



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:
 81420-2009-I-1132-1

SEP 10 2009

2009 SEP 15 P 11:21

Mr. Charles White, Interim Project Manager
 Pacific Gas and Electric Company
 Mail Code N11D
 P.O. Box 770000
 San Francisco, California 94117

Subject: Informal Consultation for the Decommissioning of Kilarc-Cow Hydroelectric Project (FERC Project No. 606), Shasta County, California

Dear Mr. White:

This is in response to your July 8, 2009, letter requesting the U.S. Fish and Wildlife Service's (Service) concurrence with the determination that the proposed decommissioning of the Kilarc-Cow Hydroelectric Project (Project) is not likely to adversely affect the threatened California red-legged frog (*Rana aurora draytonii*)(frog), the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*)(beetle), or the fisher (*Martes pennanti*), a candidate species. In order to conserve and restore essential attributes of the watershed, Pacific Gas and Electric Company (PG&E) is proposing the decommissioning of the Project. The decommissioning will be conducted in accordance with PG&E's 2009, *Proposed Decommissioning Plan*, and will include the removal and/or closure of two forebays; five associated dams; 20 canal sections, with associated structures; one siphon; two penstocks; two powerhouses, and associated features; and transmission facilities. The proposed Project is located within the Cow Creek watershed, on South Cow Creek and Old Cow Creek, in Shasta County, California. Our response is based on the information contained in your July 8, 2009, letter, the 2009, *Proposed Decommissioning Plan*, and is issued under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act).

The project area contains suitable non-breeding habitat for the frog with the nearest recorded frog occurrence being an historical observation approximately 17 miles east of the proposed project area, near Redding, California, recorded in 1911. However, because the nearest currently known California red-legged frog population is approximately 66 miles away, and with PG&E proposing to implement a series of conservation measures (see enclosure) to reduce potential effects of the project to levels that are insignificant or discountable, the Service concurs with your determination that the project is not likely to adversely affect the California red-legged frog.

TAKE PRIDE
 IN AMERICA 

Mr. Charles White, Interim Project Manager

2

Based on the results of a 2003 survey, the project area is known to contain two elderberry shrubs (*Sambucus* spp.), the sole host plant for valley elderberry longhorn beetle. In order to reduce the potential effects of the project on the beetle, PG&E is proposing to conduct preconstruction surveys in areas known to contain elderberry shrubs. If shrubs are located within 100 feet of Project activities, PG&E is proposing to implement the avoidance measures, including fencing the shrubs, identified in the March 2003, *Valley Elderberry Beetle Conservation Program*, developed by PG&E and the Service. Because elderberry shrubs will be identified prior to Project activities and avoided, the Service concurs with your determination that the proposed Project is not likely to adversely affect the beetle.

The fisher is known to occur on Forest Service and National Park Service lands within the vicinity of the proposed Project, and the project area appears to contain suitable habitat for this species. Therefore, it is reasonable to conclude those fishers are likely to utilize the project area, or areas surrounding the Project. In order to reduce potential effects to the fisher, PG&E has proposed to implement a 15 mile per hour speed limit on Project roads and temporary access roads while decommissioning activities are conducted. Because the Project will not result in the destruction or alteration of habitat utilized by the fisher, and PG&E will implement a speed limit to reduce the likelihood of traffic-related mortality, potential effect to fisher have been minimized.

Unless new information reveals effects of the proposed action that may affect listed species in a manner or to an extent not considered; or the project is modified in a manner that causes an effect to the listed species that was not considered; or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act, is necessary.

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

Sincerely,



Chris Nagano
Division Chief, Endangered Species Program

Enclosure

cc:

Ms. Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, Washington, D.C.
FERC Project 606 Service List

PG&E's Proposed Conservation Measures for the California Red-legged Frog

SEP 15 4:21

General Measures Applicable to All Project Features

1. PG&E will conduct environmental tailboard sessions with construction personnel to provide information on special-status-species potentially present in the area and the avoidance/minimization measures to be implemented. PG&E's biological monitor will be responsible for conducting worker environmental awareness training for all construction personnel (including new, added, and/or replaced workers) prior to the onset of active construction. The training will include a brief description of the special-status species that potentially occur at the site and distribution of a brochure or pamphlet that describes the species to all workers.
2. PG&E will have a biological monitor on-call throughout the construction phase to identify and relocate, if necessary, any individual animals found in the construction area. If a California red-legged frog is found within the active construction area, all construction work will stop and the U.S. Fish and Wildlife Service (Service) will be notified. Construction activity will commence upon Service approval.
3. PG&E will prepare and implement a Mitigation and Monitoring Plan (MMP) for impacts to riparian and wetland vegetation as part of the permitting process. The MMP will be developed in consultation with the United States Army Corps of Engineers (USACE), the California Department of Fish and Game (CDFG), and the Regional Water Quality Control Board – Central Valley Region (RWQCB-CVR). The MMP will include mitigation areas (e.g., South Cow Creek Diversion Dam, Kilarc and Cow Creek forebays), goals, the species to be assessed, as well as methods and performance criteria. Riparian and wetland vegetation requiring restoration or mitigation will be monitored for 5 years following decommissioning.
4. Soil Erosion and Sedimentation Control Best Management Practices (BMPs) will be identified and implemented. The BMPs will address soil erosion impacts that may occur both during and after decommissioning construction work. PG&E will adhere to standard erosion control procedures, including applicable measures developed by the United States Department of Agriculture – Forest Service (USDA-FS) and published in the Water Quality Management for Forest System Lands in California Best Management Practices (USDA-FS, 2000).
5. PG&E will identify all potential pollutant sources, including sources of sediment (e.g., areas of soil exposed by grading activities, soil/sediment stockpiles) and hazardous pollutants (e.g., from petroleum products leaked by heavy equipment or stored in maintenance areas). Also, any non-storm water discharges, such as springs, will be identified. BMPs will be implemented to protect streams from potential pollutants and to minimize erosion of topsoil.

Site-specific Measures

South Cow Creek Diversion Dam and Appurtenant Structures

1. PG&E will conduct a pre-construction survey for California red-legged frogs according to Service protocols. Exclusion fencing will be installed around the construction area to prevent individuals from entering the construction area. A biological monitor will be on-call throughout the construction phase to identify any individual animals found in the construction area. If a California red-legged frog is found, PG&E will stop all project-related work in the vicinity of the frog and notify the Service. Project activities in this area will not recommence until approved by the Service.

Mill Creek Diversion Dam and Canal Intake

1. PG&E will conduct a pre-construction survey for California red-legged frogs at the diversion dam prior to decommissioning the diversion dam, according to Service protocols. Exclusion fencing will be installed around the construction area to prevent individuals from entering the construction area. A biological monitor will be on-call throughout the construction phase to identify any individual animals found in the construction area. If a California red-legged frog is found, PG&E will stop all project-related work in the vicinity of the frog and notify the Service. Project activities in this area will not recommence until approved by the Service.

Cow Creek Forebay and Forebay Dam

1. Prior to dewatering the forebay, PG&E will conduct a pre-construction survey for California red-legged frogs using standard Service protocols. Exclusion fencing will be installed around the construction area and a biological monitor will be on-call throughout the construction phase. If a California red-legged frog is found, PG&E will stop construction work and notify the Service. Project activities in this area will not recommence until approved by the Service.

Cow Creek Powerhouse, Switchyard, and Tailrace

1. Prior to discontinuing operations at the powerhouse, PG&E will conduct a pre-construction survey for California red-legged frogs in Hooten Gulch and in the Cow Creek Powerhouse tailrace, using standard Service protocols. Exclusion fencing will be installed and a biological monitor will be on-call throughout the construction phase. If a California red-legged frog is found, PG&E will stop all project-related work in the vicinity of the frog and notify the Service. Project activities in this area will not recommence until approved by the Service.
2. During decommissioning, operations at Cow Creek Powerhouse will be discontinued in the spring when natural flow is present in Hooten Gulch. This will allow Hooten Gulch to return more gradually to its natural ephemeral state as natural flows subside, thereby minimizing potential impacts to amphibians.

3. PG&E will remove the gunite in Hooten Gulch and install any replacement bank stabilization measures during the summer when the gulch is naturally dry. This will minimize the potential for turbidity and contaminant impacts to aquatic species.

Kilarc Diversion Dam

1. PG&E will conduct a pre-construction survey for California red-legged frogs, using standard Service protocols. Exclusion fencing will be installed and a biological monitor will be on-call throughout the construction phase. If a California red-legged frog is found, PG&E will stop all project-related work in the vicinity of the frog and notify the Service. Project activities in this area will not recommence until approved by the Service.

Kilarc Forebay and Forebay Dam

1. Prior to dewatering the forebay, PG&E will conduct a pre-construction survey for California red-legged frogs, using standard Service protocols. Exclusion fencing will be installed around the construction area to prevent individuals from entering the construction area. A biological monitor will be on-call throughout the construction phase to identify any individual animals found in the construction area. If a California red-legged frog is found, PG&E will stop all project-related work in the vicinity of the frog and notify the Service. Project activities in this area will not recommence until approved by the Service.

Kilarc Powerhouse, Switchyard, and Tailrace

1. Prior to discontinuing operations at the powerhouse, PG&E will conduct a pre-construction survey for California red-legged frogs at the tailrace, using Service protocols. Exclusion fencing will be installed around the construction area and a biological monitor will be on-call throughout the construction phase. If a California red-legged frog is found, PG&E will stop construction work and notify the Service. Project activities in this area will not recommence until approved by the Service.

North and South Canyon Diversion Dams and Canals

1. PG&E will conduct a pre-construction survey for California red-legged frogs in the streams, using standard Service protocols. Exclusion fencing will be installed around the construction area and a biological monitor will be on-call throughout the construction phase. If a California red-legged frog is found, PG&E will stop all project-related work in the vicinity of the frog and notify the Service. Project activities in this area will not recommence until approved by the Service.