

APPENDIX E6

SUMMARY OF PM&E RESOLUTION MEETING

Pursuant to Section 4.38(c)(6)(i) of Title 18 of the Code of Federal Regulations (C.F.R.), the South Sutter Water District (SSWD or Licensee), held a meeting with agencies and interested parties to attempt to reach agreement on protection, mitigation and enhancement (PM&E) measures proposed by SSWD in its January 2019 Draft Application for New License (DLA) Major Project - Existing Dam - for the Camp Far West Hydroelectric Project (Project) and measures suggested in written comments by agencies and interested parties on SSWD’s DLA. The agencies’ and interested parties’ written comments are available in Appendix E4 in Exhibit E of this FLA.

The meeting was held on May 13, 2019, from 9:30 AM to 12:30 PM at HDR’s (SSWD’s consultant) office in Sacramento California, after consultation with interested parties on the scheduling of the joint meeting, per 18 C.F.R. Section 4.38(c)(6)(ii). On April 29, 2019, SSWD filed with the Federal Energy Regulatory Commission (FERC) an agenda for the meeting and provided the agenda to agencies and interested parties, per 18 C.F.R. Section 4.38(c)(6)(iii). Attachment E6-A contains the agenda.

Besides SSWD representatives and the facilitator, 11 people attended the joint meeting: three from the United States Department of the Interior (USDOJ), Fish and Wildlife Service (USFWS); one from the USDOJ, National Park Service (NPS); one from the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS); three from California Department of Fish and Wildlife (CDFW); one from the California State Water Resources Control Board (SWRCB); one from the California Sportfishing Protection Alliance (CSPA); and one from the Foothill Water Network (FWN) Interested tribes were invited to the meeting, but did not attend. Attachment E6-B contains the sign-in sheet for the meeting.

SSWD identified eight differences between PM&E measures in SSWD’s DLA and PM&E measures recommended by agencies and interested parties that filed written comments on the DLA. Five were new PM&E measures requested by the agencies and three were modifications to PM&E measures proposed by SSWD in its DLA. Each difference is described below along with the outcome from the meeting. SSWD also provides written responses to each of the comments related to these eight PM&E differences in Appendix E4 in Exhibit E of SSWD’s FLA.

1.0 PM&E Measures under Collaboration

The agencies and interested parties in their comment letters did not suggest specific PM&E measures related to water year types, minimum flows, pulse flows, ramping rates and bald eagles, but encouraged SSWD to continue to collaborate with the agencies and interested parties regarding these measures. SSWD’s collaborative process related to these measures is described in Exhibit E in Section 1.4.2.4 and in Appendix E2.

2.0 Resolved PM&E Measure Differences

2.1 USFWS and CDFW Suggested SSWD Include in Its FLA an Integrated Pest Management Plan Regarding Use of Rodenticide

The comments regarding the request for an integrated pest management approach were reviewed and the agencies clarified they were not asking for a specific management plan, but clearer language regarding the use of rodenticides, similar to what was provided in the DLA comment letters. SSWD agreed to modify the language for the FLA. Refer to Section 6.4.2.3 in Exhibit B of SSWD's FLA for the modified wording.

At this time, SSWD considers this difference to be resolved.

2.2 USFWS and CDFW Suggested SSWD include in Its FLA a PM&E measure to Implement a 0.25-Mile-Wide Limited Operating Period Buffer at the Existing Great Blue Heron Rookery on the South Shore of Camp Far West Reservoir from March 15 through July 31 Each Year

The comments regarding the request to include a new measure related to the great blue heron (*Ardea herodias*) rookery were reviewed. SSWD stated it would be more comfortable if the boundary was 500-ft instead of 0.25-mile because a 500-ft limited operating period (LOP) buffer would still be protective of the rookery given activity in the area, and the smaller buffer would not impact the main entrance to the South Shore Recreation Area. The agencies considered the request and agreed. SSWD agreed to add a new condition in the FLA. Refer to SSWD's Proposed PM&E Measure TR2 in Appendix E2 in Exhibit E of SSWD's FLA for the proposed PM&E measure.

Subsequent to PM&E Measure Resolution meeting, on May 13, 2019, SSWD, the agencies and interested parties reviewed and agreed on the specific wording of the measure.

At this time, SSWD considers this difference to be resolved.

2.3 USFWS Suggested USFWS be Included in the Planning of Using Bat Exclusion Devices for bats. CDFW Suggested SSWD Add Language to SSWD's Proposed PM&E Measure TR2 Regarding Inspections and Avoidance of Bat Winter Hibernacula

The comments related to SSWD's proposed Bat Management Condition were reviewed and additional dialogue occurred. SSWD was generally agreeable to the additional language proposed by the agencies, and agreed to revise the proposed condition. However, subsequent to PM&E Measure Resolution meeting, on May 13, 2019, SSWD, the agencies and interested parties agreed a bat management condition was not needed in the new license, and SSWD would not propose one.

At this time, SSWD considers this difference to be resolved.

2.4 CDFW and FWN Suggested SSWD Modify its Recreation Facilities Plan to include that the SSRA Boat Ramp be Improved, and CDFW Suggested Including in the Plan Permanent Fish Cleaning Stations and Replacing Existing Trash Receptacles with Wildlife-Proof Trash Receptacles

The comments related to modifying SSWD’s proposed Recreation Facilities Plan were reviewed. SSWD felt that the requested modifications to the plan were not warranted and provided its rationale, which focused on the relicensing data that did not indicate a need for providing these new or improved facilities. Regarding improving the SSRA boat ramp, nearly all (i.e., 95%) of the visitors surveyed at the SSRA rated the boat ramp condition as acceptable or offered no opinion at all. Regarding the permanent fish cleaning stations, the relicensing visitor survey data did not indicate a need for permanent fish cleaning stations, and, if installed, the stations are unlikely to get much use since most anglers and boaters overall moor or beach their boats at the shoreline near their campsites or day use sites within the recreation areas and would not use the cleaning station at the boat ramp. Regarding the wildlife-proof trash receptacles, nearly all (i.e., 95%) of the visitors surveyed at both the NSRA and SSRA indicated the camping and picnicking site amenities, where the majority of the trash receptacles are located, were acceptable or offered no opinion; SSWD’s concessionaire is located on site at both recreation areas and provides frequent trash patrols; and wildlife-proof trash receptacles are robust trash facilities mostly intended to keep bears out of trash, but bears are not an issue at the Project recreations areas. However, CDFW clarified that the term “wildlife-proof” was not to mean new heavy-duty receptacles designed primarily as a bear deterrent, but attaching lids to the existing receptacles to provide a basic, enhanced level of wildlife deterrence. Given this clarification, SSWD agreed to include a measure in SSWD’s Recreation Facilities Plan to provide attached lids on trash receptacles at the NSRA and SSRA. After discussion, the agencies and interested parties stated they agreed with SSWD.

At this time, SSWD considers this difference to be resolved.

3.0 Unresolved PM&E Measure Differences

3.1 USFWS and CDFW Suggested SSWD Include in Its FLA a Camp Far West Reservoir Aquatic Invasive Species Management Plan

The comments regarding the request to include an Aquatic Invasive Species Management Plan were reviewed and SSWD stated that it does not think a plan is warranted considering it is developing a Dreissenid Mussel Vulnerability Assessment Plan as required by California Fish and Game Code Section 2302 outside of relicensing. SSWD believes the Dreissenid Mussel Vulnerability Assessment Plan will provide adequate coverage related to aquatic invasive species at Camp Far West Reservoir. The agencies requested to see a draft of the plan before they could agree or disagree with SSWD, and SSWD provided the draft Dreissenid Mussel Vulnerability Assessment Plan to CDFW on May 31, 2019, and to USFWS and SWRCB on June 1, 2019.

At this time, SSWD considers this difference to be unresolved.

3.2 CDFW and FWN Suggested SSWD Modify its Recreation Facilities Plan to Include the SSRA be Open Longer

The comments related to modifying SSWD's proposed Recreation Facilities Plan were reviewed. SSWD felt that the requested modifications to the plan were not warranted and provided its rationale. SSWD currently opens the SSRA based upon the recreational demand at the Project, which is typically during peak recreation use periods (i.e., most weekends or Friday through Sunday) during the peak recreation season (i.e., late May through early September), and during special events. Per the occupancy rates in Section 3.3.6.1.2 in Exhibit E of the FLA, the NSRA facilities are more than adequate to meet the recreational demand during the weekdays during the peak recreation season and on weekends and weekdays outside the peak recreation season. Thus, the current recreational demand does not warrant SSWD opening the SSRA beyond the periods that SSWD currently opens it, which is responsive to the existing recreational demand. After additional discussion, the agencies and interested parties agreed that the agencies would work on draft language for triggers related to opening the SSRA more often. SSWD agreed to review any language provided and continue discussions.

At this time, SSWD considers this difference to be unresolved.

3.3 CDFW Suggested SSWD Include in Its FLA a Lower Bear River Aquatic Monitoring Plan for Stream Fish, Benthic Macroinvertebrates, Water Temperature And Water Quality, and USFWS and FWN Suggest Monitoring for Salmonids

The comments regarding the request to include a lower Bear River aquatic monitoring plan were reviewed. SSWD stated that it did not feel a monitoring plan was warranted because: no party had explained how SSWD's proposed measures, which are designed to improve conditions for aquatic resources, would have adverse effects; 2) monitoring for monitoring's sake would not provide any resource protection; and 3) the responsibility for gathering data to manage resources was the responsibility of the agency whose jurisdiction it was to manage those resources. The agencies and interested parties stated they believed monitoring was necessary in the new license.

At this time, SSWD considers this difference to be unresolved.

3.4 NMFS Suggested SSWD Include in Its FLA a PM&E Measure to Augment Large Wood and Sediment in the Lower Bear River, If it Becomes Necessary to Do So, and to Monitor for Effectiveness

The comment regarding the request to augment and monitor large woody material and sediment in the lower Bear River was reviewed. SSWD stated that it did not believe augmentation or monitoring were warranted because surveys during the relicensing showed adequate quantities of large wood and sediment for aquatic resources. NMFS stated it would review the information

related to large woody material and sediment, and may provide additional comments at a later time.

At this time, SSWD considers this difference to be unresolved.

4.0 Other Topics Discussed during the PM&E Resolution Meeting

In addition, the agencies and interested parties identified five items to be included during the meeting that were not PM&E differences. SSWD and the meeting participants discussed each of these items, reaching agreement on one and no agreement on four. Table E6-1 describes the specific topic and which agency comment. SSWD’s response in Appendix E4 more information can be found.

Table E6-1. Non-PM&E topics discussed during the PM&E Resolution Meeting and their corresponding Agency DLA comment and SSWD response in Appendix E4.

Topic	Agency Comment and SSWD Response in Appendix E4
USFWS and CDFW suggested SSWD conduct additional eDNA sampling in the lower Bear River for green sturgeon and white sturgeon.	CDFW-14 and USFWS-10
USFWS suggested SSWD’s FLA more thoroughly address the Central Valley Project Improvement Act / Anadromous Fish Restoration Plan doubling goal for the Bear River.	USFWS-1
USFWS requested FERC or SSWD complete ESA consultation for Endangered Species Act-listed California red-legged frog and vernal pool fairy shrimp. USFWS requests informal discussion with SSWD regarding potential adjustments to maintenance practices at two sewage ponds and potential enhancement actions to benefit California red-legged frog at the sewage ponds.	USFWS-4
CDFW, NMFS and FWN suggested SSWD consider in its FLA Nevada Irrigation District’s Centennial Reservoir as a reasonably foreseeable future condition.	CDFW-5, NMFS-2, FWN-3, and FWN-8
CDFW and FWN suggested SSWD request in its FLA a new license term of 40 years.	CDFW-1 and FWN-7

5.0 List of Attachments

E6-A. May 13, 2019 PM&E Resolution Meeting Agenda

E6-B. May 13, 2019 PM&E Resolution Meeting Sign-In Sheet

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APPENDIX E6

Attachment A

May 13, 2019 PM&E Resolution Meeting Agenda

CAMP FAR WEST HYDROELECTRIC PROJECT

Meeting to Resolve Differences on PM&E Measures¹

When: Beginning at 9:30 AM on Monday, May 13, 2019

Where: HDR Engineering Office, Suite 200, 2379 Gateway Oaks Drive, Sacramento, CA. Interested parties are encouraged to participate in person, but those who cannot attend in person may participate via telephone by calling (866) 583-7984 and using the following passcode when prompted: 2924178#.

Purpose of Meeting: South Sutter Water District (SSWD), as applicant for a new license for its Camp Far West Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project Number 2997, is holding this meeting to comply with the requirements of 18 C.F.R.² Section 4.38(c)(6), which states that if an applicant for a new license concludes a written comment on its Draft License Application (DLA) indicates an agency or Indian tribe has a substantive disagreement with the applicant's conclusions regarding resource impacts or its proposed protection, mitigation and enhancement (PM&E) measures, the applicant will, in consultation with the agency or Indian tribe, schedule and hold a meeting with the disagreeing agency or tribe, and invite to the meeting other agencies or Indian tribes with an interest in the issue, no later than 60 days from the date of the comment letter to discuss and attempt to reach agreement of the applicant's plan for PM&E measures. The applicant will include documentation of the meeting, including any agreements, in its final license application (FLA).

AGENDA³

A. Introduction

1. Round-table introductions
2. Safety moment
3. Relicensing schedule review
4. Meeting purpose, procedure and objectives

B. Overview

1. Excluding a letter from FERC, four comment letters/e-mails were received from agencies and one comment letter was received from a non-governmental organization.
 - a. USFWS letter dated April 10, 2019
 - b. SWRCB e-mail dated April 12, 2019

¹ SSWD filed with FERC a notice of the meeting and a copy of the agenda on April 29, 2019.

² SSWD consulted with agencies regarding the meeting and agenda.

³ If all meeting participants agree, the agenda may be revised at the meeting.

- c. CDFW letter dated April 14, 2019
 - d. NMFS letter dated April 15, 2019
 - e. Foothill Water Network letter dated April 15, 2019
2. No comment letters were received from Indian tribes.
 3. USFWS, NMFS, CDFW and FWN did not suggest specific PM&E measures related to water year types, minimum flows, pulse flows, ramping rates and bald eagles, but encouraged SSWD to continue to collaborate with the agencies regarding these measures.

C. PM&E Measure Differences

1. USFWS and CDFW suggest SSWD include in its FLA a Camp Far West Reservoir Aquatic Invasive Species Management plan.
2. USFWS and CDFW suggest SSWD include in its FLA an Integrated Pest Management Plan regarding use of rodenticide.
3. USFWS and CDFW suggest SSWD include in its FLA a PM&E measure to implement a 0.25-mile-wide limited operating period buffer at the existing great blue heron rookery on the south shore of Camp Far West Reservoir from March 15 to July 31 each year.
4. USFWS suggests USFWS be included in the planning of using exclusion devices for bats. CDFW suggests SSWD add language to Condition TR2 regarding inspections and avoidance of bat winter hibernacula.
5. CDFW and FWN suggest SSWD modify its Recreation Facilities Plan to include the South Shore Recreation Area be open longer and the SSRA Boat Ramp be improved. CDFW also suggests including a permanent fish cleaning station and replacement of existing trash receptacles with wildlife-resistant trash receptacles.
6. CDFW suggests SSWD include in its FLA a lower Bear River Aquatic Monitoring Plan for stream fish, benthic macroinvertebrates, water temperature and water quality. USFWS and FWN suggest monitoring for salmonids.
7. NMFS suggests SSWD include in its FLA a PM&E measure to augment large wood and sediment in the lower Bear River, and to monitor for effectiveness.

D. Other

1. USFWS and CDFW suggest SSWD conduct additional eDNA sampling in the lower Bear River for green sturgeon and white sturgeon.
2. USFWS suggests SSWD's FLA more thoroughly address the Central Valley Project Improvement Act / Anadromous Fish Restoration Plan doubling goal for the Bear River.
3. USFWS requests FERC or SSWD complete ESA consultation for Endangered Species Act-listed California red-legged frog and vernal pool fairy shrimp. USFWS requests informal discussion with SSWD regarding potential adjustments to maintenance practices at two sewage ponds and potential enhancement actions to benefit California red-legged frog at the sewage ponds.

4. CDFW, NMFS and FWN suggest SSWD consider in its FLA Nevada Irrigation District's Centennial Reservoir as a reasonably foreseeable future condition.
5. CDFW and FWN suggest SSWD request in its FLA a new license term of 40 years.

E. Summarize Resolutions / Agreements

F. Adjourn

APPENDIX E2

Attachment B

May 13, 2019 PM&E Resolution Meeting Sign-In Sheet

**South Sutter Water District
Camp Far West Hydroelectric Project
(FERC Project No. 2997)**

**DLA Comment Discussions Meeting
Monday, May 13, 2019, at 9:30 A.M
HDR Sacramento**

Listed Alphabetically by Last Name				
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	Bertolino, Jon	SMUD 6301 S St Sacramento, CA 95817	(930) 647-5016	Jbertolino@smud.org
SB	Bowes, Steve	National Park Service	(415) 623-2321	Stephen_bowes@nps.gov
	Burnes, Peter A.	South Yuba River Citizens League 313 Railroad Ave Nevada City, CA 95959	(650) 460-7139	Ahugetrout-2@yahoo.com
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	Kent, Robin Terrestrial Resources Mgr.	HDR, Inc. 2379 Gateway Oaks Blvd., Suite 200 Sacramento, CA 95833	(916) 679-8733	Robin.Kent@hdrinc.com
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