

Davis Hydro, LLC.  
27264 Meadowbrook Drive  
Davis, California, 95618  
530 753-8864 Fax 530 753-4707  
Email: [Dick@davishydro.com](mailto:Dick@davishydro.com)

June 23, 2010

Dr. Jane Lubchenco, Undersecretary for Oceans and Atmosphere  
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
1401 Constitution Avenue, NW  
Washington, DC 20230

RE: Regional and National Effects of Local NMFS actions

Dear Dr. Lubchenco:

The National Marine Fisheries Service (NMFS) of the National Oceanic and Atmospheric Administration (NOAA) is divided into regional offices. Within each of these offices, various groups are working on different environmental considerations. NMFS has broad authority, including imposition of mandatory conditions, when involved in Federal Energy Regulatory Commission (FERC) proceedings where there are anadromous fish. We bring to your attention that when a regional NMFS office makes a determination of an environmental impact on a local species of anadromous fish, current practice allows it to ignore the effects on the same fish (and all other endangered species) beyond the immediate project area and especially on areas outside of their regional office's responsibility.

We bring your attention in particular to the Kilarc facility that is the subject of a draft Environmental Impact Statement (EIS)<sup>1</sup> just released by the FERC. We urge you to take action and influence the direction provided by the Department of Commerce Administrator for Fisheries to NMFS staff participating in this proceeding, to engage in meaningful evaluation of project alternatives and provide relevant feedback on the current analysis before the August 9, 2010 comment deadline.

The existence of hydroelectric generation reduces the need for other electrical generation in an area. The existing "other generation" option in California is, for the most part, natural gas for peaking and for base-load, coal. This is because every other non-fossil alternative is currently being very strongly promoted to meet California (area) Renewable Portfolio Standard goals. All marginal (additional) generation is fossil, from these two sources. Thus, removing a base-load

---

<sup>1</sup> Available as Accession Number 20100622-4001 on FERC eLibrary under docket number P-606 or directly at [http://elibrary.ferc.gov/0/idmws/file\\_list.asp?document\\_id=13826844](http://elibrary.ferc.gov/0/idmws/file_list.asp?document_id=13826844)

renewable energy hydro plant in California will directly increase the amount of emissions from fossil plants in the California area. This leads directly to an increase in acid rain and air pollution affecting all ecosystems including sensitive Salmonids downwind.

The effects of acid rains, well known in Europe and in New England (from Mid-Atlantic coal burning) are now well documented. The pH and metal concentrations in the Northeast United States is a direct consequence of fossil-based generation. The denudation of hillsides such as in Vermont forests cause an increase in temperatures in streams. Acid rains lower water pH and increase temperatures through deforestation.

The increase in acid rains and other chemical degradation of our atmosphere from not having a hydro plant as the result of the local NMFS office activities have a negative effect far beyond the immediate project area or region under the purview of this regional office. The winds blow generally from west to east at these latitudes so your NMFS offices here in the West, by inhibiting and rapidly destroying small hydro in the west, create as a consequence diffuse plumes of acid rain trailing east and incrementally polluting waterways all across the US.

The directly consequential widespread effects on fish are subtle and harder to measure. These effects affect the health of the very fish trying to be saved in California. The incremental effects on fish are most pronounced numerically on the more dense and healthy populations in pristine conditions across the Northwestern US. Out-of-region effects are secular and subtle -- invisible and uncounted -- certainly by the up-wind regional NMFS directors who are receiving credit for stopping a local hydro facility. Local officials take no notice and receive no admonition for out-of-region effects, but only receive credit for removing another renewable energy resource. It is for this aggregate rather than local project evaluation policy that this letter is being written.

Please consider changing the NMFS policy to address the net effects of their decisions on all fish, not just the anadromous fish in the same waters as the project being studied. You are NOAA. This is an atmospheric issue, and it is through your atmosphere that NMFS is destroying downwind anadromous fish resources by inhibiting renewable energy projects.

For example, in California the FERC liaison office in Santa Rosa may make a decision on a FERC project that affects *O. mykiss*. The decision is to stop a local hydro project because the regional office believes that the hydro project will affect the local population of the fish. On a local review, that is possibly so -- certainly the habitat under the diversion dam is lost. However, the emissions from the replacement base-load power plant will blow across northern California and the US. This change in emissions has a tiny depressing effect on the pH of each and every lake, stream, and river over which the California air passes. Since the anadromous form of *O. mykiss* is prevalent across the Midwest and New England (as well as Europe and northern Asia), there will be a minute impact in all these areas. In each body of water, there will be a tiny effect of the decision to inhibit

or remove hydro in California. In each body of water, the effect may be on the morbidity or mortality of only one fish - perhaps none observable, but the statistical cumulative calculus of all these effects will be enormous - possibly overwhelming any fish saved under the project's footprint.

#### In Summary

We ask that, when a local office considers a proposal to reduce electric generation, the effects of that reduction in generation on the downwind, out-of-region ecology be considered on an equal basis with in-region effects. More specifically, we ask that review of any project that inhibits or delays the supply of renewable energy be evaluated on the same area basis that it affects through both atmospheric and water effects. Not to do so is simply not-in-my-back-yard (NIMBY) environmentalism with an effect similar to policy evaluations that are leading us to global warming with its consequential species destruction. NMFS is currently inhibiting small hydro projects and is ignoring the national and global effects of their regional decisions as the lead agency under the Endangered Species Act.

We request a review and change of the current myopic regional approach to review of projects that affect our atmosphere and oceans and the destruction of the very species under your purview.

Respectfully,



Richard D. Ely  
Davis Hydro, LLC

cc: FERC P-606 eLibrary and Service List

Document Content(s)

DHtoNMFSlubchenco.PDF.....1-3