



FOOTHILLS WATER NETWORK

UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of the Application of)
)
SOUTH SUTTER WATER DISTRICT)
)
)
For new major license for the)
Camp Far West Hydroelectric Project)

FERC Project No. 2997-031

MOTION TO INTERVENE BY FOOTHILLS WATER NETWORK, AMERICAN RIVERS, CALIFORNIA SPORTFISHING PROTECTION ALLIANCE, FRIENDS OF THE RIVER, FRIENDS OF SPENCEVILLE, SIERRA CLUB, SOUTH YUBA RIVER CITIZENS LEAGUE, AND TROUT UNLIMITED

Pursuant to Rule 214 of the Federal Energy Regulatory Commission's (hereinafter "FERC" or "Commission") Rules of Practice and Procedure, 18 C.F.R. § 385.214, Foothills Water Network, American Rivers, California Sportfishing Protection Alliance, Friends of the River, Friends of Spenceville, Sierra Club, South Yuba River Citizens League, and Trout Unlimited (hereinafter "Movants") move to intervene in the above captioned proceeding. By this motion, Movants seek to protect the non-developmental values of the river and to ensure that the Commission's decision and the Licensee's implementation of this project are in the public interest.

DESCRIPTION OF INTERVENORS

Foothills Water Network's (hereinafter "FWN" or "Network") mission is to provide a forum that increases the effectiveness of conservation organizations to achieve river and watershed restoration and protection benefits for the Yuba, Bear, and American watersheds. This includes negotiations at the county, state, and federal levels, with an immediate focus on FERC relicensing processes. The Foothills Water Network coordinates the activities of over a dozen organizations and works with many additional conservation and recreation organizations and individuals who have interests in the waters affected by the Camp Far West Hydroelectric Project (hereinafter "Project"). Licensee South Sutter Water District's application for a new major license will directly affect the interests of FWN and its members, and the participation of FWN and its members in this process is in the public interest.

American Rivers is a national non-profit organization working to protect and restore rivers and streams for the benefit of people, fish and wildlife. Since 1973, American Rivers has helped protect and restore more than 150,000 miles of rivers through advocacy, science and on-the-ground projects with local partners. American Rivers has offices across the country, including Berkeley and Nevada City, located in the Yuba River watershed, and more than 100,000 supporters, members, and volunteers nationwide. Members of American Rivers enjoy the Yuba river watershed for angling, boating, swimming and hiking. The Licensee's application for a new major license will directly affect the interests of American Rivers' members, and its participation in this process is in the public interest.

California Sportfishing Protection Alliance (hereinafter "CSPA") is a non-profit, public benefit fishery conservation organization incorporated in 1983 to protect, restore and enhance California's fishery resources and their aquatic ecosystems. CSPA works to ensure that public fishery resources are conserved to enable public sport fishing activity. As an alliance, CSPA represents over 1,000 members that reside in California. Since its inception, CSPA has aggressively advocated for the conservation of the fishery resources throughout the state in proceedings before local, state and federal government entities. CSPA is concerned about the prolonged and extensive decline of the state's fish species and works with many government agencies to reverse these declines. CSPA has a longstanding interest in the Bear River and its resources, including flows in the Bear River, recreational fishing, and the contribution of the Bear River to fisheries in the wider Bay-Delta system. The Licensee's application for a new major license will directly affect the interests of CSPA, and its participation in this process is in the public interest.

Friends of the River (hereinafter "FOR") is a nonprofit 501(c)3 statewide organization headquartered in Sacramento, California, working to protect, preserve, and restore California rivers, streams, and watersheds for both environmental and recreational purposes. FOR has approximately 3,500 members in the state of California. FOR members boat, fish, hike along, and enjoy other recreational pursuits on various segments of the Bear River including areas affected by the project. FOR has been involved and intervened in several other hydroelectric project relicensings throughout the state, including Oroville Dam, Upper American River Project, Mokelumne River Project, Big Creek Project, and Kern River No. 3 Project. FOR's goals in these relicensings were to restore flows for fish, wildlife, aquatic ecosystems, and recreation. FOR has a long history of working collaboratively with utilities, federal and state agencies, and non-governmental organizations on hydro project relicensings. The Licensee's application for a new major license will directly affect the interests of FOR and its members, and FOR's participation in this process is in the public interest.

Friends of Spenceville (hereinafter "FOS") is a non-profit formed to educate the public about the Spenceville Wildlife Area, and in so doing, preserve Spenceville as a wildlife and recreation area. Spenceville is an 11,213 acre wildlife preserve, managed by the California State Department of Fish and Wildlife. The preserve's major stream, Dry Creek is a tributary of the Bear River below Camp Far West, and is spawning habitat for

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endangered fall-run Chinook salmon and steelhead trout. FOS has a water quality monitoring project in Dry and Little Dry Creeks in Spenceville. FOS also conduct quarterly roadside cleanups and plantings of native riparian species. FOS has a long term interest in the Bear River watershed. The Licensee's application for a new major license will directly affect the interests of FOS and its members, and FOS' participation in this process is in the public interest.

The Sierra Club is a nationwide non-profit conservation organization formed in 1892, with a mission to explore, enjoy, and protect the wild places of the Earth, to practice and promote responsible uses of the Earth's ecosystems and resources, to educate and enlist humanity in the protection and restoration of the quality of the natural and human environment, and to use all lawful means to carry out those objectives. Sierra Club has over 700,000 members, approximately 150,000 of whom reside in California. The Sierra Club has been engaged for many years on the Bear River on such matters as the Yuba-Bear and Drum-Spaulding relicensing proceedings, the proposed Centennial Dam, and other important local watershed issues. The Licensee's application for a new major license will directly affect the interests of the Sierra Club, and its participation in this process is in the public interest.

The South Yuba River Citizens League (hereinafter "SYRCL") is a membership-based public benefit 501(c)3 organization, with over 3,000 members and nearly 1,000 active annual volunteers supporting the mission to protect and restore the Yuba River watershed. SYRCL was involved in the relicensing of the Yuba Bear project and has been a leading advocate for the protection of the Bear River. SYRCL participates in the regional CABY IRWMP and Sustainable Groundwater Management Act (SGMA) collaborative forums relating to river and watershed management for the Yuba and Bear River watersheds. The Licensee's application for a new major license will directly affect the interests of SYRCL, and its participation in this process is in the public interest.

Trout Unlimited (hereinafter "TU") is a national non-profit conservation organization with California offices in Emeryville, Fort Bragg, Salinas, and Truckee. TU is the nation's largest coldwater fisheries conservation organization and has approximately 150,000 members nationwide. In California, TU has more than 10,000 members. TU is and is dedicated to protecting, connecting, conserving, and restoring North America's coldwater salmonid and trout fisheries and their watersheds. The Licensee's application for a new major license will directly affect the interests of TU and its members; thus, its participation in this process is in the public interest.

All filings, orders, and correspondence respecting this intervention should be sent to the following:

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Movants request service and other correspondence related to this proceeding in electronic format. No hardcopies please.

GROUND FOR INTERVENTION

As described above, Movants have a direct and substantial interest in the outcome of this proceeding, and their intervention in this action is in the public interest as required by 18 C.F.R. §385.214(b)(2)(iii). Movants have a strong interest in adequate and equitable protection, mitigation, and enhancement measures for fish and wildlife, the protection of recreation and water quality. Movants' participation in this proceeding will enable a more complete record to be developed and lead to better-informed decision-making. No other party in this proceeding will be able to adequately protect Movants' interests.

Since 2008, Movants have been active participants in relicensing proceedings on the Bear River. The application for a new license for the Camp Far West Hydroelectric Project has the potential to affect the health of the Bear River watershed through its operations. Generally, Movants seek the release of sufficient water at appropriate times into the Bear River downstream of Camp Far West to sustain and improve habitat for fish and wildlife resources. The Licensee has the ability to positively affect physical river processes and the health of aquatic species and their habitat within the basin through reoperation of its reservoirs and diversions. Movants have sought to obtain such measures through their participation in multi-party negotiations intended to achieve consensus on a wide range of measures to protect, restore and enhance the fish and wildlife resources affected by the Project.

Movants and resource agencies reached consensus with the Licensee on many measures; however, a few issues remain unresolved. Those issues include flow requirements, physical habitat improvements, and aquatic and hydrological monitoring. Movants seek to satisfactorily resolve these issues through the licensing process.

Movants have demonstrated a strong public interest in the major license application process for the Camp Far West Project. To date, Movants have participated

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in this proceeding at various levels, including reviewing and providing written comments on documents and motions; providing scientific, economic and socioeconomic information; and working collaboratively with the Licensee and other interested stakeholders to identify areas of consensus. Movants have particular expertise developing instream flows, managing healthy river environments, and providing recreational opportunities. Movants' participation will facilitate development of a more complete record, thereby ensuring more informed decision-making consistent with the public interest.

STATEMENT OF POSITION

Movants seek to participate in these proceedings in order to ensure that the public resource values of the Bear River watershed, its tributaries, and the surrounding environment are protected, and that the licensing process fully complies with all state and federal environmental laws. The outcome of this process has consequences for future fishery resources, water quality and quantity, physical river processes, Native American cultural resources, and recreational opportunities. Project operations, flow releases, and facilities impact water play, public angling, and boating opportunities. Operations, flows, roads, trails, river access, and project facilities affect recreational access and opportunities along the river. Compliance and management under the term of the new FERC license will affect the health of the watershed, recreational opportunities, and natural resources in the public trust. The impacts of the Project, operations, and long-term management under the new license relate to the specific and unique interests of Movants and their members, and can only adequately be addressed by the intervention of Movants in this proceeding.

In this proceeding, Movants will continue to advocate for positions consistent with the protection, enhancement, and restoration of aquatic species and their habitat, and of recreational opportunities.

CONCLUSION

WHEREFORE, Movants have a substantial interest in the outcome of this application proceeding for a new major license and no party can adequately represent this interest. Movants respectfully request that the Commission grant intervention in the Camp Far West Hydroelectric Project application proceeding for a new major license.

Dated this 29th day of October 2019

Respectfully submitted,

Foothills Water Network



A handwritten signature in black ink, appearing to read 'T. Van Thull'.

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A handwritten signature in blue ink, appearing to read 'Steve Rothert'.

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Document Content(s)

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