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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In Reply Refer To:
81420-2008-I-1103-6

MAY 16 2013

2013 MAY 20 AM 10:47
DIV OF WATER RIGHTS
SACRAMENTO

STATE WATER RESOURCES
CONTROL BOARD

Ms. Jessica Albeitz
License Coordinator, Hyrdo Licensing
Pacific Gas and Electric Company
Mail Code: N11C
P.O. Box 770000
San Francisco, California 94177

Subject: Informal Section 7 Consultation for the Temporary Suspension of the Flushing Flow Requirement at the Pit No. 1 Hydroelectric Project (FERC Project No. 2687), Shasta County, California

Dear Ms. Albeitz:

This letter is in response to your April 30, 2013, letter requesting concurrence with the determination that the temporary suspension of the flushing flow requirement at the Pit No. 1 Hydroelectric Project for 2012 is not likely to adversely affect the federally endangered Shasta crayfish (*Pacifastacus fortis*). Your request was received by the U.S. Fish and Wildlife Service's (Service) Sacramento Field Office on May 1, 2013. This response is provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The Service provided a not likely to adversely affect concurrence to the Federal Energy Regulatory Commission's (FERC) on May 3, 2010 for temporary suspension of the flushing flows. At the time, it was assumed the suspension of flushing flows would occur in 2010 and 2011. The Service provided an additional letter of concurrence to FERC on July 19, 2012 for the continued suspension of flushing flows in 2012. The Pacific Gas and Electric Company, acting as the non-Federal representative for FERC, is proposing is to add another year to the temporary suspension of flushing flows to facilitate completion of the California State Water Resources Control Board's California Environmental Quality Act analysis. The Service's concerns regarding the implementation of the flushing flows remain the same. Because the only change to the action is to continue the suspension of flushing flows for 2013, the Service concurs that the action is not likely to adversely affect the federally endangered Shasta crayfish. We base this concurrence on the best available science that has shown the flushing flows create detrimental effects to this species' habitat and potentially create a favorable environment for non-native crayfish. Therefore, unless new information reveals effects of the temporary suspension of

flushing flows that may affect federally listed species or critical habitat in a manner not identified to date, or if a new species is listed or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act is necessary.

If you have any questions regarding this response, please contact Kim Squires, Senior Endangered Species Biologist (Kim_Squires@fws.gov) or Ryan Olah, Coast Bay/Forest Foothills Division Chief (Ryan_Olah@fws.gov) at the letterhead address or telephone (916) 414-6600.

Sincerely,

for Eric Tattersall
Deputy Assistant Field Supervisor

cc:
Barbara Envoy, State Water Resources Control Board, Sacramento, California
Peter Barnes, State Water Resources Control Board, Sacramento, California
Matt Meyers, California Department of Fish and Wildlife, Redding, California
Steve Baumgartner, California Department of Fish and Wildlife, Redding, California
Maria Ellis, Spring Rivers Ecological Sciences LLC, Cassel, California

The following practices will be used for pond restoration and enhancement:

General pond restoration dredging will occur during dry site conditions.

Stock ponds will only be dredged when dry and after determining no California red-legged frogs, California tiger salamanders, or Western pond turtles are present.

Wherever feasible, dredged ponds and earthen dams will be reconfigured to enhance the habitat for aquatic species.

Proposed restoration and enhancement:

While conducting routine maintenance, the District is incorporating an adaptive management strategy to improve existing conditions. Overall, implementing the above BMPs reduce adverse affects to our parklands and nearby waterbodies. The District will also include restoration and enhancement of existing ponds, streams and other waterbodies to address or off-set any potential temporary impacts associated with our routine maintenance of existing facilities. Restoration and enhancement will include but not be limited to:

- Stream and pond restoration for special status species and other aquatic species.
- Removing instream man-made structures to restore the natural stream conditions
- Planting native riparian and wetland vegetation to improve water quality
- Controlling and removing non-native invasive species (i.e. bullfrogs, exotic fish, Chinese mitten crab etc.)
- Identifying and removing instream barriers to fish and other aquatic species
- Installing nest boxes for riparian bird species (i.e. wood ducks, tree swallows, and flycatchers).

In addition, the District has identified seventeen wetland restoration sites to compensate for any potential temporary, permanent, and cumulative impacts associated with our routine maintenance projects for the next five years. The proposed wetland restoration and enhancement sites were selected to insure the high likelihood of success, within existing wetlands, ponds, or streams or expanding hydrologically functioning waterbodies. The District has calculated the total area (i.e. linear feet, square feet, acres) for each routine project determined to potentially have a temporary or permanent impact (see attached impact assessment). In addition, the total area of each enhancement and restoration project will be similarly calculated and directly applied at a 1:1 ratio to compensate for any permanent and cumulative impacts associated with a routine project. Consequently, for the duration of the five-year permit, the District will create, restore, and/or enhance lentic water, lotic water, and

inter-tidal emergent wetland habitats (see Proposed Regional General Permit Compensatory Restoration Projects). These proposed restoration sites are within the current distributional range of the California red-legged frog, California tiger salamander, California clapper rail, salt marsh harvest mouse and/or Western pond turtle and will be enhanced to provide additional permanent habitat for these special status species. In addition, they will provide long-term habitat for a variety of other aquatic species. Restoring and/or creating permanent aquatic habitat will more than compensate for the small-scale temporary, permanent, and cumulative impacts associated with our routine maintenance projects. Any unused restoration credits that accrue can be used for future routine maintenance projects determined to have impacts. It is also important to recognize that although some may have temporary or permanent impacts, most of our routine maintenance projects are improving existing conditions and enhancing the habitat for aquatic species (i.e. cattails removal from choked out waterbodies, replacing or removing dysfunctional culverts, removing stream obstructions and barriers). Overall, this proposal represents a "self-mitigating" plan for habitat enhancement.