


DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

Locust Street
Sacramento, CA 96001
(530) 225-2300

November 12, 2004

Mr. Richard Ely
Davis Hydro, LLC.
27264 Meadowbrook Drive
Davis, CA 95616

Dear Mr. Ely:

**Proposed Pit 4 Dam Retrofit Hydroelectric Project
Federal Energy Regulatory Commission (FERC) No. 12491
Initial Consultation Response**

The California Department of Fish and Game has reviewed the October 2004 initial consultation package (ICP) prepared by you (Applicant) for the Pit 4 Dam Retrofit hydroelectric project (Project), FERC No. 12491. The Department has prepared this first stage consultation response pursuant to Subsection 16.8(a), Title 18, Code of Federal Regulations (CFR). We are providing preliminary comments on the Applicant's document.

The scope of this response reflects the Department's statutory authority and mission statement. In regard to its statutory authority, the Department is responding to the Applicant's document as a trustee agency and an agency with special expertise to the State of California's fish and wildlife resources¹ (Section 1802, Fish and Game Code). The mission of the Department is to ensure that fish and wildlife are preserved for use and enjoyment by the people of the State now and in the future. This requires at a minimum the maintenance of all species of fish and wildlife for their ecological values as well as for the benefits to the public.

- Relationship to Pacific Gas and Electric (PG&E) Pit 3, 4, and 5 Hydroelectric Project (FERC No. 233)

As the proposed Project involves installing a hydroelectric facility on the bypass flow provided by PG&E's Pit 4 diversion dam, it will clearly be dependent on PG&E's Pit 4 dam operations. Currently PG&E is seeking a new license for the Pit 3, 4 and 5 Project (FERC No. 233). When issued, the new license will certainly specify conditions for the operation of the Pit 4 dam structures as well as the bypass flow requirements. PG&E recently initiated the California

¹As used in this response, "fish and wildlife resources" include all wild animals, birds, plants, fish, amphibians, and related ecological communities including the habitat upon which these species depend for their continued viability. (Fish and Game Code sections 711.2, 1802.)

Environmental Quality Act review process in support of their application for a Clean Water Act Section 401 water quality certification from the State Water Resources Control Board. Given the incomplete status of the Project No. 233 relicensing and the inherent dependency of any proposed retrofit on future license conditions, the Department cannot provide final comment on Project 12491 at this time. Instead, we can only offer preliminary comments based upon the information and assumptions provided by the Applicant to date. Once final information regarding a new FERC license for Project No. 233 and the associated linkages to Project 12491 is available, the Department will likely provide additional comments on necessary studies and/or recommended protection, mitigation, and enhancement (PM&E) measures.

- Provision of Bypass Flows

Given that the proposed retrofit will utilize the bypass flows provided by PG&E at the Pit 4 dam, measures to safeguard the delivery of this PM&E measure are of interest to the Department. At a November 4, 2004, scoping meeting, you suggested a synchronous bypass valve connecting the current PG&E release structure to any new conduit. We request additional detail regarding the mechanics and timing involved in triggering the operation of such a bypass valve.

- Entrainment of Fish

One impact of the proposed retrofit which can be anticipated even at this preliminary stage is the entrainment of fish. The ICP suggests installing a fish screen/net to mitigate this impact (page 8). However the details of said structure are not provided but rather a commitment to design an innovative fish passage facility. As you proceed with the design process, we refer you to Sections 5900 et seq. of the Fish and Game Code under Division 6 (Fish), Chapter 3 (Dams, Conduits and Screens), which provide relevant information on the nature of fish bypass facilities required by the Department at hydroelectric diversions.

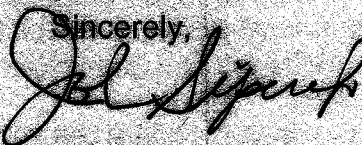
- Construction

Other inevitable impacts of the proposed retrofit relate to construction activities. While temporary in nature, construction activities can have significant impacts on water quality, recreational opportunities and fish and wildlife species. Some impacts can be mitigated by schedules that avoids sensitive life stages, combined with best management practices to be implemented during construction. We will request a detailed construction schedule as well as a description of proposed practices to ensure the maintenance of acceptable water quality and quantity.

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We appreciate the opportunity to comment on the proposed hydroelectric retrofit project. We look forward to working with you to license the Project. If you have any questions regarding the above comments, please contact Environmental Scientist Annie Manji at (530) 225-3846.

Sincerely,



DONALD B. KOCH
Regional Manager

cc: See page four

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