

# SOUTH SUTTER WATER DISTRICT

2464 Pacific Avenue • Trowbridge, CA 95659 • Office (530) 656-2242 • FAX (530) 656-2416

Bradley J. Arnold  
General Manager / Secretary  
sswd@hughes.net



January 9, 2017

**Filed via Electronic Submittal (E-File)**

Kimberly D. Bose, Secretary  
FEDERAL ENERGY REGULATORY COMMISSION  
888 First Street, NE  
Washington, DC 20426

**SUBJECT:** Camp Far West Hydroelectric Project  
FERC Project No. 2997-031  
Modified Relicensing Studies and  
Reply to NMFS' December 20, 2016 Letter

Dear Secretary Bose:

This letter provides to the Federal Energy Regulatory Commission (FERC) updated detailed plans for the 16 studies that South Sutter Water District (SSWD) is performing in support of its relicensing of the Camp Far West Hydroelectric Project, FERC Project Number 2997 (Project). In addition, this letter provides to FERC SSWD's reply to the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) letter dated December 20, 2016 regarding SSWD's relicensing studies that SSWD filed with FERC on October 13, 2016.

## **BACKGROUND**

SSWD owns and holds the existing FERC license for the Project, a water power project in Yuba, Nevada and Placer counties, California, on the Bear River. The Project is composed of Camp Far West Dam and Reservoir, Camp Far West Powerhouse, and two recreation areas on Camp Far West Reservoir. The current FERC license for the Project expires on June 30, 2021.

On March 14, 2016, SSWD filed with FERC a Notice of Intent to File an Application for New License, a Pre-Application Document (PAD) and a request to use FERC's Traditional Licensing Process (TLP). The PAD described existing, relevant and reasonably available information regarding resources potentially affected by the Project, and included detailed plans for 15 studies that SSWD proposed to perform to augment existing information.

FERC approved SSWD's use of the TLP on May 13, 2016.

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On June 27, 2016, SSWD held a joint agency and public meeting. Representatives from the following agencies, Indian tribe and non-governmental organizations (NGO) attended the joint meeting: 1) NMFS; 2) the United States Department of the Interior, Fish and Wildlife Service (USFWS); 3) the California State Water Resources Control Board (SWRCB); 4) the California Department of Fish and Wildlife (CDFW); 5) the California State Historic Preservation Office (OHP); 6) the United Auburn Indian Community (UAIC); 7) the California Sport Fishing Alliance (CalSpa); 8) the Foothill Water Network (FWN); and 9) the Sacramento Municipal Utility District.

SSWD received seven comment letters on its PAD. These were from: 1) NMFS; 2) USFWS; 3) SWRCB; 4) CDFW; 5) OHP; 6) UAIC; and 7) FWN.<sup>1</sup>

SSWD adopted without modification 14 of the requested study modifications, adopted with modification 26 of the requested study modifications, did not adopt 23 of the requested study modifications, adopted some elements of five of the requested new studies, and did not adopt eight of the requested new studies. On October 13, 2016, SSWD filed with FERC SSWD's revised detail study plans, and advised FERC that SSWD had initiated performance of the studies.

On November 17, 2016, CDFW filed with FERC responses to SSWD's October 14, 2016 filing, which included additional study requests as well as reiteration of various points from its PAD comment letter.

Similarly, on December 20, 2016, NMFS filed with FERC a response to SSWD's October 14, 2016 filing.

### **MODIFICATIONS TO SSWD'S RELICENSING STUDIES BASED ON A NOVEMBER 21, 2016 MEETING**

At the request of some agencies, SSWD met with interested agencies and other interested parties on November 21, 2016 to discuss SSWD's revised study plans and its Water Balance/Operations Model (Attachment 1, Agenda). Representatives from the following agencies, Indian tribes and NGOs attended the meeting: 1) USFWS; 2) SWRCB; 3) CDFW; 4) CalSpa; 5) FWN; and 6) Sierra Streams Institute (Attachment 2, Sign-In Sheet).

At the conclusion of the meeting, SSWD agreed to modify its October 13, 2016 study plans, as described in Table 1.

**Table 1. Summary of changes made based on November 21, 2016 Relicensing Participants Meeting.**

<b>SSWD Study # and Name</b>	<b>Modification</b>
2.2, <i>Water Temperature Modeling</i>	Develop hydrology for Dry Creek (also include in updated Water Balance/Operations Model)
3.1, <i>Salmonid Redd Surveys</i>	Add physical redd measurements to sampling beginning in December 2016

<sup>1</sup> FWN's letter was signed by 13 parties that included FWN, CalSPA, Trout Unlimited, Nevada City Rancheria Tribal Council, American Whitewater, American Rivers, Sierra Club – Mother Lode Chapter, Federation of Fly Fishers, Northern California Federation of Fly Fishers, Friends of the River, Dry Creek Conservancy, Friends of Spenceville, and Sierra Streams Institute.

**Table 1. (continued)**

SSWD Study # and Name	Modification
3.2, <i>Stream Fish Populations</i>	Change location and timing of eDNA sampling
4.2, <i>Special Status Wildlife – Raptors</i>	Modify study plan to reflect language regarding intent to survey 0.25 mile from FERC boundary
All Study Plans	Add elderberry bushes to list of incidental observation species

SSWD also agreed to perform two new studies: 1) *Benthic Macroinvertebrates*; and 2) *Special Status Wildlife – Bats*.

The 14 modified study plans and two new study plans are included in Attachment 3 to this letter. SSWD is undertaking the studies.

In addition, at the meeting SSWD agreed to provide to interested stakeholders in early 2017 an upstream hydrology model and a modified Water Balance/Operations Model that SSWD included in its PAD.

**SSWD’S REPLY TO  
 NMFS’ DECEMBER 20, 2016 LETTER**

NMFS’s December 20, 2016 letter reiterated many of the comments that were included in NMFS’s August 25, 2016 PAD comment letter, which SSWD replied to in its October 14, 2016 filing. SSWD does not repeat those replies here, but provides below: 1) supplements to three of SSWD’s replies to NMFS’ requested study modifications; 2) a reply to NMFS’ general comment regarding the purpose of relicensing studies; and 3) a reiteration of SSWD’s invitation to meet with NMFS to discuss the ESA process.

**Supplements to Replies to Some of NMFS’ Requested Study Modifications**

NMFS restated in its December 20, 2016 its desire for an eDNA sampling protocol that resembles the protocol outlined in CDFW’s November 17, 2016 PAD comment letter. At the November 21, 2016 meeting, SSWD and CDFW agreed to a modification to Study 3.2, *Stream Fish Populations*, to reflect the eDNA sampling protocol outlined in the United States Department of Agriculture’s *Protocol for Collecting Environmental DNA Samples From Streams* (Carim et al. 2016<sup>2</sup>), as requested by CDFW. SSWD, therefore, believes that it has adopted NMFS’ request.

NMFS restated in its December 20, 2016 letter its request that beach seining be conducted at least once per month from January through June in the Bear River for monitoring of juvenile salmonids and adult sturgeon. In SSWD’s October 13, 2016 filing, SSWD modified Study 3.2, *Stream Fish Populations*, to add snorkel and beach seine surveys in April, May and June and to focus eDNA sampling in February and March and at flow levels specifically to target when sturgeon may be present in the river. In addition, SSWD agreed to note any incidental sitings of

<sup>2</sup> Carim, Kellie J.; McKelvey, Kevin S.; Young, Michael K.; Wilcox, Taylor M.; Schwartz, Michael K. 2016. A protocol for collecting environmental DNA samples from streams. Gen. Tech. Rep. RMRS-GTR-355. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 18 p.

juvenile salmonids or adult sturgeon during performance of SSWD's Study 3.1, *Salmonid Redd Surveys*. SSWD, therefore, believes it has adopted NMFS' request with a reasonable modification.

NMFS restated in its December 20, 2016 its request for deep water videographic surveys to detect adult green sturgeon that may be holding in deep pools in the Bear River. SSWD has not adopted this request. NMFS expanded on its request stating it based its request on CDFW's and DWR's detection of sturgeon in the Bear River using DIDSON underwater cameras. SSWD believes this technology will not provide enough additional information regarding sturgeon to justify the large cost. SSWD reviewed DWR's 2016 presentation entitled *An Overview of What We Think We Know about Green Sturgeon in the Feather River Basin* (Seesholtz et al. 2016).<sup>3</sup> In that presentation, DWR summarized its findings of sturgeon in the Bear River. In both 2012 and 2016, DWR identified sturgeon using a DIDSON camera, but DWR stated it was unable to identify between green and white sturgeon. DWR continued stating that in 2016, DWR believed the sturgeon observed with the DIDSON camera were likely white sturgeon given the angler catch and observations of white sturgeon breaching. Since the detection of green sturgeon specifically seems to be the main concern of NMFS, using an expensive technology (i.e., DIDSON) that will not be able to differentiate between green and white sturgeon seems unnecessary. SSWD has already agreed to eDNA sampling that will provide positive differentiation between green and white sturgeon should either species be detected during the sampling.

### **Reply to NMFS' Comment Rewarding the Purpose of Relicensing Studies**

NMFS stated in its December 20, 2016 letter that it "disagrees with SSWD's assertion that licensing studies should 'not assess Project effects.'" SSWD believes the disagreement is a semantic, not a substantive, one. The purpose of licensing studies is to supplement existing, relevant and reasonably available information so that FERC, the applicant, regulatory agencies, including NMFS, and the public each have an adequate record to assess Project effects and to inform proposed requirements in the new license. SSWD will provide its assessment of Project effects in its license application, and assumes each interested party will perform its own assessment in developing proposed license requirements.

### **SSWD Reiterates Its Invitation to Meet with NMFS to Discuss the ESA Process**

In its December 20, 2016, letter, NMFS stated "In order to avoid delays and streamline section 7 consultation, FERC and NMFS should meet to discuss ESA consultation procedures including developing shared understanding of environmental baseline, including related structures such as [Camp Far West] CFW diversion dam in the analysis of the Project's effects." SSWD reminds NMFS that at the June 27, 2016 joint agency and public relicensing meeting and in a July 2, 2016 e-mail (Attachment 4), SSWD, as FERC's non-federal representative for ESA Section 7 informal consultation, offered to meet with NMFS to discuss the ESA process. SSWD said it would invite

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<sup>3</sup> Seesholtz, A.; Manuel, M.; Rocheleau, D. 2016. An Overview of What We Think We know about Green and White Sturgeon in the Feather River Basin. Presented at the 2016 Interagency Ecological Program (IEP) Workshop. April 20, 2016.

FERC to participate in the meeting. By this letter, SSWD reiterates its offer to meet with NMFS to discuss the ESA process, and to invite FERC to participate in that meeting.

If you have any questions concerning this letter, please contact me.



Brad Arnold  
General Manager/Secretary  
SOUTH SUTTER WATER DISTRICT

- Attachments:
1. Agenda of November 21, 2016 Meeting
  2. Sign-in Sheet for November 21, 2016 Meeting
  3. Sixteen Updated Study Plans Based on Changes Agreed to During a November 21, 2016 Meeting
  4. SSWD's July 2, 2016 E-mail to NMFS

cc w/out Attach: Quinn Emmering, FERC DC  
Steve Edmondson, NMFS  
Thomas Holley, NMFS  
Camp Far West Hydroelectric Project Contact List of Potentially Interested Parties (via e-mail)