
State Water Resources Control Board

MAY 23 2012

Mr. Steven Edmonson
SW Regional Habitat Manager
NOAA/National Marine Fisheries Service
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404

REQUEST FOR INPUT REGARDING PETITION TO REOPEN AND AMEND OROVILLE HYDROELECTRIC PROJECT'S WATER QUALITY CERTIFICATION

Dear Mr. Edmonson:

The State Water Resources Control Board (State Water Board) received the enclosed petition from Golden Gate Salmon Association and the California Sportfishing Protection Alliance (collectively referred to as Petitioners) to reopen and amend the enclosed water quality certification for the Oroville Hydroelectric Project (Federal Energy Regulatory Commission, Project No. 2100). The State Water Board would like to request the opinion of the National Marine Fisheries Service (NMFS) regarding the petition's allegations and the supporting evidence, as the petition raises issues relating to the federally-threatened Southern Distinct Population Segment of North American green sturgeon (*Acipenser medirostris*; green sturgeon) and the scope of NMFS's authority under the Endangered Species Act (ESA). Additionally, the State Water Board would appreciate NMFS' recommendation regarding whether to hold a workshop at this time to determine whether to amend the water quality certification.

The Petitioners present evidence that green sturgeon are present in the Feather River, and suggest that the Oroville Hydroelectric Project's operations under the water quality certification should be changed in light of this new evidence. They raise specific concerns that the March to May flow requirements in the water quality certification are insufficient for successful migration and spawning of green sturgeon, and that the fish segregation wier requirements imposed to protect against further genetic introgression of spring and fall-run Chinook salmon (*Oncorhynchus tshawytscha*) may harm green sturgeon. The Petitioners also suggest that the water quality certification itself may prevent NMFS from analyzing these issues in developing the biological opinion for the Oroville Hydroelectric Project. The Petitioners recommend that the State Water Board hold a workshop on the issues raised by new information concerning the green sturgeon.

The State Water Board would also like to inquire about the status of the pending biological opinion for the Oroville Hydroelectric Project and whether the biological opinion will include reasonable and prudent measures or alternatives for green sturgeon and their proposed critical

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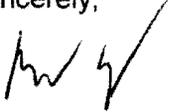
habitat. The State Water Board would like to ensure that the water quality certification does not conflict with the biological opinion.

The Petitioners also make broad statements concerning the balancing of the needs of anadromous fish in general, without additional evidentiary support. While the impetus for our letter is seeking information on the green sturgeon and ESA authority concerns detailed above, the State Water Board would also welcome any input NMFS has on these more generalized concerns.

Please contact Ms. Michelle Lobo in my office, at (916) 327-3117 or by email at MLobo@waterboards.ca.gov, if you would like to discuss any of the matters.

Please respond in writing to:
State Water Resources Control Board
Division of Water Rights
Attention: Michelle Lobo
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



Barbara Evoy
Deputy Director

Enclosures (2)

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cc: Mr. Bill Jennings, Chairman (w/o enclosures)
Executive Director
California Sportfishing Protection Alliance
3536 Rainier Avenue
Stockton, CA 95204

Mr. Victor Gonella (w/o enclosures)
President
Golden Gate Salmon Association
1370 Auto Center Drive
Petaluma, CA 94952

Mr. Ted Craddock (w/o enclosures)
Acting Chief
Department of Water Resources
Hydro License Planning and Compliance
Office, Executive Division
P.O. Box 942836
Sacramento, CA 94236

Mr. Peter Cross (w/o enclosures)
Deputy Assistant Field Supervisor
U.S. Fish and Wildlife Service
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825