



United States Department of the Interior



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

In reply refer to:

FEB 1 2019

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

Subject: U.S. Fish and Wildlife Service Request for Consultation Pursuant to the Endangered Species Act on South Sutter Water District's Camp Far West Hydroelectric Project, FERC No. P-2997, in the Bear River Watershed; Yuba, Placer, and Nevada Counties, California

Dear Secretary Bose:

The U. S. Fish and Wildlife Service (USFWS) is requesting consultation under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. § 1531, et seq.) for South Sutter Water District's (Licensee) Camp Far West Hydroelectric Project (Project) in the Bear River watershed. The Project currently is in the Traditional Licensing Process (TLP) by the Federal Energy Regulatory Commission (Commission), FERC No. P-2997. Of primary concern are potential effects to the California red-legged frog (*Rana draytonii*) and the vernal pool fairy shrimp (*Branchinecta lynchi*) (shrimp). The California red-legged frog was listed as threatened under the ESA on May 23, 1996 (61 **FR** 25813). Critical habitat for the California red-legged frog was established on March 17, 2010 (75 **FR** 12816). The shrimp was listed as threatened under the ESA on September 19, 1994 (59 **FR** 48136). Critical habitat for the shrimp was established on February 10, 2006 (71 **FR** 7118).

Potentially suitable habitat for the California red-legged frog within the Project area occurs at the two sewage treatment ponds and the ephemeral stock pond adjacent to the north sewage pond. In addition, numerous ponds occur within approximately one mile of the Project area (typically on private land) that may provide suitable habitat for the California red-legged frog. No critical habitat for the California red-legged frog occurs within the Project area. On May 20, 2017 during a night-time survey with the Licensee's consultant, one adult California red-legged frog was observed by USFWS staff at the edge of the ephemeral stock pond while three California red-legged frogs (unconfirmed) were observed in the north sewage treatment pond. Potentially suitable habitat for the shrimp within the Project area occurs at vernal pools located between the north shore of the reservoir and Camp Far West Road. No surveys have taken place for the shrimp. No critical habitat for the shrimp occurs within the Project area. The closest known record for the shrimp is approximately 1.5 miles west of the Project reservoir.


The north sewage treatment pond contains a large bullfrog (*Rana [Lithobates] catesbeiana*) population (100+ bullfrogs observed by USFWS during May 20, 2017, survey) and is managed for treatment of raw sewage pumped from the recreational areas of the Project. Numerous great blue heron (*Ardea Herodias*) tracks were observed at the ephemeral stock pond during the May 21, 2017, follow-up

survey. Four great blue herons were observed at the edge of the sewage treatment pond during a day survey on February 15, 2018. Bullfrogs and herons are known predators to the California red-legged frog. Vegetation is regularly removed from the edge of the sewage treatment pond while the aquatic vegetation within the pond is partially removed by the aerator when it is running. Cattle are allowed to enter the ephemeral stock pond, while the sewage treatment pond is fully fenced and no access is allowed. These current maintenance practices have allowed at least a low density population of the California red-legged frog to persist, even with predation pressure from herons and bullfrogs. The USFWS would like to have informal discussion with the Licensee regarding potential adjustments to current maintenance practices that may better support the California red-legged frogs occupying these ponds while still allowing normal use of the ponds by the Licensee. The USFWS also would like to have informal discussion with the Licensee regarding potential enhancement actions that may benefit the California red-legged frogs occupying these ponds, per the Federal Power Act TLP.

On September 19, 2018, the USFWS had a preliminary, informal discussion with the Licensee's consultants and the California Department of Fish and Wildlife regarding potential impacts to the vernal pools within the Project area. Potential impacts could occur to these vernal pools from actions related to the Dam Spillway Modification and corresponding five foot increase in the reservoir water level, and from maintenance activities associated with the Project. Preliminary conservation measures were discussed during the September 19 meeting which, if implemented, would be expected to reduce the potential for impacts to the vernal pools. In addition, the spillway area has not been surveyed for California red-legged frogs, so impacts to this species should be considered. The USFWS would like to receive the CEQA document (or other appropriate document) related to the Dam Spillway Modification so that we may continue with informal discussions regarding these potential impacts and to conclude ESA consultation prior to the start of the Dam Spillway Modification and the issuance of the license for the Project.

The USFWS looks forward to working with the Commission and Licensee to ensure the conservation of listed species under the current license and to ensure that the new license for the Project will comply with the ESA. If you have any questions, please contact A. Leigh Bartoo at 916-930-5603.

Sincerely,



Kaylee Allen
Field Supervisor

cc:

Service list FERC P-2997

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