



**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 95814-4706

April 12, 2016

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

Re: NOAA National Marine Fisheries Service, West Coast Region, Response to Request for Authorization to Use the Traditional Licensing Process for the Camp Far West Hydroelectric Project, Federal Energy Regulatory Commission Project No. P-2997

Dear Secretary Bose:

In a March 14, 2016 letter the South Sutter Water District (SSWD) requested that the Federal Energy Regulatory Commission (FERC) authorize use of the Traditional Licensing Process (TLP) for licensing the Camp Far West Project (P-2997). FERC established the integrated licensing process (ILP) as the default process for hydroelectric relicensing (18 CFR Part 5), but applicants may request an alternative process according to the regulations in 18 CFR part 5.1(f). NOAA Fisheries (NMFS) reviewed SSWD's reasons for requesting the TLP in their March 14 letter. Although NMFS agrees with many of the statements made in that letter, due to the Project's potential to affect anadromous species listed under the Federal Endangered Species Act (ESA), NMFS requests FERC employ the default Integrated Licensing Process (ILP) in this proceeding.

Our recommendation for licensing process is based on potential impacts to NMFS' trust resources. NMFS has statutory responsibility for the protection and enhancement of living marine resources, including anadromous fish and their supporting habitats, under the ESA (16 U.S.C. §1531 *et seq.*), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §1801 *et seq.*), Fish and Wildlife Coordination Act (16 U.S.C. §661 *et seq.*), and Reorganization Plan No.4 of 1970 (84 Stat. 2090).

The anadromous fish and anadromous fish habitat potentially impacted by facilities and operations of the Camp Far West Hydroelectric Project (P-2997) are preliminarily determined to be those occurring in the lower Bear River watershed, including Dry Creek, and in areas downstream in the Feather River, Sacramento River, and the Sacramento-San Joaquin Delta; these resources are identified below:

- 1) Anadromous fish and habitat resources protected under the Endangered Species Act (ESA):
  - a. Central Valley (CV) spring-run Chinook salmon evolutionarily significant unit (ESU) (*Oncorhynchus tshawytscha*), threatened (June 28, 2005, 70 FR 37160); occupied habitat in:

- i. The lower Bear River downstream of Camp Far West Dam;
  - ii. Dry Creek from the confluence of the Bear River and Dry Creek upstream to the terminus of anadromous fish passage;
  - iii. The lower Feather River downstream of the confluence of the Bear and Feather Rivers;
  - iv. Areas downstream from the Bear and Feather Rivers, in the Sacramento River and Sacramento-San Joaquin Delta.
- b. CV spring-run Chinook salmon critical habitat (September 2, 2005, 70 FR 52488); currently designated in:
  - i. The lower Bear River approximately 5 miles upstream from the confluence with the feather River
  - ii. The lower Feather River downstream of the confluence of the Bear and Feather Rivers;
  - iii. Areas downstream from the Bear and Feather Rivers, in the Sacramento River and Sacramento-San Joaquin Delta.
- c. CV steelhead distinct population segment (DPS) (*O. mykiss*), threatened (January 5, 2006, 71 FR 834); occupied habitat in:
  - i. The lower Bear River downstream of Camp Far West Dam;
  - ii. Dry Creek from the confluence of the Bear River and Dry Creek upstream to the terminus of anadromous fish passage;
  - iii. The lower Feather River downstream of the confluence of the Bear and Feather Rivers;
  - iv. Areas downstream from the Bear and Feather Rivers, in the Sacramento River and Sacramento-San Joaquin Delta.
- d. CV steelhead critical habitat (September 2, 2005, 70 FR 52488); currently designated in:
  - i. The lower Bear River downstream of the Project;
  - ii. The lower Feather River downstream of the confluence of the Bear and Feather Rivers;
  - iii. Areas downstream from the Bear and
  - iv. Feather Rivers, in the Sacramento River and Sacramento-San Joaquin Delta.
- e. Southern DPS of North American green sturgeon (*Acipenser medirostris*), threatened (April 7, 2006, 71 FR 17757);
  - i. The lower Feather River, and in areas downstream in the Sacramento River and Sacramento-San Joaquin Delta
- f. Southern DPS of North American green sturgeon designated critical habitat (October 9, 2009, 74 FR 52300);
  - i. The Feather River and Sacramento River downstream from the Yuba River.

- 2) Anadromous fish habitat resources protected under the Magnuson-Stevens Fishery Conservation and Management Act (MSA):
  - a. Chinook salmon “Essential Fish Habitat” (EFH), (October 15, 2008 73 FR 60987); EFH has been identified in the Bear River extending upstream to approximately Camp Far West Dam and in areas downstream in the Feather and Sacramento Rivers, and the Sacramento-San Joaquin Delta.
  
- 3) Anadromous fish Federal Species of Concern (those species about which NMFS has concerns regarding status and threats, but for which insufficient information is available to indicate a need to list the species under the ESA):
  - a. CV fall/late fall-run Chinook salmon ESU, Species of Concern (April 15, 2004, 69 FR 19975; October 17, 2006, 71 FR 61022); occupied habitat in the lower Bear River downstream of Camp Far West Dam, the lower Bear River, Dry Creek, and in areas downstream in the Feather and Sacramento Rivers, and the Sacramento-San Joaquin Delta.

NMFS is requesting use of the ILP for this proceeding because the Project directly impacts the anadromous resources listed above. The Camp Far West development includes the 170 ft. high Camp Far West Dam, Reservoir and associated diversion dam. Although the project may be “simple” in comparison to other FERC-licensed projects in the Central Valley, the Camp Far West Hydroelectric Project and its associated structures form the current extent of anadromy in the Bear River. In addition to blocking upstream migration, the Project can alter the timing, duration, magnitude, and water temperature of the lower Bear River where the anadromous species and critical habitat listed above occur.

Although NMFS is sensitive to cost concerns, the firm milestones and structured process of the ILP can prevent disagreements from continuing indefinitely and extending time and costs for all parties involved in relicensing. NMFS believes that in this particular licensing, the ILP provides the best means for all relicensing participants to collaboratively develop information so that the SSWD can file a timely final license application. Such information can then be collaboratively assessed and formulated into sufficient protection, mitigation, and enhancement measures as well as provide a foundation for the eventual ESA section 7 consultation between FERC and NMFS.

If you have questions regarding our letter, please contact Mr. Thomas Holley at (916) 930-5592.

Sincerely,



Steve Edmondson  
FERC Hydropower Branch Supervisor  
NMFS, WCR, Central Valley Area Office

cc: FERC Service Lists for P-2997

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

South Sutter Water Districts )  
Camp Far West Hydroelectric Project ) Project No. 2997  
Bear River )

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document, by first class mail or electronic mail, a letter to Secretary Bose, Federal Energy Regulatory Commission, the National Marine Fisheries Service's comments on the preferred use of the ILP and this Certificate of Service upon each person designated on the official service list compiled by the Commission in the above-captioned proceeding.

Dated this 12th day of April 2016



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