September 28, 2010

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

Re: Comments of American Whitewater and Friends of the River on the McCloud-Pit Project Draft Environmental Impact Statement (FERC # 2106)

Dear Secretary Bose,

Thank you for the opportunity to comment on the Draft EIS for Pacific Gas and Electric's McCloud-Pit Hydroelectric Project. American Whitewater (AW) and Friends of the River (FOR) have long been interested parties in this proceeding. AW and FOR have been participants at various levels throughout the above noted process and have constituencies for whom the McCloud River is a precious place, worthy of the highest degree of protection. Therefore, AW and FOR have a direct interest in the relicensing of the McCloud-Pit Hydroelectric Project and welcome the opportunity to provide input to the Commission's environmental analysis.

Lower McCloud Flows

American Whitewater (AW) and Friends of the River (FOR) have the stated goal to restore a more natural hydrograph on the Lower McCloud, particularly in the spring. The flows that we have recommended will provide an elevated flow, coinciding with the spring snowmelt, that would gradually taper off in April or May depending on water year. The current flow requirement on the Lower McCloud creates conditions that allow flows to fluctuate far more rapidly than would have occurred under the natural hydrology. We believe that while not perfect, the spring flow schedule proposed by the United States Forest Service (USFS) and the California Department of Fish and Game (CDFG) would be an improvement to the current flow regime and superior to any of the other flow regimes that have been proposed thus far in this proceeding.

American Whitewater and Friends of the River support the minimum instream flows proposed by the CDFG. We also believe that the CDFG summer flows are equivalent to the alternative proposed by California Trout and Trout Unlimited, which requires a

summer base flow that is equal to the historic average summer base flows during normal years under the existing license (about 210 to 220 cfs). We believe that these flows should be reviewed and revised to allow for the reintroduction of anadromous fish into the Lower McCloud before that reintroduction occurs.

Energy Policy Act

The summer minimum flows proposed in the original preliminary 4e conditions from the USFS were also consistent with CDFG and the Cal Trout/TU proposal. Unfortunately, the USFS revised and reduced the flows in their preliminary 4e flow conditions. The reason for this change in the words of the USFS was. ".. to better meet the needs of both parties, and to avoid and unnecessary Trial Type Hearing". Unfortunately, there are more than two parties that are involved in the relicensing of the McCloud/ Pit hydroelectric project. However, in this instance only the USFS and PG&E were involved in what is one of the most important issues to be decided in this relicensing. None of the other state and federal agencies including, CDFG, California State Water Resources Control Board, National Park Service, or NGOs including American Whitewater, Friends of the River, Cal Trout , Trout Unlimited, McCloud River Keepers, were involved in this private negotiation. Furthermore, no other stakeholders had the opportunity to review PG&E's Trial Type Hearing Request. We do not know what were the issues of material fact that PG&E was disputing and subsequently we have no idea if the Trial Type Hearing that was being threatened by PG&E was in fact "unnecessary". Because these revisions to the preliminary 4e conditions were made public less than 48 hours before the Trial Type Hearing/Alternative Condition filing deadline, this left little time for those that disagreed with the changes to file our own hearing request. We have registered our complaint on this issue with the Regional Forester and the Chief of the Forest Service. In their response back to us the Regional Forester stated:

"To respond to your concerns we are discussing procedures that can prevent the need for future filing of revisions during the 30-day timeframe between when Preliminary 4(e) conditions are filed with FERC and requests for trial type hearings and alternative condition filings are due. We will continue to provide proposed preliminary 4(e) conditions for review by all relicensing participants in advance of the final FERC filing date in order to ensure that all participants have sufficient time to engage in collaborative discussions concerning proposed conditions. "

We hope that bilateral negotiations such as what occurred here do not happen in future relicensing. We believe that it has seriously hampered our ability to engage in collaborative discussions on this project

Specific Comments

Page 34, Existing Environmental Measures:
The DEIS fails to adequately characterize the purpose and goals of the McCloud River Coordinated Resource Management Plan (CRMP). The CRMP was developed in lieu of federal Wild & Scenic River protection for the McCloud River upstream and downstream

of the McCloud Dam and Reservoir. The Forest Service's Shasta-Trinity Land and Resource Management Plan (1995) states:

> The plan (CRMP) will effectively maintain the outstanding remarkable values of this potential wild and scenic river. If for any reason, the terms of the CRMP are not followed and the wild and scenic river eligibility is threatened, the Forest Service will recommend these segments for Federal Wild and Scenic designation. (pg. 3-23)

Specific management direction in the Shasta Trinity Plan states:

> In cooperation with private landowners, PG&E and DFG manage the Upper and Lower McCloud River and Squaw Valley Creek under a CRMP. This plan would help protect the unique and outstandingly remarkable features of the river environment. (pg. 4-123)

Federal and agency guidelines require that the free flowing character and specific outstandingly remarkable values of rivers deemed eligible for National Wild & Scenic River protection be protected. According to the Shasta Trinity Plan/FEIS, the specific outstandingly remarkable values of the McCloud River include:

> Fisheries – The upper McCloud is home to the rare redband trout and the lower McCloud supports a nationally significant trout fishery, with the potential of Dolly Varden (Bull) trout reintroduction.
>
> Visual Quality/Scenery – In both upper and lower segments, the McCloud is a perennial stream with waterfalls, flowing through rugged topography.
>
> Cultural/Historical – In the lower McCloud, large Indian encampments, historical settlements, remnants of late 1800 and early 1900 resorts.
>
> Geology – The upper McCloud flows through deep flat soils and over waterfalls, volcanic formations is the source of Big Springs. The lower McCloud has numerous rock outcrops, waterfalls, and pools. (pg. E-16)

It is also clear that recreation would be a value that would lead to designation and therefore need to be protected and enhanced. The Wild and Scenic River Act is clear on this point.

> **§ 1281. Administration (a) Public use and enjoyment of components; protection of features; management plans**
>
> Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values.

A river is considered free flowing even if its flow is modified by upstream water resources projects, as is the case with the lower McCloud River and the McCloud-Pit Hydroelectric Project. Future flow releases from the hydro project, must be sufficient to

sustain the specific outstandingly remarkable values that make the river eligible for National Wild & Scenic River protection. In addition, federal and agency guidelines require the protection of the specific outstandingly remarkable values.
Both the Shasta Trinity Plan and the CRMP establish protection standards that must be acknowledged and met in the proposed action for the McCloud-Pit Hydroelectric Project. The description of the CRMP on pg. 34 should be adjusted accordingly and the proposed action should either include a statement on how the Wild & Scenic River protection standard is met or be modified to ensure that this standard is met. In addition, Forest Service 4(e) conditions must also meet this protection standard.

Page 152, Riparian and Wetland Vegetation**:**
Commission Staff states, " Significant changes in the longitudinal and cross-sectional extent of riparian vegetation due to project-related flow alterations were not detected during this analysis", may erroneously lead the reader to believe that the project operations have not changed riparian communities on the lower McCloud. We would like to point out that TM-32 states that, "There were a number of limitations to this study. First, the photo interpretation was limited by the scale and resolution of the historical photographs themselves." The report concludes that, "In summary, significant changes in the longitudinal and cross-sectional extent of riparian vegetation due to Project-related flow alterations are not discernable using the available historical aerial photography."

The effect of the project on riparian vegetation is documented in TM-65. On page 30 the report describes how low flows with reduced inundation duration and flood intervals have changed vegetation in and near the channel.

> Thus, under post-Project flows, species such as alder and dogwood can become established in the flatter area below this slope break; but under pre-Project flow conditions, these species are forced out of the relatively broad channel and onto the steeper slope, where there is less available habitat.

Higher Flows are required in the spring to keep the river channel clear of vegetation. The proposed USFS/CDFG spring flow schedule will help to meet this objective.

Page 122,Flow Compliance:
"PG&E and the resource agencies also propose ways to comply with the minimum flows that differ. PG&E proposes that the minimum flow requirements be met on the basis of the seven-day running average of mean daily flow. PG&E proposes the following: (1) individual mean daily flows may be less than the required minimum stream flow; (2) the instantaneous 15-minute stream flow should be at least 90 percent of the required minimum stream flow; and (3) the seven-day running average of the daily mean be equivalent to or greater than the required minimum flow."
The proposed flow compliance measure is far too complex. Flows should be a minimum flow based upon a 15-minute instantaneous reading. This will allow PG&E's operators, and the general public to understand the condition and know if the licensee is in compliance.

Page138, Ramping Rates:
We agree with Commission Staff that, "The potential for stranding of fish and other aquatic organisms during rapid changes in flow is a function of changes in water depth rather than directly of flow rate."

Oddly, Commission Staff seems to contradict itself in rejecting our recommendation to use stage rather than flow as the unit of measure for ramping rates. Commission Staff states, "American Whitewater does not provide evidence that using stage measurements at the Ah-Di-Na gage as a guide for ramping would be any more appropriate for protection of aquatic resources than the use of flow measurements." We disagree. In our Alternative Condition submitted to the USFS we clearly articulated that using stage rather than flow would more closely mimic natural recession rates. It is common knowledge that in any typical stream channel, constant changes in flow will bring about smaller changes in stage as the flow goes up. Decreases in flow will obviously have the opposite effect. This is true regardless of the particular channel cross-section that is used for gauging.

Commission Staff also states that the Ah-Di-Na gauging cross-section " May not be indicative of the stage discharge relationship throughout the reach" . In making this statement commission staff provides no information to demonstrate that the Ah-Di-Nah cross section is not representative of the Lower McCloud River. Commission Staff also fails to explain how using flow as the unit of measure for ramping is more protective of the resource. Below in figure 1 we compare the stage discharge relationship between IBM transect 8 and Ah-Di-Nah. In this graphic the IBM Transect 8 and the Ah-Di-Nah stage discharge relationship was fitted with a curve based on Manning's equation, and extended to calculate stages for higher flows.

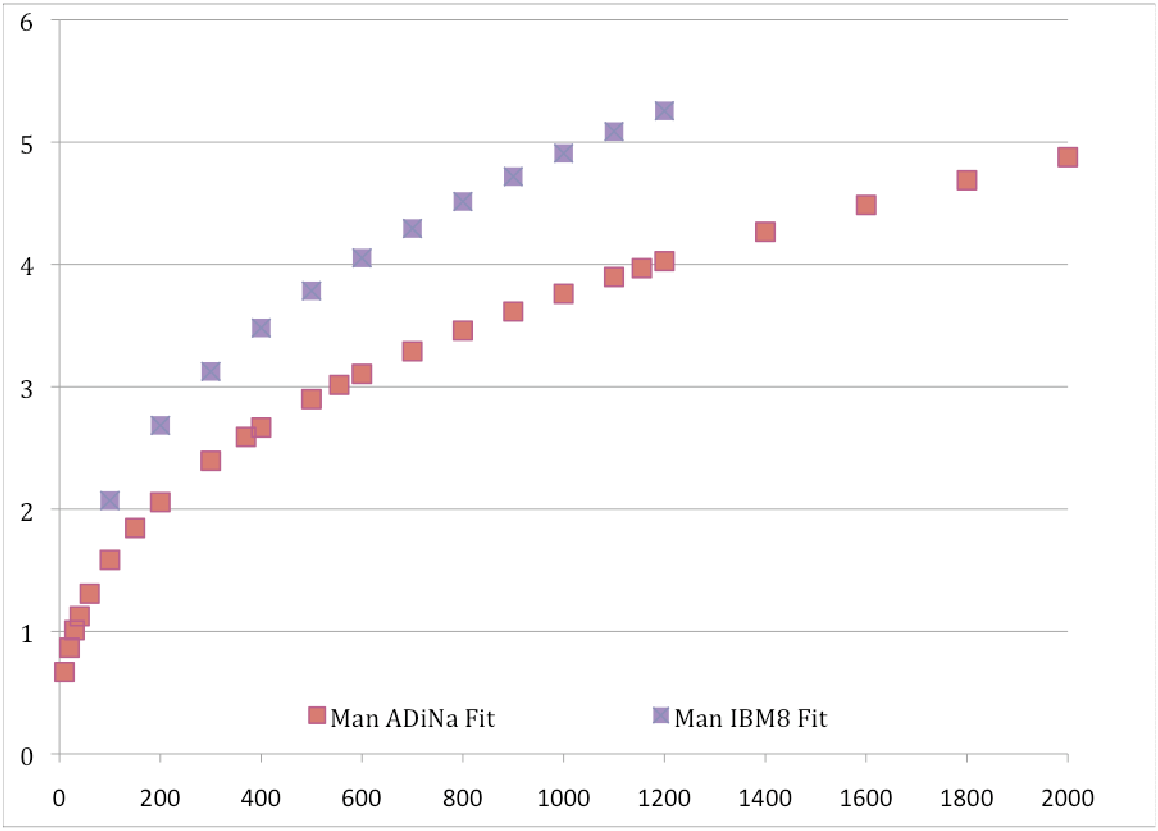

Figure 1.

While the absolute stage heights are clearly different, the relative changes are reasonably close. If more accuracy is required, it would be a simple effort to translate the values from the IBM-8 cross section to the Ah-Di-Nah cross section.
We believe that the stage at the Ah-Di-Nah gauge is, in fact, an appropriate representation of other cross-sections within the reach. If Commission Staff disagrees, we ask that information to substantiate that view be provided.

IBM transect-8 is particularly important because this is a known foothill yellow legged frog breeding site. During frog surveys in 2008 egg masses were located when the river discharge was at 1050 CFS and at a depth of .33 m. When flows subsequently dropped to 650 CFS the same egg masses were located at a depth of .09 m. Interestingly, this change in stage height corresponds almost exactly to the stage height change from the Ah-Di-Nah gauge site.

The ramping rate conditions in the USFS 4e condition and the Staff Alternative contain two components. The first is a ramping rate of the base flow condition and the second is a ramping of spill flows less than 1000 cfs. While the DEIS does not refer to the base flow reduction as a ramping rate, we will do so here to help clarify our terms.
Recently, the USFS amphibian specialist has stated that the appropriate ramp rate to be protective of FYLF is 1 foot in three weeks on the descending limb of the hydrograph.

Figure1 shows both flow and stage changes for 2006 during the frog breeding season at the frog breeding site, (IBM transect-8).

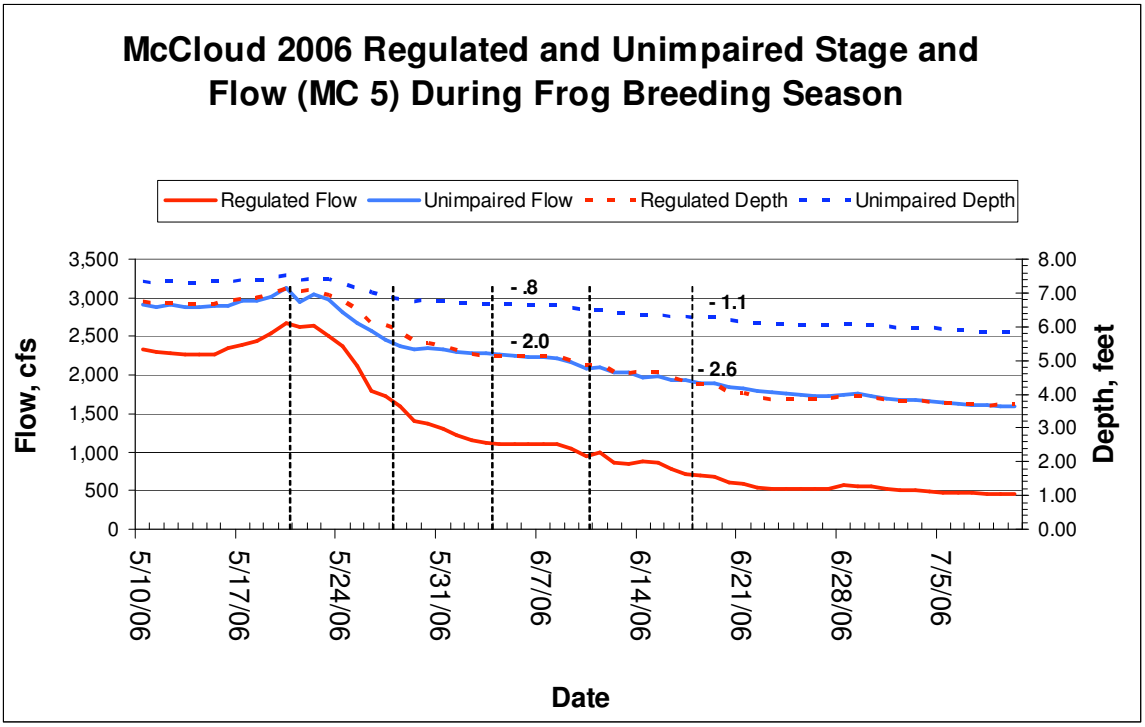

Figure 2.

In this particular example we can see that unimpaired flows receded at a rate of 1.1 feet over three weeks while regulated flows recede at a rate that was more than twice as fast, dropping 2.6 feet over three weeks. In reviewing the hydrologic record we found that late-season spill flows during the frog breeding season occurred in about 30% of the years. We believe that ramping rates that exceed one foot in three weeks are a limiting factor in FYLF success on the McCloud. We ask that FERC review the hydrologic record to determine how often ramp rates have exceeded the one foot per three week threshold during the frog breeding seasons.

The USFS and CDFG have proposed ramping rates of 50 CFS per week for reducing base flows, our analysis concludes that this would result in stage changes within the 1 foot per three week threshold. We also find that the proposed ramping rate of 150 CFS every 48 hours exceeds this threshold. Using the stage discharge information from the Ah-Di-Nah gage site we have calculated that using this ramp rate flows will drop 1 foot in six days and 2 feet in 12 days. Keep in mind that the later the spill event, the more dramatic the stage change will be before base flows are reached. It is also important to note that spills above 1000 CFS have no ramping requirement at all. While we support the USFS 4e/ CDFG flow conditions, we point out that the ramping conditions off of spill events will only be marginally protective of FYLF and other aquatic species.

Page 187, Staff Analysis: Foothill Yellow Legged Frogs:

It has been suggested that cool water temperatures and lack of habitat is the primary reason that FYLF have not been found in the upper reaches of the Lower McCloud. We refer Commission Staff to Technical Memo-09 (Updated February 2009) for Special Status Amphibians and Reptiles. This report documented that the water temperature within side channel sites where tadpoles were found were significantly warmer than the main channel. Temperatures as shown in Table 5 of the report were above 20^{o} C at these sites while the main river was 13.5 to 16^{o} C. Historically according to TM-09, FYLF have been found as far upstream as The Nature Conservancy lands. Unless evidence exists to the contrary, we must assume that margin habitats with acceptable temperature conditions exist in the upper reaches.

Page 202, Regional Recreation Resources:
While Commission Staff describe an array of recreation resources within the region, there is no reference to any other Whitewater recreation opportunities within this section. We ask that Commission Staff describe other whitewater recreation opportunities, specifically any that are comparable to the 25 mile class III/IV wilderness run of the Lower McCloud River.

Page 217, Angling:
Commission Staff correctly states the fishability study found 210 to 375 cfs as measured at the Ah-Di-Na gage (gage MC-1) as optimal for angling. However, other sections of the DEIS state 200 to 300 cfs as the optimal flow range for angling. These later numbers are not correct and should be changed.
This section also states, "Anglers who were not calibrated to the gage indicated that the existing summer base flows at Ah-Di-Na of about 160 to 200 cfs provided the best conditions for fishing". It is worth noting that at the Ah-Di-Nah gauge, summer flows have been typically 220 cfs or higher. Rarely have the flows been below 200 CFS, and never as low as 160 cfs. It is also important to note that flow information has only been on-line since 2009. This has not allowed much time for anglers to calibrate flow information with the actual angling conditions.
This section is confusing because it references both angling and boating. For instance, "The upper segment of the river from the base of McCloud dam to Ah-Di-Na Campground is steeper and more constricted, requiring a different set of flow conditions for a given experience than the lower segment from Ah- Di-Na to Shasta Lake. " It is not clear if the reference is to boating or angling. We believe the reference is for boating but clarifying this statement would be helpful.

Page 217, Whitewater Boating:
Commission Staff mischaracterizes the boating opportunity on the Lower McCloud stating,

> Overall, review of hydrological data under past Project operations indicate that between 1974 and 2006, flows suitable for boating opportunities (180 to 3,000 cfs as measured at Ah-Di-Na gage (MC-1)) were available in about 40 percent of the years (13 of 33) with an average of 32 days with flows in the whitewater (500 to 3,000 cfs as measured at Ah-Di-Na gage) range (16 of those days in the

standard whitewater range [700 to 1,500 cfs as measured at Ah-Di-Na gage]).

In the Draft License Application (DLA) we commented that using average number of days gives an inaccurate picture of the amount of boating opportunity that currently exist on the lower McCloud. Unfortunately, rather than correct this statement, FERC Staff copied this section verbatim from the DLA into the DEIS. We make our case again that this language should be changed to reflect what was actually contained in the TM-24. Page 25 of this memo correctly states that,

"Averages over the period of record oversimplify the actual number of whitewater boating days because there are many years with no whitewater flows (and other years have more days than the average)."

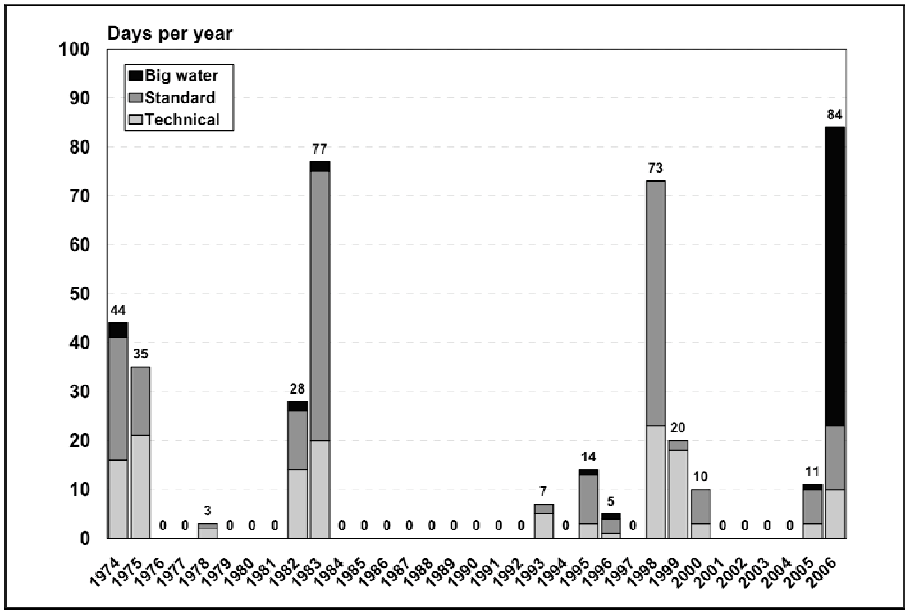

Figure 7. Number of days in whitewater boating ranges in individual years, 1974–2006

Figure 7 from the report illustrates that in the eight years from 1984 to 1992 there was no whitewater boating opportunity on the McCloud. Having ample opportunity in the few wet years in no way makes up for the long periods of lost opportunity.

We make the case that using the median number of boatable days gives a clearer picture of the boating opportunity that occurs on the Lower McCloud. The attached charts in appendix A show the number of boatable days under the USFS/CDFG flow proposal and the base case. Also included is the chart that shows the number of fishing days under the USFS/CDFG flow proposal and the base case. We used this information to determine that under the proposed PG&E/ USFS flow schedule the median number of days in the optimal boating range for the period of record is 4. While a very low number, this is an improvement over the existing condition (base case) which shows a median of zero boatable days over the period of record. We would also like to point out here that the

median number of optimal angling days is 191 under the PG&E/ USFS flow schedule and a median of 200 days under the base case.

Page 227-228, Lower McCloud River Recreation Facilities:

In the previous section on recreation flows Commission Staff states, "As discussed in section 3.3.5.1, *Affected Environment,* the quality of angling and boating along the Lower McCloud River depends on the quantity of flow within the river." We agree, and we feel that this statement clearly demonstrates the nexus between the operation of the project and recreational opportunities on the Lower McCloud. Given this fact, it is imperative that access be provided to Ah-Di-Nah whenever boating flows are available. Commission Staff's recommendation to only provide put-in access for boating below McCloud Dam will limit boating opportunity to only the most skilled boaters. TM-24 states, "The upper segment of the river from the base of McCloud dam to Ah-Di-Na Campground is steeper and more constricted, requiring a different set of flow conditions for a given experience than the lower segment from Ah- Di-Na to Shasta Lake." The upper segment is not suitable for the intermediate level boaters and far less suitable for rafts. In contrast, the run from Ah-Di-Nah provides an intermediate level trip suitable for kayakers, rafters, and rafting based anglers, as well as disabled persons that have no other way to see this river in its entirety."
All of the flow proposals that have been suggested will limit boating opportunity to the winter and early spring. Currently, the road to Ah-Di-Nah campground is often impassable due to snow during this period. It is unacceptable to relegate boating opportunity to this particular season and not provide access. It is our recommendation that PG&E be required to provide snow removal when flows are above 300 cfs at the Ah-Di-Nah gage.

Page 231, Pit 6 and 7 Reservoir Recreation Facilities:
We fully support Commission Staff's recommendation for the development of hand launch boating access at the Pit 7 reservoir. Flatwater canoeing and kayaking is one of the fastest-growing water-based recreational activities. Currently there are twice as many non-motorized as motorized boats in the state of California, *(Non-Motorized Boating in California , January 10, 2008, California Department of Boating and Waterways).* Yet even though there is substantial demand for non-motorized boating there are surprisingly few opportunities and even fewer facilities that cater specifically to non-motorized boating. Opportunities provided by small forebays and reservoirs, such as Pit 6 and Pit 7 reservoir, are ideal locations for canoeing and kayaking. American Whitewater, having participated in the flatwater boating study, can attest to the fact that Pit 6, and particularly Pit 7, provide a high quality paddling opportunity. American Whitewater also participated in the site visit to assess boating access to Pit 6 and Pit 7 reservoirs along

with PG&E and the USFS. While there are certainly some challenges to be overcome in providing access in the steep canyon, we feel that these obstacles can be reasonably overcome. We ask that American Whitewater be consulted on any plans to provide access for non-motorized boating.

Page 233, Pit 7 Afterbay Recreation Facilities, *Our Analysis:*
Low head dams, such as this one at the Pit 7 Afterbay, result in a significant number or the drowning incidents that occur in the U.S. every year, (*American Whitewater Journal Sept/ Oct 2010).* The Pit 7 Afterbay Dam is a safety hazard that has proven to be fatal at least three times. The combination of the angling opportunity that is created when fish attempt to migrate up from Lake Shasta and stack up behind the dam, combined with the large change in flows, 500 cfs to over 7000 cfs, creates an extremely dangerous public safety issue. The stated purpose of the dam is to attenuate the flows out of the Pit 7 dam powerhouse. We assume that the reason for attenuating the flows below the powerhouse is for the purpose of increasing public safety. We would argue that this facility does just the opposite. Currently a significant effort and expense is being incurred attempting to keep people away from this safety hazard.

We recommend that FERC require the licensee to remove the Pit 7 Afterbay dam and reconstruct the river channel between the Pit 7 Dam and Lake Shasta. Currently all of the hydraulic energy is focused as water comes over the top of the 30 foot Afterbay Dam. This energy could be dissipated by spreading the 30 vertical feet of gradient over the 1.5 mile distance between the Afterbay and Pit Seven dam. Flows could be attenuated better by creating a series of step pools below the powerhouse in such a way that no dangerous hydraulics would be created.

Page 242, Provision of Stream Flow Information

In 2008 PG&E began the posting of real time flow information for the Ah-Di-Nah gauge on the internet. This has been a important step in providing, boaters and anglers the information they need to be able to take advantage of flow based recreation on the lower McCloud. We appreciate that PG&E has provided this flow information. We ask that providing this flow information be part of the new license conditions.

Page 326, Discussion of Key Issues, Lower McCloud River below McCloud Dam:

We were disappointed to see that Commission Staff provided virtually no analysis of the flow schedule recommended by American Whitewater. Furthermore, the statement by Commission Staff that they give more deference for safe wading opportunities than to whitewater boating points out the particular bias that FERC seems to have against whitewater boating. In our view, it should be FERC's role to demonstrate how the various interests are being met in the operation of this project. FERC's role should not be to simply pick winners and losers amongst the various recreational interests. In this instance we note that our proposal was designed specifically to not have elevated flows during the fishing season in dry and critically dry years. Commission Staff made no reference to this and provided no analysis on the part of our proposal that would clearly meet the needs of both recreational interests. We ask that you do that now. We

understand that more specificity in our proposal would be helpful, so we provide that here.

- We accept the USFS/ CDFG/ PG&E proposal for water years that are 90% or greater of the expected runoff , as described in Table 3-21 on page 124.
- In water years where the expected runoff is 76- 89%, we ask for a flow increase from the USFS/CDFG/ PG&E flow proposal of 50 CFS on March 15. This would create a flow of 300 cfs until April 15th. These flows would then be ramped down according to the USFS/CDFG/ PG&E flow schedule.
- We would also like to see a minimum instream flow as recommended by CDFG, and recommended by the USFS in their original preliminary 4e flow conditions.

The current flow proposal from USFS/CDFG/ PG&E provides a peak release of 250 cfs in 76-89% water years, this is just under the minimum boatable. The additional release of 50 CFS in these water years will provide important boating opportunity and not interfere with weighting based angling. Additionally, these flows will more closely mimic the natural hydrograph. The hydrologic record shows that there is a clear snowmelt pulse that occurs in all but the most extreme dry years. We also note that with the potential for the reintroduction of anadromous fish, flows that allow fish to migrate throughout the lower McCloud will be required in all water year types. We believe that these flows will help to meet that requirement.

FOR and AW are concerned by Commission Staff's opinion that eight of NMFS 10(j) recommendations aimed at reintroducing salmonids in the McCloud River are inconsistent with the comprehensive planning and equal consideration provisions of sections 10(a) and 4(e) of the Federal Power Act.

Pages 358 and 359 of the DEIS state:

> NMFS provided eight 10(j) recommendations that include protection, mitigation, and enhancement measures to be implemented as soon as listed salmonids are documented within the McCloud River. We note, however, that no listed salmonids have been documented within the project area due to the barrier created by the Bureau of Reclamation's Shasta Dam and lack of fish passage facilities provided at that dam. As such, it is premature to implement measures associated with the protection of these species. If and when listed salmonids are documented in the Lower McCloud River, the Commission's standard reopening procedure can be used, if necessary, to address a need for supportive habitat conditions in project reaches. Because there are no federally-listed salmon that are currently affected by the project, implementation of NMFS's recommended measures would not be worth any associated cost. Therefore, we find these nine measures inconsistent with the comprehensive planning standard of section 10(a) of the FPA, as well as the equal consideration provision of section 4(e) of the FPA.

NMFS has not asked that any of the 10(j)s in question be implemented immediately. In fact, by Commission staff's own reading the 10(j) measures are "…to be implemented as soon as listed salmonids are documented within the McCloud River."

Further, the *Public Draft Recovery Plan*, identifies the following goals for the McCloud River:

> 1.8.2 McCLOUD RIVER
> 1.8.2.1 Develop and implement a phased approach to salmon reintroduction planning to re-colonize historic habitats above Keswick and Shasta Dams in the McCloud River.
> · Conduct feasibility studies
> · Conduct habitat evaluations
> · Conduct 3-5 year pilot testing program
> · Implement long-term fish passage program[1]

There is no indication that the Final Plan will list any different priorities for the McCloud River and we expect the Final Plan will be released by NMFS well before the Commission issues a new license for the McCloud Project.

Additionally, FOR and AW consider the use of the standard re-opener clause to be an inadequate substitute for the NMFS proposed 10(j)s. It is our experience that the Commission rarely exercises its discretion to re-open a license.

Given the substantial likelihood that NMFS will attempt to reintroduce salmonids into the McCloud River, it seems only prudent that the Commission cooperate and prepare for such an event. Willfully failing to do so simply delays the inevitable. In such, we think the assertion that the NMFS 10(j)s are inconsistent with the comprehensive and equal planning provisions of the FPA is flawed.

[1] Ibid, pp. 159-160.

Again, thank you for the opportunity to provide comments on the Draft EIS. We commend the staff on the work they have done so far on the Draft EIS and look forward to reading the final draft.

Sincerely,

Kelly L. Catlett
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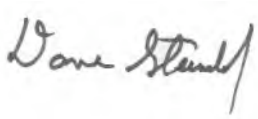
Sacramento, CA 95811



Dave Steindorf
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CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of September 2010, served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Carla Miner

Carla R. Miner
Stewardship Assistant
American Whitewater

Service List for P-2106-000 Pacific Gas and Electric Company

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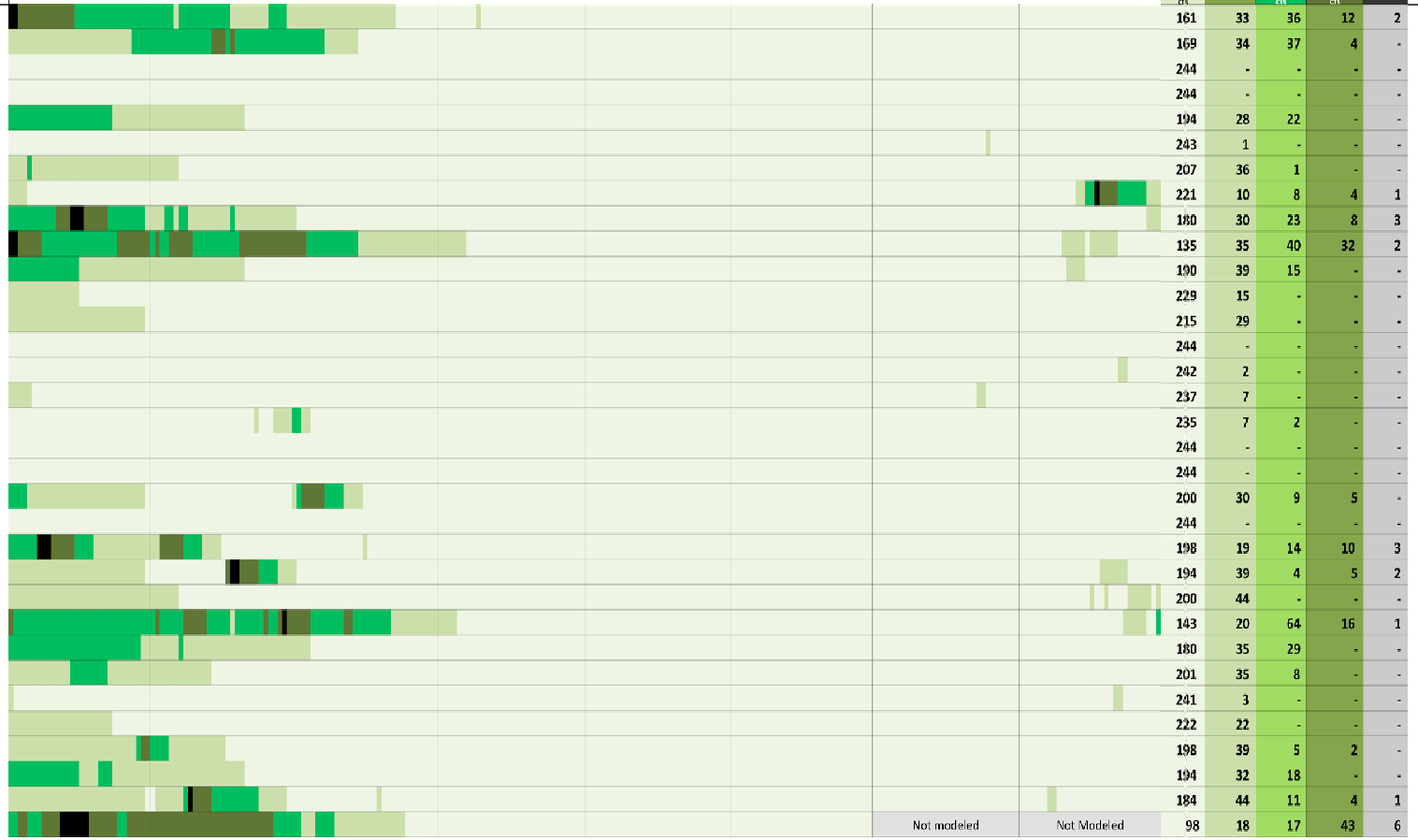
Appendix A

USFS / PG&E Lower McCloud River Instream Flow Condition, Boatability Evaluation (Flow as modeled at Ah-Di-Na, Gage MC-1 location)

Legend: = 200-310 cfs: Access Boating (kayaks) = 311-600 cfs: Less than optimal but acceptable for technical boating (kayaks & rafts) = 601-1,000 cfs: Optimal range for kayaks & rafts = 1,001-1,500 cfs: Higher than optimal but acceptable for both kayaks & rafts = Over 1,500 cfs: Big water trips



March 8120 Runoff Category*	Calendar Year	Access boating days 200-310 cfs	Lower than optimal flow boating days 311-600 cfs	Optimal flow boating days 601-1,000 cfs	Higher than optimal flow boating days 1,001-1,500 cfs	Big water days >1,500 cfs	# of Base Case days reasonably boatable** 311-1,500 cfs	# of Base Case days Optimally boatable** 601-1,000 cfs
4	1974	161	33	36	12	2	79	37
3	1975	169	34	37	4	-	49	28
1	1976	244	-	-	-	-	0	0
1	1977	244	-	-	-	-	0	0
4	1978	194	28	22	-	-	14	5
2	1979	243	1	-	-	-	1	0
4	1980	207	36	1	-	-	0	0
2	1981	221	10	8	4	1	16	3
4	1982	180	30	23	8	3	50	20
5	1983	135	35	40	32	2	112	33
4	1984	190	39	15	-	-	5	0
2	1985	229	15	-	-	-	0	0
4	1986	215	29	-	-	-	0	0
1	1987	244	-	-	-	-	0	0
1	1988	242	2	-	-	-	2	0
1	1989	237	7	-	-	-	2	0
1	1990	235	7	2	-	-	7	5
1	1991	244	-	-	-	-	0	0
1	1992	244	-	-	-	-	0	0
3	1993	200	30	9	5	-	24	5
2	1994	244	-	-	-	-	0	0
3	1995	198	19	14	10	3	39	6
3	1996	194	39	4	5	2	16	2
3	1997	200	44	-	-	-	11	0
5	1998	143	20	64	16	1	104	59
5	1999	180	35	29	-	-	47	0
4	2000	201	35	8	-	-	10	4
2	2001	241	3	-	-	-	2	0
3	2002	222	22	-	-	-	0	0
2	2003	198	39	5	2	-	11	3
4	2004	194	32	18	-	-	0	0
3	2005	184	44	11	4	1	21	7
4	2006	98	18	17	43	6	77	16

Not modeled | Not Modeled

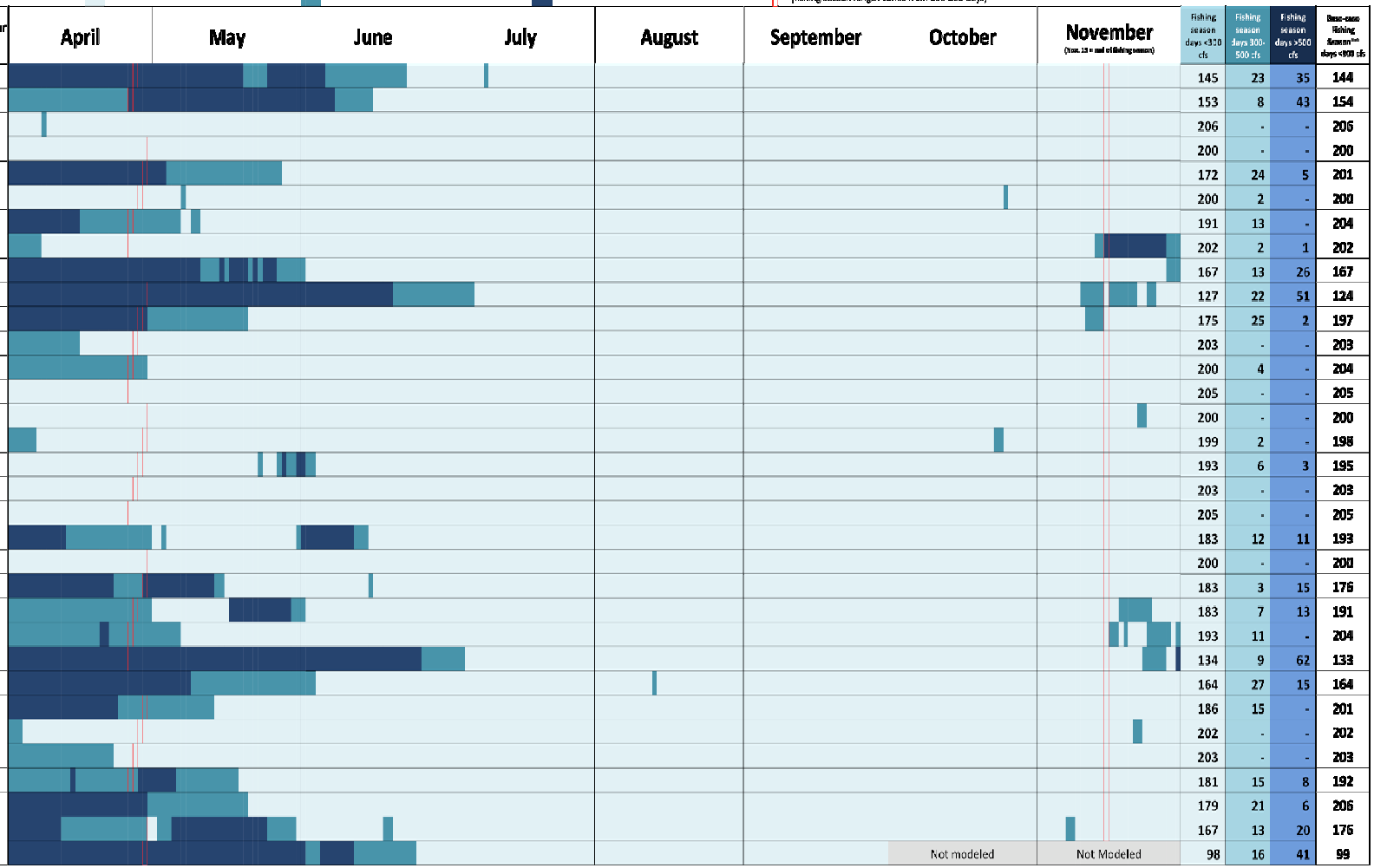
* Runoff categories used for flow decisions in modeling are based on the B120 McCloud River Above Shasta as follows: 5 (wettest) >120% of average; 4 = 100-119% of average; 3 = 90-99% of average; 2 = 76-89% of average; 1 (driest) = 0-75% of average.

** Number of reasonably boatable / optimally boatable days based on Model Base Case data using current license conditions.

4/19/2010

USFS / PG&E Lower McCloud River Instream Flow Condition, Fishability Evaluation (Flow as modeled at Ah-Di-Na, Gage MC-1 location)

Legend: = Under 300 cfs: Optimal Fishing / Wading; = 300 to 500 cfs: Acceptable Fishing / Wading; = Over 500 cfs: Unacceptable Fishing / Wading; = Opening / closing day of fishing season (fishing season length varies from 200-206 days)



Opening day of fishing season (last Saturday in April)	March B120 Runoff Category*	Calendar Year	Fishing season days <300 cfs	Fishing season days 300-500 cfs	Fishing season days >500 cfs	Base-case Fishing Season** days <300 cfs
27-Apr	4	1974	145	23	35	144
26-Apr	3	1975	153	8	43	154
26-Apr	1	1976	206	-	-	206
30-Apr	1	1977	200	-	-	200
28-Apr	4	1978	172	24	5	201
28-Apr	2	1979	200	2	-	200
26-Apr	4	1980	191	13	-	204
25-Apr	2	1981	202	2	1	202
24-Apr	4	1982	167	13	26	167
30-Apr	5	1983	127	22	51	124
28-Apr	4	1984	175	25	2	197
27-Apr	2	1985	203	-	-	203
26-Apr	4	1986	200	4	-	204
25-Apr	1	1987	205	-	-	205
30-Apr	1	1988	200	-	-	200
29-Apr	1	1989	199	2	-	198
24-Apr	1	1990	193	6	3	195
27-Apr	1	1991	203	-	-	203
25-Apr	1	1992	205	-	-	205
24-Apr	3	1993	183	12	11	193
30-Apr	2	1994	200	-	-	200
29-Apr	3	1995	183	3	15	176
27-Apr	3	1996	183	7	13	191
26-Apr	3	1997	193	11	-	204
25-Apr	5	1998	134	9	62	133
24-Apr	5	1999	164	27	15	164
29-Apr	4	2000	186	15	-	201
26-Apr	2	2001	202	-	-	202
27-Apr	3	2002	203	-	-	203
26-Apr	2	2003	181	15	8	192
24-Apr	4	2004	179	21	6	206
30-Apr	3	2005	167	13	20	176
29-Apr	4	2006	98	16	41	99

* Runoff categories used for flow decisions in modeling are based on the B120 McCloud River Above Shasta as follows: 5 (wettest) >120% of average; 4 = 100-119% of average; 3 = 90-99% of average; 2 = 76-89% of average; 1 (driest) = 0-75% of average.

** Number of Optimal Fishing / Wading days (under 300 cfs) based on Model Base Case data using current license conditions.

4/16/2010