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GAME AND FISH DEPARTMENT

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July 1, 2003

Ms. Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

OFFICE
FILED SECRETARY
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FEDERAL ENERGY REGULATORY COMMISSION

Re: Project Number 2069-007; Draft Environmental Assessment for the Surrender of License, Childs Irving Hydropower Project

Dear Secretary Salas:

The Arizona Game and Fish Department (Department) reviewed the Draft Environmental Assessment (EA) for Arizona Public Service's (APS) request to surrender the license to operate the Childs-Irving Hydropower facility in Fossil Creek. The purpose of the EA is to evaluate the environmental impacts of the Federal Energy Regulatory Commission's (FERC) approval or denial of APS's request to surrender the license, removal of associated project facilities, restoration of the site, and the return of full stream flows to Fossil Creek.

The Department is concerned that the EA analyzes only two alternatives regarding the fate of Fossil Springs Dam, particularly since the Draft Environmental Assessment (EA) acknowledges the importance of the dam with regard to prevention of upstream movement of nonnative species. We firmly believe that some portion of the dam must remain to serve as a barrier to upstream movement of nonnative fishes. The Department is hopeful that any concerns and issues regarding the existence of Fossil Springs dam following the return of full flows can be adequately addressed through continued coordination between all stakeholders.

The Department's specific comments on the Draft EA are provided as an attachment to this letter. Please contact me at (602) 789-3602 if you have any questions regarding our comments.

Sincerely,

John Kennedy
Habitat Branch Chief

cc: Ron Sieg, Regional Supervisor, Region II, Flagstaff
Rod Lucas, Regional Supervisor, Region VI, Mesa
Larry Riley, Fisheries Branch Chief

Attachment

Arizona Game and Fish Department Comments on the Draft EA for the Surrender of the Child-Irving Hydropower License

July 1, 2003

Fossil Springs Dam

Under the Preferred Alternative, FERC is proposing that APS completely remove the Fossil Springs dam as part of the remediation. We understand this alternative is based on concerns by the Forest Service's regarding potential legal implications of leaving the dam in place. However, the Department continues to believe that removing the dam will result in the removal of a proven and effective barrier to the upstream migration of nonnative fish and aquatic species (e.g., crayfish). We are willing to work with the Forest Service and APS to ensure that some portion of the dam remains in place to serve as a barrier to upstream movements by nonnative and invasive species.

On page 28, FERC concludes that returning full flows would enhance habitats for native aquatic species over nonnatives due to the "evolved behavior of native species to the unregulated hydrograph." The assumption that a natural hydrograph (e.g., periodic flooding) will favor habitats for native fish species over nonnatives is not well supported in the EA. The drainages nearest to Fossil Creek (West Clear, Wet Beaver, Oak Creek, and the Verde River), all of which have a mostly natural hydrograph, are all dominated by nonnative fish species (smallmouth bass and catfish). In addition, flood flows currently remain in the Fossil Creek channel (minus the 43 CFS the hydropower facility uses), and the system is dominated by nonnative fish species below the Fossil Springs Dam. It appears that a change in the amount of base flow (i.e., returning 43 CFS into the channel) would not significantly increase the effects of flood flows on reducing the nonnative fish populations, especially if the dam is removed.

Razorback Sucker

The EA analyzes the presence/absence of razorback suckers in the project area. It is important to note that recent and historical data indicates that razorbacks are not found in the upper reaches of the creek. Even though this species was found above the dam in 1990, the population estimate was only 16 fish, which were the survivors of 10,000 fish stocked above the dam in a nonnative, predator-free environment. This stream has been intensively surveyed downstream of the dam by multiple groups using multiple techniques since 1996 (e.g., electrofishing, trammel netting, fall fish counts, and snorkel surveys). Considering that most of the creek below the dam is clear and flows are less than 5 CFS, the probability of detecting razorbacks is relatively high. However, these surveys did not detect the presence of any razorback suckers.

Stehr Lake and Tremaine Lake Mitigation

On page 32, FERC recommends that no mitigation be required for the loss of the sport fishery at Stehr Lake. The Department disagrees with this recommendation, as well as the information regarding the analysis of the proposed mitigation at Tremaine Lake. Stehr Lake is a small, warmwater sport fishery in the Camp Verde area and also provides valuable habitat for resident and migratory birds. Returning full flows to Fossil Creek will eliminate Stehr Lake and the associated wildlife values in the area. Furthermore, it is the intent of the Department to manage Fossil Creek for native riparian values. The loss of Stehr Lake and associated sport fishing opportunities then becomes much more significant for sport fishermen in the Camp Verde area.

Attachment- AGFD Comments on Draft EA

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Since the Arizona Game and Fish Commission is the authority regarding the management of fish and wildlife populations in Arizona, the Department will continue to pursue adequate mitigation for the loss of this sportfishery at Tremaine Lake. We will also continue to work with APS, the Forest Service and the U.S. Fish and Wildlife Service to finalize the fish-stocking plan and complete the necessary NEPA compliance documentation and resolve any issues (i.e., endangered species, etc.) associated with the proposed action.

It is our understanding that the Forest Service's concerns with the Tremaine Lake mitigation plan involves the inadequacy of public access and other recreational facilities. All parties (the Department, USFWS, USFS, and APS) agreed that the evaluation of enhancing public access and development of recreational facilities at Tremaine Lake would be completed separately than the stocking analysis, and following the Forest's current revision of the Coconino National Forest Plan.