



“The New Voice of Salmon”

Agenda Item B.1.b

Public Comment 1

November 2017

Mr. Phil Anderson, Chair
Pacific Fisheries Management Council

The following comments relate to: Agenda Item D.1 Supplemental Attachment 1 September 2017 REPORT ON HABITAT COMMITTEE WEBINAR ON OROVILLE DAM RELICENSING AND RELATED MATTERS.

First GGSA commends the Habitat Committee (HC) on its work here, however there are some items GGSA takes exception to, noted below. We agree that the issues here are very important because as HC reports, the Feather River salmon population is the single largest contributor to the Sacramento River fall Chinook harvest in the fishery.

The HC report says: Mr. Kindopp (DWR) explained that actions in the Settlement Agreement (SA) and those required in the NMFS Biological Opinion (BiOp) cannot begin until FERC issues the license.
HC Recommendation #1: Encourage FERC to issue the license immediately, *or allow DWR to expedite implementation of the Settlement Agreement Articles for temperature changes and habitat alterations to the low-flow channel prior to license renewal.*

First, GGSA argues the Council should instead consider encouraging DWR to immediately expedite implementation of the Settlement Agreement Articles for temperature changes and habitat alterations to both the low-flow **and high flow** channels, prior to license renewal. Accelerating the next phase of planning for facilities modification does not require FERC approval. (FERC approval would be required prior to construction of the final facilities modification design.) We believe it likely that, as a result of the Oroville Spillway crisis, license renewal will now be delayed, as requested by many of the local governments, state legislators, and stakeholders in Yuba County. The salmon can't afford to wait a year longer, let alone another decade or two, while license renewal complications from the failure of the Oroville Dam Spillway drag on.

We take issue with the HC's apparent acceptance that initial implementation of the SA can't begin until the FERC issues a new license. In fact after the spillway failure, DWR initiated some items from the SA including paying for some improvements to boat facilities and parking lots around Lake Oroville that weren't scheduled until after license renewal.

GGSA agrees with HC recommendation #2 which calls on the Council to petition DWR for Council participation on the Ecological Committee.

GGSA agrees with HC recommendations 3 and 4 which call on the Council to:

Encourage DWR to expedite the temperature changes to the low flow channel immediately, in compliance with the California State Water Quality Control Board request.

and

Encourage DWR to prioritize developing methods to ensure that daily maximum temperatures are not exceeded.

The HC's discussion of the high-flow channel includes the following: While temperature changes to the low-flow channel could occur quickly, changes to the high-flow channel *are more complex and will take more time, and were not identified as priority in the SA.*

Whether or not changes to the high-flow channel were identified as a priority in the SA is arguable. If they aren't a priority, maybe it's because salmon industry representatives were not at the table when the SA was created. GGSA believes temperatures changes to the HFC are extremely important, especially in light of the eight year deadline for putting the LFC segregation weir in place and the extreme loss of fall run spawning habitat that will result if the weir is completed before the high-flow channel temperature problems are fixed.

Having said that, GGSA couldn't agree more with recommendation #5 which calls on the Council to continue advocating for near-future solutions that directly (rather than indirectly) reduce water temp in the high flow channel.

GGSA is doubtful about the value of recommendation 6 which says: *Assess reasons for reduced spawning in the high flow channel*

Suffice it to say if temperature conditions are improved in the high-flow channel to allow successful spawning and if adequate spawning gravel exists in sections of the high-flow channel with desired velocities, salmon will use these areas. Additional information is always helpful. However, this recommendation should be deleted or modified to state clearly that additional study of the HFC should not interfere with the acceleration of desperately needed facilities modifications at Thermalito or Oroville Dam.

The HC says in section titled Council Role the following: Although a few gravel augmentation and recreation projects have occurred under previous agreements between FERC and DWR, no new habitat improvement projects identified in the SA can begin until the license is reissued.

Again, GGSA disagrees with this conclusion and reminds the Council that the SA calls for the Ecological Committee (EC) to convene after license renewal to choose, among other restoration actions, a preferred alternative to fix the thermal pollution problem in the high-flow channel from the various alternatives identified in the Reconnaissance Study. (This study identified several ways to re-plumb parts of the Oroville Project to undo the thermal damage created by the Thermalito complex.) There's no reason the EC or an analogue that includes representatives from at least CDFW, USFW, DWR and NMFS couldn't convene immediately to begin and complete the next phase of the planning process and choose such an alternative. Once the alternative is chosen, design and permitting of the selected fix is likely to take additional years before implementation. Choosing the alternative and getting a start on design and permitting doesn't violate any agreement or understanding with FERC and should start ASAP.

Sincerely,



John McManus, Executive Director
Golden Gate Salmon Association