

United States Department of the Interior

FISH AND WILDLIFE SERVICE
San Francisco Bay Delta Fish and Wildlife Office
650 Capitol Mall, Room 8-300
Sacramento, California 95814



In Reply Refer To:

April 13, 2016

Ms. Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Subject: U. S. Fish and Wildlife Service 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, on the Bear River; Yuba and Sutter Counties, California

Dear Secretary Bose:

This is in response to the March 14, 2016, letter in which the South Sutter Water District (SSWD) requested that the Federal Energy Regulatory Commission (FERC or Commission) authorize use of the Traditional Licensing Process (TLP) for licensing the Camp Far West Project (Project, P-2997). The Commission 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).

U.S. Fish and Wildlife Service (USFWS) trust resources may be affected by the project, and the USFWS has an interest in their protection and conservation under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. § 1531, *et seq.*); the Federal Power Act (FPA), as amended (16 U.S.C. § 791a, *et seq.*); the Fish and Wildlife Coordination Act, as amended (16 U.S.C. § 661, *et seq.*); the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703-712); the Bald and Golden Eagle Protection Act (BGEPA) of 1940, as amended (16 U.S.C. § 668-668d); the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. §4321 *et seq.*); and the Central Valley Project Improvement Act (CVPIA) (Pub. L. No. 102-575, 106 Stat. 4600, 4706, Title 34 (1992)).

The USFWS has also received the SSWD Notice of Intent to File an Application for a New License (NOI) and the Pre-Application Document filed with FERC on March 11, 2016. At this time, the USFWS is only providing comments on SSWD's request for authorization to use the TLP; we intend to formally address the contents of the NOI and PAD and provide comments and request any necessary studies in a future and separate letter.

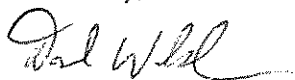
The USFWS has an active interest in the Bear River because we have been planning and implementing restoration actions in Dry Creek under the CVPIA Anadromous Fish Restoration Program (AFRP). Dry Creek is tributary to the Bear River, downstream of the Project, and it flows through the Spenceville Wildlife area and Beale Air Force Base. To address the decline of Chinook salmon and steelhead trout populations in California, the CVPIA calls for doubling of Chinook salmon (*Oncorhynchus tshawytscha*) runs. The studies and restoration actions that we are implementing are for both steelhead trout (*O. mykiss*) and Chinook salmon, and we are currently working on a habitat model for Dry Creek that will contribute to our understanding of the effect of the Project on salmonid restoration actions in Dry Creek. We are also funding a habitat analysis on Dry Creek and analyzing the restoration potential of enhanced fish passage on Dry Creek. These actions are consistent with the AFRP 2001 *Final Restoration Plan for the Anadromous Fish Restoration Program*, which is filed with the Commission.

The Project and its associated structures currently block upstream migration of anadromous salmonids and can alter the timing, duration, magnitude, and water temperature of the lower Bear River where the anadromous species occur. Low flows and high temperatures may result in a physical and thermal barrier to Dry Creek, preventing salmonid migration to and from AFRP restoration actions on Dry Creek.

The USFWS requests FERC employ the default ILP in this proceeding, due to the Project's potential to affect USFWS trust resources, including anadromous species being restored under the CVPIA, ESA-listed terrestrial species, eagles, and migratory birds. The USFWS is sensitive to the consideration of cost in the ILP process; however, we will work with SSWD toward ensuring a cost-effective and efficient proceeding using the ILP, including: (1) minimizing the number of meetings between ILP participants and the SSWD and only requesting meetings with SSWD when necessary; (2) collaborating with SSWD as early as possible to avoid redundant discussions on specific issues; (3) coordinating with SSWD to resolve issues to avoid lengthy comments and unnecessary FERC filings; (4) and coordinating with other agencies to facilitate efficient and effective agency participation during the proceeding.

If you have any questions regarding this response, please contact Alison Willy of my staff at (916) 414-6534.

Sincerely,



Daniel Welsh
Deputy Field Supervisor

cc:

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