the FS, November 1, 2004): The FS points out that its recommendation for the Canyon dam day-use area should have been a Section 10(a) recommendation and not a Section 4(e) condition and its final Section 4(e) condition no. 32 reflects that change.

Response: We have revised the text of section 3.3.5.2, *Recreational Resources*, of the final EIS, to clarify that the FS preliminary Section 4(e) condition no. 44E.7 should have actually been FS preliminary Section 10(a) condition no. 44E.7.

Recreation Resources Comment 22 (submitted by the FS, November 1, 2004): The FS emphasizes that it has recommended that PG&E take over full O&M of the southwest shoreline access points, as they are constructed, under an annual operations agreement with the Forest Service.” The FS points out that this recommendation is reflective of language in the SA.

Response: We have revised our discussion of the southwest shoreline access points in section 3.3.5.2, *Recreational Resources*, of the final EIS, to include PG&E’s proposal to assume O&M responsibility for each of them as they are constructed. We have also included text from FS final Section 4(e) condition no. 33, which specifies that PG&E assume responsibility for operational maintenance and heavy maintenance of the southwest shoreline zone access facilities as they are constructed.

Recreation Resources Comment 23 (submitted by the FS, November 1, 2004): The FS points out that the timeline specified in its final Section 4(e) condition no. 32 for construction of the Butt Valley powerhouse trails is reflective of the timeline included in the SA.

Response: We have revised section 3.3.5.2, *Recreational Resources*, of the final EIS to include text of the FS final Section 4(e) condition no. 32(1)A.2.a, which specifies a timeline of 5–10 years following license issuance for completion of the Butt Valley powerhouse trails, consistent with the SA.

Recreation Resources Comment 24 (submitted by the FS, November 1, 2004): The FS states that it supports retrofitting the catwalk around the Caribou No. 1 powerhouse but in a manner that will not deter some potential users. The FS also points out that the timeline specified in its final Section 4(e) condition no. 32 for completion of the North Fork fishing trail access improvement is reflective of the timeline included in the SA.

Response: We have revised section 3.3.5.2, *Recreational Resources*, of the final EIS, to include text of the FS final Section 4(e) condition no. 32(1)A.3.b, which specifies a timeline of 1–3 years following license issuance for completion of the North Fork fishing trail access improvement, consistent with the SA.

Recreation Resources Comment 25 (submitted by the FS, November 1, 2004): The FS provides information regarding recreation operation and maintenance that they would like included in the final EIS, including: (1) consideration of the local recreating public, including a seasonal boat launch pass at FS facilities, if PG&E institutes fees; (2) continuation of similar seasonal operating periods at recreation facilities currently under FS administration; and (3) inclusion of detailed discussions of fees and use of fees by PG&E according to the SA and final Section 4(e) specifications in the appropriate O&M plan.

Response: We address each of the elements mentioned by the FS separately:

- (1) In its preliminary Section 4(e) condition no. 44A.3, the FS specified that PG&E consider a seasonal pass at a reduced rate for local residents in any future fee plan in order to maintain access for local residents at the boat launch and beach facility. However, this recommendation was not included in the final SA, or in the final Section 4(e) conditions submitted by the FS on November 4, 2004. In section 5.2.1, *Recommended Alternative*, of the final EIS, we recommend finalization of the draft RRMP in consultation with Plumas County, the FS, CDFG, and Interior. The recreation O&M program is an element of the RRMP, and it addresses PG&E's proposal to collect and retain 100 percent of FS-approved reasonable user fees in accordance with FERC, FS, and applicable California Department of Boating and Waterways regulations at all FS recreational facilities that PG&E operates and maintains. During the finalization of the RRMP, the need for a seasonal boat launch pass at FS facilities for the local recreating public should be considered. PG&E also proposes meeting with the FS and Plumas County every 5 years to discuss the adequacy of the current user fees and it may also be appropriate to discuss this issue during these meetings.
- (2) Continuation of similar seasonal operating periods at recreation facilities currently under FS administration was not addressed in the final SA or in the preliminary or final Section 4(e) conditions. In section 5.2.1, *Recommended Alternative*, of the final EIS, we have recommended finalization of the draft RRMP in consultation with Plumas County, the FS, CDFG, and Interior. The recreation O&M program is an element of the RRMP, and it addresses operation of FS recreation facilities. During the finalization of the RRMP, the continuation of similar seasonal operating periods at recreation facilities currently under FS administration should be considered.
- (3) Our discussion of the proposed recreation O&M program, included in section 3.3.5.2, *Recreation Resources*, on pages 210 and 211 of the draft EIS included a

discussion of fees and the use of fees by PG&E that was provided in both the final SA and in the FS preliminary 4(e) condition no. 44. We have modified our discussion of the proposed recreation O&M program in section 3.3.5.2, *Recreation Resources*, of the final EIS, to include additional information on the proposed program.

Recreation Resources Comment 26 (submitted by the FS, November 1, 2004): The FS points out that its final Section 4(e) condition no. 34 specifying development of the I&E program includes consultation with Native American tribes/groups as well as the FS, Plumas County and other relicensing SA signatories and that the timeline for its development is reflective of the timeline included in the SA.

Response: We have revised section 3.3.5.2, *Recreational Resources*, of the final EIS, to include text of the FS final Section 4(e) condition no. 34, which specifies that PG&E develop an I&E Program in consultation with Native American tribes and groups as well as the FS, Plumas County, and other parties within 2 years, consistent with the SA.

Recreation Resources Comment 27 (submitted by the FS, November 1, 2004): The FS states that the text of its preliminary Section 4(e) condition no. 42 has been edited and incorporated into its final Section 4(e) condition no. 35. The FS also points out that text included in its preliminary Section 4(e) condition no. 42 reserving the right of the FS to require changes in the project and its operation has been removed from this Section 4(e) condition and is reserved elsewhere.

Response: We have revised section 3.3.5.2, *Recreational Resources*, of the final EIS to include text of the FS final Section 4(e) condition no. 35, which provides for the development of a recreation monitoring program. We note that FS final Section 4(e) condition no. 5 now incorporates FS text included in FS preliminary Section 4(e) condition no. 42 reserving the right, after notice and opportunity for comment, to require changes in the project and its operation through revision of the 4(e) conditions that require measures necessary to accomplish protection and utilization of National Forest resources.

Recreation Resources Comment 28 (submitted by the FS, November 1, 2004): The FS states that the text of its preliminary Section 4(e) condition no. 41 has been incorporated into its final Section 4(e) condition nos. 35, 36, and 37.

Response: We have revised section 3.3.5.2, *Recreational Resources*, of the final EIS to include FS final Section 4(e) condition nos. 35, 36, and 37, which provide for the development of a recreation monitoring program, a resource integration and coordination program, and an RRMP review and revision program, respectively.

Recreation Resources Comment 29 (submitted by the FS, November 1, 2004): The FS recommends including monitoring frequency in the bulleted text briefly describing the recreation monitoring program, which is an element of the Recreation Resources Management Plan (RRMP). The FS believes that this description should specifically address monitoring at 1-, 6-, and 12-year intervals and identify the specific elements to be monitored at those timeframes.

Response: We have modified the text of section 5.2.1, *Recommended Alternative*, of the final EIS, to clarify that the recreation monitoring program included in the final RRMP would identify the frequency at which the various recreational resource monitoring activities would be conducted.

Recreation Resources Comment 30 (submitted by the FS, November 1, 2004): The FS recommends expanding the description of the measure recommending finalization of the RRMP to include the 12-month timeline for finalization of the RRMP and the 12-year review frequency.

Response: We have modified the text of section 5.2.1, *Recommended Alternative*, of the final EIS to recommend that PG&E finalize the draft RRMP within one year of license issuance and to clarify that updates of the RRMP would not occur more frequently than once every 12 years, as agreed to in the SA.

Recreation Resources Comment 31 (submitted by the Baiocchi Family, October 15, 2004 and the Plumas Association of Realtors, December 15, 2004): The Baiocchi family recommends that PG&E develop a public safety plan addressing protection of the public (children, adults, elderly, swimmers, waders) near, adjacent, and within the three public campgrounds located along the river adjacent to Caribou Road from surges of water such as whitewater boating flows, increased fish flows, and other project operations such as the delivery of water to Oroville Reservoir by PG&E. The Plumas Association of Realtors states that the draft EIS does not appear to consider public safety issues in the affected zone.

Response: In section 5.2.1, *Recommended Alternative*, of the final EIS, we have recommended finalization of the draft RRMP in consultation with Plumas County, the FS, CDFG, and Interior. The recreation operations and maintenance program is an element of the RRMP, and it addresses public safety and law enforcement and defines PG&E's commitment to working with the Plumas County Sheriff's Department to provide for adequate safety on project lands and waters. We expect that public safety related to recreational use would be an important consideration for PG&E and the consulted agencies and would be addressed in the final RRMP.

Recreation Resources Comment 32 (submitted by the West Almanor Community Services District, October 15, 2004): The West Almanor Community Services District

states that the draft EIS failed to address the effect an increase in the number of recreational users on the local public safety organizations and believes that the final EIS should address a mitigation strategy to deal with the increase of man-hours and resources on the local public safety agencies. The West Almanor Community Services District shares its concerns because 22 percent of the calls they have received in the last several years were directly associated with incidents at PG&E facilities.

Response: We have modified our discussion of the proposed Recreation O&M Program in section 3.3.5.2, *Recreation Resources*, of the final EIS to include additional information demonstrating how the proposed O&M program addresses public safety and law enforcement and defines PG&E's commitment to working with the Plumas County Sheriff's Department to provide for adequate safety on project lands and waters. PG&E proposes developing a new Memorandum of Understanding with the Plumas County Sheriff's Department to address proposed activities at the UNFFR Project. In section 5.2.1, *Recommended Alternative*, of the final EIS, we recommend finalization of the draft RRMP (the recreation O&M program is an element of the RRMP) in consultation with Plumas County, the FS, CDFG, and Interior.

Recreation Resources Comment 33 (submitted by the Plumas Association of Realtors, December 15, 2004): The Plumas Association of Realtors wonders why the whitewater boaters can't run the river during the winter and spring when high flows occur naturally.

Response: As reported in section 3.3.5, *Recreation Resources*, of the draft EIS, the results of the whitewater controlled flow assessment conducted by PG&E revealed that in the Belden Reach of the NFFR, flows from 600 cfs to 1,200 cfs are needed for quality whitewater boating opportunities. A review of the daily flows from the Belden dam into the Belden reach of the NFFR from October 1969 until September 2002 showed that very few days met those criteria in the Belden reach of the NFFR. In fact, boatable flows occurred in only 13 of the 33 years reviewed. In 1970, there were 6 days of boatable flows, 9 days in 1995, 15 days in 2000, 22 days in 1974, 33 days in 1997, and 49 days in 1975. There was only 1 day of boatable flows provided in 1973, 1980, 1983, 1984, 1986, 1988, and 2 days in 1982. These flows occurred from December until June, with the majority of boatable flows occurring in January and April. However, boatable flows are not only limited in occurrence, but they are also unpredictable. The current lack of real time streamflow information for the Belden reach further limits the ability of boaters to take advantage of boatable flows when they do occur.

Recreation Resources Comment 34 (submitted by the EPA, November 29, 2004): EPA notes that the recommended alternative included in the draft EIS includes dredging and maintaining an approximately 1,000-foot-long, 50-foot-wide, and 6-foot-deep boat channel at the North Shore Public Boat Launch but does not include any discussion of the applicability of Section 404 of the Clean Water Act and Section 10 of the Rivers and

Harbors Act to this or other project operations and maintenance. EPA recommends that the final EIS include discussion of the applicability of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act to this and other project operations and maintenance as well as clearly identifying the potential environmental impacts from dredging activities, discussing both the permit requirements under these statutes and the role of the Army Corps of Engineers in implementing these programs.

Response: The recreation facilities development program is an element of the RRMP, and it addresses both the need for PG&E to acquire all necessary permits and approvals prior to construction of any of the proposed recreation facilities and the intention of PG&E to include agency and public review of all planned recreation development. We anticipate that dredging activities would occur during the fall, when the lake level is typically lower and much, if not all, of the work could be conducted “in the dry.” We have modified our discussion of the proposed recreation facilities development program in section 3.3.5.2, *Recreation Resources*, of the final EIS, to include additional information on the proposed program and section 5.2, *Recommended Alternative*, of the final EIS to include consultation with the Army Corps of Engineers during the finalization of the draft RRMP.

LAND USE AND AESTHETICS RESOURCES

Land Use and Aesthetics Comment 1 (submitted by Interior, October 27, 2004):

Interior points out that on page 249 (lines 24–27), the draft EIS states that water surface elevations specified in the SA provide for surface elevations 5 to 10 feet higher than current levels. Interior believes these numbers seem excessive compared to the levels shown in table 3-3 in which the SA criteria are close to the 90 percent exceedance values. Interior believes that the differences should be rechecked and/or the derivation of them stated in the final EIS.

Response: Section 3.3.6, *Land Use and Aesthetic Resources*, of the final EIS has been modified to clarify that the Lake Almanor water levels proposed by PG&E in the SA provide for water surface elevations from June 1 through August 31 that are 10 feet higher than the current required levels in wet and normal water year types and 5 feet higher in dry and critically dry water year types.

Land Use and Aesthetics Comment 2 (submitted by Plumas County, October 29, 2004): Plumas County states that it anticipated PG&E receiving a license for the UNFFR Project by November 2004 and that it agreed with the timeline for application of dust palliatives included in the SA (within 2 years of license issuance) because it believed it was contingent on that date. Plumas County requests modification of the implementation date for this measure, which is included in the SA, to reflect the difference between the actual license issuance date and November 2004.

Response: We will consider Plumas County's request when developing the final license order for the UNFFR Project.

Land Use and Aesthetics Comment 3 (submitted by the FS, November 1, 2004): The FS states that it has divided fire management into two emphasis areas. The first focuses on fire prevention at project facilities, adoption of procedures that minimize the risk of a fire start, and implementation of measures in the event of a fire caused by licensee activities. These types of measures are specified in its final Section 4(e) condition no. 9. The second addresses the treatment of live and dead fuels surrounding project facilities for the purpose of reducing the possible damage caused by a wildfire in its final Section 4(e) condition no. 41.

Response: We have modified our description and discussion of the fire prevention and response plan included in section 3.3.6, *Land Use and Aesthetic Resources*, of the final EIS to include the revised fire prevention and response plan specified by the FS in its final Section 4(e) condition filed with the Commission on November 4, 2004.

Land Use and Aesthetics Comment 4 (submitted by the Plumas Association of Realtors, December 6, 2004): The Plumas Association of Realtors states that the draft EIS does not appear to address the effect of increased traffic on Highway 70.

Response: California State Route (SR) 70, the Feather River Highway, bisects the Sierra Nevada Mountains along the NFFR canyon and passes through Quincy, California, and onto a connection with U.S. Highway 395. California SR 70 is a major public road with dedicated maintenance and high year-round use levels well above and outside of any project use levels or effects. Therefore, our discussion of traffic use in section 3.3.6, *Land Use and Aesthetic Resources*, of the final EIS focuses on roads and road segments currently or historically used by project personnel and visitors to access project lands and waters and our recommendation for a road traffic survey plan focuses on roads used for project purposes on NFS lands.

CULTURAL RESOURCES

Cultural Resources Comment 1 (submitted by Plumas County Board of Supervisors, October 29, 2004, the MCDG, October 29, 2004, and the Greenville Rancheria, December 15, 2004): Plumas County believes that PG&E should provide financing for a portion or all of a curation facility and/or an interpretive center as retribution for the tribal lands covered by Lake Almanor and Butt Valley reservoir. The MCDG also requests that a curation facility and interpretive center along with deeded land be required as mitigation for the continued effects of this project on the Maidu. The Greenville Rancheria believes that PG&E should set aside lands for a cultural and interpretive center for the Maidu community.

Response: We addressed the issue of a Maidu curation and interpretive center on pages 277 and 279 of the draft EIS. In its October 29, 2004, comments on the draft EIS, PG&E points out that it currently holds no cultural materials from the project area requiring curation. PG&E also states that if, during the term of the new license, archaeological excavations are conducted in accordance with the procedures outlined in the Historic Properties Management Plan (HPMP), then PG&E would consult with the Maidu community regarding the appropriate curation of recovered cultural materials. Further, before considering any funding for a new Maidu curation or interpretive center, PG&E would request additional information from the Maidu community about details for such a facility and the source of other funds to be used for the creation and/or operation of a curation/interpretive center. PG&E also points out that there are several museums near the project that house Maidu cultural materials and that there is an existing Maidu Interpretive Center in Roseville, California. PG&E has agreed to consult with the Maidu community, the Lassen and Plumas National Forests, the California State Historic Preservation Officer (SHPO), and the Commission regarding additional interpretive opportunities and a public education program. In Item 6 of Section 7 of the SA, PG&E proposes developing an information and education (I&E) plan within 2 years following license issuance; one of the themes to be addressed in the I&E plan would be Native American culture. We have modified section 3.3.7, *Cultural Resources*, of the final EIS to reflect the new information provided by PG&E and to address the need for PG&E to document its consultation regarding these matters in the final HPMP that we have recommended.

Cultural Resources Comment 2 (submitted by the MCDG, October 29, 2004, and the Greenville Rancheria, December 15, 2004): The MCDG requests that PG&E deed land to them as mitigation for the continued effects of this project on the Maidu and for access for gathering and tending of plants. The Greenville Rancheria states that it would like to be granted some portion of land on the shoreline of Lake Almanor and/or Butt Valley reservoir with full right-of-way access and land rights and provides a brief legal description of the location of the land it would prefer.

Response: We addressed the issue of setting aside specific project lands for traditional cultural practices on pages 278 and 282 of the draft EIS. PG&E may volunteer to discuss with representatives of the Maidu community the possibility of conveying tract(s) of project lands that it owns, or granting easements to the Maidu community for traditional cultural practices or other uses. In its license application, PG&E committed to working with the Maidu community to develop an agreement regarding access to project lands to gather plants for traditional uses. We expect that the results of such consultations would likely be documented in the final HPMP. PG&E proposed in the SA to prepare a wildlife habitat enhancement plan within 1 year of the license issuance. This plan would address the protection of rare plants and cultural resources. In its October 29, 2004, letter commenting on the draft EIS, PG&E points out that pursuant to the recent settlement of its bankruptcy case PG&E has committed to protecting approximately 140,000 acres of its watershed lands within its service area by conservation easements or fee simple donations to public entities or qualified non-profit corporations. PG&E describes how the Pacific Forest and Watershed Land Stewardship Council was created out of the bankruptcy settlement and is charged with developing a Land Conservation Plan. PG&E will submit any land transactions recommended by the Stewardship Council to the appropriate regulatory agencies. We modified section 3.3.7.2 of the final EIS to reflect our expectation that conservation easements or donations of project lands by PG&E would likely be discussed in the final HPMP that we have recommended.

Cultural Resources Comment 3 (submitted by the FS, November 1, 2004, and the Greenville Rancheria, December 15, 2004): The FS believes that an historic site has been affected by project operation and continues to be in jeopardy; the FS also states its willingness to discuss modifying the area of potential effect (APE) with PG&E to include this site within the APE. The Greenville Rancheria states that it would like the APE extended to cover 2 miles outside of the current FERC project boundary.

Response: We discussed and analyzed the APE on pages 250 and 280 of the draft EIS. The SHPO concurred with the APE as defined by PG&E in cultural resources reports submitted to that office. The FS has provided no new evidence to support the agreed-upon APE. As discussed in section 3.3.7.2 of the final EIS, the HPMP will have provisions for amending the APE if new information indicates a need to do so.

Cultural Resources Comment 4 (submitted by the MCDG, October 29, 2004, and the Greenville Rancheria, December 15, 2004): The MCDG states that there should be specific mitigation measures to benefit the Maidu community. The MCDG does not believe that PG&E's proposed use of signage and public education would adequately mitigate effects on historic properties and that PG&E's proposed three-stage approach would not be practical and most sites would be further degraded with its use. The Greenville Rancheria requests mitigation for changing lake levels, wave action, and recreational use.

Response: We discussed the HPMP and mitigation of effects on adversely affected historic properties in section 3.3.7.2 of the draft EIS. The purpose of the HPMP is to present PG&E's proposed mitigation measures that would reduce or avoid adverse effects on historic properties. The HPMP specifically discusses mitigation of effects from changing lake levels, wave action, and recreational use. The current HPMP, which is in draft form, will be finalized after PG&E further consults with representatives of the Maidu community, including the Greenville Rancheria and the MCDG. We expect that the results of these consultations would be to formulate mitigation measures that are practical.

Cultural Resources Comment 5 (submitted by the Susanville Indian Rancheria, December 21, 2004; MCDG October 29, 2004; EPA, November 29, 2004; and the Greenville Rancheria, December 15, 2004): The Susanville Indian Rancheria questions whether the Commission is adhering to its trust responsibilities and properly consulting with Indian tribes. The MCDG appreciates being included as a consulting party in the Section 106 of the National Historic Preservation Act (NHPA) consultation and requests that the meetings for the various proposed studies be held in the project area where it will be easier for the various Maidu groups to attend. EPA states that the final EIS should provide additional information on the process and outcome of government-to-government consultations with the tribes in accordance with Executive Order 13175. EPA states that the final EIS should also clarify the role the Commission will play in meeting its trust responsibilities to the tribes in light of issues and concerns raised by the tribes as PG&E finalizes the draft HPMP.

Response: Consultation with Indian tribes is discussed in the draft EIS in section 3.3.7.1 on page 251, and in section 3.3.7.2 on page 281. We believe that the Commission has properly consulted with federally recognized Indian tribes, according to our Policy Statement on Consultations with Indian Tribes in Commission Proceedings issued July 23, 2003. Prior to the filing of PG&E's application on October 23, 2002, Commission staff met with the tribal council of the Greenville Rancheria on two occasions (July 23 and September 4, 2002). Our Tendering Notice, issued October 29, 2002, Notice of Acceptance of Application, issued December 26, 2002, Notice of Intent to Prepare an Environmental Impact Statement, issued April 25, 2003, and Notice of Application Ready for Environmental Analysis, issued August 25, 2003 were all sent to federally recognized Indian tribes, including the Susanville Indian Rancheria, Greenville Rancheria, Taylorsville Rancheria, Moorehouse Rancheria, Berry Creek Rancheria, and Enterprise Rancheria, as well as non-federally recognized organizations, including the MCDG, Honey Lake Maidu, Mountain Maidu, Roundhouse Council, United Maidu Nation, and Tasman Koyomn Foundation. The Greenville Rancheria and the Susanville Indian Rancheria were the only two federally recognized Indian tribes to request to be consulting parties in this proceeding. Indian tribes have had the opportunity to communicate with the Commission through written comments on our public notices and

issuances as well as through comments on the draft EIS. All comments on the draft EIS are addressed in this final EIS.

Cultural Resources Comment 6 (submitted by Plumas County Board of Supervisors, October 29, 2004, and the Greenville Rancheria, December 15, 2004): The Greenville Rancheria and Plumas County express concern about the effect of thermal curtains on cultural sites.

Response: PG&E has conducted several studies of potential measures to lower water temperature in the UNFFR pursuant to the Rock Creek-Cresta (P-1962) relicensing SA. On December 17, 2004, we requested that PG&E provide us with the results of those studies. On January 13, 2005, PG&E provided the requested study results. PG&E examined 23 alternative methods of lowering water temperature in the North Fork Feather River, including the use of floating thermal curtains in Lake Almanor, or in Butt Valley reservoir, or in both reservoirs. Sections 3.3.1.2, *Water Resources*, and 3.3.2.2, *Aquatic Resources*, of the final EIS, includes our analysis of PG&E's studies regarding measures for lowering the temperatures in the NFFR, including a discussion of various alternatives and a disclosure of potential effects from recommended measures. Section 3.3.7.2, *Cultural Resources*, of the final EIS has been revised to include an analysis of the potential effects on cultural resources of installing a thermal curtain.

Cultural Resources Comment 7 (submitted by MCDG, October 29, 2004): The MCDG disagrees that some ethnographic sites identified by PG&E and listed in the draft EIS do not retain the quality of traditional cultural properties (TCP) and objects to our recommendation for no mitigation at those sites.

Response: PG&E identified nine ethnographic sites as not retaining the qualities of a TCP. No treatment was recommended for only four of those sites, and one of those locations is inundated. PG&E recommended some form of treatment for the other five sites identified as not qualifying as TCP, including PG&E developing a public education program regarding project-specific ethnohistory, and negotiating with the Maidu community to allow access to plant gathering locations. The SHPO has not commented on the PG&E report. Nevertheless, PG&E states it would treat all sites that have not been officially determined eligible for the National Register as if they are eligible. Thus, the ethnographic sites that can be tied to a physical location would be treated as if they are eligible. We have recommended that PG&E finalize the HPMP and we expect that the protection of those sites and mitigation of potential effects on those sites would be addressed in the final HPMP, which will be finalized in consultation with the Maidu community. We have also recommended that PG&E develop and implement an Information and Education program relating to the region's cultural history as proposed mitigation for effects on potential TCPs such as Big Meadow and Butt Valley.

Cultural Resources Comment 8 (submitted by PG&E, October 29, 2004): Page 278 of the draft EIS discussed how Plumas County and the FS have requested copies of the

cultural resources reports, including the ethnography study completed by Albion. PG&E points out that on January 22, 2003, it transmitted copies of Volumes 1 and 2 of the Native American Traditional Cultural Properties Identification and Description for the Upper North Fork Feather River Project prepared by Albion Environmental Inc. to Mr. Kevin McCormick, Plumas National Forest Archaeologist, and to Ms. Diane Watts, Lake Almanor Ranger District (Lassen National Forest) Archaeologist. Further, PG&E notes that the MOU for the Traditional Cultural Properties Consultation for the Upper North Fork Feather River Relicensing Project between the Greenville Rancheria, Albion Environmental Services, and PG&E limits distribution of the report and that any requests for this information need to be made to the Greenville Rancheria.

Response: We have modified section 3.3.7.2, *Cultural Resources*, of the final EIS to reflect this information.

Cultural Resources Comment 9 (submitted by PG&E, October 29, 2004, and the FS, November 1, 2004): PG&E states that it has no objection to inviting either Plumas County or NPS to the UNFFR Cultural Resources Working Group meetings, including them as cultural resources consulting parties, and providing them with confidential cultural resources reports and data as long as it can be assured that confidential information discussed in the meetings or provided in the reports is not provided to the public. However, PG&E believes that Maidu participants in the Cultural Resources Working Group should be permitted to agree that such involvement by Plumas County, NPS, or others is appropriate. The FS states that it is unsure as to the status of the Cultural Resources Working Group and requests that PG&E contact the appropriate archaeologists on the Plumas and Lassen National Forests when the working group reconvenes.

Response: PG&E established the Cultural Resources Working Group as part of its First Stage Consultation process and in its license application listed past working group meetings. We discussed the Cultural Resources Working Group on pages 278 and 281 of the draft EIS. We encourage PG&E to invite all consulting parties to the Cultural Resource Working Group meetings that it would organize in the future for this project. We suggest that these meetings should be held in the project vicinity so that local members of the Maidu community may attend. We expect that procedures for organizing future working group meetings will be addressed in the final HPMP. We have modified section 3.3.7.2, *Cultural Resources*, of the final EIS to reflect this information.

Cultural Resources Comment 10 (submitted by the FS, November 1, 2004): The FS lists several pages in the draft EIS that refer to the HPMP and points out that there is no mention of the FS being an involved party. The FS states that some of the project-affected sites are located on the Plumas and Lassen National Forests, so the FS needs to be included and listed for review and development of the HPMP. Final Section 4(e) condition no. 43 specifies that PG&E must consult with the FS in regard to historic properties.

Response: We discussed the HPMP in section 3.3.7.2 of the draft EIS, on pages 277 to 282. The final EIS has been modified to identify the FS as a consulting party in the process of compliance with Section 106 of the NHPA. We have included the FS final Section 4(e) condition no. 43 related to management of historic properties in section 3.3.7.2, *Cultural Resources*, of the final EIS.

Cultural Resources Comment 11 (submitted by the FS, November 1, 2004): The FS states that it should be a signatory to the PA as it applies to decisions on NFS lands, not just a concurring party. In its final Section 4(e) condition no. 43, the FS specifies that it will be a signatory to the PA.

Response: It has been the Commission's practice in hydropower relicensing cases to restrict signatories to a PA to the Commission, the SHPO, and the ACHP to ensure that the Commission remains in control of its ability to issue a license in a timely manner. The FS, as a federal land-managing agency, retains its ability to manage historic properties on NFS lands through its Section 4(e) conditions and various other federal laws and regulations, including but not limited to the Native American Graves Protection and Repatriation Act. The responsibilities of the FS arise out of these statutes, not as a result of the PA. Section 3.3.7.2, *Cultural Resources*, of the final EIS has been modified to reflect this information.

Cultural Resources Comment 12 (submitted by the Greenville Rancheria, December 15, 2004): The Greenville Rancheria states its concern with the damage that would be done to gathering sites within the UNFFR Project boundary because of the UNFFR Project.

Response: In section 3.3.7.2, *Environmental Effects*, in *Cultural Resources* of the draft EIS, we indicated that PG&E expected the UNFFR Project to affect some gathering locations identified in the TCP study. To mitigate effects on those locations, PG&E recommended protecting certain species and conferring with the Maidu community to reach an agreement on how and where future gathering could be done. In the SA, PG&E proposes a condition that would require PG&E to produce and implement a habitat enhancement plan to protect rare plants, wetlands, riparian communities, and cultural resources.

Cultural Resources Comment 13 (submitted by Plumas County, October 29, 2004): Plumas County states that the cottages at Camp Caribou are exemplary examples of style and design in worker housing at old company towns but are in disrepair and need exterior maintenance.

Response: In the SA, PG&E proposes to maintain the exterior and landscaping of the old clubhouse, houses, and grounds at Camp Caribou and to consult with the FS when planning maintenance and repair activities. The FS also specifies this maintenance in final Section 4(e) condition no. 40F. The draft HPMP indicated that any major repairs or

modifications made to National Register-eligible historic project structures during the tenure of the new license would be performed in accordance with the Secretary of the Interior's Standards for Rehabilitation and in consultation with the SHPO. We expect that the final HPMP would likely contain site-specific treatment measures for the historic standing structures at Camp Caribou (also known as Camp 9, or site P-32-1643 through 1652). Section 3.3.7.2, *Cultural Resources*, of the final EIS has been modified to reflect this information.

DEVELOPMENTAL ANALYSIS

Developmental Analysis Comment 1 (submitted by Interior, October 27, 2004):

Interior believes that the annualized cost estimate for its Section 10(j) recommendation no. 1 (instream flow schedules for the Belden and Seneca bypassed reaches and lower Butt Creek) listed in table 5-1 (on page 355) and in the text on page 359 is inconsistent and should be checked and corrected as appropriate.

Response: The incremental annualized cost of \$469,000 associated with implementing Interior's Section 10(j) recommendation no. 1 over the staff recommendation is the difference between \$4,153,200 (the cost of Interior's 10(j) recommendation no. 1) and \$3,684,200 (the cost of the staff recommended measure). Our cost estimates in the draft EIS are consistent and do not require correction.

Developmental Analysis Comment 2 (submitted by Plumas County, October 29, 2004): Plumas County wants the Commission to keep in mind that the speculative net benefits of any modifications to the lake waters should never be allowed to impair the now analyzed, quantified benefits of the Almanor lake levels (page 127, lines 5–12, and page 348, lines 30–35) in the SA and the draft EIS.

Response: The Commission will make any future decision regarding modification of agreed-upon lake levels after considering appropriate information and whether or not it is in the public interest.