



Foothills Water Network

COMMENTS ON DRAFT LICENSE APPLICATION FOR THE CAMP FAR WEST PROJECT (P-2997-031)

April 17, 2019

Hon. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Via Electronic Submittal

Dear Ms. Bose:

Attached you will find a copy of comments made by the Foothills Water Network on the Draft License Application (DLA) for the Camp Far West Project (P-2997-031). Our comments were delivered to the South Sutter Water District (SSWD) on April 15th. The Network appreciates the opportunity to provide comments on the DLA. We look forward to continuing discussions with South Sutter Water District (SSWD or Licensee) and the Resource Agencies to find agreement on more license terms and conditions.

Respectfully submitted,



Foothills Water Network

Traci Sheehan Van Thull
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Foothills Water Network

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April 15, 2019

Mr. Brad Arnold, General Manager
South Sutter Water District
2464 Pacific Avenue
Trowbridge, CA 95659
Via U.S. Mail/hand delivery

Dear Mr. Arnold:

The Foothills Water Network (Network) submits these Comments on the Draft License Application (DLA) for the Camp Far West Project (CFW or Project) as filed on December 31, 2018 by the South Sutter Water District (SSWD or licensee).¹

Foothills Water Network

This response was jointly developed and signed by non-governmental organizations and individuals participating in the Camp Far West Project relicensing. The Network represents a broad coalition of non-governmental organizations and water resource stakeholders in the Yuba, Bear, and American 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. This includes negotiations at the county, state, and federal levels, with an immediate focus on the FERC relicensing processes.

BACKGROUND

The initial license for the Project was issued to SSWD by FERC on July 2, 1981 for a period of 40 years.² On March 14, 2016, SSWD filed with FERC a Notice of Intent to File an Application for a New License for the Project on or before June 30, 2019, 2 years prior to the expiration of the existing FERC license.³ In its DLA, SSWD proposes to continue operating the Project for the next 40 years with one modification to the spillway, a reservoir pool raise of 5 feet, and the adoption of the resource management measures proposed in its license application.⁴

¹ eLibrary no: 20190102-5329. All subsequent footnote citations or references to the DLA omit the eLibrary Accession number.

² DLA, p. IS-1.

³ *Id.*

⁴ *Id.*

COMMENTS ON SPECIFIC PRIORITY ISSUES AND SECTIONS OF THE DLA

FLOW REQUIREMENTS

In the DLA, SSWD propose no changes to current flow requirements. SSWD did not provide any measures or recommendations to improve ramping, instream flows or pulse flows in the lower Bear River.

In discussions with licensee, stakeholders and consultants, the Network has focused on opportunities to improve conditions in the lower Bear River for fall-run Chinook salmon, primarily during the November 15th thru April 1st time period. Because the Camp Far West reservoir is low in the watershed and does not maintain a year-long cold water pool, opportunities to improve fisheries in the summer and early fall are limited between May 15th and November 15th in most years.

The greatest opportunities to improve conditions for fall-run salmon are in water years with substantial carryover storage going into November. Fall-run salmon are the main target species for management, because the project is able to provide flows from storage to enhance spawning, incubation and rearing habitat in the winter.

Opportunities to improve the *O. mykiss* fishery are limited due to the need of the species to spend at least a year in fresh water, combined with consistently elevated water temperatures in the summer in the lower Bear River.

Sturgeon use the lower Bear occasionally for spawning and also for juvenile rearing. Most of the opportunities for the Bear River to provide sturgeon habitat are related to spill. In addition, juvenile salmon and steelhead from adjacent watershed use the lower reaches of the Bear River for rearing in the winter and spring. The Network therefore recommends ramping rates to avoid the stranding of sturgeon or rearing salmonids as spill flows recede.

Working with the licensee and consultants, FWN and the resource agencies have identified a framework for determining water year types that allows enhancement of conditions for fall-run salmon while limiting the risk to loss of project water supply. This framework relies on evaluation of April-September “project usable inflow” in any given year. The usable inflow is the inflow during this time period that can be stored or delivered for irrigation. Spill does not count as usable inflow.

The Network recommends that the Final License Application adopt this approach to water-year types and also adopt specific flow augmentations in the November 15 – April 1 time period that enhance conditions for fall-run salmon in the lower Bear River. The Network is committed to working with the licensee and other stakeholders to develop the details of a recommendation prior to the filing of a Final License Application.

In addition, discussions among the licensee, consultants, resource agencies and the Network have sought to identify and limit operations that might induce spawning in locations that are likely to be subsequently dewatered prior to fry emergence.

The Network looks forward to working with the district to identify these high-value, low-cost, and low-risk opportunities to enhance the anadromous fisheries of the lower Bear River while maintaining the water supply benefit for which the project was created.

IMPACTS OF FUTURE PROJECTS

In our conversations with the licensee, consultant and other stakeholders, the Network has approached opportunities for fisheries improvements in the framework of the existing facilities in the watershed. The Network is concerned that the construction of the proposed Centennial reservoir by the Nevada Irrigation District upstream of the Camp Far West Reservoir could limit these opportunities for improvements that are mutually acceptable to the Network, the Resource Agencies and to SSWD. The Network would like to work with relicensing participants to find specific terms to include in the license that address changes to water year type classifications. The Network believes that the Final License Application should evaluate the impacts of the construction and operation of Centennial Reservoir (if built) on SSWD's current and proposed operations. The Network believes that FERC will need to analyze the construction of Centennial as an alternative under the National Environmental Protection Act.

AQUATIC MONITORING

The DLA does not contain any recommendations or a proposal for monitoring of salmonids in the lower Bear River. The Network believes that monitoring is important in determining the actual benefits of the proposed actions. FWN would like to work with the Licensee and agencies to develop a proposal that can effectively measure and monitor this fish population.

COMMENTS ON SPECIFIC MEASURES

IMPLEMENT MINIMUM INSTREAM FLOWS: Proposed Condition AR1

In its DLA, SSWD proposes no changes to its current flow schedule in its license. Relicensing participants are now actively discussing flow conditions in the lower Bear River, as discussed above.

RECREATION FACILITIES PLAN: Proposed Condition RR1

Provide adequate facilities for public use

In general, the Network supports the Recreation Facilities Plan (Plan) and the work done to date by SSWD and consultants in its development. However, the current plan does not take into account the growing demand for recreation opportunities in the area and the need for diverse

types of recreation for jet skiers, boaters and families. The current practice is for the South Shore facilities to be closed unless the North Shore facilities fill to capacity during the peak season.

For this reason, the Network recommends opening the South Shore facilities for a longer season and improvement of the South Shore boat ramp to allow better access for recreational users. The Network looks forward to working with SSWD and the resource agencies towards a collaborative agreement on recreational issues for inclusion in the new license.

GENERAL COMMENTS ON THE DLA

Requested Term of New License: Section 2.0

Licensee is requesting a new license term of 40-50 years. On October 19, 2017 FERC issued a “Policy Statement on Establishing License Terms for Hydroelectric Projects.” That policy set a term of 40 years as the “default” term for licensees. The policy did set forth three circumstances where a shorter license could be issued; however none of those circumstances fit in this case. There does not appear to be proposed development at the project that would warrant a 50-year license term. Accordingly, a 40-year license terms appears appropriate.

Relicensing Hydrology Datasets-Proposed Project (Future Conditions) Exhibit B Project Operations, Section 4.1

As mentioned previously, the Network recommends including the Centennial Reservoir Project in this Project Operations section of the FLA. The Nevada Irrigation District proposes to construct a new 275-foot dam upstream of the existing CFW project. NID’s application for 5634 states that it will store or divert up to 221,400 acre-feet annually (afa) and directly divert 400 cubic feet per second (cfs) or 111,400 afa. The amount of water that could be diverted or stored upstream would likely impact water availability of water flow water supply and instream purposes at CFW.

Water Year Types: Section 6.1

As discussed above, SSWD has proposed setting new Water Year Types based on the conditions of the watershed and upstream reservoirs and operations. The Network is engaged in conversations with the licensee and the resource agencies on this topic.

CONCLUSION

Thank you for considering these comments. If you have comments or questions, please contact Traci Sheehan Van Thull, Coordinator, Foothills Water Network.

Respectfully submitted,



Foothills Water Network



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