

SECTION 5.0

CONCLUSIONS

5.1 Comparison of Alternatives

This section compares the developmental and non-developmental effects of YCWA's proposed Project and the No Action Alternative.

5.2 Comprehensive Development and Recommended Alternative

Sections 4(e) and 10(a) of the Federal Power Act (FPA) (16 U.S.C. §§ 797(e) & 803(a)) require the Commission to give equal consideration to all uses of the waterway on which a project is located. When the Commission reviews a hydropower project, the Commission considers the water quality, fish and wildlife, recreational, and other non-developmental values of the involved waterway equally with its electric energy and other developmental values. Accordingly, any license issued will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for all beneficial public uses.

FERC will complete this section in its draft Environmental Assessment (EA) or draft Environmental Impact Statement (EIS), if FERC decides to prepare an EIS instead of an EA.

5.3 Unavoidable Adverse Effects

FERC will include this section in its draft EA or draft EIS, if FERC decides to prepare an EIS instead of an EA.

5.4 Consistency with Comprehensive Plans

Section 10(a)(2)(A) of the FPA (16 U.S.C. § 803(a)(2)(A)) requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving waterways affected by the Project. On April 27, 1988, FERC issued Order No. 481-A, which revised Order No. 481, issued on October 26, 1987. This order provides that FERC will give FPA Section 10(a)(2)(A) comprehensive plan status to any federal or state plan that meet each of the following three criteria: 1) it is a comprehensive study of one or more of the beneficial uses of a waterway or waterways; 2) it specifies the standards, the data, and the methodology used to develop the plan; and 3) it is filed with FERC.

FERC's *Revised List of Comprehensive Plans*, dated August 2012, can be found at FERC's eLibrary (<http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>). A review of this list shows that the Commission has listed, under FPA § 10(a), 74 comprehensive

plans for the State of California. FERC's Scoping Document 2 determined that 20 of the Qualifying Plans may be relevant to the Project.¹

As required by 18 C.F.R. § 5.18(b)(5)(ii)(F), this section provides an explanation of how and why the proposed Project would, would not, or should not comply with each of the 20 Qualifying Plans, or in some cases, directs the reader to the appropriate section of the Application for New License for an in-depth discussion of compliance with the plan. To facilitate FERC's review, the plans are discussed below in the order presented by FERC in its Scoping Document 2, and the full reference for each plan is provided. As of the time of filing of the Application for New License with FERC, relevant resource agencies have not made determinations regarding the consistency of the proposed Project with any qualifying comprehensive plans.

1. California Advisory Committee on Salmon and Steelhead Trout. 1988. Restoring the balance: 1988 annual report. Sausalito, California. 84 pp.

The California Advisory Committee on Salmon and Steelhead Trout was established by California legislation in 1983 to develop a strategy for the conservation and restoration of salmon and steelhead resources in California. To streamline its process, the committee divided California's steelhead and salmon resources into 11 groups. The report focuses mostly on the Central Valley. The committee recommended, among other things, that California should seek to double its steelhead and salmon populations, and recommended strategies to do so. Many of the recommendations were advanced and discussed in subsequent related publications described below.

The California Advisory Committee on Salmon and Steelhead Trout report provides general recommendations to conserve and manage anadromous salmonids state-wide and within the Sacramento River Watershed. The proposed Project would not adversely impact anadromous salmonid habitat in the lower Yuba River or elsewhere in the Sacramento River Watershed, and therefore, would not be inconsistent with this report.

2. California Department of Fish and Game. U.S. Fish and Wildlife Service. National Marine Fisheries Service. Bureau of Reclamation. 1988. Cooperative agreement to implement actions to benefit winter-run Chinook salmon in the Sacramento River Basin. Sacramento, California. May 20, 1988. 10 pp.

The cooperative agreement was made by the United States Department of Interior, Bureau of Reclamation, United States Fish and Wildlife Services (USFWS), National Marine Fisheries Service, California Department of Fish and Wildlife (Cal Fish and Wildlife) and the State of California. The purpose of the agreement was to implement actions that would improve the status of winter-run Chinook salmon in the Sacramento River basins.

The agreement identified eight measures that would be followed by the identified parties. The measures generally included: 1) a revised gate operation schedule for Red Bluff Diversion Dam; 2) implementing a thermal control at Shasta Reservoir; 3) correcting pollution from Spring

¹ Pages 37 through 39 of FERC's April 18, 2011 Scoping Document 2.

Creek; 4) restoring habitat in the Redding, California area; 5) correcting salmon-related problems at the Anderson-Cottonwood Irrigation District Diversion Dam; 6) restricting in-river harvest of winter-run salmon; 7) developing a winter-run propagation program at Coleman Hatchery; 8) modifying the Keswick fish trap to prevent mortality of winter-run Chinook salmon; 9) expanding studies on winter-run Chinook; and 10) developing fish passage alternatives to raising the Red Bluff Diversion Dam gates. The management plan also identified other ongoing measures that each participating party was undertaking to benefit winter-run salmon. This agreement does not provide any guidance regarding management of fisheries populations on the Yuba River.

The proposed Project would not affect Sacramento River winter-run Chinook salmon or its habitat in the Sacramento River, and therefore, would not be inconsistent with this agreement.

3. California Department of Fish and Game. 1990. Central Valley salmon and steelhead restoration and enhancement plan. Sacramento, California. April 1990. 115 pp.

This plan was released by Cal Fish and Game² in April 1990. This plan is intended to outline Cal Fish and Game's restoration and enhancement goals for salmon and steelhead resources of the Sacramento and San Joaquin river systems and to provide direction for various Cal Fish and Wildlife programs and activities. This plan is also intended to provide the understanding and persuasive arguments for the restoration and enhancement of the State's salmon and steelhead resources.

The Central Valley salmon and steelhead restoration and enhancement plan describes comprehensive goals and techniques for restoring these fish populations. This includes specific conservation and restoration actions for individual rivers, including gravel augmentation, screening at diversions, and increased flows at critical points of the year.

The plan recommends that State Water Resources Control Board (SWRCB) direct major water rights holders to work with Cal Fish and Wildlife, USFWS and National Marine Fisheries Service to create a plan to restore salmon in the Sacramento River upstream of the Delta.

The proposed Project would not adversely impact anadromous salmonid habitat in the lower Yuba River or elsewhere in the Sacramento River Watershed. In addition, the proposed Project would implement the Yuba Accord flow schedules, which were developed to improve anadromous salmonid habitat conditions in the lower Yuba River. Therefore, YCWA has concluded that the proposed Project is consistent with this plan.

4. California Department of Fish and Game. 1993. Restoring Central Valley streams: A plan for action. Sacramento, California. November 1993.

This plan was released by Cal Fish and Game in November 1993. The goals of the plan, all targeted toward anadromous fish, are to restore and protect California's aquatic ecosystems that

² The California Department of Fish and Game became the California Department of Fish and Wildlife in October 2012.

support fish and wildlife, to protect threatened and endangered species, and to incorporate the State legislature mandate and policy to double populations of anadromous fish in California. The plan encompasses only Central Valley waters accessible to anadromous fish, excluding the Sacramento-San Joaquin Delta.

The plan includes specific actions and the agencies responsible for achieving restoration objectives. The actions include upgrading screens on diversions, restoring habitat, target flows for critical life stages, and water quality objectives. FERC is named as one of the agencies capable of requiring total annual instream flow releases for fisheries, which is a top priority according to the plan.

The proposed Project would not adversely impact anadromous salmonid habitat in the lower Yuba River or elsewhere in the Sacramento River Watershed. In addition, the proposed Project would implement the Yuba Accord flow schedules, which were developed to improve anadromous salmonid habitat conditions in the lower Yuba River. Therefore, YCWA has concluded that the proposed Project is consistent with this plan.

5. California Department of Fish and Game. 1996. Steelhead restoration and management plan for California. February 1996.

This plan was released by Cal Fish and Game in February 1996. This plan focuses on restoration of native and naturally produced (wild) stocks because these stocks have the greatest value for maintaining genetic and biological diversity. Goals for steelhead restoration and management are: 1) increase natural production, as mandated by The Salmon, Steelhead Trout, and Anadromous Fisheries Program Act of 1988, so that steelhead populations are self-sustaining and maintained in good condition; and 2) enhance angling opportunities and non-consumptive uses. While this plan described measures for the restoration of salmonids in California, no specific prescriptive comments were directed to the Yuba River or to YCWA.

The proposed Project would not adversely impact anadromous salmonid habitat in the lower Yuba River or elsewhere in the Sacramento River Watershed. In addition, the proposed Project would implement the Yuba Accord flow schedules, which were developed to improve anadromous salmonid habitat conditions in the lower Yuba River. Therefore, YCWA has concluded that the proposed Project is consistent with this plan.

6. California Department of Parks and Recreation. 1998. Public opinions and attitudes on outdoor recreation in California. Sacramento, California. March 1998.

California Department of Parks and Recreation's (CDPR) Public Opinions and Attitudes in Outdoor Recreation survey, the most recent version of which is dated 2002, provides information used in the development of the CDPR's California Outdoor Recreation Plan (CORP). The Public Opinions and Attitudes in Outdoor Recreation survey identifies: 1) California's attitudes, opinions, and values with respect to outdoor recreation; and 2) demand for, and participation in, 42 selected outdoor recreation activities.

This document applies to recreation facilities owned and operated by the state or local parks and recreation agencies. Therefore, the plan has little direct application to the proposed Project, other than general guidance.

7. California Department of Parks and Recreation. 1994. California Outdoor Recreation Plan (CORP). Sacramento, California. April 1994.

The objectives of CDPR's CORP, the most recent version of which is dated 2002, are to determine outdoor recreation issues that are currently the problems and opportunities most critical in California, and to explore the most appropriate actions by which State of California, federal and local agencies might address these issues. The CORP also provides valuable information on the State's recreation policy, code of ethics, and statewide recreation demand, demographic, economic, political and environmental conditions. The plan lists the following major issues: 1) improving resource stewardship; 2) serving a changing population; 3) responding to limited funding; 4) building strong leadership; 5) improving recreation opportunities through planning and research; 6) responding to the demand for trails; and 7) halting the loss of wetlands. The CORP applies to State and local parks and recreation agencies, and does not apply to federal and private-sector recreational providers.

Because none of the Project recreation facilities are State or local parks or recreation agency facilities, the CORP has little direct application to the proposed Project, other than general guidance.

8. California Department of Water Resources. 1983. The California water plan: Projected use and available water supplies to 2010. Bulletin 160-83. Sacramento, California. December 1983. 268 pp.

California Department of Water Resources first published the California Water Plan in 1957. The plan focused on the quantity and quality of water available to meet the State of California's water needs, and management actions that could be implemented to improve the State's water supply reliability. Since then, California Department of Water Resources has updated the plan numerous times, including in 1983 (the reference used in FERC's List of Comprehensive Plans for the California Water Plan) and 1994 (the reference used in FERC's List of Comprehensive Plans for the California Water Plan Update). The most recent update was in December 2005. The Project's reservoirs represent a portion of the water supply in the hydrologic region.

The proposed Project is consistent with the California Water Plan, as updated. Continued operation and maintenance of the Project will maintain a continued, good quality water supply.

9. California Department of Water Resources. 1994. California water plan update. Bulletin 160-93. Sacramento, California. October 1994. Two volumes and Executive Summary.

This document is an update to the California Water Plan discussed above. As stated above, the proposed projects comply with California Water Plan as updated.

10. California Department of Water Resources. 2000. Final programmatic environmental impact statement/environmental impact report for the CALFED Bay-Delta Program. Sacramento, California. July 2000. CD Rom, including associated plans.

The California Water Policy Council and the Federal Ecosystem Directorate united in June 1994 to form CALFED. In June 1995, CALFED established its Bay-Delta Program (Program) to develop a long-term, comprehensive solution to environmental issues in the Sacramento-San Joaquin Delta and San Francisco Bay. The Program was a cooperative, interagency effort involving 15 state and federal agencies with management and regulatory responsibilities in the San Francisco Bay-San Joaquin Delta Estuary (Bay-Delta).

Over several years and phases, CALFED developed plans in several program areas to address concerns related to the Bay-Delta. In August 2000, the state and federal CALFED agencies certified a programmatic environmental impact report (PEIR)/EIS and adopted a record of decision defining the program plans. They were in the areas of:

- Ecosystem Restoration
- Water Quality
- Water Use Efficiency
- Water Transfers
- Levee System Integrity
- Watershed
- Storage
- Conveyance

The final PEIR/EIS described the broad environmental consequences of proposed actions and enabled decisions to be made regarding Program direction and content. The California Supreme Court upheld the final PEIR/EIS in a 2008 decision. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143.)

The CALFED Bay-Delta Program was managed by the California Bay-Delta Authority (CBDA), which was established by the California Legislature in 2002 legislation.

Following significant declines in the populations of certain Bay-Delta fish species beginning in 2000, however, the California Legislature replaced the CALFED program and the CBDA with new measures to address the Bay-Delta's issues. Specifically, in 2009, the Legislature enacted, and the Governor signed, the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act). (Cal. Water Code §§ 85000-85350.) That Act created a new state agency, the Delta Stewardship Council (DSC), repealed the act creating and governing the CBDA and transferred the CBDA's rights, obligations and contracts to the DSC (See Cal. Water Code §§ 85034, 85200;

Cal. Statutes, 2009-2010 7th Extraordinary Session, Chapter 5, § 38 (repealing CBDA's authorizing act)).

The 2009 Delta Reform Act required the DSC to prepare a Delta Plan as a means of coordinating federal, state and local agencies' actions concerning the Bay-Delta. (Cal. Water Code § 85300.) Under the Act, the DSC has authority to review at least state and local agencies' actions concerning the Bay-Delta to determine whether they are consistent with the Delta Plan. (Cal. Water Code §§ 85225-85225.30.)

The Delta Plan, and the DSC's ability to determine consistency with that Plan, however, do not extend to YCWA's operation of its hydroelectric facilities because they are located outside of the Bay-Delta. The Delta Reform Act states that the DSC has the authority to determine the consistency of "covered actions" with the Delta Plan. (Cal. Water Code §§ 85225.10, 85225.25.) The Act defines "covered actions" as those that "[w]ill occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh." (Cal. Water Code § 85057.5, subd. (a)(1).) The Delta Plan that the DSC adopted on May 16, 2013, acknowledges this limitation on the Delta Plan's scope, stating:

To qualify as a covered action, a project must include one or more activities that take place at least partly within the Delta or Suisun Marsh. This means, for example, that the diversion and use of water in the Delta watershed that is entirely upstream of the statutory Delta or Suisun Marsh would not satisfy this criterion.

(Final Delta Plan (red-line version), p. 54 (available at <http://deltacouncil.ca.gov/delta-plan-0>))

While YCWA's operations of its hydroelectric facilities are not within the scope of the Delta Plan that has succeeded the CALFED program under the 2009 Delta Reform Act, YCWA's operations are consistent with the goals of that Act. In that Act, the Legislature enacted particular "coequal goals" and required that the Delta Plan "further the coequal goals" (Cal. Water Code §§ 85020, 85054, 85300, subd. (a)). The Act defines the coequal goals as follows: "Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring and enhancing the Delta ecosystem. (Cal. Water Code § 85054.) The Act also states certain "policy objectives" that "are inherent in the coequal goals..." (Cal. Water Code § 85020.) Those policy objectives include the following:

- Manage the Delta's water and environmental resources and the water resources of the state over the long term.
- Restore the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem.
- Promote statewide water conservation, water use efficiency, and sustainable water use.
- Improve the water conveyance system and expand statewide water storage.

YCWA's development and implementation of the Lower Yuba River Accord presaged the Legislature's enactment of the 2009 Delta Reform Act and effectively has resulted in YCWA implementing the coequal goals since before their enactment. Under the Accord, YCWA implements, through the operation of its hydroelectric facilities, streamflow requirements that have been determined, based on the best available evidence, to promote and enhance conditions for the lower Yuba River's anadromous fish. These fish migrate through the Bay-Delta and are part of its ecosystem. YCWA's management of the surface-water and groundwater resources available to it under the Accord implements sustainable management of those resources, improving water-supply reliability in YCWA's service area. Finally, YCWA's transfer of water to Central Valley Project and State Water Project contractors under the Accord both improves statewide water-supply reliability and effectively expands the water storage available statewide.

For these reasons, YCWA concludes that the proposed Project is consistent with California's Bay-Delta program that has superseded the CALFED program.

11. California State Water Resources Control Board. 1975. Water quality control plan report. Sacramento, California. Nine volumes.

This reference is to the first edition of the water quality control plans adopted by the SWRCB pursuant to the Federal Clean Water Act. The nine plans, which apply to different areas of California, formally designate existing and potential beneficial uses and water quality objectives. The water quality control plan that is applicable to the Project Area is the Central Valley Regional Water Quality Control Board's Water Quality Control Plan for the Sacramento River and San Joaquin river basins, which is referred to as the "Basin Plan" in this Exhibit E. The SWRCB has updated the water quality control plans a number of times since 1995. The most recent version of the Sacramento River and San Joaquin River Basin Plan is the 2011 plan.

Section 3.3.2 (Water Resources) of Exhibit E includes a detailed discussion regarding compliance of the proposed Project with the Basin Plan.

12. California - The Resources Agency. 1983. Department of Parks and Recreation. Recreation needs in California. Sacramento, California. March 1983.

In response to the Roberti-Z'berg Urban Open Space and Recreation Program Act of 1976, the CDPH conducted a statewide recreational needs assessment. The report consisted of two major elements: 1) the Recreation Patterns Study that surveyed current participation and projected recreation demand; and 2) the Urban Recreation Case Studies that examined the leisure behavior and needs of seven underserved populations. The purpose of the needs analysis was to: 1) develop statewide recreation planning data; 2) analyze the recreation needs of California's urban residents; and 3) modify project selection criteria used in the administration of grants to local agencies under the Roberti-Z'berg Act.

In general, this report is a wide-ranging, programmatic document providing guidance for statewide planning. The urban-specific study has little relevance to the proposed Project, which is located in primarily remote and primitive areas. Therefore, the programmatic document has no direct application to the proposed Project.

13. Forest Service. 1988. Plumas National Forest land and resource management plan. Department of Agriculture, Quincy, California. August 26, 1988.

The Forest and Rangeland Renewable Resources Planning Act (FRRRPA) requires that each national forest prepare an initial forest plan that provides direction for the efficient use and protection of forest resources within their administrative boundaries. The Plumas National Forest's (PNF) Land and Resource Management Plan (LRMP) was adopted in 1988 (USDA-FS 1988). Through the Sierra Nevada Forest Plan Amendment process, the LRMP has been updated twice since 1990 and it is in the process of being updated a third time (USDA-FS, 2001a; 2004; 2010).

The PNF LRMP is complex and applies to resource areas as diverse as water quality to visual resources. Refer to Section 3 of this Exhibit E for a discussion of potential effects of the proposed Project on resources of interest to the PNF.

14. Forest Service. 1990. Tahoe National Forest land and resource management plan. Department of Agriculture, Nevada City, California. March 1990.

As described above, the FRRRPA requires that each national forest prepare an initial forest plan that provides direction for the efficient use and protection of forest resources within its administrative boundaries. The Tahoe National Forest (TNF) LRMP was adopted in 1990 (USDA-FS 1990). The TNF LRMP sets two levels of management direction: one is forest-wide and the other is area-specific. With respect to forest-wide management, direction comes from forest-wide goals, objectives, standards and guidelines. Area-specific direction is set forth in the management direction for 106 areas and includes management area emphasis, standards, guidelines and practices. The TNF LRMP addresses resources across TNF.

The TNF LRMP is complex and applies to resource areas as diverse as water quality to visual resources. Refer to Section 3 of this Exhibit E for a discussion of potential effects of the proposed Project on resources of interest to the TNF.

15. National Park Service. 1982. The Nationwide Rivers Inventory. Department of the Interior, Washington, D.C. 1993.

The Nationwide Rivers Inventory (NRI) is a listing by the Park Service of more than 3,400 free-flowing river segments in the United States that are believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance. In addition to these eligibility criteria, river segments are divided into three classifications: Wild, Scenic, and Recreational river areas. Under a 1979 Presidential Directive and related Council on Environmental Quality procedures, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments. Such adverse impacts could alter the river segment's eligibility for listing and/or alter their classification.

None of the NRI-listed river segments occur in the Project Area or downstream of the Project. Therefore, NRI listed-rivers would not be affected by the proposed Project.

16. State Water Resources Control Board. 1999. Water quality control plans and policies adopted as part of the State comprehensive plan. April 1999.

This citation in FERC's List of Comprehensive Plans refers to an April 1999 submittal by the SWRCB to FERC of a listing of all SWRCB plans and policies. The transmittal referenced that all of the listed plans and policies are part of the "State Comprehensive Plan," even though it does not exist as a single plan.

As described above, the most pertinent SWRCB plan or policy that applies to the proposed Project is the Basin Plan, and the proposed Project's compliance with the Basin Plan is discussed in detail in Section 3.3.2 (Water Resources).

17. U.S. Fish and Wildlife Service. 1990. Central Valley habitat joint venture implementation plan: a component of the North American waterfowl management plan. February 1990.

The California Central Valley Habitat Joint Venture (CVHJV) is one of 12 current joint ventures charged with implementation of the North American Waterfowl Management Plan. The CVHJV was formally established by a working agreement signed in July 1988 and is guided by an Implementation Board comprised of representatives from the California Waterfowl Association, Defenders of Wildlife, Ducks Unlimited, National Audubon Society, Waterfowl Habitat Owners Alliance, and The Nature Conservancy. Technical assistance is provided to the Board by the USFWS, Cal Fish and Wildlife, California Department of Food and Agriculture, and other organizations and agencies.

The Central Valley of California is the most important wintering area for waterfowl in the Pacific Flyway, supporting 60 percent of the total population. Historically, the Central Valley contained more than 4 million acres (ac) of wetlands; however, only 291,555 ac remained in 1990 when the CVHJV was first implemented. The primary cause of this wetland loss was conversion to agriculture, flood control, navigation projects and urban expansion.

When completed, the CVHJV will: 1) protect 80,000 ac of existing wetlands through the fee acquisition or conservation easement; 2) restore 120,000 ac of former wetlands; 3) enhance 291,555 ac of existing wetlands; 4) enhance waterfowl habitat on 443,000 ac of private agricultural land; and 5) secure 402,450 acre-feet of water for existing State Wildlife Areas, National Wildlife Refuges, and the Grasslands Resource Conservation District. These habitat conservation efforts are intended to result in a fall flight of 1 million ducks and 4.7 million wintering ducks. The wintering birds will include 2.8 million pintails, a species whose wintering population is vitally dependent on the Central Valley.

The CVHJV is a regional approach to conservation and management of waterfowl populations in the Central Valley, but has no specific relevance to operation and management of the proposed Project.

18. U.S. Fish and Wildlife Service. 2001. Final restoration plan for the anadromous fish restoration program. Department of the Interior, Sacramento, California. January 9, 2001.

This plan was released by USFWS as a revised draft on May 30, 1997 and adopted as a final plan on January 9, 2001. The plan is a programmatic directive to guide actions, funding and activity of the Anadromous Fish Restoration Program. The goal of the plan is to identify restoration actions that may increase natural production of anadromous fish in the Central Valley of California. This plan is split up into watersheds within the Central Valley and restoration actions are identified for each watershed. It also lists the involved parties, tools, priority rating, and evaluation of each restoration action. The plan encompasses only Central Valley waters accessible to anadromous fish, including the Sacramento-San Joaquin Delta.

The proposed Project would not adversely impact anadromous salmonid habitat in the lower Yuba River or elsewhere in the Sacramento River Watershed. In addition, the proposed Project would implement the Yuba Accord flow schedules, which were developed to improve anadromous salmonid habitat conditions in the lower Yuba River. Therefore, YCWA has concluded that the proposed Project is consistent with this plan.

19. U.S. Fish and Wildlife Service. Canadian Wildlife Service. 1986. North American waterfowl management plan. Department of the Interior. Environment Canada. May 1986.

The North American Waterfowl Management Plan (NAWMP) is an update of the Convention for the Protection of Migratory Birds, which was established between the United States and Canada in 1916. The plan is a guide for private and public entities in the conservation and management of waterfowl. The CVHJV Implementation Plan (USFWS et al. 1990) is an example of implementation of the guidelines established by the NAWMP. Goals and general recommendations are described for the protection of habitat, financing of research and managing harvest. The plan outlines a framework for separating the larger group of waterfowl into smaller guilds, dabbling ducks, diving ducks, sea ducks, and geese, which will benefit from similar management strategies.

The NAWMP leaves implementation to local conservation and management groups and has no specific relevance to operation and management of the proposed Project.

20. U.S. Fish and Wildlife Service. Undated. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

This is a 12-page policy that was signed by John F. Turner, then Director of the USFWS, on December 5, 1989. Its purpose is to unite all of the USFWS's recreational fisheries capabilities under a single policy to enhance the nation's recreational fisheries. Regional and Assistant directors are responsible for implementing the policy by incorporating its goals and strategies into planning and day-to-day management efforts. The USFWS carries out this policy relative to FERC-licensed hydroelectric projects through such federal laws as the Fish and Wildlife

Coordination Act, the Clean Water Act, the Endangered Species Act, NEPA and the FPA, among others.

The proposed Project supports recreational fishery in the Project's reservoirs and in streams below the Project's facilities. In addition, the proposed Project will comply with all federal and State laws.