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October 26, 2011

Via U.S. Mail and Electronic Mail

Chuck Bonham, Director
California Department of Fish and Game
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
via email to Director@dfg.ca.gov

Rod McInnis, Regional Manager
Southwest Regional Office
National Marine Fisheries Service
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802-4213
via email to rod.mcinnis@noaa.gov

Re: Urgent Request for Release of Water to Eel River Pursuant to Reasonable and Prudent Alternative, Biological Opinion for the Potter Valley Project (FERC Project Number 77)

Dear Director Bonham and Mr. McInnis:

This letter is respectfully submitted on behalf of Friends of the Eel River, a nonprofit conservation and educational organization concerned with the health and recovery of the Wild and Scenic Eel River and its fisheries.

As you may be aware, as part of the 2002 Biological Opinion issued for the above-referenced project, the National Marine Fisheries Service prescribed a set of measures in a Reasonable and Prudent Alternative necessary to avoid a jeopardy determination for fish listed under the federal Endangered Species Act.

A component of these actions was the provision of 2500 acre-feet of water, stored in Lake Pillsbury, "to be released at the discretion of resource agencies" each water year. See Nov. 26, 2002 Biological Opinion, at p. 89. While Friends of the Eel River has previously called on your agencies to consider releasing this "blockwater," to our knowledge, no release of the Eel River blockwater has ever taken place, or even been considered, by your agencies.

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Friends of the Eels River's review of current conditions in the Eel and its tributaries, as well as the current status of diversions of Eel River water through the Potter Valley Project to the Russian River basin, compels us to renew our request to you to immediately consider beginning release of the Eel River blockwater now.

Multiple observations from expert and casual observers confirm that a substantial run of chinook salmon has already entered the Eel River system, with many fish having moved up the watershed during the limited rain event we experienced during the first two weeks of October. In the absence of further rains, flows throughout the Eel River system have dropped to levels that do not appear consistent with continued fish passage up the watershed to viable spawning grounds. California Coastal chinook are listed as 'threatened' under the federal Endangered Species Act. (70 FR 37160)

While flow releases from the Potter Valley Project into the Eel River are scheduled to gradually increase over the next two months, and rains are increasingly likely the later we get into fall, Friends of the Eel River is concerned by the potential risks to this year's returning chinook and their all-important reproduction if we don't see continued rains over the next few weeks. As well, we are troubled that neither the Department of Fish and Game nor the National Marine Fisheries Service has moved to consider release of the Eel blockwater for this year, despite the conversations this year regarding the need to revise the protocol for blockwater releases.

Please consider, as an immediate, urgent action, directing your agencies to work together to implement release of the full 2500 acre feet of blockwater, at a rate of 100 af/day over the next 25 days. In practice, that would effectively double current releases to the Eel, from 52 cfs to approximately 104 cfs.

Friends of the Eel respectfully notes that the current daily diversions from the Eel River to the Russian River are running approximately 180 cfs. At the same time, because Lake Mendocino's storage pool is currently full, approximately 400 continuous cfs are now being released from the Lake into the Russian River, and will continue to be released over the next four weeks. Thus, the 180 cfs now being diverted from the Eel River watershed into the Russian River watershed are in effect flowing directly to the ocean, arguably to the net detriment of fisheries and habitats in the Russian River as well.

Please advise us at your earliest opportunity of your intent to provide additional flows to the Eel River this fall. If you should have any questions about this request, or should wish to discuss this further, please feel free to call me at the above listed number, or to call Friends of the Eel River directly. (Nadananda, Executive

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Director, can be reached at 415-332-9810 or 415-717-9052; Scott Greacen, North Coast
Director, can be reached at 707-502-4555).

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Amy J. Bricker

cc: Humboldt County Board of Supervisors
Mendocino County Board of Supervisors
Sonoma County Board of Supervisors
State Water Board
Regional Water Board
Niel Manji, DFG Region 1
Scott Downie, DFG Region 1
Jeffrey Jahns, Dick Butler, NMFS
Nick Hetrick, Arcata fisheries program lead, US Fish and Wildlife Service
Grant Davis, Sonoma County Water Agency
Kristine Lawler, Secretary, Eel Russian River Commission
Barbara Evoy, State Water Resources Control Board

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