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March 26, 2015

VIA E-MAIL AND PERSONAL DELIVERY

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Re: Upper North Fork Feather River Hydroelectric Project Draft Environmental Impact Report

To Whom it May Concern:

Plumas County ("County") appreciates the opportunity to provide comments regarding the Upper North Fork Feather River Hydroelectric Project Draft Environmental Impact Report, SCH No. 2005082122 ("EIR"). As detailed in the comments below, the County is concerned that the EIR is inadequate in many respects and therefore fails to serve its purposes under the California Environmental Quality Act ("CEQA"). The County objects to any decision by the State Water Resources Control Board ("State Board") based on the EIR until the EIR's numerous inadequacies have been corrected. The County submits this letter in the hope that the State Board will correct these deficiencies and provide responses to the County's questions and comments, so that the County, its residents, other members of the public, and the State Board can be fully informed regarding the decisions facing the State Board and related issues addressed in the EIR.

I. The State Board Must Protect The Beneficial Cold Water And Recreational Uses At Lake Almanor

A chief concern of the County is that the State Board is proposing, or at least contemplating, actions that the EIR admits will significantly impact the coldwater fishery in Lake Almanor. At the same time, the EIR admits that any benefit to the coldwater fishery and other beneficial uses in the lower North Fork Feather River will be minimal if they are detectable at all. The County maintains that under these circumstances the legal, social, and policy balance favors protecting beneficial uses at Lake Almanor. For these reasons, the Federal Energy Regulatory Commission's Final Environmental Impact Statement concluded "that structural or operational modifications to the Prattville intake that were evaluated would likely have detrimental effects on the coldwater fishery in Lake Almanor and Butt Valley reservoir, and

would provide only limited benefit to the coldwater fish populations in Seneca and Belden reaches of the UNFFR and even less benefit to the downstream Rock Creek, Cresta, and Poe reaches.” (FERC EIS at 3-140.)

It is reckless and illegal for the State Board to decide to significantly impair and degrade coldwater, recreational, and other beneficial uses at Lake Almanor. To do so would violate the state and federal Clean Water Acts, state and federal anti-degradation policies, the public trust doctrine, CEQA, and numerous other state policies and laws. The County urges the State Board to heed its own statements in the EIR that: “In instances where both warm and cold water beneficial use designations occur within a single water body, such as Lake Almanor, the coldwater uses usually are the most limiting, and water quality objectives to protect coldwater habitat receive special consideration.” (EIR at 6.5-3.) If the State Board selects Alternatives 1 or 2, or the “staff alternative,” it will not be affording due, let alone special, consideration to Lake Almanor’s coldwater habitat and its beneficial uses.

The EIR also states: “The State Water Board must also ensure that UNFFR Project operations, including any water quality measures designed to benefit the North Fork Feather River, will not unreasonably affect water quality in Lake Almanor.” (EIR at 1-2.) If the State Board selects Alternative 1 or 2, or the staff alternative, the EIR demonstrates that it will be unreasonably affecting water quality and beneficial uses in Lake Almanor and Butt Valley Reservoir.

In sum, the State Board should not, cannot, and must not sacrifice and degrade the beneficial uses and recreational, biological, and aesthetic values of Lake Almanor to chase uncertain and speculative benefits from potentially slightly cooler waters downstream. There are alternative ways to achieve the cooling the State Board apparently desires, which this EIR does not, but should, analyze.

II. The EIR Is Fundamentally Inadequate Under CEQA

At the outset, the County wishes to make clear that it believes the flaws and deficiencies in the EIR are so numerous and substantial that they cumulatively render the EIR deficient as an informational document under CEQA. The EIR omits many analyses and discussions required by CEQA, is far too cursory in the discussions and analyses it does provide, uses inconsistent, old, or irrelevant data, and presents information in a confusing and obscure manner. In light of the magnitude and complexity of the project, the State Water Board’s apparent attempt to influence water temperatures on over 40 miles of the North Fork Feather River, the huge economic costs being proposed in the alternatives (tens of millions of dollars), and the long-term consequences (40-50 years) of the State Board’s certification decision, a much more thorough and substantiated environmental review is required by CEQA. Before making any final decision, the Board must make significant revisions to the EIR and recirculate it for additional public review and comment.

III. The EIR's Project Description Is Inadequate

An EIR must contain a “project description.” (See e.g., CEQA Guidelines, Cal. Code Regs. Title 14 § 1500 et seq. (“Guidelines”), §§ 15124, 15120.) CEQA defines the “project” as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment,” and includes an “activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.” (Guidelines, §15378(a).)

The EIR indicates that the proposed project is to operate the UNFFR Project: (1) as described in PG&E’s application to FERC, (2) as agreed to in the 2004 Project 2105 Relicensing Settlement Agreement, and (3) with the additional obligations imposed by Section 18 conditions, Section 4(e) conditions, and the FERC Staff Alternative. (EIR at 4-4.) The EIR then lists dozens of activities and elements that are part of the proposed project. (See e.g., EIR at 3-9 – 3-14; 3-16 – 3-18.) The County understands that many of these actions were developed through the relicensing process and in negotiations with stakeholders and federal or state regulatory agencies. As such, the County recognizes that many of these measures are important and the County hopes they will ultimately provide their intended benefits. Nevertheless, it is clear from the EIR’s discussion of many of these activities that their implementation has the potential to significantly impact the physical environment. As such, and given that CEQA requires disclosure and consideration of the impacts of the “whole of the action,” the short-term impacts of construction / implementation, and any long-term impacts must be evaluated. Other than providing a cursory list of these activities as part of the project, the EIR provides no meaningful description or details about them. This is insufficient under CEQA.

It is crucial to know the number, location, timing, duration, and scope of the all implementation actions that will be taken as part of the proposed project to assess their potential for causing significant environmental impacts. Without such details, it is impossible for the EIR and the public to adequately evaluate whether these elements will cause impacts (short- or long-term), and if so, the scope and magnitude of those impacts. Accordingly, the EIR’s project description should be expanded to fully describe all these elements, or include a discussion of what further environmental analyses under CEQA the State Board intends to perform prior to their implementation, or explain why this information is not required to conduct an adequate environmental impact analysis of the whole of the project under CEQA.

The project elements that should be described include:

- PG&E application PM&E measure 12 (pulse flows Seneca and Belden reaches): Describe this pulse flow’s size, timing, duration, expected frequency of occurrence, etc.
- PG&E application PM&E measure 18 (pulse flows Butt Creek): Describe this pulse flow’s size, timing, duration, expected frequency of occurrence, etc.

- PG&E application PM&E measure 25 (removal of Gasner Bar fish barrier): Describe physical dimensions of existing fish barrier; describe removal process and its schedule and duration, etc.
- PG&E application PM&E measure 29 (implement recreation resource management plan): Describe actions that will be taken to implement management plan and their scope, location, timing, etc.
- PG&E application PM&E measure 31 (provide \$5 million to fund USFS recreation improvements): Describe types of improvements and locations likely to be affected.
- PG&E application PM&E measure 32 (PG&E to assume operational and heavy maintenance of USFS facilities): Describe current state of facilities and current operational and heavy maintenance regime (i.e., necessary for baseline); describe proposed PG&E actions and implementation schedules.
- PG&E application PM&E measure 34 (reimburse CDFW for annual trout stocking in Belden reach): Describe timing, number and size of fish that will be stocked, method of planting, etc.
- PG&E application PM&E measure 51 (implement aesthetic improvement measures): Describe these measures, where will they be implemented, and their duration and timing, etc.
- PG&E application PM&E measure 52 (implement shoreline management plan): What are the elements of this plan, what actions will be taken, what times of year, duration, etc.
- FERC Staff alternative measure 10 (700 cfs pulse flow in Seneca and Belden reaches): Describe this pulse flow's size, timing, duration, expected frequency of occurrence, etc.
- FERC Staff alternative measure 15 (woody debris management plan): Describe actions, schedule, location, duration, etc.
- FERC Staff alternative measure 17 (implement vegetation and invasive weed management plan): Describe actions, schedule, location, duration, whether herbicides will be applied, etc.
- FERC Staff alternative measure 23 (implement measures in programmatic agreement re: historic properties): Describe actions, schedule, location, duration, etc.

IV. The EIR Fails To Include A Clear, Express Statement Of The State Board's Objectives

An EIR must contain a “statement of the objectives sought by the proposed project.” (Guidelines, § 15124(b).) The statement of objectives is intended to “help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary.” (*Id.*)

The only objectives identified in the EIR are PG&E’s objectives for the UNFFR Project, which are to:

- continue generating electricity for the term of the new license to produce electric power from a renewable sources for its customers.
- continue providing power to help meet both short- and long-term needs for power and ancillary services in PG&E’s service area and within the California-Mexico Power Area.
- implement measures to conserve energy, mitigate damage to fish and wildlife (including related spawning grounds and habitat), provide recreational opportunities, and preserve other aspects of environmental quality.”¹ (EIR at 3-1.)

CEQA requires that the lead agency provide its objectives, not those of the project applicant. It is apparent that the State Board has objectives that are not expressly identified as such in the EIR, which is a violation of CEQA. While the County does not know the State Board’s specific objectives, a fair reading of the EIR reveals an effort to restore or enhance existing conditions in the lower North Fork Feather River regardless of whether or to what extent the proposed project has affected those conditions. The State Board’s failure to expressly identify its objectives from the outset of the EIR process has had a ripple effect that also renders other parts of the EIR (e.g. alternatives development) a charade and precludes meaningful public disclosure and participation.

¹ This third objective is vague as to what the term “damage” refers to. It is further improper, redundant, and confusing because mitigation is a term of art under CEQA and consists of actions required by CEQA to lessen or avoid significant impacts of the proposed project. Hence, it is confusing and improper to state from the outset that an objective of the project is to provide mitigation before the EIR review process has even identified any significant impacts that may require mitigation. Please explain what “damage” is sought to be “mitigated,” and where the analysis of this is located.

V. The EIR's Environmental Baseline Does Not Accurately Represent The Existing Environmental Setting / Conditions

The EIR's analyses use old and shifting baselines. Consequently, this renders the EIR's various analyses deficient because they fail to accurately and consistently assess potential environmental impacts. These methodological errors also obscure from and confuse the public regarding the potential for actual environmental impacts.

A. The Year 2005 Is An Inappropriate And Unrepresentative Baseline

The EIR states “[t]he baseline conditions for this EIR are the physical environmental conditions at the time the Notice of Preparation (NOP) of this EIR was published on August 30, 2005.” (EIR at 1-6; See) So the baseline is already 10 years old. The County acknowledges that the CEQA Guidelines state that the baseline may often be set to when the lead agency files its NOP, but the CEQA Guidelines also presume that a lead agency will expeditiously complete the EIR process in far less than 10 years. (See e.g. Pub. Re. Code § 2110.2, CEQA Guidelines § 15108).

Use of 2005 as the baseline for this EIR is inappropriate. It fails to provide a realistic environmental setting from which to judge the environmental impacts of the proposed project and alternatives. For instance, since 2005, the State has experienced the worst drought in its recorded history and precipitation, snowpack, and river levels have been at or near all-time lows. The EIR's use of 2005 as the baseline totally fails to capture this recent data. The attached reports by Doctors Johnston and Rich, which the County commissioned, further discuss recent conditions and emerging trends in water quality and biological parameters at Lake Almanor and the lower North Fork and how they differ from past conditions. (See Attachments 1 and 2.) Data and reports prepared by PG&E staff and other materials document these recent trends. (See Attachment 3.) Similarly, there is no disputing that the occurrence of plants and animals, the density of traffic, and the numbers of visitors and recreational users of Lake Almanor can and likely have changed from 2005 to 2015 (e.g., increasing population, etc.)

CEQA is not concerned with hypothetical impacts that might have occurred upon project implementation years ago; CEQA is concerned about real-world impacts today. The EIR provides no rationale explaining how its use of the 2005 baseline is appropriate or reasonable to assess the impacts of proposed alternatives that will not even be fully implemented until 2016 or likely later. It is contrary to the intent and purpose of CEQA and an unreasonable interpretation of CEQA and the CEQA Guidelines to suggest that a lead agency may file an NOP, and then delay finalizing its EIR for a decade or more, and nevertheless cling to the original NOP date as the baseline whenever it gets around to completing the document. Such gamesmanship obscures meaningful analysis and carries substantial risk of failing to properly evaluate and disclose the actual impacts a project or alternative will have when it is implemented.

B. The EIR Must Use A Consistent Baseline

The EIR's inappropriate and unsupported use of an outdated 2005 baseline is further compounded by the fact that the EIR does not even stick to its chosen baseline of 2005. Instead, the EIR inconsistently uses other and multiple dates as the baseline for many analyses, a few of which (but by no means all) are highlighted below.

1. The Baseline Geology, Geomorphology and Soils Includes 2007 Data

For example, the Environmental Setting for Geology, Geomorphology, and Soils (EIR Section 6.3.1), includes physical characteristics existing after 2005. In that section, the EIR states: "Stetson Engineers inspected the Lake Almanor shoreline by boat on June 28, 2007 (Stetson Engineers 2010). The purpose of the field inspection was to evaluate shoreline characteristics related to erosion activity from fluctuating lake levels. The field inspection focused on areas that demonstrated significant erosion, as documented during previous field inspections. Locations of active shoreline erosion were consistent with those previously documented by PG&E. Based on the 2007 inspection, shoreline erosion has not changed, which is likely because of PG&E's consistent operations." (EIR at 6.3-10.) The inclusion of 2007 survey information in the environmental setting for this resource is inconsistent with the EIR's stated baseline of 2005.

2. The Baseline For Water Quality Includes 2000, 2009, 2010, 2011 Data (Among Others)

Another similar example appears in the environmental setting for water quality (Section 6.5.1). There, the EIR again presents conditions existing after 2005 as representing the baseline, stating: "Figures 6.5-1a and 6.5-1b illustrate the seasonal pattern of thermal stratification that occurred in Lake Almanor in the general vicinity of Canyon dam from 2000 through 2010 under a variety of hydrologic conditions." (EIR at 6.5-5.) Thus, the EIR uses many years both before and after the year 2005 to describe baseline thermal regimes at Lake Almanor. For baseline dissolved oxygen concentrations, the EIR states: "Figures 6.5-2a and 6.5-2b illustrate the seasonal depth patterns of DO concentrations near Canyon dam during the summer for a variety of water year types (2000- above normal; 2009-dry; 2010 - below normal; and 2011 - wet)." (EIR at 6.5-6.) (See also, Draft EIR, at 6.5-4 [stating that in 2006, "PG&E conducted a series of special tests to provide data for the analysis presented in this EIR"]; *ibid.* [referring to recent water quality monitoring by Plumas County Flood Control and Water Conservation District (Johnston and McMurtry 2010)];) Again, none of the years selected by the EIR for the DO baseline are 2005. Similar inconsistencies and variable baselines occur throughout the EIR and its appendices.

In sum, even if 2005 were an appropriate baseline (which it is not), the EIR nowhere explains its deviation from its chosen baseline of 2005 or why so many other years are included in its various environmental setting discussions (see also wildlife analyses relying on 2002

surveys as baseline for distribution and presence/absence determinations), or why there is so much variability and inconsistency between the baselines chosen for different analyses. Furthermore, the use of that post-date 2005 essentially concedes and confirms that more recent information than 2005 is relevant and necessary to accurately describe the environmental setting and to use as the baseline to conduct appropriate impact assessments under CEQA in this EIR. The State Board needs to update its baseline to reflect more recent or current conditions and revise the entire EIR so that all its impact analyses use one, consistent baseline.

VI. The EIR Fails To Fully and Accurately Evaluate and Disclose the Impacts of the Proposed Project

The EIR does not provide a complete or accurate assessment of the impacts of the proposed project.

1. The EIR Does Not Provide A Clear Analysis Of The Impacts of The Proposed Project

The EIR includes Tables 3-1 and Table 3-2 (EIR at 3-15), which document increased flows from Canyon Dam and Belden Dam as part of the proposed project, but there is no analysis of the effects of these flows on temperature, recreation, biological resources, sediment transport, or other resource categories as compared to the baseline.² If there is such an analysis it is confusing. At the very least, please provide a table listing the Canyon dam releases and Seneca reach flows for each month and year type for the baseline, proposed project, and Alternatives 1 and 2.

2. Please Confirm That The EIR's Analyses Demonstrate That The Proposed Project Will Actually Reduce Baseline Water Temperatures In The North Fork Feather River

In general, the County believes that the increased flows that are part of the proposed project will beneficially impact temperatures (i.e., reduce them) in the lower reaches. However, this analysis does not appear to be presented in the EIR, or if it is, it is not easily identifiable as such. Again a table providing water temperature in reaches of the river for the baseline, proposed project, and alternatives would be very helpful in disclosing this information to the public. In light of the fact that this is one of the biggest issues in the EIR, to provide full

² On the issue of flows in the Seneca reach, the County bases its comments in this letter on a baseline flow of 35 cfs for all months of the year, which the County understands to be the EIR's baseline for this factor. If this is incorrect, please explain what the EIR used as baseline flows in the Seneca reach for each month and different water year type and the inconsistency with the EIR's modeling analyses appendix and other statements in the EIR identifying 35 cfs as the baseline.

disclosure of impacts, and to allow a meaningful comparison of the various alternatives presented in the EIR, please expressly confirm that the State Board's analyses for this EIR determined that the proposed project will reduce baseline water temperatures in the lower North Fork Feather River during the summer months.³

3. The EIR Fails To Analyze The Impact Of Components Of The Project

The EIR also fails to adequately evaluate other measures included in the proposed project that will likely have potential impacts when compared to baseline conditions, including:

- pulse flow of 700 cfs in the Seneca reach and in the Belden reach in March of dry water years
- implementation of a woody debris management plan
- develop and implement vegetation and invasive weed management plan
- implement historic preservation measures as described in the Programmatic Agreement

(EIR at 3-16 - 3-18) The impacts of many other elements of the proposed project, which the County's comments on the project description identified, are also omitted from analysis and must be included.

4. The EIR Obscures And Precludes A Meaningful Comparison Between the Proposed Project And Alternatives

By ignoring or obscuring the impacts of the proposed project on the environment – many of which the County believes are beneficial but which is a conclusion that should be tested and confirmed by the EIR – the EIR misleads the public and decision makers regarding the efficacy and value of the proposed project and deprives them of the information needed to accurately and objectively balance and compare the merits and costs of each alternative. The EIR must first adequately describe the proposed project and then it must analyze the environmental effects of all parts of the proposed project.

VII. The EIR Fails To Evaluate A Reasonable Range Of Alternatives

An EIR must “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the

³ Figures 2-10(a&b), 2-11(a&b), 2-12(a&b), and 2-13(a&b) in the Level 3 Report appear to reveal that the proposed project (i.e., “present day” model scenario) will actually reduce downstream water temperatures as compared to the baseline scenario.

comparative merits of the alternatives.” (Guidelines, § 15126.6(a).) “The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.” (Guidelines, § 15126.6(f).)

A. The State Board’s Failure To Identify Its Objectives Rendered The EIR’s Alternative Development And Screening Process Defective From The Start

As the California Supreme Court has explained:

The process of selecting alternatives to be included in the EIR process begins with the establishment of project objectives by the lead agency. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR.... (*In re Bay Delta Programmatic Environmental Impact Report* (2008) 43 Cal.4th 1143.

The EIR’s failure to include a clear statement of the State Board’s objectives (see County’s separate comments on this issue), renders the EIR’s alternatives analysis fatally defective from the outset. The EIR contains no discussion of the State Board’s objectives and how the development of alternatives related to those objectives.

B. Alternatives 1 and 2 Are Not Proper CEQA Alternatives

1. Alternatives 1 And 2

Alternatives 1 and 2 bear no resemblance to actual CEQA alternatives and their inclusion in the EIR is improper. Under CEQA, alternatives to the proposed project are those that would avoid or substantially lessen any of the significant effects of the proposed project while at the same time meeting most of the lead agency’s objectives. (CEQA Guidelines § 15126.6.) The EIR appears to claim this is the case by stating the “purpose of the proposed modifications [in Alternatives 1 and 2] is to address the potential impacts of the 2004 Settlement Agreement flows.” (EIR at ES-5.) However, this statement is misleading, wholly unsupported, and contradicted by the EIR’s own modeling of the effects of the proposed project on baseline water temperatures under baseline flow conditions (i.e., 35 cfs Seneca releases in every month). What impacts of 2004 Settlement Agreement flows are being addressed? Where are these impacts analyzed and disclosed? The County’s review uncovered that the existing analysis in the EIR demonstrates that the proposed project’s increased cold water flows down the Seneca reach would slightly reduce baseline water temperatures in reaches of the North Fork. Thus, the proposed project will not have a significant effect on river temperatures, and the EIR does not identify any significant effects of the proposed project on temperatures in the lower North Fork. Thus Alternatives 1 and 2 are improper under CEQA because CEQA alternatives are not supposed to address non-existent or beneficial impacts of the proposed project.

2. Alternatives 1 And 2 Are Actually State Board Project Proposals

By including Alternatives 1 and 2 in the EIR and claiming they were developed to address impacts caused by the proposed project, the SWRCB has made the same mistake as the appellate court in the *In Re Bay-Delta* case by “failing to sufficiently distinguish between preexisting environmental problems” in the lower North Fork and “adverse environmental effects of the proposed [project].” (*In Re Bay-Delta* (2008) 43 Cal. 4th 1143, 1167.) To correct that error, the Supreme Court mandated:

Under CEQA, the range of reasonable alternatives that an EIR must study in detail is defined in relation to the adverse environmental impacts of the proposed project. An EIR must include a description of feasible project alternatives that would substantially lessen the project’s significant environmental effects. [cites] The project’s environmental effects, in turn, are determined by comparison with the existing baseline physical conditions. [cites]. (*In Re Bay-Delta* at 1167.)

The EIR fails to perform this analysis and so there is no substantial evidence to justify Alternatives 1 and 2 and they are improper under CEQA. The EIR’s claim that “Alternative 1 and 2 were developed to address significant impacts identified during the scoping process” further demonstrates that the State Board’s entire alternatives development and selection process was fatally flawed and not in accord with CEQA. Determinations regarding a proposed project’s significant impacts are not made during the scoping process, but through the EIR process after careful analysis. Here, the EIR demonstrates the proposed project will not have any significant impacts on river temperatures that would require development of CEQA alternatives to address the issue. (EIR at ES-2.)

Instead of CEQA alternatives, Alternatives 1 and 2 are, in fact, the State Board’s proposed projects to satisfy a different set of objectives that are not expressly identified anywhere in the EIR – namely, ways to reduce lower North Fork water temperatures regardless of whether the proposed project causes any significant impacts and regardless of proximate cause or any analysis of the relative contribution of the multiple factors affecting (and likely increasing) water temperatures 20-30 miles downstream of Canyon dam. In fact, the proposed alternatives violate CEQA because they actually would cause more significant environmental effects than the proposed project itself!

C. The Staff Alternative Is Not Properly Analyzed And Cannot Be Chosen

1. The Staff Alternative Is Not A Proper CEQA Alternative

The County objects to the staff alternative, and the notion that the State Board would subject the County and its residents to living under the cloud of thermal curtains for years to

come. The County, the community, and stakeholders have invested too much time already in opposing these unreasonable measures. Also, beyond this basic opposition, the EIR provides no basis for the State Board to adopt the so-called staff alternative because it is not evaluated at a commensurate level with the other alternatives. The EIR does not explain how the staff alternative was developed, and it is clear that it was developed outside the EIR's alternatives development process and for a set of objectives that are undisclosed.

2. The Description Of The Procedure For Triggering Future Thermal Curtain Installation Is Fatally Vague And Any Such Future Decision Must Be Subject to Separate CEQA Review

Furthermore, the EIR is too vague in its description of the staff alternative. The EIR must describe the process for determining whether and if so when thermal curtains would be required in the future. That process must be clear and precise and include objective measures that would trigger thermal curtain installation. Without such details and definitive triggers, any future thermal curtain installation would be an entirely new project subject to new CEQA review when the State Board proposes it. Any action to install thermal curtains in the future must be subject to a new State Board decision and a separate project-specific CEQA review because the analysis in the present EIR will be outdated and irrelevant. Please confirm that any future requirement to install thermal curtains would be subject to project-level CEQA review and that this review would consider extant conditions and circumstances at that time. Alternatively, if this is not the case please explain and support the State Board's apparent position that this EIR adequately evaluates the impacts of future implementation of the thermal curtains.

Another reason the concept of future implementation of thermal curtains is an improper alternative in the current EIR is that the current EIR has not, and cannot, support a conclusion that thermal curtains will be the only viable, feasible alternative measure to cool lower river water temperatures in the future (possibly several decades from now). The County and others have already provided numerous alternatives to the thermal curtains that we believe are viable today to help cool lower river water temperatures. Those and other measures may become feasible in the future with advances in technology, changed cost of implementation and other economic circumstances, increases in our understanding of the system and additional data, climate change and social and biological objectives. Thus, if the State Board were ever to consider thermal curtains 20 years from now, for instance, it would have to consider these other alternatives. The current State Board cannot vote to adopt the staff alternative and then delegate to staff the determination of whether to impose thermal curtains in the distant future.

In sum, the staff alternative's attempt to preserve for the future a decision to require installation of thermal curtains is an illegal Trojan Horse. Given the significant impacts on beneficial uses at Lake Almanor that thermal curtains would have if implemented today, it is unimaginable that they will be justified at any time in the future, when climate change and other factors will continue to exacerbate the already delicate, precarious coldwater habitat situation at

Lake Almanor during the summer/fall. Thermal curtains should be eliminated from consideration entirely.

D. The EIR Improperly Excludes Analysis Of Other Feasible Alternatives

The EIR admits the existence of other feasible alternatives that were excluded from the EIR without explanation: “Although many measures were determined to be potentially feasible, three of the measures were carried forward for analysis in the EIR. Two alternatives including these measures were created for the CEQA analysis.” (EIR at ES-4 - ES-5.)⁴ The EIR reveals that the costs of the existing Alternatives 1 and 2 (in 2009 dollars) are: (1) Prattville thermal curtain = \$14,847,000; (2) Modify Canyon Dam outlet = \$10,702,000; (3) Caribou thermal curtain = \$8,720,000 (See Level 3 Report at ES-12.) Given these very high monetary costs, and the significant environmental and socio-economic costs of Alternatives 1 and 2 (e.g., fish kills, unavoidable significant aesthetic impacts, unavoidable significant cultural resource impacts, loss of hydropower generation, etc.) it is inconceivable that the State Board would ignore so many other alternative measures to cool downstream temperatures or find that these other measures were somehow infeasible as compared to Alternatives 1 or 2.

1. The EIR Admits It Excluded Feasible Alternatives

Furthermore, the EIR admits it excluded feasible alternative measures from proper consideration. It explains that 16 discrete alternatives were advanced from Level 2 screening to Level 3, and that these alternatives “represented the set of potentially effective and feasible project alternatives.” (EIR at 4-2.) The EIR states that these alternatives “included flow-related operational measures for the downstream Rock Creek, Cresta, and Poe reaches and physical modification for the Poe reach.” (*Id.*) It then explains that it categorized alternatives as UNFFR Project-only if all measures were entirely within the UNFFR Project boundary and subject to FERC jurisdiction, and further explains that “[n]o detailed screening of alternatives was conducted for reaches outside (downstream) of the UNFFR Project boundary in the Level 3 analysis, and these measures were not carried forward in this EIR.” (EIR at 4-2.)

Elsewhere, the EIR again confirms that it excluded otherwise feasible alternative measures from the EIR: “other alternatives [that made it to Level 3] are not evaluated separately in this EIR because of consideration to the controllable factors by PG&E for the UNFFR Project.” (EIR at 4-4.) The Level 3 Report (EIR Appendix) also states: “To carry out the two discretionary actions [401 certification and CEQA compliance] with consideration to the controllable factors under PG&E’s control, which may achieve compliance with Basin Plan objectives, this Level 3 report analyzes the effects of the UNFFR Project-only alternatives....No

⁴ In making these comments the County does not waive its objection that the entire alternatives analysis process in the EIR was fatally flawed because it did not focus on avoiding or lessening significant impacts of the proposed project.

detailed screening of water temperature reduction alternatives was conducted in reaches outside (downstream) of the UNFFR boundary in this Level 3 analysis.” (Level 3 Report at ES-3.)

2. CEQA Requires Consideration Of Feasible Alternatives And Measures At The Lower Hydroelectric Projects

The EIR’s rationale for excluding otherwise feasible alternatives is confusing and has no basis in CEQA, other laws, or logic. The EIR admits that the UNFFR Project operations are integrated with operations of the Rock Creek-Cresta and Poe Projects. Furthermore, the State Board has jurisdiction over PG&E through this certification process for the UNFFR Project, and it also has jurisdiction over PG&E’s operations of the UNFFR Project and all the other PG&E-operated hydroelectric projects on the North Fork Feather River by way of its regulatory authority over PG&E’s water rights for water used in those projects. Thus, the State Board clearly has the authority to impose operating conditions on any of the lower river hydropower projects if it believes that this is necessary to achieve its apparent objective of avoiding temperature exceedances in the lower North Fork. In sum, the EIR’s stated rationale for excluding the many other measures that are admittedly feasible on the basis that these are not controllable factors by PG&E or the State Board is unsupported and wrong. An alternative with some of the other downstream measures that the Level 2 report found feasible should be developed, analyzed, and included in the EIR.

Finally, the State Board’s exclusion of any alternatives that involve reoperation of facilities or measures outside the UNFFR Project boundaries (as narrowly and improperly defined by the State Board) is inconsistent with its statement that “a wide range of potentially feasible alternatives for seasonal cooling of water temperatures in the North Fork Feather River was considered....” (EIR at 4-1.) In reality, the application of the State Board’s illegal “controllable factors” exclusion rendered many other factors beyond consideration even though they might achieve the cooling effect the State Board is seeking

3. The EIR Should Fully Analyze A 250 cfs Canyon Dam Release Without Thermal Curtain Alternative

The EIR states: “while not separately evaluated as an alternative, increased releases from Canyon dam of up to 250 cfs between June 15 and September 15 could be implemented to reduce temperatures in the North Fork Feather River. The impacts of Canyon dam releases independent of thermal curtains would be a subset of those identified for Alternative 1 (i.e., only impacts related to modification of the Canyon dam outlet and increased flows, not impacts related to construction and operation of the thermal curtains.” (EIR at ES-6.) This alternative should be separately and fully evaluated as a stand-alone alternative because it would avoid the significant aesthetic impacts of thermal curtains and reduce coldwater impacts to Lake Almanor.

4. Riparian Restoration And Shading Of The East Branch And Other River Stretches And Tributaries

The County continues to support consideration of riparian restoration and riverine habitat improvement as a viable measure to achieve permanent and robust benefits for the watershed, including water temperature reductions and increased summer flows in the lower North Fork. The County incorporates its previous comments on this issue provided during the scoping process. Figure 2-4 in the EIR's Appendix E (Level 3 report) demonstrates the significant contribution to temperature exceedances caused by the East Branch North Fork as a consistent spike of over 1 C is seen in June and July baseline numbers and a more modest increase in August 50% exceedance temperatures. The September data also show that the East Branch can be an effective source of cooling as there is a decrease in temperatures at that point.

The EIR provides inadequate justification for excluding this alternative. First, the EIR states this alternative would not reduce water temperatures in the Seneca reach because the East Branch is downstream, however, temperatures in the Seneca reach will be reduced by the proposed project's increased Canyon Dam releases and are, and will be, lower than 20 C. The EIR does not identify lowering the water temperature in the Seneca reach as an objective of the project. Second, the EIR states that "only a minor improvement in water quality could be expected in the North Fork Feather River downstream of the East Branch because the East Branch contributes only a small percentage of flow to the river during the summer months." (EIR at 4-4.)

Furthermore, the EIR fails to consider restoration and shading measures on other reaches of the North Fork, even though project documents state that "existing shading of the Poe Reach is approximately 22% Water temperature modeling indicates that increasing total shading of the Poe Reach to 50% would reduce warming by 0.8 C." And "[e]xisting shading of the Cresta Reach is approximately 30%... Water temperature modeling indicates that the benefit of increasing Cresta Reach shading from existing 30% to 60% would be a reduction in warming by about 0.5 C."

Even incremental benefits to water temperature or in segments of the downstream reaches appear to serve the State Board's unstated, but apparent, CEQA objective to improve downstream temperatures and fish habitat, and this could be a viable method to be used in conjunction with other measures to craft an alternative that lessens or does not cause significant impacts to Lake Almanor itself as every drop of cold water that remains in Lake Almanor decreases the loss of the coldwater pool and habitat there from Alternatives 1 and 2. The EIR fails to take a hard look at riparian restoration measures and is close-minded regarding other alternatives that include a combination of measures to achieve the State Board's apparent objective.

5. The EIR Must Consider An Alternative That Includes Adaptive Management Of Canyon Dam Releases In Combination With Other Operational Measures At Other PG&E Facilities On The North Fork To Preserve Cold Water In Lake Almanor

There are many other ways to achieve cooling in the lower reaches in ways that are less damaging to Lake Almanor's coldwater habitat and fishery that the EIR has improperly neglected to explore. Because taking water from Lake Almanor has significant effects, the EIR must perform and disclose feasible alternatives that would lessen or avoid this impact, as well as the significant, allegedly unavoidable aesthetic impact of thermal curtain installation. One promising alternative that must be analyzed is a combination of operational measures that would be managed and implemented to cool river temperatures in real-time. Attachment 13 to this letter provides is an April 30, 2012 submittal by PG&E to FERC that provides an official, adopted, and existing procedure for implementing operational measures at various PG&E facilities on the North Fork to achieve cooler riverine water temperatures when exceedances of 20 C are threatened or occur. Attachment 13's interim control measures include five (5) temperature control (i.e., water cooling) measures whose effects (as stated in the attachment) are summarized below:

- Maximize the release of Rock Creek and Cresta reservoirs to the low-level outlet located approximately 30 feet below the radial gates, which could potentially provide deeper, cooler water to the Cresta and Rock Creek reaches.
- Operate Caribou 1 Powerhouse over Caribou 2. Caribou 1 has the potential to access a limited amount of colder water from the deeper portions of Butt Valley Reservoir. In order to preserve the finite amount of cold water in Butt Valley Reservoir, PG&E will maintain that reservoir at maximum pool and minimize the operation of Caribou 1 until July 15. This measure along will provide 5 or more days of colder water withdrawal.
- Operate Bucks Creek Powerhouse in a manner that will help reduce daily average water temperatures.
- Increase minimum instream flows from Rock Creek and Cresta dams to reduce ambient warming during the day.

Attachment 13 also demonstrates that these measures were approved by various stakeholders and agencies. This demonstrates that these measures are available and in combination can address water temperatures in the lower river without impacting Lake Almanor. The EIR should evaluate these measures (and any others including riparian shading) as a CEQA alternative because every drop of cold water that such an alternative allows to remain in Lake Almanor decreases the loss of the coldwater pool and habitat there, which lessens or avoids the

significant impacts Alternatives 1 and 2 would cause. In failing to craft such an alternative, the EIR violates CEQA.

VIII. The County Agrees With The State Board's Elimination Of 600 cfs Canyon Dam Release As An Infeasible And Imprudent Alternative

The County agrees with the State Board's determination not to include in the EIR alternatives that would require 600 cfs releases from Canyon Dam, or any other alternative that would require releases over 250 cfs because such alternatives are infeasible, unreasonable, and unjustifiable.

IX. If The State Board Wishes To Address Existing Warm Temperatures In The Lower North Fork, It Should Engage In A Focused CEQA Or Water Rights Process And Analysis To Comprehensively Address That Issue

The EIR's development of alternatives was not in accord with CEQA and was not in response to avoiding or lessening any significant effects of the project, but instead appears to be an outcropping of the State Board's desire to reduce water temperatures in the lower Feather River regardless of the proportional causal effect of the proposed project as opposed to a whole suite of other factors including the lower-river hydroelectric projects, climate change, land use and other anthropogenic changes, as well as natural physical and biological processes (e.g., potential increased evapotranspiration of vegetation in the watershed causing reduced and therefore warmer flows). This is evident in the EIR's statement that; "The State Board has evaluated a range of alternatives to ensure that the UNFFR Project will comply with the Basin Plan." (EIR at 4-1.)

The State Board should conduct a thorough, not piecemeal, CEQA or other review of ways to achieve basin plan compliance.

X. The Description Of The "No Project" Alternative Is Insufficient

The EIR must evaluate a "no project" alternative. (Guidelines, § 15126.6(e)(1).) "The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." (*Id.*) The "no project" analysis must explain "what would be reasonably expected to occur in the foreseeable future if the project were not approved . . ." (Guidelines, § 15126.6(e)(2).) "[W]here failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment." (*Id.*) The EIR's discussion of the no project alternative and its potential impacts fails to conform to CEQA's requirements and is inadequate for CEQA's purposes. (See i.e., EIR at 8-3 - 8-4.) The discussion is far too general and cursory for informed disclosure and decision making.

A. Lost Power Production

The EIR states that the no project alternative would reduce power generation by about 1,172 GWh/YR and that power production in the downstream Rock Creek-Cresta and Poe projects would be “substantially reduced,” but the EIR fails to quantify the power production that would be lost from the lower projects and fails to elaborate on the implications of this loss of power production, especially in the summer months. How many homes could this energy power? This omission is unsupported and unreasonable, especially in light of the EIR’s statements that “[t]he UNFFR Project is a resource that is important to the operation of PG&E’s Feather River hydroelectric system as a whole; it contributes to PG&E’s resource diversity and plays a part in meeting the electrical generation capacity requirements of both PG&E and the state of California.” (EIR at 3-4.)

B. Lost Recreation And Visitors

Elsewhere, the EIR states that “loss of opportunities for flat-water recreation on Lake Almanor and Butt Valley reservoir could affect nearby communities as well as larger Plumas County due to a reduction in visitation to the area,” but it again fails to quantify this impact or elaborate on the implications of this conclusion. (EIR at 8-4.) What dates were used to make this determination? How many fewer visitors will visit on average? (See Section XII.)

C. River Flows Without UNFFR Project

The EIR also includes no analysis and discussion of what the water flows and temperatures would be in the North Fork Feather River if the proposed UNFFR Project were not granted a new license and its operations ceased. What would North Fork water temperature and flows be under the No Project?

D. Separate Determinations Of Significance Required

Finally, the EIR also improperly omits to make significance determinations regarding the impacts of the no project alternative on the various resource categories the EIR addresses. This deprives the public and decision makers of the ability to evaluate the merits of the no project and other alternatives. (See e.g., Guidelines § 15126.6(e)(1) [“The Specific alternative of ‘no project’ shall also be evaluated along with its impact.”].) Please provide a significance determination for each resource category.

XI. The EIR’s Analyses Of Project Impacts And Conclusions Regarding The Effectiveness of Mitigation Are Deficient

“The determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the public agency involved, based to the extent possible on scientific and factual data.” (CEQA Guidelines, § 15064(b).) Here, the EIR’s failure to perform particular analyses, reliance on conclusory analyses, and reliance on inconsistent,

unsupported, and illogical statements demonstrate that the State Board failed to exercise the required careful judgment demanded by CEQA when assessing and disclosing potential environmental impacts. “An omission in an EIR’s significant impacts analysis is deemed prejudicial if it deprived the public and decision makers of substantial relevant information about the project’s likely adverse impacts.” (*Neighbors for Smart Rail v. Exposition Metro Line Const. Auth.* (2013) 57 Cal. 4th 439, 463.) The errors in the EIR’s impact analyses described below are prejudicial. For similar reasons and as described below, errors in the development and discussion of the EIR’s mitigation measures also violate CEQA and are prejudicial.

A. Land Uses and Mineral Resources

1. Inadequate Mitigation For Loss Of Beach

The EIR discloses that Alternatives 1 and 2 would cause a significant impact to land uses. One such impact is the total loss of the Marvin Alexander Beach day use area. (EIR at 6.2-9) As mitigation, the EIR proposes creation of another day use area that it concludes will reduce this impact to a less than significant level. However, the discussion regarding the proposed mitigation measure is vague and does not support the EIR’s conclusion that this impact would be reduced to a less than significant level. At the very least, to ensure the potential feasibility and effectiveness of this proposed mitigation measure, the EIR must survey whether there are any suitable alternative beach locations around Lake Almanor, and identify them. Also, the EIR must describe and quantify the level of access and amenities that will be required at any alternative beach site to ensure effective implementation and enforcement of this measure. Finally, the EIR should provide more detail regarding the process to identify any alternate beach location, and the EIR should provide a defined date to identify, implement, and complete the beach replacement effort. Also, the EIR should include a default process to definitively select an alternative beach area if the parties cannot agree on a location, a required implementation date, and require establishment of an escrow account with a set sum of money to ensure that the mitigation measure is timely implemented and enforceable.

2. Mining Impacts Inadequately Analyzed

The EIR’s conclusion that the impact on mining activities in the Seneca and Belden reaches would be less than significant is unsupported and cursory. The EIR admits:

[I]ncreased flows would raise water levels in the Seneca reach during certain periods of the year and could disrupt placer mining activities at some of the active mining locations along these reaches. Higher water levels could impair the ability of some miners to access and mine these sites along the reaches. Some miners may need to adjust their mining schedules to avoid the periods of increased releases. (EIR at 6.2-11.)

The EIR claims this is a less than significant impact because “few active mining properties would be negatively affected, the disruptions would be short term, and the mineral resource would still be available during lower flow periods.” (*Id.*) However, the June through September period of proposed higher flows corresponds to the time of year when these mines are most active because the weather and other conditions are most favorable. Thus, the EIR’s assumption that mining can or does occur at the same rate at other times of year (or evenly during every month of the year) is inaccurate and unsupported. For instance, Plumas County recently granted a use permit for the Seneca Mine that specifies mining must occur during April 1- October 31. (See Attachment 12.) Thus, if the 250 cfs releases obstruct access during June 15 – September 15, this could represent a significant percentage of the actual annual operation period of the mine. The EIR also fails to make a significance determination with respect to this impact for the proposed project, separate from its conclusions regarding Alternatives 1 and 2.

3. Shoreline Erosion

The EIR’s conclusion that the impacts of the proposed project on shoreline erosion at Lake Almanor is significant without mitigation is unsupported. The EIR’s analysis of shoreline erosion expressly states that “[t]he magnitude and patterns of erosion would not be different than those currently occurring at the lake; neither the UNFFR Project nor either alternative would modify lake operations in a way that would increase erosion. (EIR at 6.3-17.) Furthermore, the proposed mitigation of requiring implementation of an updated shoreline monitoring and management plan is vague and does not support the EIR’s conclusions that the mitigation will reduce the significant impact. The County agrees that shoreline erosion at Lake Almanor must be carefully monitored and addressed. At the very least, however, the EIR needs to describe the required contents of any such erosion plan, including quantifiable performance objectives, a schedule for preparation, implementation, and monitoring protocols, provide detailed and enforceable method of budgeting and paying for these costs and the specific measures that will be employed to limit erosion.

4. Seneca Reach Flow Analysis Confusing and Inadequate

The EIR’s analysis of changes in the channel morphology of the Seneca reach is inadequate, confusing, and uses an inconsistent baseline. The EIR claims a less than significant effect on the Seneca reach from the increased releases of 250 cfs from Canyon dam proposed in Alternative 1. The EIR supports this conclusion by stating that “[a]lthough flows would increase in the Seneca and Belden reaches, changes in the river morphology would be similar to the current variable conditions....” (EIR at 6.3-16.) The variable conditions the EIR claims to use as a comparison for this effect determination do not comport with the stated baseline condition for the Seneca reach, which is 35 cfs every month as required in the existing FERC license (or interim renewal). There are no variable flows in the baseline. This is yet another example of the EIR’s use of confusing, inconsistent and multiple baselines.

Elsewhere, the EIR admits that “a 250 cfs release would be substantially higher than the current flow discharged from Canyon Dam....” (EIR at 6.3-16.) The EIR states that these flows “could transport sediment and woody debris along the channel and deposit these materials downstream in the Belden forebay or other reservoirs.” (*Id.*) The EIR should assess whether, on account of this effect, Belden forebay will need to be dredged more frequently and the potential impacts of the activity.

The EIR’s water resources analysis confirms that “[t]he Seneca reach would experience an increase in minimum flows from 35 cfs to between 60 and 150 cfs under the 2004 Settlement Agreement.” (EIR at 6.4-6.) It states “[t]he short term changes could result in flooding along the canyon in areas that have not been frequently inundated....” (*Id.*) After reaching this conclusion for flows well below 250 cfs and then characterizing the increase to 250 cfs as “substantially higher” than the baseline flow, the EIR nevertheless concludes without analysis or support that “[w]ith the minimal seasonal flow changes, impacts on other resources along the North Fork Feather River, such as riparian vegetation, wildlife, soils, and river morphology, would also be minimal.” (EIR at 6.4-7.) The EIR provides no basis for its conclusion that flooding new areas with “substantially higher” flows will result in only “minimal” impacts to those resources.

The EIR’s analysis of the water resources impact of Alternative 1 does not adequately analyze the increased flow releases “up to 250 cfs in the Seneca reach from June 15 through September 15.” (EIR at 6.4-7.) The EIR does not analyze the impact of increasing Seneca reach flows from 35 cfs in the baseline condition to 250 cfs - over a seven-fold increase. The EIR improperly relies on the analysis of the proposed project’s impacts of much lower flows during this period to conclude that “effects of increased minimum flows in the Seneca reach would be similar to those outlined above for the Proposed UNFFR Project.” (EIR at 6.4-7.) There is no justification for combining the effects analyses of different alternatives like this and it is confusing and misleading. The EIR concludes that the Seneca reach would experience “changes in its flow regime”, but again claims without support “[w]ith the minimal seasonal flow changes, impacts on other resources along the North Fork Feather River, such as riparian vegetation, wildlife, soils, and river morphology, would also be minimal.” (EIR at 6.4-8.)

B. Water Quality

As part of its review of the EIR, the County commission expert Dr. Gina Johnston to provide in-depth review of the EIR’s water quality discussion, analyses, and conclusions in addition to providing general comments on the adequacy of the EIR. The final report and qualifications of Dr. Johnston are attached as Attachment 1. The County fully incorporates those comments here and requests that the State Board separately respond to the issues raised by Dr. Johnston, as well as to those provided below.

1. No Analysis Of Water Quality Without UNFFR Project

The State Board apparently developed the EIR with the premise that the proposed project must be altered. The EIR fails to explain or justify the basis for that position. The EIR states that it “focuses on potential modifications to the existing UNFFR Project that may be implemented to better protect the overall beneficial uses of the North Fork Feather River, while limiting water quality impacts to the beneficial uses of Lake Almanor.” (Draft EIR, at 6.5-3.) The EIR does not provide historic data that shows what the flows and water temperatures would be without the proposed UNFFR project.

2. Alternative 1 Impact Significant In Normal Years

The EIR’s conclusion that Alternative 1 will have less than significant impacts in normal water years is unsupported, fails to account for the already significantly limited coldwater habitat available under the baseline and in the future under reasonable climate change scenarios, and is inconsistent with the EIR’s chosen significance thresholds. The threshold is a “substantial water quality change[] that would adversely affect beneficial uses.” (EIR at 6.5-15.) The EIR’s analysis for Alternative 1 states that it would reduce the volume of cold water in mid-August by 23.5 percent. (EIR at 6.5-18; EIR at 6.5-27 [“The 250 cfs release from Canyon dam [under alternative 1] would draw more water from the hypolimnion than occurs under the current 35 cfs release.”].) The EIR claims that this is less than significant because of the “relatively small volume of suitable cold water habitat and the short duration of the change.” (*Id.*) The EIR presents no biological or scientific rationale to support this conclusion. In fact, the scientific and biological facts mandate the opposite. Removing a quarter of the available cold water from the lake during the critical summer period is not relatively small - it is substantial. The EIR provides no data or support for the concept that this large percentage change in available cold water habitat will not have an adverse effect on the coldwater habitat / fish beneficial uses of Lake Almanor. (See additional discussion in Attachments 1 and 2)

C. Wildlife

1. Outdated, Inconsistent Baseline

The EIR uses obsolete data in its wildlife impacts analyses. It states that “Each species on the list was assessed for its potential to occur in the biological study area based on the species’ known distribution and habitat requirements... and surveys of portions of the biological study area. Garcia and Associates conducted focused plant and wildlife surveys in portions of the biological study area in support of PG&E’s application to FERC (PG&E 2002a). Supplemental surveys were not conducted during preparation of this section.” (EIR at 6.7-7.) The use of 2002 survey data is inconsistent with the 2005 baseline and also grossly outdated for use in biological impact analyses for an action that will be implemented in 2016 or later. Also, the EIR fails to adequately describe these surveys, their duration, timing, frequency, and methods and therefore the County and the public cannot assess the adequacy or effectiveness of these

surveys. Supplemental, updates surveys should be conducted and their methods and results fully described in the EIR.

2. Improper Limitation On Scope Of Analysis

The EIR's wildlife and vegetation analyses make a distinction between the biological study area and the activity area, but the EIR does not explain or define the difference or provide any rationale for why this is a biologically significant distinction. The vague and undefined term "activity area" is used in the EIR to improperly eliminate analyses of potential impacts to species that occur in the area that may be affected by implementation of the proposed project or Alternatives 1 and 2.

3. Improper Exclusion Of Analysis Of More Common Species

The EIR also improperly limits its analysis of impacts to only species that are listed as sensitive or special-status. This fails to disclose the full environmental impacts of the project or alert the public to other environmental effect they may be concerned about. Wildlife such as birds, mammals, amphibians and other species that are not listed as sensitive or threatened but which are present in the area should still be identified and potential impacts to them discussed. For example, if increased releases down the Seneca reach would greatly impair breeding opportunities or otherwise disrupt a common frog species, that effect should be disclosed in the EIR. The EIR here is defective in failing to even assess whether populations of these species are present in the affected area and in failing to disclose or analyze any possible impact implicated by such occurrence.

4. Frogs

The EIR's reliance on 2001 surveys for mountain yellow-legged frog is inadequate. Same comment for Cascades frog and foothill yellow-legged frog. General distribution maps indicate these species may be present in the area affected by the project. (See Attachment 11.) Also, at what time of year and where were the 2001 surveys conducted? How can the EIR conclude there will be no impacts to these species?

5. Willow Flycatcher

The EIR improperly fails to analyze Willow flycatcher as a species that may be affected by the Alternatives 1 and 2 by claiming that suitable habitat for this species is not present in the study area. However, the SWRCB's own January 12, 2006 letter regarding the Willow flycatcher, which was submitted to FERC as part of its National Environmental Policy Act process, states that the Lake Almanor area is a breeding stronghold for the species and that there may be potential impacts to this species from the proposed project alternatives that need to be assessed (and possibly mitigated). (See Attachment 4.) The State Board even assured FERC that it would evaluate these important issues in this EIR. The County incorporates the State

Board's comments in its letter here and asks that the EIR perform the analyses and address the issues identified in the letter and then recirculate the EIR.

6. Western Red Bat

The EIR's failure to assess impacts to Western red bat on the basis that "[r]iparian habitat is not present in the activity areas" is inconsistent with the EIR's description of the environmental setting (i.e., baseline), which states "riparian [vegetation] communities are found adjacent to the North Fork Feather River in the Seneca and Belden reaches from Canyon Dam downstream to the Belden powerhouse and along Butt Creek." (EIR at 6.7-3.)

7. Wetlands

The EIR's analysis of impacts to wetlands is insufficient and conclusory. The EIR should identify potential construction areas that will be part of implementation of the proposed project or alternatives and conduct wetlands delineations to assess and disclose any potential wetlands impacts along with determining their significance so the public can comment on them. This same lack of specificity regarding the extent of impacts renders the EIR's suggested future mitigation measures for wetland impacts vague and inadequate. For example, the EIR's mitigation provides no definitive measures that must be employed to protect wetlands, identifies no alternative sites, fails to assure that any such alternative sites even exist, and provides no quantitative or objective measures of performance or success for the mitigation. Therefore, the EIR's conclusion that this mitigation would render wetlands impacts less than significant is unsupported.

8. Construction Activities

The EIR finds that construction activities could temporarily alter the foraging or movement patterns of wildlife. (EIR at 6.7-31.) However, it claims this effect will be less than significant based solely on the rationale that "long-term impacts to wildlife movement are not anticipated." (*Id.*) There is no biological justification for this conclusion and the conclusion is unsupported. Short-term effects during critical periods for a particular species may have a very significant effect on that particular species. The impact of any particular effect on a species depends on the co-occurrence or intersection of the effect and numerous other biological factors including average lifespan and behavioral traits such as foraging, breeding, and movement ecology. Also, the EIR does not define what it means by so-called short-term effects. Are these effects minutes, hours, days, weeks, months, or years long? Finally, the EIR does not adequately describe many of the construction activities and implementation actions that are part of the proposed project or Alternatives 1 and 2, and so it has no factual basis for analyzing or making conclusions regarding the impacts of these activities. (See comments on inadequate project descriptions)

9. Seneca Flows

Finally, the EIR does not address the impacts to wildlife of increasing flows in the Seneca reach from 35 cfs to 250 cfs (as proposed in Alternative 1). How will greatly increasing the flow in this 10+ mile reach of river affect the ability of wildlife to cross this reach? The EIR admits that the increased flows may cause hazards for humans using that stretch of the river, but fails to acknowledge that similar risks may be presented to mammals and other wildlife that have grown accustomed to crossing that portion of the river at its much lower baseline flow of 35 cfs.

D. Recreation

The EIR recognizes that “recreation contact” is a designated beneficial use of Lake Almanor and that this designation includes “fishing.” (EIR at 6.8-1.) However, the EIR nowhere analyzes the impact of Alternatives 1 and 2 to recreational fishing at Lake Almanor, even though it states that the Lake “receives approximately 1,214,000 visitors annually”. (EIR at 6.8-5.) A significant percentage of those visits are to engage in recreational fishing at Lake Almanor or Butt Valley Reservoir. The EIR must include an analysis and determination of whether the recreational fishing impacts on Lake Almanor will be significant as a result of the proposed project or Alternatives 1 or 2. (See also Section XII.)

The EIR recognizes that this analysis is required and it even includes an analysis of the effects to “the quality of recreational fishing opportunities in the North Fork Feather River below Canyon dam,” which concludes based on a 2001 survey of recreational fishermen that “flow modifications under the Proposed UNFFR Project and either alternative would not substantially affect fishing opportunities.” (EIR at 6.8-10.) Oddly, however, although it analyzes effects on recreational fishing in the river, the EIR includes no analogous analysis of the effect on recreational fishing at Lake Almanor even though the stakes and impacts at the lake are much greater than in the river. The EIR’s total lack of analysis of the recreational fishing impacts on Lake Almanor ignores one of the greatest impacts of the proposed Alternatives, which is the possibility of losing recreational fishing for coldwater species in Lake Almanor for several years, if not longer. Similarly, the EIR omits an analysis of the impacts of Alternatives 1 and 2 on recreational fishing in Butt Valley reservoir when the fishery in that lake will be adversely affected by the loss of the significant prey subsidy or input it currently receives through entrainment of wakasagi at Prattville. (See also related comments in Attachment 2.) The EIR’s inconsistent level of review and its omission of these analyses violates law.

E. Aesthetics

The EIR’s discussion of Impact AE-4 (new sources of light or glare at Lake Almanor or Butt Valley reservoir) is too vague and cursory to adequately disclose and alert the County and public to possible new permanent sources of nighttime lighting that may affect lake views and other aesthetic values. The EIR states that “[a]ny lighting structures included in these new facilities or improvements would be similar to those existing under current conditions and would

be subject to the same regulation.” (EIR at 6.9-10.) This rationale is flawed and unsupported without further description of the existing conditions and the proposed new facilities. Whether the new facilities will be similar to existing facilities is not the only factor necessary to assess impacts. One key factor is how many new facilities there will be in relation to what exists now (e.g., will the increase be 1, 10, or 100%?). Thus the EIR needs to disclose and analyze the magnitude of proposed new development and lighting in relation to existing sources. Similarly, it is unclear what the EIR means by “subject to the same regulation.” The EIR should specifically explain what is meant by “regulation,” in the context of the analysis so that the County or other potential regulatory entities can be apprised of the potential need to “regulate” in the future.

F. Cultural Resources

The County encourages and supports the mandatory requirement that mitigation measure CR-2b be adhered to as part of the State Board’s 401 certification.

G. Utilities / Energy

The EIR’s Public Services and Utilities impacts analysis completely fails to address the impacts of reduced power generation from increased flows out of Canyon dam as compared to the 35 cfs baseline flows, particularly the increased flows proposed in Alternatives 1 and 2. The total lack of this discussion in the EIR’s chapter analyzing utility effects obscures any such impact and prevents informed decision making and meaningful public participation.

H. Noise

The County agrees with the EIR’s conclusion that impacts from construction activities associated with the alternatives considered in the EIR are potentially significant. However, the County disagrees that mitigation measure NO-1 is sufficient to support the EIR’s conclusion that this impact will be mitigated to a less than significant level. Mitigation measure NO-1 calls for vague, undefined “noise reduction measures.” The EIR provides no details on how much these measures will reduce the noise of construction equipment to ensure that the resulting noise level in decibels after implementation of these (unspecified) measures will be less than significant. Furthermore, the mitigation requirement to place stationary noise generating equipment far away from sensitive receptors is qualified by a requirement that this equipment will only be placed “as far away as feasible.” This qualification totally undermines the EIR’s conclusion that this measure will mitigate noise impacts to less than significant levels. In fact, it proves the opposite - that the SWRCB cannot ensure noise impacts can or will be mitigated to less than significant levels. Similarly, the mitigation element of orienting equipment to “minimize” noise impacts does not quantify the minimization required and therefore cannot support the EIR’s conclusion that impacts will be reduced to less than significant levels.

In sum, mitigation measure NO-1 amounts to a promise to try to do what can be done to reduce noise impacts, but provides no assurances that a particular noise impact arising from construction will actually be reduced by enough to render that impact less than significant.

I. Fisheries

The EIR's analysis of potential impacts to fisheries is inadequate and not supported by substantial evidence. As part of its review of the EIR, the County commissioned expert Dr. Alice Rich to provide in-depth review of the EIR's fishery resource discussion, analyses, and conclusions in addition to providing general comments on the adequacy of the EIR. The final report and qualifications of Dr. Rich are attached as Attachment 2. The County fully incorporates those comments here and requests that the State Board separately respond to the issues raised by Dr. Rich, as well as to those provided below.

1. Inadequate Mitigation

As mitigation for a cold water fish die-off in Lake Almanor, the EIR proposes that PG&E will simply restock the lake with more cold water fish. The surveys and methods to detect a fish die-off require much more detail to ensure effectiveness and adequate public review. What kinds of surveys, how many, when, where? A detailed sampling protocol must be developed and disclosed for comment. The same goes for efforts to replace fish. What are the triggers for restocking? The species and numbers of fish to be stocked are not stated. Monitoring post-stocking to ensure survival of stocked fish is essential to gauge effectiveness but is not included in the EIR. Furthermore, the EIR ignores the significant time gap between a die-off and successful restocking; it fails to disclose that the fish that will be killed are several year old cold water trophy fish (~20 inches), but the fish to be stocked are yearlings from a hatchery. Other mitigation measures should be considered (see subsection 3 below).

2. Alternatives 1 and 2 Would Significantly Impact Butt Valley Reservoir

As more fully described in Dr. Alice Rich's report and as summarized here, the EIR's conclusion that implementation of the Project alternatives would not have a significant effect on the recreational fishery of Butt Valley reservoir as a result of reduced forage fish in the reservoir is not supported by substantial evidence. The EIR concludes that the thermal curtains at Prattville will not significantly affect the trophy fishery in Butt Valley Reservoir, yet the EIR admits that the thermal curtains will almost entirely prevent wakasagi (i.e., pond smelt) from being siphoned from Lake Almanor to Butt Valley Reservoir through Prattville.

The EIR admits that the current addition of pond smelt from Lake Almanor to Butt Valley through the existing Prattville intake has been and is a significant and important source of food for the trophy fish in Butt Valley reservoir. Nevertheless, the EIR claims that eliminating this input of wakasagi from Lake Almanor to Butt Valley will not cause a significant impact on

the fishery in Butt Valley because there is a self-sustaining population of wakasagi in Butt Valley reservoir.

The EIR fails to account for the fact that the additional pond smelt from Lake Almanor increase the density of wakasagi in Butt Valley, thereby making it easier for fish in Butt Valley to find and eat wakasagi. The fact that wakasagi may be locally reproducing in Butt Valley is irrelevant. The key issue for impact analysis is how will the predator-prey dynamic change in Butt Valley reservoir if the thermal curtains are installed and the current supplemental addition of wakasagi from Lake Almanor is stopped. The EIR provides no analysis of the density of pond smelt with and without thermal curtains; absent such an analysis (or other analyses showing that the density of the alleged locally reproducing population of pond smelt is already sufficient to maintain the trophy fishery) the EIR's conclusion is not supported by science, biology, or logic.

3. Additional / Alternative Fish Mitigation Required For All Alternatives

The reports of both Drs. Johnston and Rich (Attachments 1 and 2) indicate that coldwater conditions and fish at Lake Almanor are already in a critical state. Thus, any reduction of cold water habitat could cause a significant impact and require mitigation. This even applies to the proposed project, which the EIR currently finds will have a less than significant impact, but which the County believes requires reevaluation, especially in light of future climate change effects to Lake Almanor water levels and temperatures. Therefore, the EIR should consider including additional or alternative measures of mitigation for the proposed project and alternatives that would increase or maintain suitable coldwater habitat during the critical period. Such measures include a speece cone for oxygenation of coldwater or the addition of additional cool water into Lake Almanor.

XII. The EIR Fails To Analyze Potential Indirect Environmental Impacts That Would Result From A Loss Of The Economic Benefits Of Coldwater Fishing On Lake Almanor

“In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.” (CEQA Guidelines, § 15064(d).) The CEQA Guidelines provide that “[i]f an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed,” the significant effects of the alternative must be discussed. (Guidelines, § 15126.6(d), citing *County of Inyo v. City of Los Angeles* (1981) 124 Cal.App.3d 1.)

The Draft EIR ignores the indirect physical changes to the environment that are reasonably foreseeable effects of the Project alternatives. Specifically, the EIR fails to disclose or evaluate the potential indirect effects that will occur throughout the Project region due to the

economic impacts resulting from impacts to fisheries. The CEQA Guidelines instruct that “[w]here a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project.” (CEQA Guidelines, § 15064(e).) Here, there is substantial evidence that Alternative 1 and Alternative 2 would impact fisheries throughout the region, particularly in Lake Almanor, and Butt Valley Reservoir and that effects on fisheries in turn will have significant effects on the regional economy, which is significantly based in part on the recreational fishery and other recreation use and visits to the lake. Impacts to this resource-dependent economy will have foreseeable physical effects, in the form of closed and abandoned businesses and residences, reductions in tax-base, and dependent public services. There is little doubt that in Plumas County and the surrounding region, effects to the recreational economy will cause physical changes in these resource-dependent communities.

The EIR concludes that Alternatives 1 and 2 will cause a significant impact on coldwater fish species in Lake Almanor that may result in a large-scale die off of these populations. The EIR suggests inadequate mitigation in the form of fish stocking. Other comments in this letter address the violations of CEQA committed by the EIR when addressing those fisheries issues and others (such as in Butt Valley Reservoir), but there is another related issue that requires attention – the resultant indirect effects to the human environment from the economic and socio-economic impacts of the loss of the Lake Almanor fishery and other degradation. In its present form, the EIR improperly omits an analysis and discussion of the indirect effects that will be caused by the reduction of economic activity that are reasonably foreseeable from the degradation of the Lake Almanor and Butt Valley under Alternatives 1 and 2.

CEQA requires the EIR to analyze and discuss the impacts to the human environment that could indirectly result from economic impacts caused by a proposed project or proposed alternatives. That requirement is met in this case. Specifically, the causal connection between a die-off of coldwater fish species and other degradation in Lake Almanor, to economic impacts, to resultant impacts on the human environment is straightforward. A fish die-off in Lake Almanor or Butt Valley and/or a decrease in fishing success or other recreational quality would substantially reduce the number of persons who visit the area for recreational fishing and reduce the dollars otherwise spent by such visitors within the County.

This loss of recreational fishing and other visitation would therefore reduce the income stream in Plumas County, particularly in the Lake Almanor and Butt Valley reservoir areas (e.g., Chester). This impact could last several years or longer because many of the fish that would be killed are several years old and represent the “trophy fish” that anglers prize and seek. The County explains elsewhere that the EIR’s proffered mitigation measure of stocking hatchery fingerlings is wholly inadequate to replace this biological treasure. And so several fishing seasons or more will likely pass before anything close to resembling the original coldwater fisheries occur in Lake Almanor. Word of any fish die-off will spread quickly via social media and the web, and anglers will seek their trophy fish elsewhere.

The significance of recreational fishing and measures of calculating its role as an economic driver of surrounding communities has been well-established for many years and throughout the country. Included in this letter as Attachment 5 are numerous articles confirming the economic impact of recreational fishing and recreational visitorship to the surrounding, often rural communities. The County provides these articles and others provided additional attachments to establish that there exists an entire academic community of professional economists and researchers that have developed methodologies for calculating the relationship and impact of recreational users (and spending) and the economy of nearby communities. For instance, the report by Chen et al. (2003) demonstrates standard methods of measuring and quantifying economic impacts for a trophy largemouth bass fishery for Lake Fork, Texas. Others discuss various other locations and fisheries and the importance of recreational visitors to most rural communities.

There is even precedent for conducting such studies in Plumas County. Specifically, when the State contemplated pike eradication efforts at Lake Davis, the economic effect of recreational fishing at that lake were calculated and considered. The attached August 24, 2006 report by The Center for Economic Development at California State University Chico, calculated the value of the recreational fishery in that lake. (See Attachment 6.) The report concluded that the Lake Davis fishery was worth almost a million dollars annually in Plumas County income. Lake Davis is less than one-tenth the size of Lake Almanor, so the benefits of Lake Almanor are obviously much greater. Considering the life of the planning horizon evaluated in the EIR, the value of the Lake Almanor fishery is likely hundreds of millions of dollars. The Chico State report demonstrates the economic value recreational fishing brings to Plumas County. Attachment 7 to this letter includes information demonstrating that Plumas County's economy heavily and disproportionately relies on economic activity from visitation and travelers from outside the area (over 50% of local tax and transient occupancy receipts) that is generated by recreational fishing and other lake recreation.

In 2012, a significant forest fire affected much of Plumas County during the summer and seasonal visitation, which is generally highest in the summer months, was reduced as people avoided the fire and smoke that was prevalent in portions of the County. The County surveyed local businesses regarding the effects of the reduced recreational visits on their seasonal income (See Attachment 8.) The results demonstrated that businesses lost on average 53% of expected income as compared to the previous non-smoke year. The total loss of just a subset of businesses totaled \$1.4 million. There has also been a study confirming that changes in Lake Almanor water level affect real estate values and possibly county and local tax receipts. (See Attachment 9.) Effects to lake levels from the proposed project and alternatives is another effect that the EIR does not adequately analyze, but which this study demonstrates can affect property values and consequently the local property tax base.

As part of its effort in responding to the EIR, the County contacted businesses and other service providers to ask how they might be affected by a loss or decrease in revenue from recreational fishing business. The responses the County received are contained in Attachment 10 to this letter.⁵ They reveal alarming potential impacts to the local economy and subsequent physical changes to the human environment. These data justify and demand that the State Board conduct a more thorough analysis of these issues and disclose them to the public and decision makers in the EIR. For instance, Linda Wagner, Chief Executive Officer of the Seneca Healthcare District, a district hospital (and the only hospital) in Chester declares that it currently struggles to achieve a net positive income and that it relies heavily on the local tax base, which has declined over the years. She states that any further decrease in this local tax increment finding “would jeopardize our ability to provide health care in the community.” Secondly, she states that the hospital relies on revenue from increased visits in the summer (from seasonal residents and tourists) to carry the hospital through negative cash flow winter months. Based on her observations and experience at the hospital, she states the hospital is “very much dependent” on Lake Almanor’s effect on the population and visitation “to support the health care service provided to the community,” and without Lake Almanor “access to healthcare in this area could be put at risk.”

Joe Waterman, General Manager and Chief of the Chester Public Utility District and Chester Fire Department, respectively, declares that any reduction in property values will reduce the tax base and affect the provision of local services such as fire protection, water delivery, wastewater treatment, solid waste management, and streetlight provision. He states that the District already has a significant amount of funding unavailable to it because of defaults in assessments and taxes and “cannot afford any impacts that would increase the default rates we are experiencing.” He also states that fire and ambulance services “rely heavily on volunteer firefighters to operate effectively” and that any reduced tourism, loss of employment that encourage population decline will have a drastic effect on the District’s ability to provide services.

Numerous other residents and businesses have also commented on their high reliance on the recreational and recreational fishing economy and the potential for business closures, loss of revenue, reduced property values and decreased visitation that a fish die-off or water quality impacts like algal blooms or swimmer’s itch at Lake Almanor would cause. These statements confirm the possibility of boarded up and closed shops blighting Chester, loss of services such as

⁵ Although, the County has collected all these comments and submits them here in support of its comment letter, the State Board should also consider each individual comment a separate comment from the named individuals for purposes of party exhaustion of administrative remedies because the individuals that submitted these comments to the County were under the impression that they were providing public comments on the EIR, and that the County was acting as an intermediary for them and would timely forward their comments to the State Board, which the County has done.

24 hour gas stations or emergency tow services, and snow removal by private residents. This would cause aesthetic and safety impacts. Closure of some of the privately-owned recreational campgrounds could cause overcrowding or increased use and deterioration at other public campgrounds or illegal overnight camping on public lands with attendant environmental and aesthetic impacts such as trash, pollution (e.g., emptying grey water etc.), and compaction and destruction of vegetation.

As one of the premier recreational and fishing lakes in the northern Sierra and the largest in Plumas County, the economic significance and benefits of out-of-area visitors to Lake Almanor is undisputable. The EIR recognizes the significance of Lake Almanor in several places. Yet, the EIR nowhere provides any discussion or analysis of the grave and significant adverse economic effects and resultant indirect physical effects implementation of Alternatives 1 and 2 could cause. These are not mere economic impacts, but actual, physical indirect impacts on the human environment that must be considered under CEQA.

XIII. Cumulative Impacts And Climate Change

The EIR's cumulative impact analysis is deficient in failing to address the effect of climate change on the proposed project and alternatives over the life of the project (i.e., relicensing period of 40-50 years). The analysis period must match the life of the project, so here it is necessary and useful to consider what is foreseeable regarding climate change and water temperatures in 20 or 30 years. The data demonstrate a significant trend of warmer and reduced flows in the watershed in the past decades as compared to earlier historical data that is expected to continue. (See Attachment 3.) The EIR fails to analyze the impacts of the proposed project and Alternatives 1 and 2 in light of this trend and how they will impact resources and perform in this climate-changed future environment. Failure to do so violates CEQA. It provides an incomplete and erroneous assessment of environmental impacts and the efficacy of Alternatives 1 and 2. The County believes such an analysis could show that with climate change, Alternatives 1 and 2 will not achieve their intended purposes. Similarly, it might reveal that impacts from the proposed project or Alternatives 1 and 2 on coldwater fish in Lake Almanor will be even worse. It is essential for the State Board and public to know the results of this kind of analysis to determine whether additional mitigation (such as methods to oxygenate coldwater or increase the volume of coldwater in Lake Almanor) will be necessary in the future.

XIV. CONCLUSION

Plumas County implores the State Board to conduct a more informed, thorough, and objective analysis of the true impacts and trade-offs of potentially sacrificing the environment of Lake Almanor and surrounding communities in an effort to achieve a temperature reduction in the lower river with dubious and uncertain biological benefits and justification. An analysis by a fisheries expert prepared for the FERC process confirms that this is the choice presented to the State Board and his report concluded, as any rational person would, that it was unwise and unwarranted to knowingly and with certainty adversely and significantly impact Lake Almanor

for speculative and uncertain benefits downstream. (See Attachment 14.) Plumas County asks the State Water Board to exercise its regulatory power in a rational, balanced, and equitable manner that examines the relationship between temperature conditions in the Feather River and the Project, and that considers and evaluates alternatives that would avoid the impacts of the alternatives proposed in the Draft EIR. Given the delicate balance at the lake and the likely increased stresses the climate change will bring even under the proposed project, the County believes other mitigation and monitoring measures should be included even if the proposed project is selected. This is what is required under state and federal law and the State Board's regulations, policies, and authority.

In its current state, the EIR does not meet CEQA standards. The Draft EIR fails to perform its task as an informational document to foster informed decision-making, public involvement, and public accountability. The errors and short-comings in the EIR prevent meaningful public participation and an accurate understanding of the environmental impacts associated with the Project and the Project alternatives. These same flaws render the EIR inadequate to support a certification decision by the State Water Board. The State Board should revise and improve the EIR as indicated in this letter and then recirculate the new analyses for public comment and review.

Thank you,



Kevin Goss, Chair

Plumas County Board of Supervisors

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