



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
650 Capitol Mall, Suite 5-100
Sacramento, California 95814-4700

January 5, 2023

John Sweigard, General Manager
Phillip McMurray, General Counsel
Bryan Kelly, Deputy General Manager
Merced Irrigation District
744 W 20th Street
Merced, California 95340

Julie Vance, Regional Manager
Gerald Hatler, Fisheries Program Manager
Central Region Office, California Department of Fish and Wildlife
1234 East Shaw Avenue
Fresno, California 93710

Subject: Fish Ladder at Crocker-Huffman Dam

Dear Messrs. Sweigard, McMurray, Kelly, Hatler, and Ms. Vance:

I am writing in regard to the fish ladder at Crocker-Huffman Dam on the Merced River,¹ and in response to recent correspondence between the California Department of Fish and Wildlife (CDFW) and the Merced Irrigation District (MID) that National Marine Fisheries Service (NMFS) has also received (dated December 8, 2022, and December 20, 2022). NMFS continues to support reestablishing safe, timely, and effective fish passage at Crocker-Huffman Dam; we support CDFW's proposal, in its letter to MID dated December 8, 2022, "to meet with MID, presumably with NMFS, to offer technical assistance to accomplish these goals with the understanding that restoring fish passage at the dam, whether by using the existing fishway or by some other means, remains MID's responsibility."

In 1971, CDFW allowed MID to close the fish ladder at Crocker-Huffman Dam as part of an experiment to evaluate an artificial salmon spawning channel. The intended purpose of the artificial salmon spawning channel was to offset impacts resulting from fish passage blockage into the upper Merced River following construction of New Exchequer Dam. Ultimately, CDFW determined that the spawning channel failed to achieve desired results; it is no longer in operation. The Crocker-Huffman Dam ladder was not subsequently reopened following

¹ The Crocker-Huffman Dam is located on the Merced River, at river mile 52, in Merced County, California.



termination of the spawning channel evaluation and anadromous species under NMFS jurisdiction have therefore been prevented from accessing habitat upstream of the dam for the past 50 years.

As has long been NMFS's stated view, reopening the fish ladder at Crocker-Huffman Dam would promote the conservation of anadromous salmonids in the Merced River by allowing salmonids to access cold water refugia in the upstream areas of the Merced Falls Reach during times when temperatures become unsuitably warm downstream of Crocker-Huffman Dam. The effects of recent drought conditions on the Merced River have made the need for reopening the fish ladder increasingly prominent to provide for both upstream and downstream passage.

NMFS' November 15, 2010, letter to MID and PG&E provided a Technical Memorandum on the results of our fish passage evaluation between New Exchequer and Crocker-Huffman Dams. In that letter and report, NMFS requested initiation of hydraulic start-up testing for the ladders at both Merced Falls and Crocker-Huffman Dam. We also expressed an interest to work collaboratively with MID in the hydraulic testing of the ladders. The purpose of such testing would be to determine whether the ladders can be modified to enhance their performance or should be replaced. NMFS' January 4, 2012, letter again requested reoperation of Crocker-Huffman Dam and expressed our willingness to work collaboratively. While we noted that it would be desirable to begin with hydraulic testing, we also noted that the fish ladders could function hydraulically if water were once again allowed to flow through them. We noted that incremental, yet substantial improvements to fish passage could be achieved simply by resuming normal ladder operations.

Since then, the ladder at Crocker-Huffman Dam has remained closed. To our knowledge, MID has not taken any steps in response to NMFS' request to reopen the ladder or collaborate on testing of ladder operation.

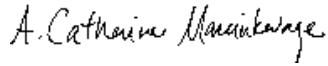
MID's December 20, 2022, letter highlights continued participation in "ongoing discussions with regulatory agencies, including CDFW and NMFS, in numerous forums," such as the "the ongoing FERC [Federal Energy Regulatory Commission] relicensing proceedings that began in 2008 for the Merced River and Merced Falls hydroelectric projects" as means to collaborate on this important fish passage operation. NMFS would appreciate specific information on these opportunities to collaborate, as we are not aware of Crocker-Huffman Dam ladder operations being part of discussions in the referenced arenas. We also note that FERC has stated Crocker-Huffman Dam is not part of the Project that is the subject of the referenced FERC licensing proceedings. *See* FERC, Scoping Document 1 for the Merced River Hydroelectric Project (P-2179-042), Jan. 2, 2009. MID itself has also stated that FERC has no jurisdiction over the Crocker-Huffman Dam in those proceedings. *See* Merced Irrigation District, Motion to Dismiss Notices of Dispute of FERC's Final Study Plan Determination Filed by the Fish and Wildlife Service and the National Marine Fisheries Service, Merced River Hydroelectric Project, Project No. 2179-000, -042, Oct. 9, 2009.

NMFS continues to support expeditious reopening of the fish ladder at Crocker-Huffman Dam to reestablish upstream and downstream fish passage, as well as initiating discussions between

MID, NMFS, and CDFW, focused on further study to evaluate improvements to fish passage at this facility. NMFS supports CDFW's recent proposal to engage in technical assistance discussions with MID and is ready to participate in such discussions.

Please contact Mr. Jonathan Ambrose at (916) 930-3717 or at jonathan.ambrose@noaa.gov to schedule a time to resume discussions between our organizations. Thank you for your cooperation in this matter.

Sincerely,



Cathy Marcinkevage
Assistant Regional Administrator
California Central Valley Office

cc: William McKinnon, Attorney
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