

1 FERC - 75 FERC, 58 FERC ¶62,053, South Sutter Water District, Project No. 11164-000 - California, Federal Energy Regulatory Commission, (Jan. 23, 1992)

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**South Sutter Water District, Project No. 11164-000 - California
[63,103]**

[¶62,053]

**South Sutter Water District, Project No. 11164-000 - California
Abstract of Order Issuing Preliminary Permit**

(Issued January 23, 1992)

Dean L. Shumway, Director, Division of Project Review.

A preliminary permit for this project is issued to South Sutter Water District for a period effective the first day of the month in which this permit is issued, and ending either 36 months from the effective date or on the date that a development application which is accepted for filing is submitted by the permittee, whichever occurs first. [See [58 FERC ¶62,003](#) for standard language.]

The comments filed by interested agencies and individuals have been fully considered in determining whether to issue this permit. A motion to intervene was filed by the Nevada Irrigation District. The motion to intervene has been granted. The comments of intervenors and protestors related to the potential effects of actually constructing and operating the proposed project are premature at the preliminary

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permit stage and have therefore not been addressed in this proceeding.

Preferences at Relicensing of Units of Development

The applicant in this case has filed a permit application at a project for which it was issued a license by the Commission. The applicant requests that a preliminary permit be issued only for, and proposes to study only, the incremental capacity that could be developed by utilizing water resources in excess of that already licensed under the applicant's Project No. 2997.

On December 19, 1991, the Commission issued a Statement of Policy with respect to preferences at the licensing or relicensing of hydroelectric projects that are located at the same site ([57 FERC ¶61,349](#)). The policy statement sets forth a series of principles on how the Commission will resolve such issues when they arise. Briefly summarized, these principles include: (1) applications for relicense and applications for incremental capacity, if filed within a reasonably contemporaneous time period, will be considered together in a single comprehensive proceeding; (2) the total usable capacity at the site will be determined before any of the capacity is licensed or relicensed; and (3) the applicability of municipal preferences, preliminary permit preferences, and existing license marginal preferences will depend on the nature of the capacity that the various applications seek in competition with each other. The preliminary permit issued by this order is subject to the principles enunciated in the December 19, 1991 Statement of Policy with respect to any preference that it may confer.

This preliminary permit is subject to the terms and conditions of the FPA and related regulations and also articles 1 - 6 in Form P-1 [see 54 FPC 1797 (1975)], and to the following special articles:

Article 7. A liaison officer must be designated to act for the permittee in keeping appropriate federal, state, and local agencies specified in this permit informed about the progress of investigations throughout the term of the permit. In the interest of protecting and developing the natural resources and other environmental

values of the project area, the permittee shall consult with the appropriate federal, regional, state, and local agencies in their fields of responsibility and expertise, shall conduct its project investigations in a manner that protects the environmental integrity of the area, and shall fully explore all reasonable alternatives to the project and alternative project designs, taking into account impacts on natural resources and other environmental values. These resources and values include but are not limited to the following: forests, land management and treatment, fish, wildlife, recreational and public use, flood regulation, water and air quality (including water supply, groundwater studies, waste treatment and disposal), public health and safety, archeological, historic, Indian religious and cultural sites, threatened or endangered species of flora and fauna, and scenic and aesthetic values. The permittee shall initiate and conduct any studies necessary to determine the impact of the construction and operation of the proposed project on these natural resources and values and to determine measures needed to protect and develop them or to provide for their mitigation or replacement, including alternative designs and operational measures, and shall utilize the results of these studies in the preparation of the relevant exhibits or reports required to accompany any application for a license to construct and operate the project. In connection with studies pertaining to archeological, historic, and Indian religious and cultural sites, the permittee shall consult with the state historic preservation officer for each state in which any part of the project would be located and with the National Park Service of the Department of the Interior.

Article 8. Before starting any land-disturbing or land-clearing activities, the Permittee shall submit a cultural resources management plan to the State Historic Preservation Officer (SHPO). No land-disturbing or land-clearing activities shall begin until the Permittee is notified by the SHPO that the plan is approved. Four copies of the SHPO approval document shall be filed with the Commission.

The plan, at a minimum, shall include: (a) a list of archaeological and historic properties determined to be eligible for the *National Register of Historic Places*; (b) the basis for each determination of eligibility; (c) an assessment of the activities' potential for affecting eligible properties; (d) the Permittee's strategy for avoiding or mitigating potential project effects; (e) a schedule for implementing avoidance or mitigation strategies; and (f) copies of comments and recommendations of each federal agency having managerial authority over any part of the project lands.

Article 9. At the close of each 6-month period from the effective date of this permit, the permittee shall file four copies of a report with the Director, Office of Hydropower Licensing, or with any other officer the Commission may designate, and shall provide a copy to any entity specified in this order to be consulted during the permit term. Proof of service on these entities shall accompany each copy of the report filed with officers of the Commission.

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Specifically, the report shall describe the purposes and scope of all conferences and investigations, identify participants, summarize decisions and conclusions, provide a schedule for completing remaining work, and contain copies of important correspondence and studies or summaries thereof. Each report shall include a statement summarizing the permittee's anticipated date for submitting a license or exemption application, as appropriate. The first report shall include a specific schedule, showing when study tasks will start and when they will be completed. In particular, the report shall address the following items: (1) the studies conducted during the past 6-month period (copies of studies or summaries thereof shall be furnished); (2) a summary of consultation with the agencies and copies of correspondence and meeting notes, verifying that such consultations took place during the past 6-month period; (3) an outline and summary of engineering, environmental, and other investigations to be conducted during the ensuing 6-month period to determine the feasibility of the project, as delineated by article 1; (4) a summary of the consultations with the appropriate federal, state, and local agencies that will take place during the ensuing 6-month period, as outlined by articles 7 and 10; and (5) an assessment of the feasibility of the project. The appropriate federal, state, and local agencies shall be contacted, pursuant to section 4.38 of the Commission's regulations ([18 C.F.R. §4.38](#)).

Article 10. During the initial period of the permit, the permittee shall consult with the U.S. Fish and Wildlife Service of the Department of the Interior, the state fish and game agencies, and the National Marine Fisheries

Service of the Department of Commerce, if the project affects anadromous fish, to obtain the agencies' views and recommendations on studies to be conducted during the term of the permit to assess the effect that the proposed project might have on fish and wildlife resources and the facilities or measures that may be needed to conserve and develop those resources. A copy of the report on the permittee's study shall be filed as part of the fish and wildlife exhibits or reports of any subsequent application for license. The permittee shall also consult with and seek the views and recommendations of any Indian Tribe or Nation with recognized treaty interests in fish and wildlife resources that could be directly affected by the proposed project.

Article 11. Except as otherwise provided by the terms and conditions of this permit, the Permittee shall conduct its environmental and geotechnical studies in accordance with the standards and criteria presented in exhibit 2 of the application for preliminary permit for the Garden Bar Project.

Appendix A
Notice of Application
(Issued August 22, 1991)

- a. Type of Application: Preliminary Permit
- b. Project No.: 11164-000
- c. Date filed: July 8, 1991
- d. Applicant: South Sutter Water District
- e. Name of Project: Garden Bar Project
- f. Location: Partially on lands administered by the U.S. Bureau of Land Management on the Bear River in Nevada and Placer Counties, California. T14N, R6E in sections 24, 25, and 36; T14N, R7E in sections 19, 29, 30, 31, 32, 33, 34, and 35; T13N, R7E in sections 3, 4, 5, 6, 8, and 9.
- g. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§791 (a) - 825(r)
- h. Applicant Contact: Mr. Robert L. Melton, General Manager, South Sutter Water District, 2464 Pacific Avenue, Trowbridge, CA 95659, (916) 656-2242
- i. FERC Contact: Michael Strzelecki at (202) 219-2827
- j. Comment Date: October 30, 1991
- k. Description of Project: The proposed pumped storage project would utilize the existing 170-foot-high Camp Far West dam and 2,000-acre Camp Far West Reservoir (FERC Project No. 2997) and would consist of: (1) a 350-foot-high dam, an 85-foot-high dike, and a 60-foot-high dike forming a 2,100-acre upper reservoir on the Bear River just upstream of the existing project; (2) a 24-foot-diameter, 1,200-foot-long power tunnel connecting the upper reservoir with the existing lower reservoir; (3) three 50-foot-long penstocks connecting the power tunnel with a powerhouse; (4) a powerhouse containing four 73.35-MW generating units; (5) a 230-kV transmission line interconnecting with an existing 230-kV Pacific Gas & Electric Company transmission line; and (6) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies under the permit would be \$1,000,000.

[Note: Remainder of notice omitted in printing.]