

1 FERC - 75 FERC, 46 FERC ¶62,088, South Sutter Water District, Project No. 2997-009, Federal Energy Regulatory Commission, (Jan. 26, 1989)

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South Sutter Water District, Project No. 2997-009

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South Sutter Water District, Project No. 2997-009

Order Amending License

(Issued January 26, 1989)

J. Mark Robinson, Dir., Division of Project Compliance and Administration.

On January 11, 1989, the South Sutter Water District (licensee), filed a request to amend article 29 of the license for the Camp Far West Project (FERC Project No. 2997). Article 29 requires the licensee to release from the project a minimum flow of 25 cubic feet per second (cfs) from April 1 through June 30 and 10 cfs from July 1 through March 31 or inflow to the reservoir, whichever is less.

The licensee proposes to amend the license to require that the minimum flows be maintained below the existing Camp Far West **diversion** dam, which is located approximately 1 mile downstream of the project powerhouse. As part of the amendment, the licensee proposes to construct a sharp-crested weir in a canal below the **diversion** dam by April 15, 1989, and measure the required minimum flows using a continuously

[63,117]

recording gage. These facilities would be built by licensee according to the recommendations of the Geological Survey. The licensee would gage project inflows prior to releasing flows equivalent to project inflow.

The licensee has consulted with the Geological Survey, the California Department of Fish and Game, and the California Division of Water Rights on the proposed modification of where the minimum flows would be provided. The consulted agencies concur with the proposed amendment.

The licensee does not propose provisions to inform the Commission or the consulted agencies of violations of the minimum flow requirements. Protection and enhancement of the fishery resources in Bear Creek requires maintenance of the minimum flows. In order to ensure that prompt remedial actions are taken in the event that flows drop below those required by the license, the licensee should notify the consulted agencies and the Commission within 30 days of the violation and identify the measures that were implemented to correct the violation. Upon being notified of a violation, the Commission reserves the right to require modification to project structures and operation as necessary to ensure compliance with the license.

The proposed amendment of the license, as modified above, would adequately protect the fishery resources in Bear Creek. Article 29 should be amended to permit measurement of the required minimum flow immediately below the existing Camp Far West **diversion** dam.

Amendment of the license for the Camp Far West Project would abrogate the evaluation of non-compliance as described in the Director, Division of Project Compliance and Administration's letter dated November 15, 1988. The compliance record for this project would indicate that the licensee has complied with the terms and conditions of article 29 of the license.

The Director orders:

(A) Article 29 of the license for the Camp Far West Project (FERC Project No. 2997) is superseded by the following:

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Article 29. The licensee shall maintain a continuous minimum flow of 25 cubic feet per second (cfs) from April 1 through June 30 and 10 cfs from July 1 through March 31 or inflow to the project reservoir, whichever is less, as measured immediately below the Camp Far West **diversion** dam to protect and enhance the fishery resources in Bear Creek. The flows may be temporarily modified if required by operating emergencies beyond the control of the licensee, or for short periods for fishery management purposes, upon mutual agreement between the licensee and the California Department of Fish and Game. Gaging facilities shall be constructed according to the recommendations of the Geological Survey and shall be operational by April 15, 1989.

(B) If a violation in the required minimum flow occurs, the licensee shall notify the California Department of Fish and Game, the Commission's San Francisco Regional Office, and the Commission's Division of Project Compliance and Administration within 30 days from the date of the violation and identify the measures that were implemented to correct the violation. Upon being notified of a violation, the Commission reserves the right to require modifications to project operation and structures to ensure maintenance of the required minimum flows.

(C) This order is issued under authority delegated to the Director and is final unless appealed to the Commission under Rule 1902 within 30 days from the date of this order.