United States Department of the Interior

NATIONAL PARK SERVICE
California Hydro Program
801 "I" St., Suite 156-B
Sacramento, California 95814

November 16, 2001

Mr. Len Marino
Department of Water Resources
State Water Project Analysis Office
1416 Ninth St.
P. O. Box 942836
Sacramento, CA 94236

Subject: Draft NEPA Scoping Document 1, FERC Project #2100

Dear Mr. Marino:

The National Park Service (NPS) submits the following comments on Draft Scoping Document 1 (SD1) under FERC regulations 18 CFR Section 16.8(b)(4). Under the National Park Service Organic Act (39 Stat. 535), Outdoor Recreation Act (Pub Law 88-29), the Wild and Scenic Rivers Act (Pub. Law 90-542), Council on Environmental Quality Guidelines (45 FR 59190-59191) and Federal Energy Regulatory Commission Guidelines the NPS is authorized to provide technical assistance for recreation planning in the licensing of hydropower facilities. It is the policy of the NPS to represent the national interest regarding recreation, and to assure that hydroelectric projects subject to re-licensing recognize the full potential for meeting present and future public outdoor recreation demands while maintaining and enhancing a quality environmental setting for those projects. We have the following comments:

DWR's Approach to Relicensing: As we have indicated previously, NPS supports Department of Water Resources' (DWR) decision to pursue the Alternative License Process for this relicensing. We have been involved since the project kicked off in Fall, 2000 and have made every effort to attend the periodic plenary and recreation work group meetings. It has been clear from the start that DWR has made considerable effort to reach out to local constituents and federal, state, and local resource agencies. The Communications Protocol was well conceived, produced collaboratively, and has served the group well in the process thus far. We have also been pleased with the effective use of third-party facilitation in its meetings. F-01-01

Section 1.1. Applicants Proposed Action: You state that no structural or operational modifications are envisioned at this time. However Section 3.1.2 raises the specter of an "engineering and operations issue" which could be considered for adoption that concerns NPS. The installation of Obermeyer gates on the emergency spillway ogee crest has the potential of affecting the nationally-designated Feather Wild and Scenic River (Middle Fork). If Lake Oroville's water level exceeded elevation 900' (the current height of the emergency [ungated] spillway), it would invade the boundary of the designated river segment. Therefore, if this alternative is recommended, we would expect that a study be conducted to analyze its affect on the Middle Fork. F-01-02

Sections 4.0 and 4.1, Project-Specific Consolidated Resource Issues and ALP Issue Resolution Process. NPS is generally comfortable with the "Issue Statements" for Recreation and Socio-economics, but we renew our original concern regarding DWR's self-imposed obligation to tie them back to the "Resource Issues, Concerns, and Comments" which were recorded in the initial public meetings and subsequent brainstorming sessions. We have previously stated that, to us, the master list represents a distillation of some 117 random comments that did not necessarily meet the license-applicability tests of project nexus. Even though they have been relegated to appendices (A&B) in the Draft, their continued presence gives one the impression that they were all valid and will be addressed in studies. They may not be. Having said that, we have been encouraged by the licensee's consultants ability to sort through the issues/comments and fashion relevant issue statements. They have subsequently developed numerous study plans that indicate to us that the most fundamental issues will be adequately addressed. F-01-03

Section 4.8, Recreation and Socio-economics: For the most part, the recreation resource issues are being adequately examined in the seventeen recreation study plans which have been proposed. We remain perplexed at Issue S2, how providing lower utility rates to the Oroville area applies to this relicensing proceeding given the contractual constraints of the State Water Project. F-01-04 F-01-05

Section 5.1, Cumulative Effects. An analysis of the recreation and socio-economic effects of several upstream-projects are particularly important in this proceeding. The recent settlement in Rock Creek/Cresta (FERC #1962), and Poe (FERC #2107) and North Fork Feather River (FERC #2105) which are currently being relicensed should all be considered for their cumulative effect on the Feather River Project. Each of them provide detailed, contemporary study results from which to base cumulative effect analyses. F-01-06

General Comment:

DWR is pursuing a very aggressive schedule in this proceeding. Although it has placed a heavy burden on consultants to produce several iterations of SD1 and has accelerated the development of study plans, the schedule allows for three full field seasons for conducting the studies. Many of the recreation studies begin early in 2002 and there should be sufficient time to adjust study objectives and methodologies as needed to ensure valid results. Our initial impression is that the consultants are doing an excellent job of producing study plans, keeping the Recreation and Socio-economic Work Group informed, and responding effectively to our concerns. F-01-07

We appreciate the opportunity to provide input to this document. NPS is committed to our continued involvement in the Study Plan Task Force and Recreation Socio-economic Work Group and to being an active member of the Plenary. Please contact me at (916) 414-2355 for further assistance or questions.

Sincerely,

Harry B. Williamson
Northern California Hydro Coordinator