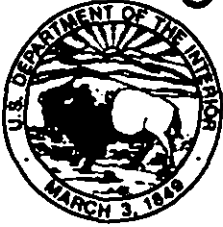


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United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Sacramento Fish and Wildlife Office
 2800 Cottage Way, Room W-2605
 Sacramento, California 95825-1846



In Reply Refer To:
 81420-2008-1-1103-1

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

Ms. Victoria A. Whitney, Deputy Director
 Division of Water Rights
 California State Water Resources Control Board
 1001 I Street, 14th Floor
 Sacramento, California 95814

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 2009 MAY 26 P 2:19
 FEDERAL ENERGY
 REGULATORY COMMISSION

Subject: Request for Change in Article 401, Condition 13 of the License for the Pit 1
 Hydroelectric Project, FERC Project No. 2687, in Shasta County, California

Dear Ms. Bose and Ms. Whitney:

This letter is in response to information presented to the U.S. Fish and Wildlife Service (Service) during the course of post licensing meetings for the Pit 1 Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 2687, in Shasta County, California. At issue are the effects of the flushing flows described in Article 401, Condition 13 of the license on the endangered Shasta crayfish (*Pacifastacus fortis*). This letter is issued under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. §1531 *et. seq.*)(Act), and the regulations governing interagency consultations (50 CFR § 402).

As part of the FERC license for the project that was issued on March 19, 2003, the State Water Resources Control Board (SWRCB) 401 Water Quality Certification requires the licensee, Pacific Gas and Electric (PG&E), to release flushing flows through Fall River Pond and hence the spring-fed Pit 1 bypass reach for two consecutive weekend days three times annually in May/June, July, and August (Condition 13) to control growth of aquatic vegetation and mosquito production in the Fall River Pond and to monitor the effectiveness of these flushing flows for five years after issuance of the new license (Condition 14). PG&E has been implementing these summer flushing flows annually since 2003.

On April 22, 2009, the Shasta Crayfish Technical Review Committee and Shasta Crayfish Recovery Team met to review the first five and six-years of monitoring for the Pit 1 and Hat Creek (FERC No. 2661) projects. During this summary review workshop, the status and

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Ms. Kimberly D. Bose, Secretary and Ms. Victoria A. Whitney, Deputy Director

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precipitous decline of Shasta crayfish observed in the Pit 1 bypass reach was discussed. In October of 2005 a total of 21 Shasta crayfish were found (6 adults, 7 juveniles, and 8 young of the year) in this reach, but only one adult dying male was found in September of 2008. Conversely, two competitor/predator non-native crayfish species more tolerant to temperature fluctuation have doubled and tripled respectively during the same time period.

On May 11, 2009, a five-year summary meeting for the Pit 1 Water Quality Monitoring was held with the State Water Board and Regional Water Quality Control Board. The Service and California Department of Fish and Game were in attendance. Technical discussions regarding the flushing flows included the status of Shasta crayfish in the spring-fed Pit 1 bypass, the reduction and/or elimination of coldwater refugia, and an increase of daily minimum temperatures to 21°C. In addition, as a result of information presented during the May 11, 2009, meeting, it appears that the Minimum Instream Flow, as required by the FERC license, is controlling the control nuisance aquatic vegetation in Fall River Pond and that flushing flows do not appear to be necessary.

The Service is concerned that the flushing flows are facilitating the decline of the endangered Shasta crayfish in the Pit 1 bypass. Therefore, the Service requests the suspension of the flushing flows this summer (2009) prior to the five-year licensee review and recommendation to prevent any further adverse effects and take of Shasta crayfish in the Pit 1 Bypass Reach.

Please address any questions or concerns regarding this request to Kim Squires or Arnold Roessler, Forest and Foothills Branch Chief, at (916) 414-6600.

Sincerely,



Chris Chris Nagano
Chief, Division of Endangered Species

cc:

FERC Project 2687 Service List