

September 7, 2005

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1-A
Washington, D.C. 20426

Re: Notice of Availability of Final Environmental Assessment dated August 16, 2005
Little Wood River Ranch II Hydroelectric Project No. 12063

Dear Secretary Salas:

The Idaho Department of Fish and Game (IDFG) has reviewed the Final Environmental Assessment (Final EA) prepared by Federal Energy Regulatory Commission (FERC) staff for the proposed Little Wood River Ranch II Hydroelectric Project near Shoshone, Idaho. The IDFG submits the following comments for your consideration.

Page 10 Cumulative Impacts: We disagree with the conclusion that the construction and operation of the project will have no cumulative impacts on the Little Wood River system. As noted in Section V.B. of the Final EA, "an action may cause cumulative impacts on the environment if its impacts overlap in time and/or space with the impacts of other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower and other land and water development activities."

In an April 8, 2002 letter to Mr. Nicholas E. Josten, consultant for the project, the IDFG specifically cited concerns with potential cumulative impacts to fish and wildlife resources associated with the presence and operation of multiple hydroelectric projects in the lower reaches of the Little Wood and Big Wood river systems. The IDFG requested that the applicant and the FERC address and consider the cumulative impacts of hydropower development on the Little Wood and Big Wood river systems when evaluating project impacts and mitigation measures.

The IDFG's recommended terms and conditions are designed to mitigate for the impact on the Little Wood River system from an additional hydropower project in the context of past and ongoing adverse impacts on the aquatic environment attributable to water and

land management. Multiple hydropower projects and water and land management activities resulted in the extirpation of the native fish community in the project area. As a result, the IDFG did not recommend the construction of potentially expensive fish passage facilities. That does not mean, however, that the construction and operation of an additional hydropower project on the Little Wood River, in conjunction with past and ongoing adverse impacts in the basin, will not, without mitigation, adversely impact aquatic resources.

Page 13, Fisheries: It is true that the IDFG currently manages the Little Wood River from the mouth to the Milner-Gooding Canal as a warmwater fishery with smallmouth bass as the primary game fish. It is also true that the agency's long-term vision is to promote salmonid fisheries if habitat conditions improve in the Little Wood River. This could occur as a result of water quality improvements and changes in water and land management practices. The upper reaches of the Little Wood River currently support salmonid fisheries for rainbow trout and brown trout.

Page 16, Water Temperature: The applicant has not discussed with us the development of an 8-acre impoundment upstream of the diversion dam where smallmouth bass would be stocked for a fishery. It is not clear what the proposed measure is intended to mitigate; a 40-acre foot impoundment will not provide a stable recreational fishery and we do not support this proposed measure. Instead, we recommend the applicant develop a shallow water emergent wetland that will provide, in conjunction with the proposed riparian enhancements, significant benefits for a multitude of wildlife and bird species.

Pages 19-26, Minimum Flows: The inclusion of IDFG's and the applicant's proposed minimum flow regime is critical to providing adequate mitigation for the impacts on aquatic resources of the proposed project. It is important, however, to make clear that the minimum flows are instantaneous, not daily average flows. IDFG has also advised the Idaho Department of Water Resources that instantaneous instream flows as prescribed should be included as a condition of the water right for this project. A continuous flow monitoring device must be installed and operated in conjunction with initial project operation.

In the State of Idaho Agencies' Comments and Terms and Conditions submitted to the FERC in the Matter of Application for Minor License for Project 12063-001, IDFG recommended a minimum flow bypass flow regime that permits reduction in minimum flows during the period from April to September to no less than 13 cubic feet per second during state-declared drought emergencies and in consultation with the IDFG. The terms and conditions also provide for consideration of further reduction in flows to a minimum of 10 cubic feet per second in rare circumstances and only with the written permission of IDFG. The Final EA does not make clear that no reduction of required bypass flows during the period April through September is permitted unless the Director of the Idaho Department of Water Resources has declared a drought emergency in the project area and the Governor has approved the declaration of drought emergency pursuant to Idaho Code Section 42-222A. The Final EA could be read to permit reduction of minimum flows from April through September to 13 cubic feet per second in "drought conditions"

pursuant to the development of a plan with the IDFG, and further reduction to 10 cubic feet per second in the event of a state-declared drought emergency and with the written approval of IDFG. The IDFG did not intend to suggest that annual negotiations with the licensee would occur about the extent of drought conditions and whether reduction to 13 cubic feet per second is permissible. A state-declared drought emergency is the trigger for consultation with IDFG and any subsequent reduction in flows.

To clarify and provide guidelines for the implementation of this mitigation measure, , the final license should state that, “during any year when the Surface Water Supply Index (SWSI) published by the Natural Resources Conservation Service indicates as of April 1 that flows in the Little Wood River are likely to be below average (a negative SWSI number) and a drought emergency has been declared pursuant to Idaho Code Section 42-222A for Lincoln County, Idaho, the applicant/licensee shall maintain a bypass flow of not less than 13 cubic feet per second for the months of April through September, except that, during multiple years of severe and prolonged state-declared drought emergencies, the bypass flow may be reduced to 10 cubic feet per second upon written permission from the IDFG.”

Thank you for the opportunity to comment on this document. If FERC staff has any questions, please contact Scott Grunder, Fishery Program Coordinator at 208-287-2714.

Sincerely,

Tracey Trent, Chief
Natural Resources Policy Bureau

TT:sag

cc: Service List