



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
643.690.3928

July 7, 2005

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

Subject: COMMENTS on the California Department of Water Resources and the City of Los Angeles' Application for License Amendment for the California Aqueduct Project (Project No: 2426-197)

Dear Ms. Salas:

In response to a statement by the Department of Water Resources (Department) in their application to the Federal Energy Regulatory Commission (FERC) regarding amendment to the FERC Project 2426 license-prescribed discharges from Pyramid Dam into Piru Creek, and in response to your solicitation of comments on this amendment application, we believe some clarification of the U.S. Fish and Wildlife Service's (Service) role in revising the discharges to protect the federally endangered arroyo toad (*Bufo californicus*) is necessary.

The cover letter of the Department's application states that, "The Fish and Wildlife Service has directed the Department of Water Resources to simulate natural flows in Piru Creek" to avoid incidental take of the arroyo toad. We do not consider the actions that resulted in the Department's proposal to alter the flows to be a directive from the Service. Rather, the proposal to revise the discharges should be viewed as a recommendation reached through consensus by several agencies and experts convened by the Department. These agencies and experts included the Department, the Service, the California Department of Fish and Game, the U.S. Forest Service, United Water Conservation District, and herpetologist Dr. Sam Sweet.

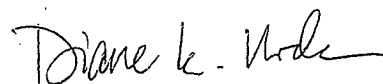
We continue to support the Department's proposal to simulate natural flows in Piru Creek as it would help to restore the natural flooding regime that maintains suitable arroyo toad habitat and help reduce populations of exotic species that prey on arroyo toads, such as bullfrogs and crayfish. However, our support of the current proposal should not imply that other flow regimes could not be considered. If the FERC and/or the Department wish to consider other discharge regimes, we would be available for associated discussions.

Magalie R. Salas, Secretary

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If you have any questions or would like to meet to discuss this matter further, please contact Creed Clayton or myself at (805) 644-1766.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane K. Noda". The signature is written in a cursive style with a long horizontal stroke at the end.

Diane K. Noda
Field Supervisor