



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:
FERC #2997

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

Subject: U.S. Fish and Wildlife Service Comments on Scoping Document 1, Camp Far West Hydroelectric Project, FERC Project #P-2997; Yuba, Nevada, and Placer Counties, California

Dear Ms. Bose:

The U.S. Fish and Wildlife Service (USFWS) files the following comments with the Federal Energy Regulatory Commission (Commission) on their Scoping Document 1 (issued June 15, 2020) for the South Sutter Water District's (Licensee) Camp Far West Hydroelectric Project (Commission P-2997) (Project). The Project is utilizing the Traditional Licensing Process (TLP). The USFWS submits the following comments and recommendations in accordance with the Federal Power Act (FPA) (16 U.S.C. § 791a, *et seq.*), the Fish and Wildlife Coordination Act, as amended (16 U.S.C. § 661, *et seq.*), and the Bald and Golden Eagle Protection Act of 1940, as amended (16 U.S.C. § 668-668d).

The USFWS has participated in the relicensing process for the Project since 2016. The USFWS appreciates the opportunity to provide input for the scoping process and content of the upcoming Environmental Assessment (EA) and looks forward to continuing to work with the Licensee, Commission, and other relicensing participants to address issues and concerns raised in our comments.

Resource Issues for Inclusion in Scoping and the EA

The USFWS would like to have the following resource issues included in the scoping process and EA for additional analysis and potential inclusion in the license: (1) aquatic resources monitoring and (2) bald eagle protections and monitoring. Both of these issues are further detailed below.

Aquatic Resources Monitoring

USFWS, California Department of Fish and Wildlife (CDFW), and other agency and non-governmental organization (NGO) relicensing participants are in the process of developing a detailed monitoring plan for aquatic resources of the Lower Bear River. This plan will detail monitoring necessary for assessing adult escapement of fall-run Chinook salmon and steelhead, juvenile outmigration, and benthic macroinvertebrate assessment. This monitoring plan includes

adaptive management flexibility for license conditions should monitoring indicate Project operations and maintenance are impacting aquatic resources and determining how alterations in Project releases to the Lower Bear River under the new license period affect trust resources. This draft aquatic monitoring plan is expected to be ready for distribution to the Licensee and the Commission during the scoping process or in response to the EA.

Bald Eagle Protections and Monitoring

Although the Licensee and relicensing team (including USFWS) came to substantial agreement on the protection measures for bald eagle nests within the Project boundary, agreement has not occurred for the monitoring of bald eagles and their nests. The USFWS and CDFW draft protocols for monitoring are included as Attachment A to this letter, and are recommended for additional analysis and discussion within scoping and the EA. Generally, the monitoring recommended by USFWS and CDFW results in greater frequency of surveys, both in number of visits to nest sites each survey year and the number of survey years for the new license period over that proposed by the Licensee.

Specific comments

On page 10 of the Scoping Document 1, the first bullet under Terrestrial Resources indicates that nest buffers for bald eagles will be implemented in the event that vegetation management is required during the breeding season. However, as bald eagles can be sensitive to a myriad of other activities, this measure should indicate that nest buffers will be implemented in the event that any Project activity with the potential for disturbance to bald eagles is required during the breeding season proximal to an active nest. In the event that only vegetation management activities and no other activities (including recreation) will occur in the vicinity of bald eagle nests, the proposed language would be acceptable to the USFWS.

Additional Comments

The USFWS fully supports the inclusion into the new license a number of measures that were successfully negotiated during the TLP, and that were included in the Final License Application. The USFWS views these measures as providing improved protection to many trust resources within the Project area above current conditions:

- AR1: minimum instream flows for the lower Bear River
- AR2: fall and spring pulse flows
- AR3: ramping rates
- RR1: recreation facilities management
- WR1: water year types
- RR2: heron rookery protection

Conclusion

The USFWS appreciates the opportunity to comment on Scoping Document 1. If you have any questions regarding this response, please contact A. Leigh Bartoo of my staff at aondrea_bartoo@fws.gov or (916) 930-5621.

Sincerely,

Daniel Welsh
Deputy Field Supervisor

cc:

FERC #2997 Service List, Camp Far West Hydroelectric Project

Attachment A
Bald Eagle Monitoring Protocols Recommended by USFWS and CDFW

The Licensee shall conduct nesting surveys from the water on Camp Far West Reservoir in the first full calendar year following license issuance (Year 1). The Northern-most nest shall be surveyed annually from Year 1 through Year 5 due to the proximity to heavier recreational impacts and previous anecdotal nesting failures. In the event there is no nesting activity at this location for a period of five consecutive years, starting with Year 6, the Licensee may reduce surveys to once every five years. If, in any year after Year 5, nesting activity is detected incidentally (or during a survey) at this location, the Licensee shall return to annual surveys at this location until five years of inactivity occurs subsequently. A qualified avian biologist shall conduct the surveys in Year 1 and every other survey year thereafter while surveys are occurring annually. When surveys are occurring once every five years, a qualified avian biologist will conduct the surveys in every survey year. A trained designee may conduct the surveys on alternate years while surveys are occurring annually. Training for the designee shall be coordinated and approved by the Licensee, CDFW, and USFWS. For each survey year, field visits will take place at least twice: February or early-March (depending on weather) to establish initial occupancy and possible incubation and then again May to early-June to establish probable fledgling success.

The Southern-most nest shall be surveyed starting in Year 1 and then every other year thereafter for the duration of the new license period. In the event there is no nesting activity at this location for at least three consecutive survey years (e.g. Year 1, 3, and 5 have no activity), the Licensee may reduce surveys to once every five years after coordinating with the USFWS and CDFW. If, after reducing survey effort to once every five years, nesting activity is detected incidentally or during a survey year at this location, surveys will return to the initial every other year frequency. A qualified avian biologist shall conduct the surveys in Year 1 and every other survey year thereafter (Year 1, Year 5, etc). A trained designee (see reference above) may conduct the surveys on alternate survey years (Year 3, Year 7, etc). For each survey year, field visits will take place at least twice: February or early-March (depending on weather) to establish initial occupancy and possible incubation and then again May to early-June to establish probable fledgling success.

All survey years shall include a survey for new nests conducted from the water along the shoreline of the reservoir. The USFWS and CDFW anticipates this survey would be conducted on the same day as the monitoring of known nest locations. In the event that a new nest location is determined, the Licensee shall survey the new location(s) annually until five consecutive years of no nesting activity have been observed, whereupon the Licensee may reduce survey years to once every five years for that location. Nesting surveys will be conducted in general accordance with the Bald Eagle Breeding Survey Instructions (CDFW 2017) and the Protocol for Evaluating Bald Eagle Habitat and Populations in California (Jackman and Jenkins 2004), and for each survey, the Licensee will fill out the form from the Bald Eagle Breeding Survey Instructions (CDFW 2017).

All data collected during nesting surveys will be recorded on the California Bald Eagle Nesting Territory Survey Form (CDFW 2017). Data collected at each site will include: 1) presence of adults; 2) courtship behavior; 3) evidence of nest repair or construction; 4) incubation; 5) observation of old nests; 6) observation of new nest locations; 7) probable fledgling success; and 8) nearby activity that could potentially disturb the nesting eagles or young (not restricted to Project activities). Location data will be recorded, and photographs will be taken for all nests observed in a manner that does not disturb the breeding pair.