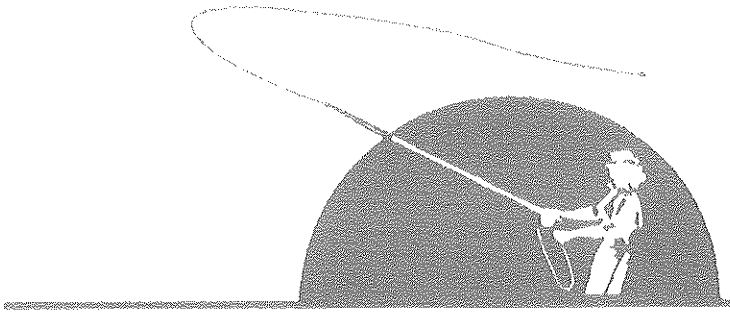


GOLDEN WEST WOMEN FLYFISHERS
790 27th Avenue * San Francisco, California 94121

January 23, 2008

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Don Pedro Project 2299

Dear Secretary Bose:

I would like submit additional comments on behalf of the the Golden West Women Flyfishers regarding this project.

We would like all involved parties to be aware that Project # 2299 includes a designated Critical Habitat for the Central Valley steelhead (*O.mykiss*) which is currently listed as threatened under the Endangered Species Act of 1973. (Federal Register Vol. 70, No. 170, pp 52488-52586) Please refer to attachment 1 for a map of the region and Critical Habitat.

The FERC 1996 Order Amending the License for Project # 2299 (issued July 31, 1996) makes no mention of minimum flows to protect Central Valley steelhead in the lower Tuolumne River. Since these fish have different life stages throughout the year than the Chinook Salmon, we believe actions must be taken to improve water quality and flows for the listed *O. mykiss*.

Section 7 of the ESA has the consultation process where a federal agency that is funding, authorizing or conducting an activity must work with the Fish and Wildlife Service or NOAA fisheries to ensure that the activity produces no harm to a protected species and will not adversely modify or destroy its critical habitat. Given the comment letters filed with FERC from the Fish and Wildlife Service and the National Marine Fisheries Service, we feel that they are upholding their federal responsibilities in protecting both the listed Central Valley Steelhead and the ESA candidate species of Central Valley Fall Run Chinook Salmon. We believe that FERC needs to uphold its responsibility with regard to the ESA without further

delays. This may require the reopening of Project License # 2299 to ensure adequate flows for the protection of Critical Habitat for the Central Valley Steelhead and Fall Run Chinook Salmon.

In an October 1995 report completed by the Oak Ridge National Laboratory for FERC, entitled Potential Cumulative Effectives of Hydropower Projects in the Bay-Delta, the direct and indirect adverse impacts to sensitive fish populations from hydroelectric project operations in the Central Valley were analyzed. This report concluded that 27 FERC licensed hydroelectric projects adversely alter stream flows in areas where threatened or endangered fish species are located. The report further concludes that the continuing operations of nine FERC licensed hydro projects appear to have significant direct and cumulative impacts and the Don Pedro project is listed as one of these nine. An accompanying memo to the report states that the Don Pedro license is among the eight of the nine which contain ample reserved authority in the form of specifc license terms and conditions to allow FERC to unilaterally "reopen" the license to modify its terms and conditions to protect and enhance aquatic resources. These reopener articles may relate to a variety of issues, including **minimum flow, water quality and fish passage**.

The 2007 the Tuolumne River Fall-Run Chinook Salmon escapement population was estimated by the California Department of Fish and Game at 113 spawners. This number of fish does not reach the level believed to be necessary (e.g. >1,000 spawners) to protect the genetic integrity of the Tuolumne River Fall-Run Chinook salmon run nor does it show progress towards meeting the Central Valley Project Improvement Act-Anadromous Fish Program doubling goal of 18,000 average annual salmon. The California Department of Fish and Game has conducted Fall-run Chinook salmon escapement surveys in the Tuolumne River since 1952 which is a period of 55 consecutive years. The average escapement during this period is 9,919 salmon.

As cited in the paper Distribution and Abundance of Chinook Salmon and Resident Fishers of the Lower Tuolumne River, California (Tim Ford and Larry R. Brown, California Department of Fish & Game Bulletin 179, 2001, pp253-303) "The resident fish community appeared to vary in response to annual differences in flow conditions with native species becoming more abundant in the year following a high flow year." In the paper, the authors write that "the native species are all riffle spawners....and that it is likely that high outflows provide more appropriate spawning conditions for the native riffle spawners and poorer conditions for the introduced nesters. A number of recent analyses has suggested that natural flow regimes, including high winter-spring discharges, benefit native California stream species over introduced species (Baltz and Moyle, 1993; Moyle and Light 1996a, 1996b; Brown and Moyle 1997). Even though the minimum flow requirements of Project 2299 were increased with the 1996 FERC Order Amending the License of the project, these flows are clearly not adequate. Note the steady decline of the salmon populations even with slightly increased minimum required flows:

Tuolumne River
Escapements of Fall-Run Chinook Salmon

| Year | Number |
|---|---|
| 2000 | 17,873 |
| 2001 | 8,782 |
| 2002 | 7,173 |
| 2003 | 2,163 |
| 2004 | 1,984 |
| 2005 | 500 |
| 2006 | 500 |
| 2007 | 113 |

Source: California Department of Fish and Game GrandTab Database

I would also like to submit some personal observations from a fishing trip I had on January 2, 2008, floating from the Basso Bridge to the Turlock Lake Campground. The water flow that day was an average of 163 cfs. My companion and I saw only 3 salmon, all with their backs protruding out of the shallow water and no active salmon redds. We caught and released only one 12 inch trout. In comparison to other fishing trips at the same time of year in the past, there was a noticable absence of fish. This is clearly a poorly managed, marginal and degrated habitat. With the low water level, many riffles were disminished or nearly eliminated which greatly impacts where the salmon and steelhead can spawn and live.

We strongly urge the Commission to take immediate action by requiring adequate water flows year round. It is clear that native fish populations are dependent on sufficient water flows and in low water years, the fish need higher mimimum flows to reach to Central Valley Project goals. At the very least, flows should be determined by mean river temperatures to enhance protection of native fish rather than inflexible formulas based on annual project water availability.

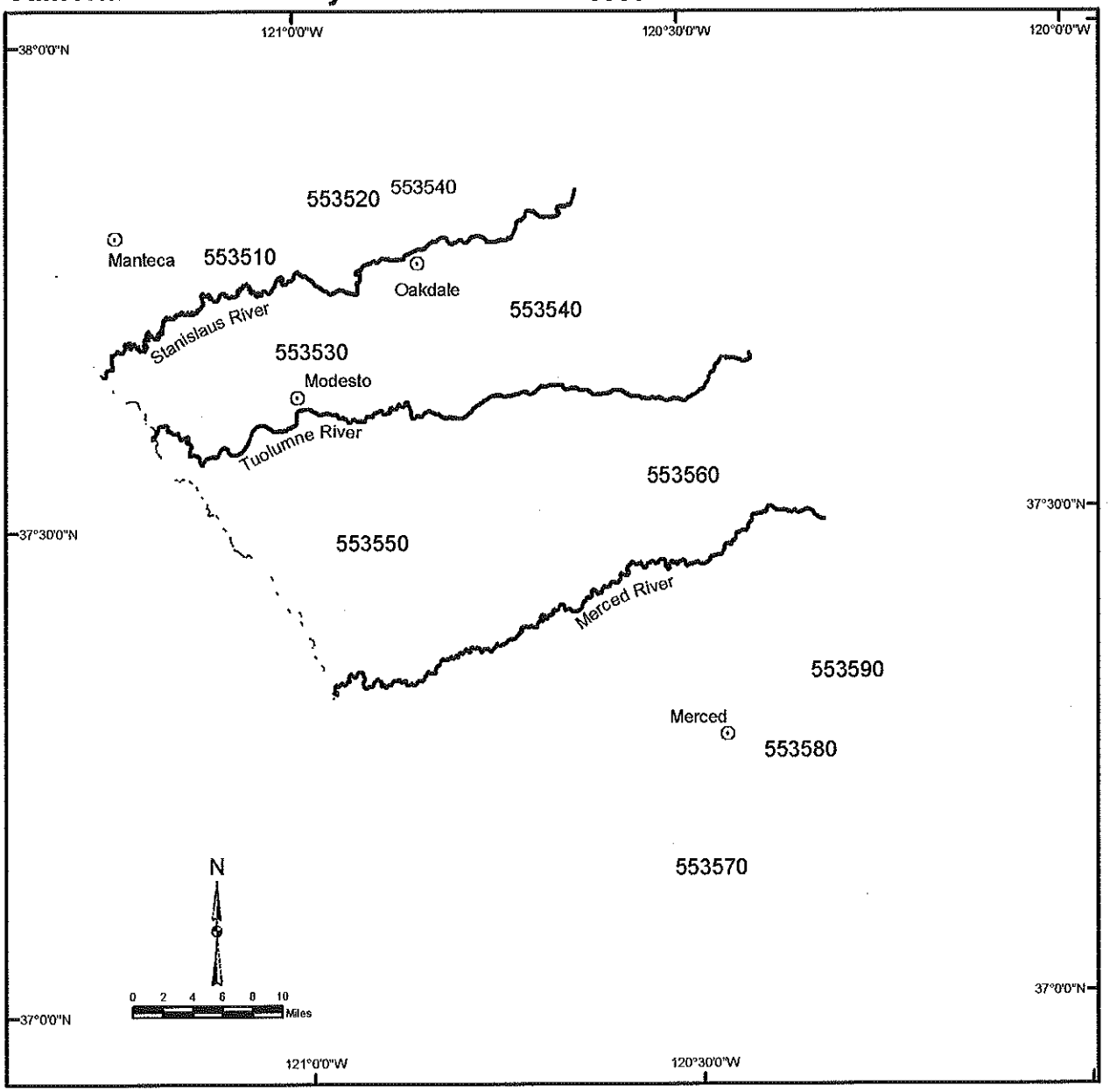
Respectfully submitted,

Cindy M. Charles
Conservation Chairperson
Golden West Women Flyfishers

Attachment: Critical Habitat Map

## Critical Habitat for the California Central Valley Steelhead

## San Joaquin Valley Floor Hydrologic Unit 5535




Cities/Towns

Critical Habitat

Hydrologic Unit Boundary

Fifth Field Calwater Hydrologic Sub-Area Boundary

110701 Fifth Field Calwater Hydrologic Sub-Area Number