



FOOTHILLS WATER NETWORK

April 13, 2016

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Sent via electronic filing

Re: Comments on South Sutter Water District's Request to Use the Traditional Licensing Process for the Camp Far West Hydroelectric Project (FERC NO. 2997)

Dear Ms. Bose:

The Foothills Water Network (FWN or Network) and its member organizations respectfully request that the Federal Energy Regulatory Commission (FERC or Commission) deny the request by South Sutter Water District (SSWD or Licensee) to use the Traditional Licensing Process (TLP) for the Camp Far West Hydroelectric Project (Project). The Network is a group of water resource stakeholders in the Yuba River, Bear River, and American River watersheds. The overall goal of the Foothills Water Network is to provide a forum that increases the effectiveness of non-profit conservation organizations to achieve river and watershed restoration and protection benefits for the Yuba, Bear, and American rivers.

The Network believes that the Licensee has not presented sufficient justification for the use of the TLP such that the Commission can conclude that good cause exists to deviate from the Integrated Licensing Process (ILP) for this relicensing. This relicensing presents complex resource issues, is expected to generate significant controversy and will be challenged by the lack of information for certain key anadromous fish species. Consequently, the Network believes that the ILP is the more appropriate process to use for this relicensing as discussed more fully below. Additionally, the ILP presents greater defined opportunities for non-agency stakeholders to engage in the relicensing process which the Network believes will help facilitate a successful and timely outcome.

The Commission should deny Licensee's request to use the TLP process because sufficient rationale has not been presented to justify a deviation from the ILP process.

The Commission established the ILP as the default process for relicensing proceedings.¹ However, the Commission can approve the use of the TLP process if the Licensee sufficiently

¹ 18 CFR Part 5.

addresses the following considerations: (1) likelihood of timely license issuance; (2) complexity of the resource issues; (3) level of anticipated controversy; (4) relative cost of the traditional process compared to the integrated process; (5) the amount of available information and potential for significant disputes over studies; and (6) other factors believed pertinent.²

Complexity of Resource Issues

The Project involves very complex resource issues that are not fully acknowledged by Licensee. Specifically, the Licensee neglects to consider several different anadromous resources that are likely to be affected by the Project. Many anadromous species utilize the Bear River, Dry Creek and areas downstream of the Project in the Feather River, Sacramento River, and the Sacramento-San Joaquin including fall and spring-run Chinook salmon, steelhead trout, and white and green sturgeon yet the Licensee only mentions spring-run Chinook and steelhead. All species are either listed as endangered or threatened pursuant to the federal and/or state endangered species acts or are a California Species of Special Concern. The relicensing process must produce information sufficient to determine Project effects on these species including impacts to adult spawning, juvenile rearing and adult holding habitat. The Project has the potential to alter the timing, duration, magnitude, and water temperature of the lower Bear River where the anadromous species noted above occur.

Level of Anticipated Controversy

The proposed Project will likely generate a high degree of controversy given the complex resources issues involved including the fact that many different anadromous fish species utilize stream reaches downstream of the Project during multiple life stages. The likelihood for controversy is further heightened by the lack of existing information for many of these species in Project-affected areas (see section below). This combination of circumstances essentially ensures that disputes will arise during relicensing.

Amount of Available Information and Potential for Significant Disputes Over Studies

The relicensing study plan process must produce information sufficient to determine Project effects on biological resources including the many anadromous fish species utilizing habitat below the Project. Given the limited amount of information that currently exists regarding these species, comprehensive multi-year studies will be needed to adequately understand species presence and utilization of habitat and Project effects to adult spawning, juvenile rearing and adult holding habitat. Given the complexity and time required to complete these studies, disputes should be anticipated. The Network suggests that the ILP provides a more conducive process better able to accommodate the required studies, incorporate stakeholder participation and feedback and timely resolve disputes.

Cost of TLP v. ILP and Likelihood of Timely License Issuance

The Network believes that the ILP is likely to be the more cost-effective process in the long-run given that the inclusivity and structured process of the ILP better promotes resolution of issues

² 18 CFR 5.5; 18 CFR 4.38(b); 18 CFR 16.7(d)

thus minimizing the risk for long-term disputes and controversy which will require more time and resources from involved parties. Additionally, the Network and other non-agency stakeholders will have greater opportunity for constructive engagement in an ILP as compared to a TLP. Early and substantive engagement by interested stakeholders increases the chance for successful resolution of disputed issues and timely license issuance.

Conclusion

Thank you for consideration of the Network’s comments on the Licensee’s request to use the TLP process for the Camp Far West Hydroelectric Project. Please contact Traci Van Thull, Coordinator, Foothills Water Network if you have any questions.

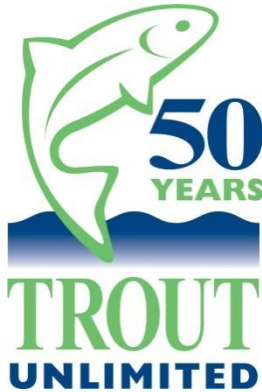
Respectfully submitted,



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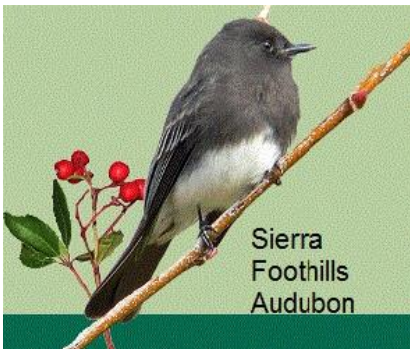
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