

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

February 9, 2015

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

Subject: Final Environmental Impact Statement for Hydropower License, Upper Drum-Spaulding Hydroelectric Project (FERC Project No. 2310-193), Lower Drum Hydroelectric Project (FERC Project No. 14531-000), Deer Creek Hydroelectric Project (FERC Project No. 14530-000), and the Yuba-Bear Hydroelectric Project (FERC Project No. 2266-102), California (CEQ # 20130134)

Dear Ms. Bose:

The U.S. Environmental Protection Agency has reviewed the subject Final Environmental Impact Statement pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. The FEIS evaluates the Federal Energy Regulatory Commission's proposal to issue new major licenses, for a period of 50 years, to Pacific Gas & Electric Company and Nevada Irrigation District to operate and maintain their Drum-Spaulding and Yuba-Bear hydroelectric projects. We note that the FEIS separates the Drum-Spaulding Project into three licensed projects: the Lower Drum Project, Deer Creek Project, and the remaining Drum-Spaulding Project (referred to as the Upper Drum-Spaulding Project). For all four projects, FERC selects the staff alternative as the preferred alternative, which includes many conditions provided by other federal agencies.

EPA supports the development of renewable energy generation and appreciates the opportunity provided by the relicensing process to further protect and enhance environmental resources. We reviewed the Draft Environmental Impact Statement for the proposed action and provided comments to FERC on August 22, 2013. EPA rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) due to our concerns regarding potential impacts to air quality and water resources. While we appreciate the additional information and clarification provided in FERC's response to our comment letter in the appendix to the FEIS, we have some continuing concerns.

In EPA's comments on the DEIS, we noted concerns about potential air quality impacts from construction activities. In its Response to Comments, FERC responded that a determination was made during the scoping process that the air quality impacts would be insignificant. The FEIS provides no information to support that determination. We recommend that the basis for determining that the air quality impacts would be insignificant be documented in the Record of Decision. In addition, because the project areas are within a nonattainment area for the federal 8-hour ozone National Ambient Air Quality Standard and a maintenance area for the carbon monoxide NAAQS, a General Conformity Analysis may be required. FERC further responded that the required permits at the state and local level will likely require best management practices to minimize the effects of air emissions. EPA recommends that the Record of Decision identify which state and local permits will be required.

The DEIS relied extensively on the planned development of project implementation, operation, and maintenance plans (e.g. Erosion and Sediment Control Plan and Integrated Vegetation Management Plan) to address environmental impacts of the proposed action. In our comment letter, EPA expressed concern about the reliance on such plans that were not provided in the DEIS. In reviewing the FEIS, EPA notes that many of the plans have since been filed with FERC; however, since they are not included in, appended to, nor summarized in the FEIS, the proposed action's impacts still cannot be fully assessed. EPA recommends that FERC make all plans for each license easily accessible to the public to facilitate a greater understanding of project activities and efforts being made to minimize environmental impacts. We also recommend that the ROD clearly identify any commitments associated with such plans. For future projects, EPA recommends that the Draft EIS provide sufficient information about the implementation, operation, and maintenance of the proposed project to clearly identify its potential environmental impacts and the measures that would be taken to minimize those impacts.

The proposed project operations include fish stocking activities. EPA notes that FERC responded to our comment about methylmercury bioaccumulation in fish tissue by stating that additional monitoring is not needed to inform consumption advisories. The response states that project operations are not likely to contribute to changes in methylmercury concentrations in fish tissue and the concentrations will remain greater than the limits set for consumption. EPA remains concerned about the potential exposure of anglers to methylmercury, and reiterates the importance of fish consumption advisories for the protection of human health. We recommend that the ROD require licensees ensure that appropriate advisories are coordinated with the California Office of Environmental Health Hazard Assessment, the State Water Resources Control Board, and the California Department of Fish and Wildlife. The coordination of such activities should be outlined in the Fish Stocking Plans.

In our comments on the DEIS, EPA recommended that the Final EIS include a discussion of historic and reasonably anticipated future impacts of climate change and its potential effects on the proposed projects and alternatives. FERC's Response to Comments indicates that the impacts of changing climatic conditions on the projects and aquatic resources were based on analysis of a 33-year period of historical record, and that the Commission's practice of including reopener provisions in hydropower licenses, coupled with extensive resource monitoring, would enable the Commission to alter license requirements in response to changed environmental conditions. On December 18, 2014, the Council on Environmental Quality released revised draft guidance for public comment that describes how Federal departments and agencies should consider the effects of greenhouse gas emissions and climate change in their National Environmental Policy Act reviews. The revised draft guidance supersedes the draft greenhouse gas and climate change guidance released by CEQ in February 2010. This guidance explains that agencies should consider both the potential effects of a proposed action on climate change, as indicated by its estimated greenhouse gas emissions, and the implications of climate change for the environmental effects of a proposed action. EPA recommends that FERC ensure that its consideration of climate change for the proposed action is consistent with this revised guidance, and that the Record of Decision commit to the inclusion of appropriate reopener provisions and monitoring requirements in the subject licenses.

EPA appreciates the opportunity to review this FEIS. If you have any questions, please contact me at 415-972-3521, or contact Jamey Watt, the lead reviewer for this project, at 415-972-3175 or [watt.jamey@epa.gov](mailto:watt.jamey@epa.gov).

Sincerely,

/s/

Kathleen Martyn Goforth, Manager  
Environmental Review Section

cc: Larry Thompson, National Marine Fisheries Service  
James Eicher, U.S. Bureau of Land Management  
Drew Lessard and Rob Schroeder, U.S. Bureau of Reclamation  
Beth Paulson, U.S. Forest Service  
Jeffrey Parks, California State Water Resources Control Board