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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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October 30, 2026

Annabelle Long
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Division of Water Rights – Water Quality Certification Program
P.O. Box 2000, Sacramento CA 95812-2000

Sent via email: wr401program@waterboards.ca.gov

Subject: Notice of Preparation of a Draft Environmental Impact Report
Bishop Creek Hydroelectric Project Relicensing FERC Project No. 1394
State Clearinghouse No. 2026091004

Dear Annabelle Long:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) from the State Water Resources Control Board (State Water Board) for an Environmental Impact Report (EIR) for the Bishop Creek Hydroelectric Project Relicensing (Project), prepared pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines,[1] associated with the Federal Energy Regulatory Commission (FERC) Project No. 1394.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants, and their habitats. CDFW has participated throughout the relicensing process, including contributing to Technical Working Group discussions and providing input into the Project's protection, mitigation, and enhancement (PME) measures. Because a new license will govern Project operations for decades, CDFW's comments focus on ensuring the draft EIR (DEIR) fully evaluates and, when possible, avoids potential impacts to fish, wildlife, and their habitats.

[1] CEQA is codified in the California Public Resources Code in § 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with § 15000.

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CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for the purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

PROJECT DESCRIPTION SUMMARY

The proposed Project is an existing hydropower facility owned and operated by Southern California Edison (SCE). It is located in the Bishop Creek watershed within the Inyo National Forest. Longley Lake and Longley Dam are also located within the John Muir Wilderness.

The Project is primarily situated on federal lands. The Final License Application (FLA) describes an increase in the Project Boundary of approximately 16 acres, from 1,065.4 to 1,081.5 acres, which reflects an improved mapping of the Project Boundary and encompasses Project roads not previously included. The Forest Service owns and manages 733 acres (67.8%), and the Bureau of Land Management owns and manages 47.6 acres (4.4%). The remaining 300.9 acres (27.8%) are privately owned.

The Project consists of five power plants (Power Plants 2 through 6 along Middle Fork Bishop Creek and Bishop Creek), three reservoirs (South Lake, Lake Sabrina, and Longley Lake), eight dams and their associated flowlines, four diversions that convey water from Green Creek, Birch Creek, McGee Creek, and South Fork Bishop Creek, and 17 stream gages. The Project can reliably produce 28.9 megawatts (MW) and generates an average of 246,271 megawatt hours (MWh) annually. SCE has applied to continue Project operations and maintenance (O&M) under a new FERC license; because SCE did not specify its license duration, the NOP assumes a 50-year term. In addition to an updated Project Boundary, the FLA proposes to return the Green Creek Diversion to service and modifies the Project's PME measures, including PME-1 (Water Management), PME-2 (Sediment Management Plan), PME-3 (Stocking Plan), and PME-4 (Wildlife Resources Management Plan).

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CEQA COMMENTS AND RECOMMENDATIONS

CDFW provides the following comments and recommendations to assist the State Water Board in adequately identifying and/or mitigating the Project's significant impacts, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources (CEQA Guidelines § 15082, subd. (b)).

Assessment of Biological Resources

CEQA Guidelines § 15125(c) states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region.

SCE previously inventoried special status species[2] known to occur near the Project, informed by CDFW's California Natural Diversity Database (CNDDB), and conducted various biological surveys in 2019 and 2020, including TERR 1 (Assessment of Bishop Creek Riparian Community), TERR 3 (Assessment of Special Status Plants), TERR 4 (Wildlife Initial Study Report), and AQ 3 (Bishop Creek Fish Distribution Baseline Study). CDFW has expressed concern that the bat surveys conducted as part of the relicensing have not evaluated all Project facilities (e.g., tunnels, Longley Dam, and Birch Creek and McGee Creek facilities; CDFW 2022) and recommends that the DEIR address potential Project impacts to bats in locations not included in relicensing surveys. In addition, the FLA contains minor conflicts regarding Sierra Nevada red fox (*Vulpes vulpes necator*) occurrence. FLA Volume I, Exhibit E (Environmental Analysis) notes that the Sierra Nevada red fox "may potentially occur" within the Project vicinity, citing CDFW detections in 2020-2021 yet placing the most recent sighting in 1922 (SCE 2022b). Table 1 of the Wildlife Resources Management Plan in FLA Volume II categorizes Sierra Nevada red fox as a known occurrence, while the subsequent Table 3 (U.S Forest Service Inyo National Forest At-Risk Species) states, "Species or its critical habitat range does not overlap with the Project area" (SCE 2022b). Beyond the 2020-2021 detections, CDFW camera traps have recorded Sierra Nevada red fox within 0.62 miles of the Project Boundary as recently as April 2026, with multiple additional sightings throughout the Bishop Creek watershed in 2026. CDFW recommends the DEIR clarify Sierra Nevada red fox species status and occurrence accordingly.

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[2] CDFW defines "special status species" as species that are: 1) listed or proposed for listing as threatened or endangered under the federal or California Endangered Species Act ; 2) a State Species of Special Concern [species information available at: https://wildlife.ca.gov/Conservation/SSC]; 3) a species fully protected under Fish and Game Code sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians), or 5515 (fish); or 4) a State Rare Plant listed under Fish and Game Code section 1900 et seq. [https://wildlife.ca.gov/Conservation/Plants/Endangered].

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The DEIR should incorporate existing FLA and CDFW information and include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with emphasis on rare, threatened, endangered, and other sensitive species and their associated habitats.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

To provide a thorough discussion of the Proposed Project's direct, indirect, and cumulative impacts that could adversely affect biological resources and specific measures to offset such impacts, the following should be addressed in the DEIR:

1. Potential adverse impacts from lighting, noise, human activity, invasive species, permanent removal or modification of habitat, connectivity, and drainage. The DEIR should also explicitly evaluate potential adverse impacts associated with ongoing O&M to 1) Sierra Nevada red fox (e.g., potential vehicle strikes, activities that may reduce small mammal prey populations), 2) bat populations using Project facilities (e.g., evaluating facility maintenance that may cause lighting, noise, or vibration disturbances; or differential impacts to summer, maternity, or winter bat colonies), 3) avian species utilizing the Project's riparian area, and 4) aquatic species within Project lakes and streams. While mitigation measures may be available to minimize such impacts, the State Water Board should prioritize measures that will avoid impacts.

2. Potential effects from the Project's proposed minimum instream flows (MIFs) and associated flow measures on fish and aquatic habitat. The FLA, as amended by SCE's October 2022 supplemental analysis, proposes to reduce winter flows in Reach 5 from 13 to 10 cfs. Further, the supplemental analysis contains inconsistencies that the DEIR should attempt to resolve. SCE's memorandum reports that Reach 2 "is maintained at 18 cfs" under the current license and affirms, "No changes in MIF are included under the Proposed Action for this Reach" (SCE 2022a). However, PME-1.2, described in Attachment 2, lists 12 cfs as the MIF for Reach 2. In addition, PME-1.2 lists 5 cfs as the MIF for Reaches 3 and 4. A footnote clarifies that these reaches receive 2 cfs from Intake No. 4 and 3+ cfs from Coyote Creek, even though the memorandum defines Reach 4 as upstream of Coyote Creek. If reduced MIFs for Reaches 2 through 4 are confirmed (12 cfs, 5 cfs, and 5 cfs, respectively), the DEIR should evaluate any potential impacts relative to the existing baseline.

3. A cumulative effects analysis developed as described under CEQA Guidelines § 15130. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should also be analyzed relative to their impacts on similar plant communities and wildlife habitats.

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4. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands, open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Conservation or Recovery Plan, or other conserved lands).

5. Potential impacts of returning the Green Creek Diversion to service and increasing diversions from Green Creek. Since the diversion has not operated since October 2008, the DEIR should treat reactivation as a change from the existing baseline. It should evaluate the diversion's effects on Green Creek flows and downstream aquatic and riparian habitat, including whether bypass flows would be maintained, the potential transfer of aquatic invasive species or pathogens between drainages, and any ground disturbances needed to restore the diversion.

6. Potential introduction and spread of invasive mussels. The FLA states that zebra and quagga mussels are not anticipated in Project reservoirs because of low mineral content in the water, and notes that SCE's 2017 corporate-wide Invasive Mussel Protection Plan continues to be implemented (SCE 2022). The FLA does not address golden mussel (*Limnoperna fortunei*). The DEIR should evaluate risk from all invasive mussels, including an analysis of how manmade structures, like dams and weirs, can facilitate invasive mussel establishment by creating favorable artificial habitats (Nakano et al. 2015), and the extent to which golden mussels fouling not only degrades hydropower infrastructure, but can remove calcium carbonate from concrete surfaces (Yao et al. 2017).

7. CDFW also recommends that the DEIR evaluate the potential decommissioning of Longley Dam. The U.S. Forest Service (Forest Service) previously identified a Wilderness Act conflict with Longley Dam, which is located within the John Muir Wilderness. The Forest Service suggested that without a Wilderness Act 4(c) exemption, the dam would need to be uncoupled from the Project and decommissioned (Forest Service 2023). In a subsequent August 2026 letter, the Forest Service clarified that FERC maintained exclusive licensing authority for the Project, leaving resolution of the wildness area conflict undefined (Forest Service 2026). Because the Forest Service has identified decommissioning Longley Dam as a potentially necessary management outcome, the DEIR should analyze this scenario and describe associated potential impacts and habitat restoration measures that would occur following removal of the facility.

Alternative Analyses

CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would "feasibly attain most of the basic objectives of the Project," and would avoid or substantially lessen any of the Project's significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate:

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1. Project impacts with Longley Dam decommissioned.
2. A 30-year license term, as opposed to a 50-year term.

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should include appropriate and adequate avoidance, minimization, and/or mitigation measures for all direct, indirect, and cumulative impacts that are expected to occur as a result of the Project's implementation and its long-term O&M. SCE has addressed many of CDFW's water management concerns in the supplemental PME measures (SCE 2022a); CDFW appreciates SCE's willingness to engage with resource agencies throughout the relicensing process and incorporate their feedback. CDFW recommends that the DEIR provide scientifically supported discussion regarding avoidance, minimization, and/or mitigation measures to address any remaining potentially significant impacts on fish and wildlife and their habitat. These measures should emphasize avoidance; where impacts cannot be avoided, the DEIR should evaluate habitat restoration or enhancement in affected reaches. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following operational measures that may avoid or minimize potential impacts from Project operations, including:

- *Invasive mussels:* Incorporating an updated Invasive Mussel Protection Plan that addresses golden mussel prevention and mitigation in Project waterways.
- *Bats:* Avoidance, minimization, and mitigation measures for bat roosts within Project facilities, including scheduling O&M activities outside of the maternity and roosting seasons, pre-activity surveys by a qualified bat biologist, and coordinating with CDFW for white-nose syndrome monitoring should winter roosts be discovered.
- *Sediment management:* Requiring that sediment removed from Project impoundments, intakes, etc. remain in the Bishop Creek system, rather than being placed in upland locations as currently proposed (SCE 2022a). The DEIR should evaluate placing removed sediment in the channel downstream for transport by subsequent flows, timed to meet Basin Plan turbidity objectives and avoid sensitive fish life stages, alongside substrate, turbidity, riparian, and fish response monitoring (see below).
- *Monitoring:* Riparian, aquatic, and sediment monitoring tied to adaptive management triggers, and compliance gaging that is accurate across the full range of proposed flows. The FLA's Sediment Management Plan acknowledges that some bypass-reach gages are accurate only over part of the proposed flow range.

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Additionally, the DEIR should identify measurable operating criteria that could be incorporated into the Section 401 Water Quality Certification, including ramping rates, seasonal restrictions, monitoring requirements, and adaptive management triggers.

ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/ Submitting-Data. The completed form can be submitted online or emailed to CNDDB at the following email address: CNDDB@wildlife.ca.gov.

FILING FEES

The Project, as proposed, would have an effect on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the State Water Board and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the Notice of Preparation for an Environmental Impact Report for the Project and recommends that the State Water Board address CDFW's comments and concerns in the forthcoming DEIR. CDFW is available to meet with the State Water Board ahead of DEIR preparation to discuss potential impacts and mitigation measures. If you have any questions pertaining to the comments provided in this letter, please contact Ashley Cooper, Senior Environmental Scientist (Specialist), at (760) 874-8144 or by email at Ashley.Cooper@Wildlife.ca.gov.

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Sincerely,

Signed by:
Graham Meese
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Graham Meese *for* Alisa Ellsworth
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REFERENCES

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