

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426
May 13, 2016

OFFICE OF ENERGY PROJECTS

Project No. 2997-031--California
Camp Far West Hydroelectric Project
South Sutter Water District

Bradley J. Arnold
General Manager/Secretary
South Sutter Water District
2464 Pacific Avenue
Trowbridge, CA 95659

Reference: Authorization to Use the Traditional Licensing Process

Dear Mr. Arnold:

In a letter filed on March 11, 2016, South Sutter Water District (SSWD) requested to use the Traditional Licensing Process (TLP) in preparing a relicense application for the existing 6.8-megawatt Camp Far West Hydroelectric Project (Project), located on the Bear River in the counties of Yuba, Nevada, and Placer, California. On March 14, 2016, SSWD filed a notice of intent (NOI) and pre-application document (PAD) for the proposed project.

On April 14, 2016, SSWD filed documentation with the Commission showing that SSWD published notices of the request to use the TLP in the March 10, 2016 edition of the *Lincoln News Messenger* and the March 11, 2016 editions of *The Union* and the *Appeal-Democrat*. SSWD's notice contained the information required in section 5.3(d)(2) of the Commission's regulations, including a statement requesting that comments regarding the TLP request be filed with the Commission within 30 days following the date SSWD filed its request. The California State Water Resources Control Board (Water Board), California Department of Fish and Wildlife (Cal Fish and Wildlife), National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (FWS), Foothills Water Network (FWN), and United Auburn Indian Community (Tribe) responded to SSWD's TLP request.

As required by section 5.3(c)(1)(ii) of the Commission's regulations, SSWD supports its TLP request by addressing the following considerations: (1) likelihood of timely license issuance; (2) complexity of the resource issues; (3) level of anticipated controversy; (4) relative cost of the TLP when compared to the Integrated Licensing

Process (ILP); (5) the amount of available information and potential for significant disputes over studies; and (6) other pertinent factors.

SSWD believes that the likelihood for timely license issuance for the project would be just as high using the TLP as it would using the ILP. SSWD notes that the resource issues associated with relicensing the project are not complex, due to: (1) the project not having a bypassed reach or transmission line; (2) no proposed changes to project operation; and (3) no federal or tribal land within the project boundary. SSWD states that, although the project, in combination with a downstream non-project diversion dam, may cumulatively affect federally listed anadromous fish, SSWD believes that the necessary analysis and consultation could be adequately addressed using the TLP. SSWD further notes that using the TLP would provide them a cost savings of \$2 million due to the decrease in the number of meetings, reports, and other required filings.¹ Finally, SSWD states that there is a large amount of existing, relevant, and reasonably available information regarding the project and potentially affected resources, all of which they have compiled and provided in their PAD.

The Water Board, NMFS, FWS, Cal Fish and Wildlife, and FWN state that SSWD has underestimated the level of complexity and anticipated controversy associated with the project and that they do support the use of the TLP. They assert that the project has the potential to affect water temperature, as well as the timing, duration, and magnitude of flows in the lower Bear River and other areas downstream. More specifically, they say that these potential stressors may affect federally listed anadromous salmonids and sturgeon in the lower Bear River and Feather River, respectively. In addition, they state that the project is a physical barrier to the upstream migration of anadromous fish species. Cal Fish and Wildlife and FWN further state that the project may affect adult spawning, juvenile rearing, and adult holding of salmonids and sturgeon and that anadromous species' presence and use of the Bear River is limited and not well understood. FWS adds that the project may affect current anadromous fish restoration efforts in Dry Creek, a tributary to the Bear River, as low flows and high water temperatures may result in a physical and thermal barrier to Dry Creek. Additionally, the Water Board indicates that while the project may not contribute to pollutant loads in the Bear River, which exist due to historic mining practices in the watershed, project operation may contribute to the introduction of mercury and other contaminants from the project reservoir into the downstream aquatic environment. Lastly, the Tribe states that it is concerned about the use of the TLP, because there are significant cultural resources within the project area.

A review of SSWD's PAD and stakeholder comments suggests that although SSWD may have underestimated the extent of resource issues in its TLP request,

¹ SSWD estimated that the cost of relicensing would be \$5-6 million using the ILP and \$3-4 million using the TLP.

particularly those associated with federally listed salmonids and sturgeon, and cultural resources, the resource issues are not complex. In addition, SSWD has compiled substantial information on the environmental resources in the project area and has also proposed studies addressing many of the concerns regarding aquatic resources, anadromous salmonids, and cultural resources. There is no indication that there is likely to be substantial controversy over the proposed studies or on the need for additional studies.

To ensure that all of the issues and study needs are identified, the TLP requires consultation with federal, state and local agencies, Indian tribes, and members of the public; a public meeting; and preparation of a draft license application for comment. To address information needs, studies are required to be conducted under the TLP, and if there are disputes over studies, a dispute resolution mechanism is available.

Therefore, because we haven't identified any complex issues, anticipated controversy over study needs, or other compelling reasons why the TLP would not be appropriate for the project, I conclude that the TLP in this case can adequately address the stakeholders' concerns, and am granting SSWD's request to use the TLP.

Section 16.8 of the Commission's regulations describes the pre-filing steps that need to be completed when preparing an application for a hydropower license under the TLP, including consultation and conducting necessary studies [18 C.F.R. §16.8(a)-(e)]. Specific steps that will need to be carried out during pre-filing consultation include an initial joint agency/public meeting and site visit [§16.8(b)(3)]; an opportunity for participants to request studies [§16.8(b)(5)]; preparation and participant review of a draft application [§16.8(c)(4)]; and a meeting to resolve any disputes on the draft application [§16.8(c)(6)]. Please note that the initial joint agency/public meeting, is required to be held no sooner than 30 days, nor later than 60 days, from the date of this letter [§16.8(b)(3)(ii)].

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If you have any questions, please contact Quinn Emmering at (202) 502-6382 or via email at quinn.emmering@ferc.gov.

Sincerely,

Vince Yearick
Director
Division of Hydropower Licensing

cc: Mailing List
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Document Content(s)

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