



State of California - Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
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EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



August 1, 2012

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, D.C. 20426

Subject: **Daguerre Point Dam Hydropower Project (Preliminary Permit No. 14432)  
Comment on Request for Use of the Traditional Licensing Process**

Dear Secretary Bose:

The Department of Fish and Game (Department) has received a copy of the Notice of Intent (NOI) to file application and the Pre-Application Document (PAD) for development of the Daguerre Point Dam Hydropower Project, a new generation facility in Yuba County, California. Along with the NOI and PAD, Archon Energy 1, Inc. (Applicant), has filed a request with the Federal Energy Regulatory Commission (Commission) to grant approval for use of a Traditional Licensing Process (TLP) in this proceeding. At this time, the Department considers only the request for use of the TLP on this pending Original Project License; we intend to address PAD contents and the specific needs for additional resource study in a future and separate letter.

Commission regulations at 18 CFR Sections 5.3(b) and (c) provide an option for the use of a TLP in cases where the license applicant has addressed the following considerations:

1) likelihood of a timely license issuance; 2) complexity in the resource issues; 3) level of anticipated controversy; 4) relative cost of the TLP compared to the integrated process; 5) amount of available information and potential for significant disputes over studies; and 6) other factors pertinent to the matter. Although the Applicant has expressed an opinion on each of these points, the Department believes that existing information does not support the casual dismissal of difficulties that may be encountered on the proposed new project.

The Applicant has prematurely drawn conclusions regarding the potential for controversy associated with this new hydroelectric facility. Preliminary documents unrealistically minimize the complexity of Yuba River resource issues, with particular regard for: 1) aquatic ecosystem health; 2) impacts to anadromous fish species in the lower Yuba River; 3) effects on the operation of existing irrigation and water district diversion facilities; and 4) future interests in anadromous fish passage. Serious consideration should be given to the complex resource issues of the Yuba River and potential for public controversy that could interfere with a timely completion of the project.

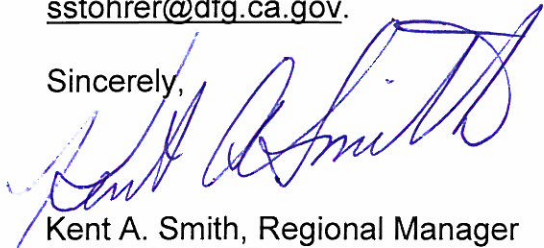
The Applicant also underestimates the time necessary to conduct additional studies on environmental resources that may be affected by project construction and operation. The Department believes that the proposed timeline (Figure 1-1, page 1-4 of PAD) is overly ambitious and does not provide sufficient time for the development of the range of

appropriate resource study plans, nor does it allow adequate time for collection of resource data across field seasons or multiple years. We emphasize the need for revision to the unreasonably compressed timeline presented in the PAD. Department staff acknowledges that a hybrid TLP may incorporate Integrated Licensing Process (ILP) timelines and opportunities for public participation, and we encourage the use of such a collaborative process.

As the Commission makes its determination on the request for use of a TLP on the proposed Daguerre Dam Project, we ask that consideration be given to potential changes in Yuba River management that continue to be discussed in the various anadromous salmonid reintroduction forums currently underway, as well as future changes likely to result with negotiated settlement and re-licensing conditions for the Yuba River Development Project. With recognition of these collaborative forums, a relaxed timeline for, and development of, adequate resource studies, and provisions for suitable level of public participation, the Department finds no reason to oppose the use of a TLP on this proposed project.

We appreciate the opportunity to comment on the NOI and the request by Archon Energy for use of the TLP. If you have questions or need more discussion on this matter, please feel free to contact Staff Environmental Scientist, Sharon Stohrer at (916) 358-2384 or [sstohrer@dfg.ca.gov](mailto:ssstohrer@dfg.ca.gov).

Sincerely,



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