Northern California/Nevada Council

Federation of Fly Fishers

STEELHEAD COMMITTEE

The Secretary, Federal Energy Regulatory Commission
c/o Philip Scordelis
901 Market Street
Suite 350
San Francisco, CA 94103

August 3, 2007

Re:Tuolumne River Fisheries Study Plan - P-2299-060

Dear Mr. Scordelis,

I am the chairman of the Steelhead Committee of the Northern California/Nevada Council of the Federation of Fly Fishers. I will be attending the meeting in Sacramento on August 8th regarding this matter, but I request that you include my written comments for the record on behalf of the NCCFFF Steelhead Committee.

General Comments

After review of pertinent documents submitted by the Districts, Agencies and concerned parties, it is abundantly clear that the current Tuolumne River Fisheries Study Plan is woefully inadequate. The Agencies' Comments (Draft, July 2007) accurately portray the situation: "it is unacceptable that after performance of at least three study plans and actual studies spanning 40 years we should find ourselves in a situation where, '… the data are insufficient to reach any valid conclusions …' regarding the impacts of the existing flow schedule on these fisheries." The Districts still have not submitted a study plan that will ensure the protection salmon and steelhead populations in the Tuolumne River into the future.

Instream Flow Issues

The Districts do not include the experimental flow recommendations that were set forth in the "Draft Limiting Factors Analysis" which was submitted with the Agencies' comments (March 8, 2007). There is ample evidence to demonstrate that flows in the Tuolumne River strongly affect the production of smolts that migrate into the Delta, and that smolt production affects the number of adults returning to spawn. Therefore flow management and restoration should focus on enhancing the quality and quantity of habitat for juveniles and outmigrating smolts. We request that the Commission adopt the experimental flow recommendations set forth in the "Draft Limiting Factors Analysis."

Furthermore, we support the Agencies recommendations regarding the other instream flow issues, particularly the one to include fish health studies to evaluate how flow affects disease, contamination impacts, and food resources.

Habitat Restoration

The Agencies' March 2007 comments flatly state: "the Districts' draft study plan does not include assessment of the habitat needs of *O. mykiss* in the Tuolumne River." We agree and urge the Commission to give *O. mykiss* and Chinook salmon equal consideration with regard to habitat needs.

The Agencies analyses suggest that more fry are currently being produced than can be supported by the rearing habitat, leading the Agencies to recommend that the Districts shift their focus from spawning habitat and sediment transport to smolt production and the better quality of rearing habitats. We agree with this recommendation.

The Districts do not include escapement and adult recruitment as a component of evaluating restoration effectiveness. These elements should be included in the evaluation.

Fry Survival

As noted in the Agencies' comments (Draft, July 2007), the Districts' Plan does not include monitoring fry health. Since fry health is essential for fry survival, we recommend that this component be added to the plan.

Steelhead Presence/Protection

This section of the staff's analysis opens with: "Opinions differ as to whether *O. mykiss* in the Tuolumne River represent a viable steelhead trout population" (Staff Analysis, June 2007). This is a misguided approach to steelhead presence/protection and diminishes the importance of this section. There is no question that steelhead are present in the Tuolumne River (McBain & Trush, Report 2004-12; Rotary Screw Trap Report 2006-4; McEwan, 2001). Furthermore, NMFS considers steelhead to be present in a river if the river has both a resident rainbow trout population and has continuity with the ocean (Agencies' Comments, March 2007), and presumes that " all juvenile *O. mykiss* in streams where listed steelhead occur are listed juvenile steelhead" (Federal Register / Vol. 71, No. 3 pp 841).

Staff's approach on this issue then leads to their statement: "If these studies document the presence of a steelhead trout population in the Tuolunme River, further analysis should be defined to determine what protective measures (e.g., flows, temperature, habitat, passage, etc.) are needed." This suggests that it will be four years before "further analysis" will come to fruition as an operable plan. They conclude that the current plan is a "**good start** [emphasis added]." Steelhead are listed under the ESA because they are threatened **now**, and need ESA protections in place **now**. We request that the Commission acknowledge the presence of this listed species, and direct the Districts to consult with the Agencies and develop **immediate** plans on how to protect and enhance the *O. mykiss* populations in the Tuolumne River.

The Districts' Plan does not include determining abundance of adult and juvenile fish at specific intervals throughout the year. The Districts will only conduct surveys during the summer, the time when anadromous adult O. mykiss are not likely to be present. We request Commission to direct the Districts to adopt a year-round sampling plan as recommended by the Agencies.

The Districts' Plan does not include using existing steelhead data from neighboring rivers as recommended by the Agencies. Since there is a great deal of information on steelhead

populations in neighboring rivers, it makes sense to gain more insight into gaps in the knowledge base of Tuolumne River steelhead by using this information.

Predator Control

Our concern was that predators other than black bass (striped bass and Sacramento pikeminnow) were not included in the Districts' study plan. Apparently the Districts have agreed to include these species in their sampling plan (Staff Analysis, June 2007), which relieves our concern.

River Temperature

The Districts' Plan calls for acoustic tag studies to determine how flow and temperature affect smolt survival for only three years. These studies should be extended to a period recommended by the Agencies.

We also agree with the Agencies that bioassay studies should undertaken to determine how fish condition, in terms of energy reserves (lipid content of muscle tissues), disease, smoltification timing, and contamination (toxic insult of kidney and liver tissue), is affected by flow and water temperature.

In Summary:

Although there are numerous questions remaining to be answered about the existing flow schedule, it is abundantly clear that flow and temperature are the most important limiting factors for the health of both Chinook salmon and *O. mykiss* populations. The data clearly demonstrate that higher flows result in lower temperatures and dramatic increases in salmonid production in the lower Tuolumne. We therefore request that the Commission direct the Districts to maintain flows that historically have resulted in the greatest Chinook salmon and *O. mykiss* escapement and recruitment.

Respectfully Submitted,

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