



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
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GAVIN NEWSOM, Governor
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November 4, 2020

Ms. Michelle Lobo
State Water Resources Control Board, Division of Water Rights
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Governor's Office of Planning & Research

Nov 04 2020

STATE CLEARINGHOUSE

Subject: Draft Environmental Impact Report for Lassen Lodge Hydroelectric Project (P-12496), South Fork of Battle Creek Tehama County, SCH Number 2015022043

Dear Michelle Lobo:

The California Department of Fish and Wildlife (Department) has reviewed the Draft Environmental Impact Report (DEIR) for the above-referenced project (Project). The Department's review of this Project is pursuant to our role as the State's trustee for fish and wildlife resources under the California Environmental Quality Act, California Public Resources Code section 21000 et seq.

Project Description

The proposed Project analyzed in the DEIR is the construction and operation of the Lassen Lodge Hydroelectric Project, a new hydroelectric generation facility with a nameplate capacity of 5 megawatts (Project). The purpose of the proposed Project is to generate electricity through hydropower. Rugraw, LLC filed a final license application with the Federal Energy Regulatory Commission (FERC) on April 21, 2014 for an original license. The proposed Project will be located on the upper South Fork Battle Creek on the western slopes of the Cascade Range. The proposed Project will be approximately 1.5 miles west of the town of Mineral, an unincorporated community in Tehama County. Most of the proposed Project elements will be located on the south side of South Fork Battle Creek.

The proposed Project elements include a diversion dam; an intake structure; a control/fish screen structure; a pipeline and penstock; a transition structure; a powerhouse; a substation; a station service line; a transmission line; a switchyard; and multipurpose areas. Power generated from the proposed Project will be transmitted by a new, approximately 12-mile-long, 60 kilovolt transmission line. The transmission line will interconnect with the Pacific Gas and Electric Volta-South Transmission Line in the town of Manton.

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Comments and Recommendations

On June 15, 2016, the Department filed comments on the Notice of Preparation (NOP) for the above-mentioned Project. Thank you for addressing most of the Department's NOP comments in the DEIR. We offer additional comments and recommendations below to clarify our position.

Throughout the DEIR, protective measures to reduce the impact of foothill yellow-legged frog (FYLF) egg mass/tadpole dewatering begin on May 1 and continue through July 31. However, construction is proposed to occur from April 15 to October 15. The Department has documented FYLF breeding in the surrounding watershed in the proximity of this Project starting as early as late March. Therefore, the Department recommends that all FYLF protection, mitigation, and monitoring efforts start on April 15 to coincide with the start of construction.

On page 2-42, the DEIR states, "If anadromous salmonid(s) are detected in Subreach 1, then Rugraw would notify National Marine Fisheries Service (NMFS) as soon as possible and the following would occur:

- Rugraw would provide a Pulse Flow into Subreach 1 as described below;
- Rugraw would provide NMFS with Biological Assessment(s) (BA) for anadromous salmonid(s) listed under the Endangered Species Act within 30 days of detecting anadromous salmonid(s); and
- Upon NMFS' review of the BA(s) and through informal consultation with Rugraw and FERC, NMFS would assess and determine the following:
 - If the Project's operations are or are not adversely affecting anadromous salmonid(s);
 - What actions would Rugraw do to mitigate for the Proposed Project's adverse effects, if that has been determined; and
 - If amendments to the License are necessary.

The Department is not included in the above assessments and determinations. As a trustee Agency for the protection of fish and wildlife, the Department requests to be included in these activities. Also, it is unclear how Rugraw plans to distinguish a large rainbow trout (*O. mykiss*) from an anadromous Central Valley steelhead. The Licensee should work with CDFW and NMFS to clarify how steelhead would be identified and included in the Anadromous Fish Monitoring Program.

On page 2-42 the DEIR states, "If the Anadromous Fish Monitoring Program detects anadromous fish in Subreach 1 between November 1 and April 1: (1) Rugraw would notify NMFS as soon as possible; and (2) Rugraw would, within one calendar week of such a detection, release a 48-hour, 30 cubic feet per second (cfs), pulse flow into Subreach 1 (unless a 48-hour, 30 cfs, flow has occurred during the previous 2 calendar

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weeks), and then every 4 weeks (between November 1 and May 31).” The Department is concerned that this pulse flow schedule could result in redd dewatering or stranding of fish in isolated pools every 4 weeks. If anadromous fish are detected in Subreach 1, the 30 cfs flow should be initiated and then an appropriate flow should be maintained through May. The Department can assist with determining an appropriate flow schedule to support anadromous spawning, incubation, and emergence. The flow schedule should also be included in the Anadromous Fish Monitoring Program.

We appreciate the opportunity to review this Project. If you have any questions, please contact Matt Myers (Senior Environmental Scientist) at (530) 225-3846, or by email at Matt.Myers@wildlife.ca.gov or Doug Killam (Senior Environmental Scientist) at (530) 360-2036, or by email at Doug.Killam@wildlife.ca.gov

Sincerely,

DocuSigned by:
Curt Babcock
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Curt Babcock
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