



SUSANVILLE INDIAN RANCHERIA

March 24, 2015

Mr. Peter Barnes, Engineering Geologist
State Water Resources Control Board (SWRCB)
Division of Water Rights
Water Quality Certification Program
P.O. Box 2000
Sacramento, CA 95812-2000

Re: Upper North Fork Feather River (UNFFR) Hydroelectric Project (FERC No. 2105) Draft EIR

Dear Mr. Barnes:

The Susanville Indian Rancheria (SIR) is a federally recognized Indian Tribe with ancestral ties to the Mountain Maidu, Northern Paiute, Pit River, and Washoe Tribes. Big Meadows, Mountain Meadows, and Butt Meadows, which have all been inundated with water in association with the Upper North Fork Feather River (UNFFR) Hydroelectric Project (FERC 2105), were vital areas for the traditional practices of the Mountain Maidu people. In essence, Lake Almanor, Mountain Meadows Reservoir and Butt Lake Reservoir drowned a significant portion of the Mountain Maidu Tribe's culture and history. Occasional pieces of this lost history are washed up or exposed on the shores for pot hunters to add to their cultural mortuaries. Therefore, SIR has concerns regarding the significant effects to cultural resources, including biological and hydrological resources, resulting from the UNFFR FERC 2105. Specific concern centers around the effects this project has and continues to have upon: the hydrology of the river resulting in elimination of plants, invertebrates, fish, wildlife, and water quality vital to the traditional culture of the Mountain Maidu; and the proposed thermal curtain near Prattville that could further desecrate a Maidu village and cemetery as a result of associated dredging.

Significant hydrologic changes resulting from this project and the related Feather River (Oroville Dam) Hydroelectric Project (FERC 2100) have resulted in the extirpation of several vital traditionally important fish and invertebrate species from the North Fork of the Feather River. Fall-run Chinook salmon (*Oncorhynchus tshawytscha*), Central Valley steelhead (*O. mykiss*) and Central Valley spring-run Chinook salmon (*O. tshawytscha*), which are now listed as Threatened by the California State and Federal Endangered Species Acts have been restricted to lower elevations as a result of both FERC 2100 and 2105. Although Central Valley spring-run Chinook salmon express a stream-type (late emigration) life history in higher elevations such as Deer Creek, they generally express an ocean-type (early emigration) life history when they are restricted to lower elevations, such as in the Feather River. By allowing these and other anadromous species to utilize the habitat conditions they were historically adapted to, they should be better able to reproduce naturally and retain their natural genome (Theiss, 2004).

In addition, freshwater mussels, which are a traditional food source and tool for the Mountain Maidu have been and will continue to be impacted, including the extirpation of some species, as

a result of reduced reproductive success associated with pulsed flows associated with this project. Hydrologic changes have also resulted in significant changes to the native riparian habitats associated with the Feather River. Many of these species are important traditionally to the Mountain Maidu and have been eliminated or replaced with non-native invasive species. The SIR believes that the same mitigation proposed for the effects of the proposed relicensing on biological and hydrological resources (i.e. return to more natural flows and revegetation of degraded areas) would actually meet the objective of the thermal curtains (reduced downstream water temperature) without effecting the water quality of Lake Almanor, the Butt Lake fishery, and cultural sites within the Prattville area. There is no guarantee that the proposed thermal curtains would produce the intended result of lowering downstream temperatures, but they definitely have significant hydrologic, water quality, biological, and cultural impacts that can be avoided while obtaining the intended result.

Once an impairment is detected, however, additional ecological data, such as chemical and biological (toxicity) testing is helpful to identify the causative agent, its source, and to implement appropriate mitigation. The SIR believes that appropriate mitigation must involve a return to more natural flows, fish passage, and restoration of riparian habitats with native and traditional use plants. The EIR should address the cumulative impacts of FERC 2105 and 2100 on biological and hydrological resources in determining appropriate mitigations.

SIR appreciates the opportunity to provide scoping comments for the development of the UNFFR FERC 2105 EIR for Water Quality Certification being developed by SWRCB to meet the requirements of the California Environmental Quality Act (CEQA). SIR hopes that we can develop meaningful consultation with SWRCB to address our concerns with this project and develop appropriate mitigation. To date, FERC and PG&E have been ineffective at consulting with tribes regarding this project in order to meet their obligations under: Section 106 of the National Historic Preservation Act (NHPA); Executive Order 13175 - Consultation and Coordination With Indian Tribal Governments; and FERC's own Policy Statement on Consultation with Indian Tribes. SIR views consultation as a good faith effort by an agency that develops an effective, ongoing process that allows elected officials and other representatives of the Tribe an opportunity to provide meaningful and timely input into the development of environmental documents, policies, or practices that significantly or uniquely effect Tribal resources and communities. This always involves more than written correspondence or a telephone call. If you have any questions or comments you may contact Melany L. Johnson at nagpra1@citlink.net or 530-251-5633.

Sincerely,



Mr. Aaron Brazzanovich Jr.
Vice Chairman

Cc: SIR Cultural Committee
Mr. Kyle Self, Greenville Rancheria Tribal Chairman
PG&E

References:

Theiss, E. 2004. Technical Assistance Concerning the Feasibility and Benefits of Providing Fish Passage at FERC Licensed Hydroelectric Facilities in the Feather River. National Oceanic & Atmospheric Administration (NOAA)

U.S. Environmental Protection Agency (EPA). Monitoring and Assessing Water Quality.
<http://www.epa.gov/owow/monitoring/rbp/ch01main.html>