

SECTION 1

INTRODUCTION

This section consists of six subsections. Section 1.1 presents South Sutter Water District's (SSWD) intent to apply to the Federal Energy Regulatory Commission (FERC or Commission) for a new license for the Camp Far West Hydroelectric Project, FERC Project Number (No.) 2997 (Project). Section 1.2 describes the purpose of this Pre-Application Document (PAD). Sections 1.3 and 1.4 describe the major laws and regulations and the comprehensive plans, respectively, that SSWD believes apply to the relicensing.¹ Section 1.5 presents SSWD's proposed relicensing process plan and schedule, and Section 1.6 provides the communication guidelines that SSWD proposes to follow during the relicensing.

1.1 South Sutter Water District's Intent to Apply for a New License for the Camp Far West Hydroelectric Project

Pursuant to Section (§) 5.5 of Title 18 of the Code of Federal Regulations (C.F.R.), on or about March 14, 2016, SSWD filed with FERC a Notice of Intent to Apply for a New License for a Major Project - Existing Dam - (NOI) on or before June 30, 2019, for the Camp Far West Hydroelectric Project. SSWD is the existing licensee and current owner of the Project. The initial license for the Project was issued by FERC to SSWD on July 2, 1981, effective on July 1, 1981, for a period of 40 years.

1.1.1 The South Sutter Water District

Established in 1954, SSWD, located in Trowbridge, California, is a State of California public agency formed under California Water District Law, California Water Code Section 34000 et seq. to develop, store, and distribute surface water supplies for irrigation uses in SSWD's service area. In addition, Section 34000 et seq. authorizes SSWD to develop hydroelectric power in connection with SSWD's projects. SSWD is governed by a Board of Directors, whose seven members are elected by landowners within SSWD's service area.

SSWD's service area encompasses a total gross area of 63,972 acres (ac), of which 6,960 ac are excluded, for a net area of 57,012 ac. Approximately 40,107 ac are in Sutter County and 16,905 ac are in Placer County (Figure 1.1-1). In a normal year, over 35,500 ac within SSWD's service area are under irrigation, with approximately 29,000 ac (82%) in rice production, 3,800 ac (11%) in orchards, 2,200 ac (6%) in irrigated pasture, and 500 ac (1%) in miscellaneous row and field crops.

¹ In this PAD, "relicensing" means the activities an applicant performs to prepare an application for new FERC license, and the application itself is referred to as the "application" or the "Application for New License."

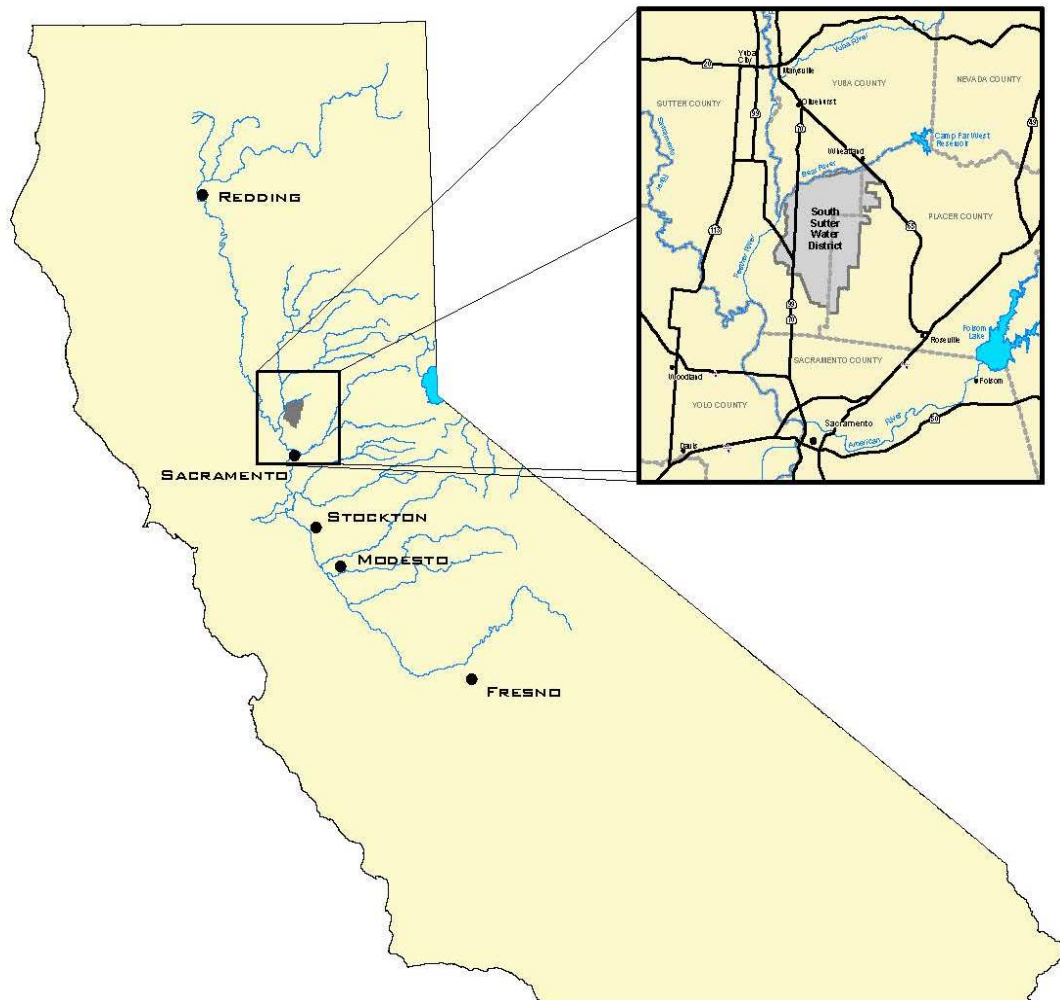


Figure 1.1-1. South Sutter Water District's service area.

One of the first acts by SSWD when it was formed was to enlarge the existing Camp Far West Dam and Reservoir² and to develop a distribution system to augment and provide alternatives to a declining groundwater table that was being tapped by private agricultural wells within SSWD's service area.

Today, the annual available water supply in the enlarged Camp Far West Reservoir is totally allocated each year, but still represents only a portion of SSWD's users' demands. Up to 435 cubic feet per second (cfs) of the water released from Camp Far West Reservoir is re-diverted from the Bear River during the irrigation season (i.e., typically, from mid-April through mid-

² The first Camp Far West Dam was constructed in 1924-1925. The dam was enlarged in 1963-1964 by SSWD as part of the California State Water Plan to enhance water supply in California's Central Valley. Camp Far West Dam and Reservoir are not currently part of the State Water Project (SWP).

October) at a 38-foot (ft) high diversion dam³ located approximately 1.25 miles (mi) downstream from Camp Far West Dam into SSWD's Conveyance Canal, which is located on the south bank and runs predominately north to south along the higher eastern border of SSWD's service area.⁴ Typically, water deliveries begin low in mid-April, peak in July, and then gradually decrease through mid-October. Through turnouts and head gates, water is directed from SSWD's Conveyance Canal into improved canals, one pipeline, and natural channels running from east to west, and distributed to water users. Depending upon the anticipated reservoir yield, the water user's allocations may range from 0.5 acre-feet (ac-ft) per ac of irrigated land during a drought year to as much as 2.5 ac-ft per ac during a wet year. Perennial crops such as orchards and pasture receive a higher priority of allocation over seasonal crops, with rice growers receiving the lowest priority.

1.1.2 Brief Description of the Project

The Project ranges in elevation from 150 ft to 320 ft⁵ and is located on the main stem of the Bear River in Nevada, Yuba and Placer counties, California. The Project includes a single development whose principal facilities and features consist of: the 170-ft high Camp Far West Dam; the 93,740 ac-ft Camp Far West Reservoir; the 6.8 megawatt (MW) Camp Far West Powerhouse at the base of the Camp Far West Dam; and two recreation areas on Camp Far West Reservoir. The existing FERC Project Boundary includes 2,863.7 ac of land. SSWD owns over 95 percent (2,710.5 ac) of the land within the boundary, and the remaining 5 percent (153.2 ac) of the land is owned by private parties – no federal or state land occurs within or adjacent to the FERC Project boundary or on the Bear River downstream of the Project. The Project does not include any open water conveyance facilities, transmission lines⁶, or active borrow or spoil areas. At this time, SSWD proposes no significant change to existing Project facilities or operations.

Figure 1.1-2 illustrates the general regional location of the Bear River watershed. Figure 1.1-3 shows the Project Vicinity,⁷ Project facilities, and the existing FERC Project Boundary. Refer to Section 2 of this PAD for a detailed description of the Project.

³ The diversion dam was constructed in 1924-1925 and is owned and operated by SSWD. It is not part of SSWD's Camp Far West Hydroelectric Project, it is not used or useful for operations of the Camp Far West Hydroelectric Project, and it does not have any hydropower production facilities otherwise associated with the dam.

⁴ The Camp Far West Irrigation District (CFWID), which is not part of SSWD, diverts approximately 35 cfs of water into the Camp Far West Canal, the intake of which is located on the north bank at the diversion dam across from SSWD's Conveyance Canal intake.

⁵ In this PAD, all elevation data are in United States Department of Commerce (USDOC), National Oceanic and Atmospheric Association (NOAA), National Geodetic Survey Vertical Datum of 1929 (NGVD 29), unless otherwise stated.

⁶ The original license for the Project included a short 60 kV transmission line, however, on April 2, 1991, the transmission line was removed from the Project FERC license and added to PG&E's Camp Far West Transmission Line project (FERC Project No. 10821. See Section 2.2.

⁷ In this PAD, "Project Vicinity" refers to the area surrounding the Project on the order of United States Geological Survey (USGS) 1:24,000 topographic quadrangle.

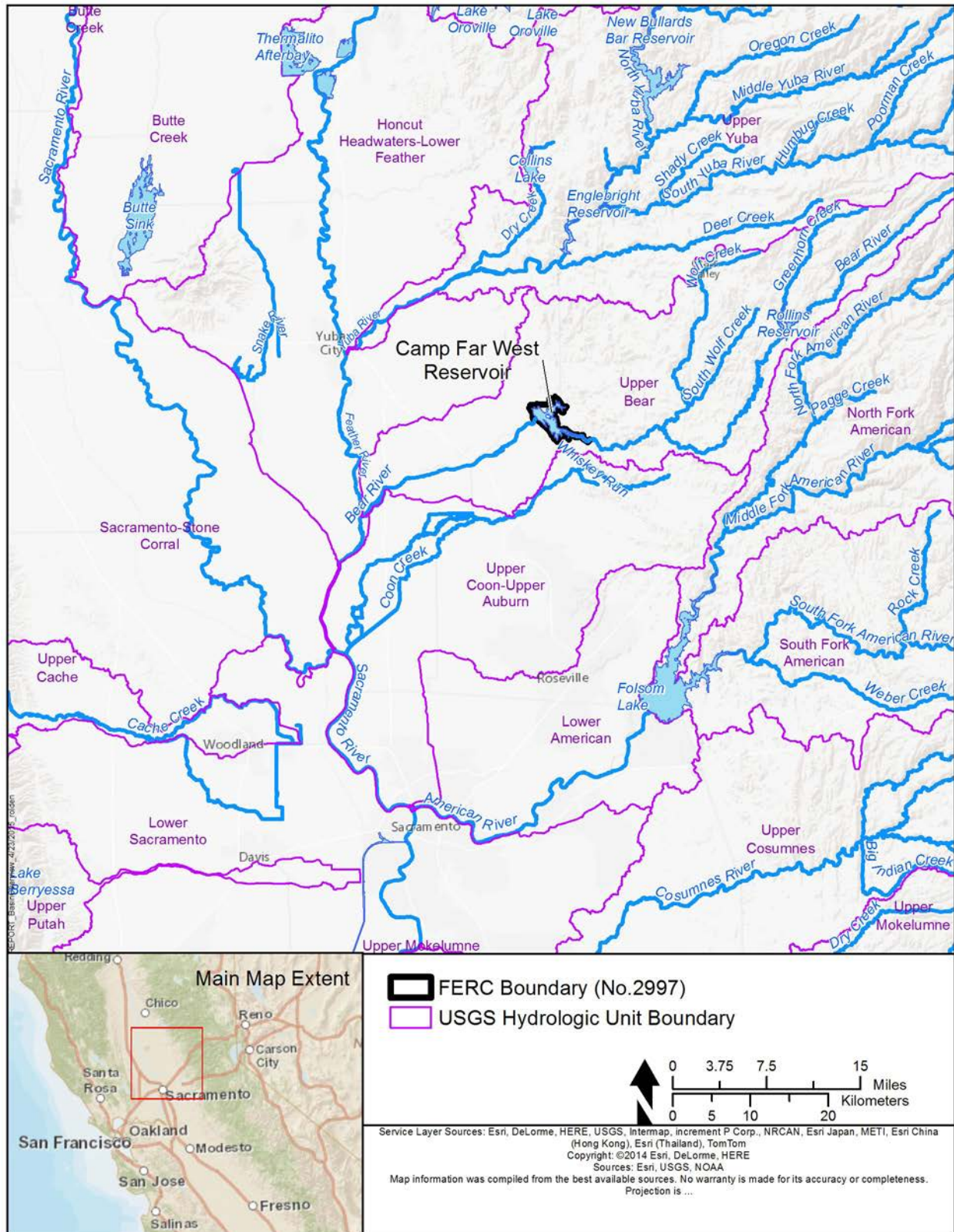


Figure 1.1-2. Bear River watershed in relation to the Feather River and other tributaries to the Sacramento River.

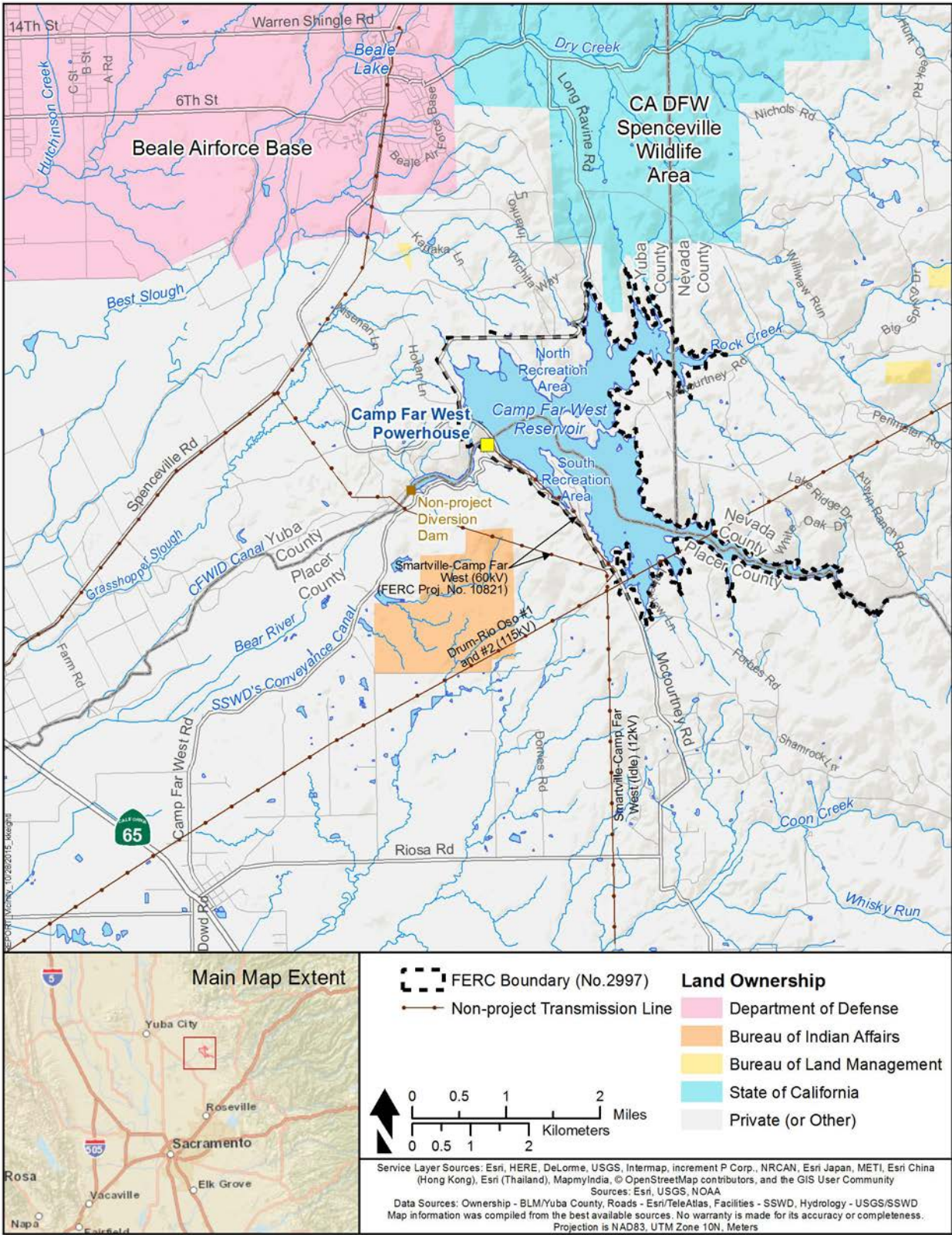


Figure 1.1-3. SSWD's Camp Far West Hydroelectric Project and Project Vicinity.

1.2 Purpose of the Pre-Application Document

This PAD provides to FERC and to federal and State of California agencies, Native American tribes, local governments, non-governmental organizations (NGOs), businesses, members of the public, and others interested in the relicensing⁸ summaries of existing, relevant, and reasonably available information, which is in SSWD’s possession at the time the PAD is filed, related to the existing Project and potentially-affected resources. In addition, the PAD presents SSWD’s proposal for gathering additional information that may be needed to inform the requirements of the new license.

As shown in Appendix A, this PAD satisfies the requirements of a PAD as set forth in 18 C.F.R. Section 5.6(d).

Appendix B of this PAD names the individual authorized to act as SSWD’s agents in the relicensing.

SSWD exercised due diligence in acquiring information included in this PAD. SSWD contacted appropriate governmental agencies, Native American tribes, and others potentially having relevant information; conducted extensive searches of publicly available databases and its own records; and broadly distributed a comprehensive questionnaire designed specifically to identify existing, relevant, and reasonably available information related to the Project. Appendix C lists the parties contacted by SSWD to gather information for this PAD.

1.3 Statutory and Regulatory Requirements

Issuing a new license for the Project is subject to numerous requirements under the Federal Power Act (FPA) and other applicable statutes. The major acts and related requirements and the agencies with jurisdiction are summarized in Table 1.3-1 and described below in chronological order based on date of enactment.

Table 1.3-1. List of major statutory and regulatory requirements that apply to SSWD’s Camp Far West Hydroelectric Project relicensing.

Requirement	Agency with Jurisdiction
Migratory Bird Treaty Act of 1918	USFWS
Federal Power Act of 1920	FERC
Section 4(e)	None
Section 10(a)	National Park Service, NMFS, USFWS, SWRCB and Cal Fish and Wildlife
Section 10(j)	USFWS, NMFS and Cal Fish and Wildlife
Section 18	NMFS and USFWS
Bald and Golden Eagle Protection Act of 1940	USFWS
California Fully Protected Species Act (1957)	Cal Fish and Wildlife
National Historic Preservation Act of 1966	Advisory Council, SHPO, National Park Service and Native American Tribes
Wild and Scenic Rivers Act of 1968	National Park Service
National Environmental Policy Act of 1969	FERC
Clean Water Act of 1970	SWRCB

⁸ In this PAD, these parties are collectively referred to as “Relicensing Participants.”

Table 1.3-1. (continued)

Requirement	Agency with Jurisdiction
Clean Air Act of 1970	EPA and Air Quality Control Boards
California Environmental Quality Act of 1970	SSWD, SWRCB and Cal Fish and Wildlife
Coastal Zone Management Act of 1972	California Coastal Zone Commission
California Wild and Scenic Rivers Act of 1972	California Department of Parks and Recreation (CDPR)
Endangered Species Act of 1973	USFWS and NMFS
Magnuson-Stevens Fishery Conservation and Management Act of 1976	NMFS
California Native Plant Protection Act of 1977	Cal Fish and Wildlife
Pacific Northwest Electric Power Planning and Conservation Act of 1980	Pacific Northwest Power and Conservation Planning Council
Wilderness Act of 1984	National Park Service
California Endangered Species Act of 1984	Cal Fish and Wildlife
Americans with Disabilities Act of 2010, and Accessibility Standards	United States Department of Justice

Key:

USFWS – United States Fish and Wildlife Service
 FERC – Federal Energy Regulatory Commission
 NMFS – National Marine Fisheries Service
 SWRCB – State Water Resources Control Board
 SHPO – State Historic Preservation Office
 EPA – Environmental Protection Agency

1.3.1 Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. §§ 703-712), implemented the 1916 Convention between the United States (U.S.) and Great Britain, on behalf of Canada, for the protection of migratory birds. The MBTA was later amended to address treaties between the U.S. and Mexico, the U.S. and Japan, and the U.S. and the former Soviet Union, now Russia. The Act provides that, unless and except as permitted by regulations made under the act, it is unlawful

...to pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry, or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof...

that is included in terms of one or more of these treaties. (16 U.S.C. § 703)

Executive Order 13186 (66 Federal Register (FR) 3853) defines the responsibilities of federal agencies for the protection of migratory birds. Each federal agency taking actions that have, or are likely to have, measurable negative effect on migratory bird populations are directed to develop and implement, within 2 years, a Memorandum of Understanding with the United States Department of the Interior, Fish and Wildlife Service (USFWS), the lead agency for migratory birds, that shall promote the conservation of migratory bird populations.

1.3.2 Federal Power Act of 1920

1.3.2.1 Section 4(e) Conditions

Section 4(e) of the FPA of 1920, as amended, (16 U.S.C. § 797(e)) provides that any license issued by the Commission for a project within a federal reservation shall be subject to and contain such conditions as the secretary of the responsible federal land management agency deems necessary for the adequate protection and utilization of the reservation.

The existing FERC Project Boundary does not encompass any federal reservations. Therefore, Section 4(e) of the FPA is not germane to the relicensing.

1.3.2.2 Section 10(a) Recommendations

Section 10(a)(1) of the FPA (16 U.S.C. § 806(a)(1)) provides that the project adopted by the Commission:

...shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, for the adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat), and for other beneficial public uses, including irrigation, flood control, water supply, and recreation and other purposes referred to in...

Refer to Section 1.4 for a description of comprehensive plans that apply to the Bear River in the vicinity of the Project.

1.3.2.3 Section 10(j) Recommendations

Under Section 10(j) of the FPA (16 U.S.C. § 803(j)), each hydroelectric license issued by the Commission must include conditions for the protection, mitigation and enhancement (PM&E) of fish and wildlife that are affected by the project and are based on recommendations that federal and state fish and wildlife agencies provide to the Commission, unless the Commission determines that the proposed PM&E recommendations are inconsistent with the purposes and requirements of the FPA or other applicable law. Before rejecting or modifying any such agency recommendation, the Commission must attempt to resolve any such inconsistency with the agency making the recommendation, giving due weight to the recommendations, expertise, and statutory responsibilities of such agency.

1.3.2.4 Section 18 Fishway Prescriptions

Section 18 of the FPA (16 U.S.C. § 811) provides that the Commission shall require the construction, operation and maintenance by a licensee at its own expense of such fishways as may be prescribed by the Secretary of Commerce or the Secretary of Interior.

Pursuant to FERC's regulations at 18 C.F.R. Section 5.22(a)(4), FERC will solicit preliminary FPA Section 18 prescriptions in its notice that SSWD's license application is Ready for Environmental Analysis (REA Notice). After the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) and USFWS have proposed their preliminary FPA Section 18 prescriptions, parties to a relicensing proceeding may request a trial-type hearing on any disputed issues of material fact with respect to such preliminary prescriptions (16 U.S.C. § 811). Requests for trial-type hearing must be filed with the relevant agency within 30 days of the agency's deadline for filing the preliminary condition with FERC (50 C.F.R. § 221.21(a)(2)).

In addition, pursuant to Section 33 of the FPA, which was added by Section 241 of the Energy Policy Act of 2005, or EAct (16 U.S.C. § 823d(b)), parties to a relicensing proceeding may propose alternative Section 18 prescriptions. The Secretary of the relevant agency must accept the alternative in lieu of its own proposal if it determines, based on substantial evidence, that the alternative prescription:

- (A) will be no less protective than the fishway initially prescribed by the Secretary; and
- (B) will either, as compared to the fishway initially prescribed by the Secretary –
 - (i) cost significantly less to implement; or
 - (ii) result in improved operation of the project works for electricity production.

Alternative FPA Section 18 prescriptions must be filed within 30 days of the agency's deadline for filing the preliminary Section 18 prescription with FERC (50 C.F.R. § 221.71(a)(2)).

1.3.3 Bald and Golden Eagle Protection Act of 1940

Section 1 of the Bald and Golden Eagle Protect Act of 1940 (16 U.S.C. § 668), prohibits the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import of any bald or golden eagles, or any part, nest or egg thereof, unless otherwise permitted by the Secretary of the Interior. Section 4 of the Act (16 U.S.C. § 668c) defines "take" to include to "*pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.*" A USFWS regulation (50 C.F.R. § 22.3) defines "disturb" as:

...to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding or sheltering behavior.

1.3.4 California Fully Protected Species Statutes (1957)

In 1957, California adopted statutes providing for the full protection of specified birds, mammals, amphibians and reptiles and fish (California Fish and Game Code [F.G.C.] §§ 3511, 4700, 5050, 5515). These statutes provide that no provision of the F.G.C. or any other provision of law shall be construed to authorize the issuance of permits or licenses to take any member of one of these fully protected species (FP), except that the California Department of Fish and Wildlife (Cal Fish and Wildlife)⁹ may authorize the taking of members of these species “for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species,” and may authorize the live capture and relocation of members of the listed bird species pursuant to a permit for the protection of livestock.

1.3.5 National Historic Preservation Act of 1966

Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. § 470f), requires any federal agency having direct or indirect jurisdiction over a proposed federal or federally assisted undertaking to “*take into account the effects of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in*” the National Register of Historic Places (NRHP) that the Secretary of the Interior is authorized to expand and maintain under Section 101(a)(1)(A) of the NHPA (16 U.S.C. § 470a(a)(1)(A)).

The regulations implementing the NHPA are in 36 C.F.R. Part 800. Section 800.4(a)(1) of 36 C.F.R. requires the federal agency whose proposed undertaking is subject to the NHPA determine and document the “area of potential effects” (APE) and 36 C.F.R. Section 800.16(d) defines this area as “*the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.*” This regulation also provides that the “*area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.*” Section 800.16(y) defines “undertaking” as “*a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.*” In this case, the undertaking is FERC’s issuance of a new license to SSWD for the Project. Potential effects that may be associated with this undertaking include effects associated with the day-to-day operation and maintenance (O&M) of the Project after issuance of a new license.

Historic properties are any prehistoric or historic district, site, building, structure, object, or traditional cultural property (TCP) included in or eligible for inclusion in the NRHP maintained by the Secretary of the Interior (36 C.F.R. § 800.16(1)(1)). In most cases, cultural resources less than 50 years old are not considered eligible for the NRHP; however, a property achieving significance within the past 50 years is eligible if it is of exceptional importance. Cultural

⁹ The California Department of Fish and Wildlife was previously the California Department of Fish and Game. In this PAD, the California Department of Fish and Wildlife is referred to as “*Cal Fish and Wildlife*” except in references that were published before the name change in 2012. In those cases, Cal Fish and Wildlife is referred to as the “*California Department of Fish and Game*” or “*CDFG*.”

resources also must retain their integrities (i.e., the ability to convey their significance) to qualify for listing in the NRHP. For example, dilapidated structures or heavily disturbed archeological sites may not retain enough integrity to relay information relative to the context in which the resource is considered to be important and, therefore, may not be eligible for listing on the NRHP.

As part of the NHPA Section 106 process, federal agencies and their representatives are required to participate in consultation on any findings and determinations regarding an undertaking's effect on historic properties (36 C.F.R. § 800.2(a)(4)). Consulting parties include: 1) the State Historic Preservation Officer (SHPO); 2) Native American tribes; 3) local governments; and 4) individuals and organizations with a demonstrated interest in the project. Section 106 requires that federal agencies seek concurrence from the SHPO on any determinations of NRHP eligibility and findings of effect to historic properties, and notify the Advisory Council on Historic Preservation on any finding of adverse effects. Additionally, federal agencies must make a reasonable and good faith effort to identify Native American tribes and other consulting parties that might attach religious and cultural significance to historic properties that may be affected by the undertaking (36 C.F.R. § 800.3(f)(2)), and gather information to assist in the identification of such properties (36 C.F.R. § 800.4(a)(3),(4)).

In its NOI, SSWD requested that FERC designate SSWD as its non-federal representative for the purposes of informal Section 106 consultation, and identified Native American tribes that may be interested in the relicensing. FERC typically requires, as a license condition, that an applicant for a new license develop and implement a Historic Properties Management Plan (HPMP) that considers and manages effects to historic properties throughout the term of the new license.

1.3.6 Wild and Scenic Rivers Act of 1968

Under the Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. §§ 1271-1287), various rivers and river segments are designated as components of the national wild and scenic rivers system for their “*outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values*” (16 U.S.C. §1271). The purpose of the act is to preserve these rivers in their free-flowing conditions, and to protect them and their immediate environments for the benefit and enjoyment of present and future generations.

There are no designated federal Wild and Scenic Rivers in the Project Vicinity. Therefore, this act is not germane to the relicensing.

1.3.7 National Environmental Policy Act of 1969

The National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-437) (NEPA) requires all federal agencies involved in the permitting of activities affecting the environment, such as the issuance of a new FPA license for the Project, to evaluate the environmental impacts of the proposed action and the significance of these impacts.

Under NEPA, it is the continuing responsibility of the federal government:

...to use all practical means consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may-- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice; (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. (42 U.S.C. §4331(b))

NEPA requires federal action agencies to prepare Environmental Impact Statements (EIS) that describe: 1) the environmental impacts of the proposed action; 2) any adverse environmental effects which cannot be avoided should the proposal be implemented; 3) alternatives to the proposed action; 4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and 5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. (42 U.S.C. § 4332(2)(C)).

The Commission may prepare an Environmental Assessment or an EIS to support issuance of a new license to SSWD. The Environmental Assessment or EIS acts as a disclosure or guidance document in which FERC describes the effects of proposed actions and possible PM&E measures; assesses the environmental effects of relicensing the Project; and concludes that relicensing the Project is: 1) not a major federal action significantly affecting the quality of the human environment; or 2) a major federal action significantly affecting the quality of the human environment.

1.3.8 Federal Water Pollution Control Act of 1970

Waters of the U.S. are those that are regulated under the Federal Water Pollution Control Act of 1970, as amended (33 U.S.C. § 1313),¹⁰ and include waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; their tributaries; and adjacent waters, including wetlands, ponds, lakes, impoundments and similar waters (40 C.F.R. § 230.3). For rivers and streams, including those that are non-vegetated, the limit of jurisdiction is determined by the ordinary high water mark, which is typically delineated in the field by evaluating field indicators. Evaluation of hydrological data also can provide additional information to assist in determination of the ordinary high water mark. Riparian areas that are not located within waters of the U.S. are not regulated under the CWA. Man-made water bodies

¹⁰ For the purpose of this PAD, the Federal Water Pollution Control Act is referred to as the "*Clean Water Act*" or "*CWA*," which is the name commonly used when referring to the Federal Water Pollution Control Act.

may or may not be considered jurisdictional under the CWA. The jurisdictional determination of these features is typically made by considering wetland characteristics and hydrological connections to other waterways or wetlands. The U.S. Army Corps of Engineers (USACE) ultimately makes the final determination of jurisdictional status.

Section 303 of the CWA authorizes states to adopt water quality standards applicable to intrastate waters and to submit them to the U.S. Environmental Protection Agency (EPA) for review and approval. The SWRCB and the State's nine Regional Water Quality Control Boards (RWQCB) adopt such water quality standards through their adoption of water quality control plans, which also are known as "Basin Plans," pursuant to Water Code Sections 13240-13248. The region of the Central Valley RWQCB (CVRWQCB) includes the Project and the Bear River watershed.

CWA Section 303(c)(2)(A) (33 U.S.C. § 1313(c)(2)(A)) provides that water quality standards shall "*consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses.*" In California, water quality control plans contain water quality objectives, which consist of "*limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention and correction of water pollution and nuisance*" and programs of implementation to achieve the objectives (Water Code §§ 13050(h), 13241-13242.) The RWQCBs must consider various factors, including: 1) past, present and probable future beneficial uses of water; 2) environmental characteristics of the HU under consideration, including the quality of water available thereto; 3) water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area; 4) economic considerations; 5) the need for developing housing within the region; and 6) the need to develop and use recycled water (Water Code § 13241).

The SWRCB's management goals are set forth in the *Water Quality Control Plan (Basin Plan) for the Sacramento and San Joaquin Rivers*, the fourth edition of which was initially adopted in 1998 and most recently revised in 2011 (CVRWQCB 1998). This Basin Plan formally specifies designated existing and potential beneficial uses and water quality objectives for the Bear River. The various water quality objectives specified in the Basin Plan are in numeric and narrative form, and some apply to the whole basin while others apply only to specified water bodies.

The Basin Plan includes the Bear River in one HU: 1) HU 515.1, which includes the Bear River and its tributaries from its origin to the Feather River. Table 1.3-2 lists designated existing and potential beneficial uses for this HU.

Table 1.3-2. Designated beneficial uses of surface waters within the Camp Far West Hydroelectric Project Vicinity by HU in the Basin Plan.

Designated Beneficial Use Description from Basin Plan, Section II		Designated Beneficial Use by HU in the Basin Plan, Table II-1	Bear River from Headwaters to Feather River
		Use	HU 515.1
Municipal and Domestic Supply (MUN)	Uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply.	Municipal and Domestic Supply	Existing
Agricultural Supply (AGR)	Uses of water for farming, horticulture, or ranching including, but not limited to, irrigation (including leaching of salts), stock watering, or support of vegetation for range grazing.	Irrigation	Existing
		Stock Watering	Existing
Industrial Process Supply (PRO)	Uses of water for industrial activities that depend primarily on water quality.	Process	--
Industrial Service Supply (IND)	Uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well re-pressurization.	Service Supply	--
		Power	Existing
Water Contact Recreation (REC-1)	Uses of water for recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.	Contact	Existing
		Canoeing and Rafting	Existing
Non-Contact Water Recreation (REC-2)	Uses of water for recreational activities involving proximity to water, but where there is generally no body contact with water, nor any likelihood of ingestion of water. These uses include, but are not limited to, picnicking, sunbathing, hiking, beach-combing, camping, boating, tide-pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.	Other Non-Contact	Existing
Warm Freshwater Habitat (WARM)	Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.	Warm ¹	Existing
Cold Freshwater Habitat (COLD)	Uses of water that support cold water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.	Cold ¹	Existing
Migration of Aquatic Organisms (MGR)	Uses of water that support habitats necessary for migration or other temporary activities by aquatic organisms, such as anadromous fish.	Warm ²	Potential
		Cold ³	Potential
Spawning (SPWN)	Uses of water that support high quality aquatic habitats suitable for reproduction and early development of fish.	Warm ²	Potential
		Cold ³	Potential
Wildlife Habitat (WILD)	Uses of water that support terrestrial or wetland ecosystems including, but not limited to, preservation or enhancement of terrestrial habitats or wetlands, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, or invertebrates), or wildlife water and food sources.	Wildlife Habitat	Existing
Navigation (NAV)	--	--	--

Source: CVRWQCB 1998

¹ Resident does not include anadromous. Any hydrologic unit with both WARM and COLD beneficial use designations is considered COLD water body by the SWRCB for the application of water quality objectives.

² Striped bass, sturgeon, and shad.

³ Salmon and steelhead.

CWA Section 303(d) (33 U.S.C. § 1313(d)) requires that each state identify the waters within the state for which effluent limitations under CWA Section 301(b)(1)(A) and (B) (33 U.S.C. § 1311(b)(1)(A) & (B)) are not stringent enough to implement any water quality standard applicable to such waters. The SWRCB and CVRWQCB work together to research and update this list for Central Valley Region. This list and its associated Total Maximum Daily Load (TMDL) Priority Schedule indicate that, in the Project Area,¹¹ the surface waters listed in Table 1.3-3 have been identified by the SWRCB as impaired under CWA Section 303(d) (SWRCB 2010).¹²

Table 1.3-3. Section 303(d) List of Water Quality Limited Segments for the Camp Far West Hydroelectric Project and downstream of the Project.

Waterbody Segment	Pollutant / Stressor	Potential Sources	SWRCB's Expected TMDL Plan Completion Date
CAMP FAR WEST RESERVOIR			
Camp Far West Reservoir	Mercury	Resource Extraction	2015 ¹
BEAR RIVER			
Downstream of Camp Far West Reservoir	Chlorpyrifos	Agriculture	2010 ²
	Mercury	Resource Extraction	2015 ¹
	Diazinon	Agriculture	2021 ²
	Copper	Unknown	2021

¹ Mercury TMDLs are being addressed through statewide initiatives.

² The diazinon and chlorpyrifos TMDLs are being addressed through an amendment to the Basin Plan.

A TMDL may apply to a single water body and pollutant, or a combination of multiple water bodies and pollutant listings. There are currently no approved TMDL plans specific to the Bear River. However, there are two initiatives that apply to the Project Area. On March 28, 2014, the CVRWQCB adopted Resolution R5-2014-0041, adopting the *Amendment to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for The Control of Diazinon and Chlorpyrifos Discharges*, and approving the supporting Substitute Environmental Documentation and Staff Report.¹³ Before becoming fully effective, this amendment must be approved by the SWRCB's Office of Administrative Law and the EPA. Further, in 2007, the SWRCB initiated a process to develop a statewide water quality control program for mercury¹⁴ that consists of a mercury water quality objectives based on fish tissue concentrations and a Statewide Reservoir Mercury Control Program and TMDL. These initiatives apply to Camp Far West Reservoir¹⁵ and downstream. The SWRCB has completed the scoping phase of the California Environmental Quality Act (CEQA), and is currently gathering more information.

CWA Section 401 (33 U.S.C. § 1341) requires that an applicant for a federal license or permit seek certifications from the appropriate State agency that the Project will comply with several

¹¹ In this PAD, "Project Area" refers to the area within and immediately adjacent to the existing FERC Project Boundary, and the Bear River downstream of the Project.

¹² The proposed 2012 update of the CWA Section 303(d) List is limited to waterbodies of the North Coast, Lahontan, and Colorado River regions and is not expected to modify the 303(d) List in the Project Area. http://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/303d/pdf/150115/SB_Notice.pdf

¹³ http://www.waterboards.ca.gov/rwqcb5/water_issues/tmdl/central_valley_projects/central_valley_pesticides/

¹⁴ http://www.swrcb.ca.gov/water_issues/programs/mercury/

¹⁵ http://www.waterboards.ca.gov/water_issues/programs/mercury/reservoirs/

listed sections of the CWA, including CWA Section 303. CWA Section 401(d) (33 U.S.C. § 1341(d)) provides that any such certification

...shall set forth any effluent limitations and other limitations and monitoring requirements necessary to assure that any applicant for a Federal license or permit will comply with any applicable effluent limitations and other limitations under [33 U.S.C. § 1311 or 1312] standard of performance under [33 U.S.C. § 1316] or prohibition, effluent standard, or pretreatment standard under [33 U.S.C. § 1317], and with any other appropriate requirement of State law set forth in such certification, and shall become a condition on any Federal license or permit subject to the provisions of this section.

The SWRCB issues CWA Section 401 certifications for hydroelectric power projects in California.

A CWA Section 401 water quality certificate was not issued for the current FERC license for the existing Project because FERC issued the Project license before enactment of the CWA.

SSWD intends to file with the SWRCB a request for a CWA Section 401 Water Quality Certificate within 60 days of the date that FERC issues its notice accepting SSWD's application and its REA Notice.

1.3.9 Clean Air Act of 1970

The Clean Air Act (42 U.S.C. §§ 7401-7671q) and the Conformity Rules require federal agencies to conform to *State Implementation Plans* (SIP). The EPA has established requirements and procedures to ensure that federally sponsored or approved actions will comply with the National Ambient Air Quality Standards (NAAQS), and conform to the appropriate SIPs. The conformity rules apply to designated non-attainment or maintenance areas for criteria pollutants regulated under NAAQS. The SIPs are the approved state air quality regulations that provide policies, requirements, and goals for the implementation, maintenance, and enforcement of the NAAQS. SIPs include emission limitations and control measures to attain and maintain the NAAQS. The EPA has developed two conformity regulations: one for transportation projects and one for non-transportation projects. Non-transportation projects are governed by the "general conformity" regulations (40 C.F.R. Parts 6, 51 and 93) described in the final rule for *Determining Conformity of General Federal Actions to State or Federal Implementation Plans*.

Because the Project is a non-transportation project, the general conformity rule applies.

1.3.10 California Environmental Quality Act of 1970

The California Environmental Quality Act (Pub. Res. Code §§21000-21189.3) requires state and local agencies to follow specified procedures to identify any significant environmental impacts of their proposed actions and to avoid or mitigate those impacts whenever feasible. CEQA

applies to all discretionary activities proposed to be undertaken or approved by California state agencies, such as the SWRCB and Cal Fish and Wildlife, or local government agencies, such as SSWD.

Under CEQA, an environmental impact report (EIR) must be prepared for any project that may have a significant effect on the environment. A Negative Declaration (NegDec) or Mitigated NegDec may be prepared for any project that will not have a significant effect on the environment. (Pub. Res. Code §21100, subd. (a).) An EIR is the public document that analyzes and describes the significant environmental effects of a proposed project, identifies and describes alternatives, and describes potential measures to reduce or avoid potential environmental impacts. A CEQA guideline states that when federal review of a project under NEPA also is required, state agencies should cooperate with federal agencies to the fullest extent possible to reduce duplication between CEQA and NEPA. (Cal. Code Regs., tit. 14, § 15226.)

One CEQA requirement for which there is no corresponding NEPA requirement is the need for CEQA lead agencies to adopt a program for monitoring or reporting on mitigation measures that were adopted for the project (Cal. Code Regs., tit. 14, § 15097). The monitoring or reporting program must ensure compliance with mitigation measures during project implementation. The program may also provide information on the effectiveness of mitigation measures. Although discussion of the mitigation reporting or monitoring program can be deferred until the final EIR or, in some cases, after project approval, it is often included in the draft EIR, so that the public may review it and comment on it.

Another analysis required for EIR under CEQA that is not required by NEPA is a description of any growth-inducing effects that the proposed project may cause. (Cal. Code Regs., tit. 14, § 15126.2(d)).

As a local governmental agency, SSWD will be the lead agency for the CEQA process for Project relicensing, and expects that the SWRCB will be a CEQA responsible agency. SSWD expects Cal Fish and Wildlife will be involved in the CEQA process because it is both a trustee agency for the State of California's fish and wildlife resources and a responsible agency for administering the California Endangered Species Act (CESA) and other provisions of the F.G.C. that afford protection to the state's fish and wildlife public resources (CEQA Guidelines § 21070 and 21069).

SSWD expects to initiate the CEQA process, which will include agency consultation and public review, after FERC issues its REA Notice.

1.3.11 Coastal Zone Management Act of 1972

Under Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended, (CZMA), (16 U.S.C. § 1456(c)(3)(A)), the Commission may not issue a license for a project within or affecting a state's coastal zone unless the state's CZMA agency concurs with the license applicant's certification of consistency with the state's CZMA program, or the agency's

concurrence is conclusively presumed by its failure to act within 180 days of its receipt of the applicant's certification.

The Project is not located within the coastal zone boundary, an area which extends from a few city blocks to 5 mi inland from the Pacific Ocean and its inland saltwater bays (www.ceres.ca.gov/coastal.com), and will not affect any resources located within the boundary of the coastal zone. Therefore, the act is not germane to the relicensing.

1.3.12 California Wild and Scenic Rivers Act of 1972

The California Wild and Scenic Rivers Act (WSRA) (Pub. Res. Code §§ 5093.50-5093.70) was enacted in 1972 to preserve in their free-flowing states designated rivers possessing extraordinary scenic, recreation, fishery, or wildlife values. (See Pub. Res. Code § 5093.50). The WSRA prohibits the construction of dams, reservoirs, diversions and other water impoundment facilities, other than permitted temporary flood storage facilities, on any designated river and segment unless the Secretary of the California Resources Agency (Resources Agency) determines that the facility is needed to supply domestic water to local residents and that the facility will not adversely affect the free-flowing condition and natural character of the river and segment. (Pub. Res. Code § 5093.55). The WSRA requires the Resources Agency to coordinate the activities of state agencies whose activities affect designated rivers with the activities of other state, local and federal agencies with jurisdiction over matters that may affect the rivers, and it requires state and local agencies and departments to exercise their powers in manners that are consistent with the WSRA and its policy. (Pub. Res. Code §§ 5093.60, 5093.61). Initially, the WSRA required the implementation of a management plan for each river or river segment designated as wild and scenic, but the amendments of 1982 eliminated this requirement (see former Pub. Res. Code § 5093.59). State designated rivers may be added to the federal system upon the request of the Governor of California and the approval of the Secretary of the Interior. (See 16 U.S.C. § 1275(c).)

The Project Vicinity does not include any sections of river designated or proposed for designation under the WSRA. Therefore, the act is not germane to the relicensing.

1.3.13 Endangered Species Act of 1973

The Endangered Species Act (ESA) of 1973, as amended, (16 U.S.C. § 1531 - 1544) was enacted to conserve endangered (FE) and threatened (FT) species and the ecosystems upon which they depend (see 16 U.S.C. § 1531(b) & (c)(1)). The ESA defines an "endangered" species as "*any species which is in danger of extinction throughout all or a significant portion of its range...*" and a "threatened" species as, "*any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.*" (16 U.S.C. § 1532(6) & (20)). A species may be listed under the ESA as an endangered species or as a threatened species (16 U.S.C. § 1533). The ESA is administered by the Secretary of the Interior through

USFWS for most species, and by the Secretary of Commerce through NMFS for marine and anadromous species (see 16 U.S.C. § 1532(15)).¹⁶

Section 7 of the ESA (16 U.S.C. § 1536) requires federal agencies to consult with the USFWS or NMFS to ensure that any action that they authorize, fund, or carry out is not likely to jeopardize the continued existence of any threatened or endangered species, or result in the destruction or adverse modification of critical habitat¹⁷ for these listed species. A proposed action may jeopardize the continued existence of a listed species if it would “*reduce appreciably the likelihood of both the survival and recovery of a listed species...*” (50 C.F.R. § 402.02). If the lead agency determines the proposed action will have no effect on ESA-listed species, the lead agency is not required to consult with USFWS or NMFS.

An ESA Section 7 consultation begins with requests to the USFWS and NMFS for inventories of the threatened and endangered species that may be affected by the proposed Project. For hydroelectric power project relicensings, FERC then prepares a Biological Assessment (BA) that discusses whether or not any listed species or critical habitat is likely to be adversely affected by the federal action, and therefore requires formal consultation. At the end of the consultation process, the USFWS or NMFS may issue a Biological Opinion that specifies whether the proposed action will jeopardize the continued existence of any threatened or endangered species, or result in the destruction or adverse modification of any designated critical habitat (16 U.S.C. § 1536(b)). If jeopardy or adverse modification is found, then the USFWS or NMFS must suggest a reasonable and prudent alternative, or alternatives, to the proposed action that the USFWS or NMFS believes would not cause such jeopardy or adverse modification and which can be taken by the Federal agency or applicant in implementing the proposed project (16 U.S.C. § 1536(b)(3)(A)). A non-jeopardy opinion may be accompanied by an incidental take statement that specifies potential impacts of the taking of individuals of a listed species or their habitat, mitigation measures, and terms and conditions for implementation of reasonable and prudent mitigation measures (16 U.S.C. § 1536(b)(4)).

As described in Section 3.2.5 of this PAD, SSWD has identified 10 species - 3 endangered species and 7 threatened species – that could potentially be affected by continued Project O&M and associated recreation. These species include 1 plant, 4 invertebrates, 1 amphibian, 1 reptile, 2 fishes, and 1 bird. No candidate or proposed for listing species are potentially affected.

¹⁶ Under NOAA’s Proactive Conservation Program, NMFS maintains a list of Species of Concern (NMFS-S), which includes species NMFS has concluded there is some concern regarding status and threats, but there is insufficient information to indicate a need to list the species under the ESA. NMFS’ intent is to draw proactive attention and conservation action to these species. Similarly, USFWS maintains a list of Species of Concern (USFWS-S), which is an informal term denoting a species that USFWS believes are declining or appears to be in need of conservation. The Sacramento USFWS does not maintain a Species of Concern list. USFWS also maintains a list of Birds of Conservation (BOC) that includes migratory and non-migratory birds that USFWS believes without additional conservation action are likely to become candidates for listing under ESA. Neither the NMFS-S, the USFWS-S nor the BOC status provides for the species any procedural or protection under the ESA or any other state or federal laws or regulations.

¹⁷ Critical habitat is defined in Section 3(5)(A) of the ESA (16 U.S.C. § 1532(5)(A)) as the specific areas within the geographical area occupied by the species where there are physical or biological features that are essential to the conservation of the species or that may require special management considerations or protection (16 U.S.C. § 1532(5)(A)(i)). Specific areas outside of the geographical area occupied by the species may also be included in designations of critical habitat, if such areas are determined to be essential for the conservation of the species. (16 U.S.C. § 1532(5)(A)(ii)).

In its NOI, SSWD requested that FERC designate SSWD as FERC's non-federal representative for purposes of informal consultation under Section 7 of the ESA.¹⁸

1.3.14 Magnuson-Stevens Fishery Conservation and Management Act of 1976

One of the purposes of the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. §§ 1801-1891d) (MSA) is to conserve and manage anadromous fishery resources of the U.S. (16 U.S.C. § 1801(b)(1)). The MSA establishes eight Regional Fisheries Management Councils and authorizes them to prepare, monitor and revise fishery management plans in ways that will achieve and maintain the optimum yield from each fishery (16 U.S.C. §1852). The Pacific Fisheries Management Council is responsible for implementing the MSA in California (16 U.S.C. § 1852(a)(1)(F)). The Secretary of Commerce has oversight authority (See 16 U.S.C. § 1854).

The MSA was amended in 1996 to establish a new requirement to describe and identify "Essential Fish Habitat" (EFH) in each fishery management plan (16 U.S.C. § 1855(b)). EFH is defined in the MSA regulations as... "*those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.*" (50 C.F.R. § 600.10). For Pacific salmon, EFH "*includes all those water bodies occupied or historically accessible*" in specified hydrologic units (50 C.F.R. § 600.412). For the purpose of EFH, NMFS uses fourth field hydrologic unit codes developed by the United States Geological Survey (USGS) as defined in the USGS publication *Hydrologic Unit Maps, Water Supply Paper 2294, 1987*.¹⁹

The MSA requires that all federal agencies consult with NMFS on all actions and proposed actions, that are or will be permitted, funded, or undertaken by the agency (the lead agency), and that may adversely affect any EFH (16 U.S.C. § 1855(b)(2)). Comments from NMFS following consultation are advisory only; however, the lead agency must provide a written explanation to NMFS if the lead agency does not agree with NMFS' recommendations regarding EFH (see 16 U.S.C. § 1855(b)(4)(B)).

Within the Project affected basin, the Pacific Fisheries Management Council has designated freshwater EFH for Pacific salmon (50 C.F.R. § 660.412). The designation does not identify specific Chinook salmon races (e.g., spring-run or fall-run) but instead is for "Pacific salmon." As discussed above, Pacific salmon EFH "*includes all water bodies occupied or historically accessible*" in designated hydrologic units (50 C.F.R. § 660.412), and the Upper Bear River hydrologic unit (USGS Hydrologic unit code [HUC] 18020126)²⁰ is one of these designated

¹⁸ An applicant that FERC has designated its non-federal representative must include an Applicant-Prepared Draft Biological Assessment (BA) in its FLA, if appropriate, according to 18 C.F.R. Section 5.18(b)(3)(ii). The format of the document is not specified.

¹⁹ The geographic extent of HUs range is from the first field, which is the largest geographic extent, to the sixth field, which is the smallest geographic extent. Fourth field Hydraulic Unit Codes divide the landscape into distinct geographic areas that are identified by eight numbers unique to that hydrologic unit.

²⁰ Historically, the HUC8 basin data set from USGS called the basin from the Feather River to the Camp Far West Dam on the Bear River, the "Lower Bear" (HUC #18020108) and the basin upstream of Camp Far West Dam the "Upper Bear" (HUC #18020126). The new and current USGS Watershed Boundary Dataset combines the two basins and calls it the "Upper Bear" (HUC #18020126), eliminating the "Lower Bear" designation. However, this does not affect the EFH area.

hydrologic units (50 C.F.R., pt. 660, subpt. H, table 1.) Although in some cases, EFH can extend beyond impassable dams, within HUC 18029126 on the Bear River, the upstream extent of Pacific salmon EFH is the Camp Far West Dam (PFMC 2014).

In its NOI, SSWD requested that FERC designate SSWD as FERC's non-federal representative for purposes of MSA consultation.²¹

1.3.15 California Native Plant Protection Act of 1977

The California Native Plant Protection Act (F.G.C. §§ 1900 - 1913) was enacted in 1977 and authorizes the California Fish and Game Commission²² to designate native plants within the State as rare or endangered (F.G.C. § 1904). Currently, 64 species, including some with the potential to occur on the Project, are listed under the California Native Plant Protection Act. Take of these plant species is prohibited, with the exception of certain exempted activities, including some agriculture and nursery operations, emergencies and proper notification of Cal Fish and Wildlife for vegetation removal from canals, roads, etc., and changes in land use.

1.3.16 Pacific Northwest Electric Power Planning and Conservation Act of 1980

The provisions of the Pacific Northwest Electric Power Planning and Conservation Act of 1980, as amended (16 U.S.C. §§ 839 - 839h) do not apply to the Project because the Project is not located within the Pacific Northwest Electric Power Planning and Conservation Area (i.e., the Columbia River Basin). Therefore, the act is not germane to the relicensing.

1.3.17 Wilderness Act of 1984

The Project Vicinity does not include any areas that have been included in or are proposed for inclusion in the National Wilderness Preservation System under Wilderness Act of 1984, as amended (16 U.S.C. §§ 1131 - 1136). Therefore, the act is not germane to the relicensing.

²¹ An applicant that FERC has designated its non-federal representative may include an Applicant-Prepared Draft EFH Assessment in its FLA, according to 18 C.F.R. Section 5.18(b)(3)(ii). The Applicant-Prepared Draft EFH Assessment should contain the information outlined in 50 C.F.R. Section 600.920(e).

²² There is often confusion about the distinction between Cal Fish and Wildlife and the Fish and Game Commission. Cal Fish and Wildlife is charged with implementing and enforcing the regulations set by the Fish and Game Commission, as well as providing biological data and expertise to inform the Commission's decision making process. <http://www.fgc.ca.gov/public/information/>

1.3.18 California Endangered Species Act of 1984

Under the CESA (F.G.C. §§ 2050 – 2069), the California Fish and Game Commission may, after following specified procedures, list native bird, mammal, fish, amphibian, reptile or plant species as endangered species or threatened species (F.G.C. §§ 2062, 2067, 2070 - 2079).²³

CESA prohibits any person from importing, exporting, taking, possessing, purchasing or selling within California any species or product thereof that is listed as an endangered (SE) species or a threatened (ST) species under CESA. (F.G.C. § 2080) However, Cal Fish and Wildlife may issue permits for the incidental take of CESA-listed species if the impacts of the authorized take are minimized and fully mitigated and other applicable statutory requirements are satisfied (F.G.C. § 2081(b)). But no such permit may be issued if its issuance would jeopardize the continued existence of the species (F.G.C. § 2081(c)).

If a species is listed as an endangered species or threatened species under the ESA, and if the USFWS or NMFS has authorized incidental take of the species under ESA Section 7 (16 U.S.C. § 1536) or ESA Section 10 (16 U.S.C. § 1539), then such incidental take also is authorized by CESA if Cal Fish and Wildlife follows the statutory procedures and issues a determination that such incidental take is consistent with CESA (F.G.C. § 2080.1).

1.3.19 Americans with Disabilities Act of 2010

Public recreation facilities must comply with the Americans with Disabilities Act of 2010 as amended (ADA) (42 U.S.C. §§ 12101 - 12213) on private land. FERC, however, has no statutory role in implementing or enforcing the ADA as it applies to its licenses. A licensee's obligation to comply with the ADA exists independent of its FERC Project license.

1.4 Comprehensive Plans

1.4.1 Qualifying Plans

Section 10(a)(2)(A) of the FPA requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving waterways affected by the Project.

On April 27, 1988, FERC issued Order No. 481-A revising Order No. 481, issued October 26, 1987, establishing that FERC will give FPA Section 10(a)(2)(A) comprehensive plan status to any federal or State plan that meet the following three criteria:

²³ Cal Fish and Wildlife, pursuant to its goal of maintaining viable populations of all native species, also designates "*species of special concern*" (CSC) when in Cal Fish and Wildlife's opinion, declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The State's species of concern designation is an administrative term and has no legal status and offers no special protection to the species.

- It is a comprehensive study of one or more of the beneficial uses of a waterway or waterways.
- It specifies the standards, the data, and the methodology used to develop the plan.
- It is filed with FERC.

A review of FERC's December 2014 *Revised List of Comprehensive Plans* (<http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>) shows that the Commission has listed under Section 10(a), 81 comprehensive plans for the State of California. SSWD reviewed the list and concluded that 24 of the plans may pertain to the relicensing. Each of these plans is discussed below in the order in which they appear, as well as the title used, in FERC's *Revised List of Comprehensive Plans*.

1.4.1.1 California Advisory Committee on Salmon and Steelhead Trout. 1988. Restoring the balance: 1988 annual report. Sausalito, California. 84 pp.

The California Advisory Committee on Salmon and Steelhead Trout was established by California legislation in 1983 to develop a strategy for the conservation and restoration of salmon and steelhead resources in California. To streamline its process, the committee divided California's steelhead and salmon resources into 11 groups. The report focuses mostly on the Central Valley. The committee recommended, among other things, that California should seek to double its steelhead and salmon populations, and recommended strategies to do so. Many of the recommendations were advanced and discussed in subsequent related publications.

1.4.1.2 California Department of Fish and Game. 2007. California Wildlife: Conservation challenges, California's wildlife action plan. Sacramento, California. 2007.

The California Wildlife Action Plan was developed in response to the State Wildlife Grants Program enacted by the U.S. Congress in 2000. Together, Cal Fish and Wildlife and the Wildlife Health Center, University of California, Davis, directed the development of the State's Wildlife Action Plan, *California Wildlife: Conservation Challenges*. Using practical management jurisdictions from state and federal wildlife and land-management agencies that are based roughly on distribution of biological resources, the report divides California into nine regions: Mojave Desert, Colorado Desert, South Coast, Central Coast, North Coast-Klamath, Modoc Plateau, Sierra Nevada and Cascades, Central Valley and Bay-Delta, and Marine. The Project is located in the Sierra Nevada region. Within each region, species at risk, threats, and conservation actions are identified.

1.4.1.3 California Department of Fish and Game. U.S. Fish and Wildlife Service. National Marine Fisheries Service. Bureau of Reclamation. 1988. Cooperative agreement to implement actions to benefit winter-run Chinook salmon in the Sacramento River Basin. Sacramento, California. May 20, 1988. 10 pp.

This cooperative agreement was made by the U.S. Department of the Interior, Bureau of Reclamation (Reclamation), USFWS, NMFS and Cal Fish and Wildlife. The purpose of the agreement was to implement actions that would improve the status of winter-run Chinook salmon in the Sacramento River basins.

The agreement identified eight measures that would be followed by the identified parties. The measures generally included: a revised gate operation schedule for Red Bluff Diversion Dam, implementing a thermal control at Shasta Reservoir, correcting pollution from Spring Creek, restoring habitat in the Redding, CA area, correcting salmon-related problems at the Anderson-Cottonwood Irrigation District Diversion Dam, restricting in-river harvest of winter-run salmon, developing a winter-run propagation program at Coleman Hatchery, modifying the Keswick fish trap to prevent mortality of winter-run Chinook, expanding studies on winter-run Chinook, and developing fish passage alternatives to raising the Red Bluff Diversion Dam gates. The management plan also identified other ongoing measures that each participating party was undertaking to benefit winter-run salmon.

1.4.1.4 California Department of Fish and Game. 1990. Central Valley salmon and steelhead restoration and enhancement plan. Sacramento, California. April 1990. 115 pp.

This plan was released by Cal Fish and Wildlife in April 1990. This plan is intended to outline Cal Fish and Wildlife's restoration and enhancement goals for salmon and steelhead resources of the Sacramento and San Joaquin river systems and to provide direction for various Cal Fish and Wildlife programs and activities. This plan is also intended to provide the understanding and persuasive arguments for the restoration and enhancement of the State's salmon and steelhead resources.

1.4.1.5 California Department of Fish and Game. 1993. Restoring Central Valley streams: A plan for action. Sacramento, California. November 1993. 129 pp.

This plan was released by Cal Fish and Wildlife in November 1993. The goals of the plan, all targeted toward anadromous fish, are to restore and protect California's aquatic ecosystems that support fish and wildlife, to protect threatened and endangered species, and to incorporate the State legislature mandate and policy to double populations of anadromous fish in California. The plan encompasses only Central Valley waters accessible to anadromous fish, excluding the Sacramento-San Joaquin Delta.

With regards to the Bear River, the plan states:

The Bear River once supported substantial runs of salmon and steelhead, but due to inadequate flow releases at the South Sutter Irrigation District diversion dam, there are presently no self-sustaining runs of salmon or steelhead. Occasionally, when heavy fall rains and sufficient spillage occur at the South Sutter Irrigation District, hundreds of fall-run chinook salmon and steelhead may ascend and spawn in the Bear River.

The Bear River could support sustainable populations of chinook salmon and steelhead if adequate flows were provided.²⁴

1.4.1.6 California Department of Fish and Game. 1996. Steelhead restoration and management plan for California. February 1996. 234 pp.

This plan was released by Cal Fish and Wildlife in February 1996. This plan focuses on restoration of native and naturally produced (wild) stocks because these stocks have the greatest value for maintaining genetic and biological diversity. Goals for steelhead restoration and management are: 1) increase natural production, as mandated by *The Salmon, Steelhead Trout, and Anadromous Fisheries Program Act of 1988*, so that steelhead populations are self-sustaining and maintained in good condition; and 2) enhance angling opportunities and non-consumptive uses.

1.4.1.7 California Department of Fish and Wildlife. 2003. Strategic plan for trout management; A plan for 2004 and beyond. Sacramento, California. November 2003.

This plan was released by Cal Fish and Wildlife in 2004. The plan focuses on identifying key issues and concerns related to trout resources in California. The scope of the plan included all resident forms of salmonids. The plan calls for an ecosystem-wide approach to trout management that recognizes how trout interact with other aquatic organisms. The plan outlines two major themes: 1) habitat and native species protection and management; and 2) recreational angling. The plan provides broad, wide ranging, statewide direction for Cal Fish and Wildlife's trout programs, but is intended to be a tool to be used for the development of specific watershed implementation plans.

²⁴ Cal Fish and Wildlife provided in the document no evidence or reference to support any of the statements in these two paragraphs.

1.4.1.8 California Department of Fish and Wildlife. 2008. California aquatic invasive species management plan. Sacramento, California. January 18, 2008.

This California Aquatic Invasive Species Management Plan was released by Cal Fish and Wildlife in January 2008. Recreational equipment and activities have been identified as vectors for distributing some aquatic invasive species (AIS) and this plan proposes management actions for addressing AIS threats to the State of California. It focuses on the non-native algae, crabs, clams, fish, plants and other species that continue to invade California's creeks, wetlands, rivers, bays and coastal waters. The main purpose of the plan is to coordinate State programs, create a statewide decision-making structure and provide a shared baseline of data and agreed-upon actions so that state agencies may work together more efficiently. In addition, the plan provides the State's first comprehensive, coordinated effort to prevent new invasions, minimize impacts from established AIS and establish priorities for action statewide. Finally, the plan supports the State's first rapid response process for high-risk invaders.

1.4.1.9 California Department of Parks and Recreation. 1998. Public Opinions and Attitudes on Outdoor Recreation in California. Sacramento, California. March 1998.

California Department of Parks and Recreation's (CDPR) Public Opinions and Attitudes in Outdoor Recreation survey (POAOR), the most recent version of which is from 2012, provides information used in the development of the CDPR's Statewide California Outdoor Recreation Plan (SCORP). The POAOR identifies: 1) California's attitudes, opinions, and values with respect to outdoor recreation; and 2) demand for, and participation in, 42 selected outdoor recreation activities.

1.4.1.10 California Department of Parks and Recreation. 1980. Recreation outlook in Planning District 3. Sacramento, California. June 1980. 82 pp.

CDPR advised SSWD that the document is out-of-date and irrelevant due to the SCORP documents that are revised every 4 years. CDPR stated that the SCORP documents are the primary recreation planning documents.

1.4.1.11 California Department of Parks and Recreation. 1994. Statewide California Outdoor Recreation Plan. Sacramento, California. April 1994.

The objectives of CDPR's SCORP, the most recent version of which is dated 2015, are to determine outdoor recreation issues (problems and opportunities) most critical in California, and to explore the most appropriate actions that State of California and local agencies, which manage State and local parks, could take to address those issues. The 2015 SCORP summarizes key findings, introduces new Geographic Information System (GIS) tools to assess local park needs, and establishes priorities for statewide actions. The SCORP establishes the following actions to address California's park and recreation needs:

- Inform decision-makers and communities of the importance of parks
- Improve the use, safety, and condition of existing parks
- Use GIS mapping technology to identify park deficient communities and neighborhoods
- Increase park access for Californians including residents in underserved communities
- Share and distribute success stories to advance park and recreation services

1.4.1.12 California Department of Water Resources. 1983. The California water plan: Projected use and available water supplies to 2010. Bulletin 160–83. Sacramento, California. December 1983. 268 pp.

The California Department of Water resources (DWR) first published the California Water Plan in 1957. The plan focused on the quantity and quality of water available to meet the State of California’s water needs, and management actions that could be implemented to improve the State’s water supply reliability. Since then, DWR has updated the plan numerous times including in 1983 (the reference used in FERC’s July 2010 List of Comprehensive Plans for the California Water Plan) and 1994 (the reference used in FERC’s July 2010 List of Comprehensive Plans for the California Water Plan Update). The most recent update to the Water Plan was in December 2005.

1.4.1.13 California Department of Water Resources. 1994. California water plan update. Bulletin 160–93. Sacramento, California. October 1994. Two volumes and Executive Summary.

This document is an update to the California Water Plan discussed above.

1.4.1.14 California Department of Water Resources. 2000. Final programmatic environmental impact statement/environmental impact report for the CALFED Bay-Delta Program. Sacramento, California. July 2000. CD ROM, including associated plans.

The California Water Policy Council and the Federal Ecosystem Directorate united in June 1994 to form CALFED. In June 1995, CALFED established its Bay-Delta Program (Program) to develop a long-term, comprehensive solution to environmental issues in the Sacramento-San Joaquin Delta and San Francisco Bay. The Program is a cooperative, interagency effort involving 15 state and federal agencies with management and regulatory responsibilities in the San Francisco Bay-San Joaquin Delta Estuary (Bay-Delta).

The Program was divided into three phases. In Phase I, completed in September 1996, the Program identified the problems confronting the Bay-Delta, developed a mission statement, and developed guiding principles. Following scoping, public comment, and agency review, the Program identified three preliminary alternatives to be further analyzed in Phase II. The three Phase II preliminary alternatives each included Program elements for levee system integrity, water quality improvements, ecosystem restoration, water use efficiency, and three differing approaches to conveying water through the Bay-Delta.

In Phase II, completed in July 2000, the Program refined the preliminary alternatives, conducted a comprehensive programmatic environmental review, and developed implementation strategies. The Program added greater detail to each of the Program elements and crafted frameworks for two Program elements: water transfers and watershed management. The Phase II report contains a general summary of the Program plans. More fundamentally, the report also describes the Program process, the fundamental Program concepts that have guided their development, and analyses that have contributed to Program development. Further, this report describes how this large, complex Program may be implemented, funded, and governed in the future. The following plans outline Program actions:

- Ecosystem Restoration Program (ERP) Plan (Volumes 1, 2, and 3)
- Water Quality Program Plan
- Water Use Efficiency Program Plan
- Water Transfer Program Plan
- Levee System Integrity Program Plan
- Watershed Program Plan

The goals of the Water Quality and Watershed programs under CALFED include improving overall water quality by reducing the loadings of many constituents of concern that enter Bay-Delta tributaries from point and non-point sources. Targeted constituents include heavy metals (such as mercury), pesticide residues, salts, selenium, pathogens, suspended sediments, adverse temperatures, and disinfection byproduct precursors such as bromide and total organic carbon (TOC). The remaining Program plans include the:

- Implementation Plan
- Multi-species Conservation Strategy (MSCS)
- Comprehensive Monitoring, Assessment, and Research Program

In Phase III, completed in July 2000, the final programmatic EIS/EIR described the broad environmental consequences of proposed actions and enabled decisions to be made regarding Program direction and content. Information from the final programmatic EIS/EIR will be incorporated by reference into subsequent tiered environmental documents for specific projects in accordance with NEPA and CEQA guidelines.

1.4.1.15 California State Water Resources Control Board. 1995. Water quality control plan report. Sacramento, California. Nine volumes.

This reference is to the water quality control plans adopted by the SWRCB pursuant to the CWA. The nine plans, which apply to different areas of California, formally designate existing and potential beneficial uses and water quality objectives. The water quality control plan that is applicable to the Project Area is the CVRWQCB's Water Quality Control Plan for the Sacramento River and San Joaquin river basins, which is referred to as the Basin Plan in this document. The SWRCB has updated the water quality control plans a number of times since

1995. The most recent version of the Sacramento River and San Joaquin River Basin Plan is 2011. Refer to Section 1.3.8 of this PAD for a discussion of the Basin Plan.

1.4.1.16 The Resources Agency. 1983. Department of Parks and Recreation. Recreation needs in California. Sacramento, California. March 1983. 39 pp and appendices.

In response to the Roberti-Z'berg Urban Open Space and Recreation Program Act of 1976, the C DPR conducted a statewide recreational needs assessment. The report consisted of two major elements: 1) the Recreation Patterns Study that surveyed current participation and projected recreation demand; and 2) the Urban Recreation Case Studies that examined the leisure behavior and needs of seven underserved populations. The purpose of the needs analysis was to: 1) develop statewide recreation planning data; 2) analyze the recreation needs of California's urban residents; and 3) modify project selection criteria used in the administration of grants to local agencies under the Roberti-Z'berg Act.

In general, this report is a wide-ranging, programmatic document providing guidance for statewide planning. The urban-specific study has little relevance to the Project, which is located in primarily remote areas.

1.4.1.17 The Resources Agency. 1989. Upper Sacramento River fisheries and riparian habitat management plan. Sacramento, California. January 1989.

The California Resource Agency is a state cabinet-level agency in the government of California that was appropriated funds through a bill (SB 1086) to develop a management plan for fisheries and riparian habitat resources of the Sacramento River. The purpose of the plan is to identify specific actions that will help restore the Sacramento River fishery and protect or restore riparian habitat. These identified actions provide a framework for regulating agencies to plan for future activities.

The product of the plan identified six conclusions. The conclusions generally: stated that the Sacramento River is important for anadromous fish; noted that winter- and spring-run salmon populations are at dangerously low levels and less than 5 percent of riparian habitat remains on the Sacramento River; suggested restoration measures in the plan will restore anadromous fisheries and benefit other resources; asserted that implementing the plan will require a significant commitment amongst state and federal regulators along with local funding; and, stated that responsibility for the implementation is expected to be 75 percent federal and 25 percent state responsibility.

The plan also provided four recommendations. These recommendations were: state and federal legislation is needed soon to take action; the State of California should seek funding through multiple propositions to share cost; identified implementation measures should be conformed to by identified priorities; and, an Upper Sacramento River Advisory Council should be created with authority to implement the plan.

1.4.1.18 National Marine Fisheries Service. 2014. Recovery plan for the Evolutionary Significant Units of Sacramento River Winter-run Chinook salmon and Central Valley Spring-run Chinook salmon and the distinct population segment of California Central Valley steelhead. Sacramento, California. July 2014.

The Recovery Plan for Central Valley (CV) winter-run Chinook salmon (*Oncorhynchus tshawytscha*) Evolutionary Significant Unit (ESU), CV spring-run Chinook salmon (*O. tshawytscha*) ESU and CV steelhead (*O. mykiss*) Distinct Population Segment (DPS) was published as a means to identify the actions that may be needed for the conservation and survival of these species. The Recovery Plan is a comprehensive document that serves as a road map for species recovery. The purpose of this Recovery Plan is to guide the implementation of species recovery by identifying and correcting threats to the species and ensuring viable CV Chinook salmon ESUs and the CV steelhead DPS.

The plan provides background history on the species, presents and justifies the recommended recovery strategy for each species including specific goals and objectives. Finally, the specific actions that should be taken to achieve recovery are presented.

The ultimate goal is the delisting of the CV Chinook salmon ESUs and the CV steelhead DPS.

A key element of the Recovery Plan is the focus of actions on watersheds that can support viable populations of ESA-listed salmonids and contribute to meeting Diversity Group²⁵ requirements for distribution and redundancy. To assess their potential to contribute to species recovery in the diversity group, the Recovery Plan places watersheds into three categories based on their potential to support populations with low risk of extinction. The three categories are Core 1, Core 2, and Core 3. If the watershed has no potential to support populations with low risk of extinction, it is not placed into one of the three categories. In addition, the Recovery Plan lists stressors to the populations by watershed.

For the CV winter-run and spring-run Chinook salmon ESUs, the Recovery Plan does not classify the Bear River as a Core 1, 2, or 3, stream, and does not list any Bear River-specific stressors.

²⁵ The Recovery Plan identifies four diversity groups, which are geographic areas that NMFS believes have supported historical populations of the ESA-listed anadromous salmonid. The Bear River is in the Recovery Plan's Northern Sierra Nevada Diversity Group, which is "composed of streams tributary to the Sacramento River from the east, from Antelope Creek to the Mokelumne River" (NMFS 2014, p. 68).

For the CV steelhead DPS, the Recovery Plan classifies the Bear River as a Core 3²⁶ stream and lists the following Bear River-specific stressors:²⁷

- Water temperature during specific times of the year (primarily during the CV steelhead adult immigration, embryo incubation, and juvenile outmigration periods – spring, summer, and fall)
- Flow conditions during all CV steelhead lifestages because the Bear River is a highly managed river. Flow-dependent habitat availability is a concern during spawning and juvenile rearing and emigration. Low flows during adult immigration are a concern with respect to attraction and migratory cues.
- Entrainment of CV steelhead at unscreened diversions.
- Physical habitat alteration, which can lead to CV steelhead spawning habitat reduction.
- Loss of natural river morphology as a result of the managed flow regime.
- Loss of riparian habitat and instream cover as a result of the managed flow regime and adjacent agricultural production.
- Poor water quality primarily for CV steelhead embryo incubation and juvenile rearing and outmigration. Of particular concern are mercury from historic gold mining, and diazinon from agricultural runoff.

Additional stressors to the CV steelhead DPS listed in the Recovery Plan that are not specific to the Bear River but apply to the overall Northern Sierra Nevada Diversity Group include loss of floodplain habitat in the San Francisco Bay Delta, flow and water temperature issues in the Feather and Sacramento rivers, hatchery effects on genetic diversity, and predation of juvenile outmigrants.²⁸

The Recovery Plan does not identify passage impediments in the Bear River as a stressor of high importance because, according to the Recovery Plan, Camp Far West Dam was constructed at the site of a natural historic barrier.²⁹

²⁶ The Recovery Plan describes a Core 3 stream as in “watersheds [that] have populations that are present on an intermittent basis and require straying from other nearby populations for their existence. These populations likely do not have the potential to meet the abundance criteria for moderate risk of extinction. Core 3 watersheds are important because, like Core 2 watersheds, they support populations that provide increased life history diversity to the ESU/DPS and are likely to buffer against local catastrophic occurrences that could affect other nearby populations. Dispersal connectivity between populations and genetic diversity may be enhanced by working to recover smaller Core 3 populations that serve as stepping stones for dispersal.”

²⁷ The Bear River Watershed Profile in the Recovery Plan begins on Page 49 in Appendix A and the Threats Matrix, which begins on Page C-94, in Attachment C to Appendix B, are the two main locations in the Recovery Plan for Bear River-specific stressors.

²⁸ The Northern Sierra Nevada Diversity Group stressor Matrix Results highlight the highest priority stressors for the Diversity Group that contains the Bear River starts on Page 4-135 in Appendix B of the Recovery Plan.

²⁹ As stated at page 4-135 in Appendix B, Section 4, of the Recovery Plan.

1.4.1.19 National Park Service. The Nationwide Rivers Inventory. Department of the Interior, Washington, D.C. 1993.

The Nationwide Rivers Inventory (NRI) is a listing by the National Park Service of more than 2,400 free-flowing river segments in the U.S. that are believed to possess one or more “outstandingly remarkable” natural or cultural values (ORVs) judged to be of more than local or regional significance. In addition to these eligibility criteria, river segments are divided into three classifications: Wild, Scenic, and Recreational river areas. Under a 1979 Presidential Directive and related Council on Environmental Quality procedures, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments. Such adverse impacts could alter the river segment’s eligibility for listing and/or alter their classification.

1.4.1.20 State Water Resources Control Board. 1999. Water quality control plans and policies adopted as part of the State comprehensive plan. April 1999.

This citation in FERC’s List of Comprehensive Plans refers to an April 1999 submittal by the SWRCB to FERC of a listing of all SWRCB plans and policies. The transmittal referenced that all of the listed plans and policies are part of the “State Comprehensive Plan,” even though it does not exist as a single plan. Refer to Section 1.3.8 for a discussion of the Basin Plan.

1.4.1.21 U.S. Fish and Wildlife Service. 1990. Central Valley habitat joint venture implementation plan: a component of the North American waterfowl management plan. February 1990.

The California Central Valley Habitat Joint Venture (CVHJV) is one of 12 current joint ventures charged with implementation of the North American Waterfowl Management Plan. The CVHJV was formally established by a working agreement signed in July 1988 and is guided by an Implementation Board comprised of representatives from the California Waterfowl Association, Defenders of Wildlife, Ducks Unlimited, National Audubon Society, Waterfowl Habitat Owners Alliance, and The Nature Conservancy. Technical assistance is provided to the Implementation Board by the USFWS, CDFG, California Department of Food and Agriculture, and other organizations and agencies.

The Central Valley of California is the most important wintering area for waterfowl in the Pacific Flyway, supporting 60 percent of the total population. Historically, the Central Valley contained more than 4 million ac of wetlands; however, only 291,555 ac remained in 1990 when the CVHJV was first implemented. The primary cause of this wetland loss was conversion to agriculture, flood control, and navigation projects, and urban expansion.

When completed, the CVHJV will: 1) protect 80,000 ac of existing wetlands through the fee acquisition or conservation easement; 2) restore 120,000 ac of former wetlands; 3) enhance 291,555 ac of existing wetlands; 4) enhance waterfowl habitat on 443,000 ac of private agricultural land; and 5) secure 402,450 ac-ft of water for existing State Wildlife Areas, National Wildlife Refuges, and the Grasslands Resource Conservation District. These habitat conservation efforts are intended to result in a fall flight of 1 million ducks and 4.7 million

wintering ducks. The wintering birds will include 2.8 million pintails, a species whose wintering population is vitally dependent on the Central Valley.

1.4.1.22 U.S. Fish and Wildlife Service. 2001. Final restoration plan for the anadromous fish restoration program. Department of the Interior, Sacramento, California. January 9, 2001.

The Central Valley Project Improvement Act directed the Secretary of DOI to develop and implement a program that makes all reasonable efforts to double natural production of anadromous fish in California Central Valley streams (Section 3406(b)(1)). The program is known as the Anadromous Fish Restoration Program. The 2001 plan was released by USFWS as a revised draft on May 30, 1997 and adopted as final on January 9, 2001. The plan identifies restoration actions that may increase natural production of anadromous fish in Central Valley streams. The plan is split up into watersheds within the Central Valley, and restoration actions are identified for each watershed. It also lists the involved parties, tools, priority rating, and evaluation of each restoration action. The plan encompasses only Central Valley streams accessible to anadromous fish, including the Sacramento-San Joaquin Delta.

In the plan, USFWS establishes a doubling goal for the Bear River salmon production through increased instream flows. Specifically, USFWS postulated that the average annual number of fall-run Chinook salmon in the Bear River from 1967 through 1991 was 639 fish, and USFWS established a doubling goal of 450 fish.³⁰ The goal was to be met by:

Supplement flows with water acquired from willing sellers consistent with applicable guidelines or negotiate agreements to improve conditions for all life history stages of chinook salmon and steelhead;

Provide adequate water temperatures for all life-stages of chinook salmon and steelhead, and Screen all diversions to protect all life history stages of anadromous fish.

1.4.1.23 U.S. Fish and Wildlife Service. Canadian Wildlife Service. 1986. North American waterfowl management plan. Department of the Interior. Environment Canada. May 1986.

The North American Waterfowl Management Plan sets forth waterfowl population goals for North America through cooperative planning and coordinated management between Canada and the U.S. This plan identifies a number of recommended actions to achieve the population goals identified. These actions include, but are not limited to, maintenance and enhancement of habitat; harvest, both recreational and subsistence; development of specific management plans; and future population management and research. Within California, the plan identified the Central Valley as a habitat area of major concern.

³⁰ USFWS provided in the document no evidence to document its estimate of 639 for the average annual number of fall-run Chinook salmon in the Bear River from 1967 through 1991, or rationale for its 450 fish per year doubling goal.

1.4.1.24 U.S. Fish and Wildlife Service. n.d. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

This is a 12-page policy that was signed by John F. Turner, then Director of the USFWS, on December 5, 1989. Its purpose is to unite all of the USFWS' recreational fisheries capabilities under a single policy to enhance the nation's recreational fisheries. Regional and Assistant directors are responsible for implementing the policy by incorporating its goals and strategies into planning and day-to-day management efforts. The USFWS carries out this policy relative to FERC-licensed hydroelectric projects through such federal laws as the Fish and Wildlife Coordination Act, the CWA, the ESA, NEPA Act, and the FPA, among others.

1.4.2 Non-Qualifying Comprehensive Plans

At this time, SSWD has identified three non-Qualifying comprehensive plans that may be pertinent to the relicensing. These are the general plans for the California counties in which the Project is located, and include:

- Nevada County General Plan (Nevada County 2013)
- Placer County General Plan (Placer County 2013)
- Yuba County 2030 General Plan (Yuba County 2005)

1.5 SSWD's Relicensing Process Plan and Schedule

1.5.1 Regulatory Relicensing Deadlines

On or about March 14, 2016, SSWD filed with FERC a request for FERC's authorization for SSWD to use the traditional licensing process (TLP), as described in 18 C.F.R., Part 4, Subparts D-H and, as applicable, Part 16, rather than the Integrated Licensing Process (ILP), as described in 18 C.F.R., Part 5, to relicense the Camp Far West Hydroelectric Project.³¹ However, regardless of whether SSWD uses the TLP or ILP, some dates are fixed by the current license expiration date. These fixed dates are:

- December 31, 2015 (Thursday) – The earliest date SSWD may file a NOI to file an application for a new license and a PAD.
- June 30, 2016 (Thursday) – The latest date SSWD may file an NOI and PAD.
- January 31, 2019 (Thursday) – The latest date SSWD may file with FERC a Preliminary License Proposal (PLP) or a Draft Application for New License (DLA).

³¹ SSWD anticipates that FERC will reply to SSWD's request to use the TLP within 60 days of the date that SSWD filed its request.

- July 1, 2019 (Monday) – The latest date that SSWD may file a Final Application for New License (FLA).
- June 30, 2021 (Wednesday) – The date the initial FERC license for the Project expires.

In addition, regardless of whether SSWD uses the TLP or ILP, FERC will meet with federally-recognized Native American tribes within 30 days of the date SSWD files its NOI and PAD, and FERC will issue its Notice of Commencement of Proceeding within 60 days of the date SSWD files its NOI and PAD.

Since, at the time SSWD files this PAD, it is uncertain whether FERC will approve SSWD's request to utilize the TLP, Table 1.5-1 shows a schedule for relicensing the Project through filing of the Application for New License using either the TLP or the ILP. SSWD developed the table using the timeframes set forth in 18 C.F.R., Part 4, Subparts D-H and, as applicable, Part 16 for the TLP, and in 18 C.F.R., Part 5, for the ILP, and based the table on anticipated NOI and PAD filing dates of March 14, 2016, the earliest possible filing date. Table 1.5-1 shows for both the ILP and TLP: 1) the pertinent regulations for each activity; 2) the party or parties responsible for initiating the activity; 3) a description of the activity including, where appropriate, a previous activity linked to this activity; and the calendar duration of the activity. When an activity is contingent on completion of a previous activity or an extension may be granted for a designated period, Table 1.5-1 assumes the previous activity is completed the latest possible date shown for that previous activity, unless otherwise indicated.

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Table 1.5-1. Process plan and schedule for SSWD's Camp Far West Hydroelectric Project relicensing using either FERC's Integrated Licensing Process or Traditional Licensing Process.

Integrated Licensing Process (ILP)					Traditional Licensing Process (TLP)				
Subsection(s)	Lead	Activity ¹	Timeframe (Start and Finish) ²		Subsection(s)	Lead	Activity ¹	Timeframe (Start and Finish) ²	
18 C.F.R. § 5.5. NOTIFICATION OF INTENT					18 C.F.R. § 5.5. NOTIFICATION OF INTENT				
(a)-(g)	SSWD	File Notice of Intent (NOI) to file an application for a new license and request for non-federal representative status under § 7 of the Endangered Species Act (ESA) and § 106 of the National Historic Preservation Act (NHPA) (<i>no earlier than 5.5 years and no later than 5 years prior to expiration of the current license</i>)	3/14/16 (Monday)		(a)-(g)	SSWD	File Notice of Intent (NOI) to file an application for a new license and request for non-federal representative status under § 7 of the Endangered Species Act (ESA) and § 106 of the National Historic Preservation Act (NHPA) (<i>no earlier than 5.5 years and no later than 5 years prior to expiration of the current license</i>)	3/14/16 (Monday)	
18 C.F.R. § 5.6. PRE-APPLICATION DOCUMENT					18 C.F.R. § 5.6. PRE-APPLICATION DOCUMENT				
(a)-(e)	SSWD	File Pre-Application Document (PAD) (<i>no earlier than 5.5 years and no later than 5 years prior to expiration of the current license</i>)	3/14/16 (Monday)		(a)-(e)	SSWD	File Pre-Application Document (PAD) (<i>no earlier than 5.5 years and no later than 5 years prior to expiration of the current license</i>)	3/14/16 (Monday)	
18 C.F.R. § 5.7. TRIBAL CONSULTATION					18 C.F.R. § 5.7. TRIBAL CONSULTATION				
--	FERC	Hold meeting with potentially affected Native American tribes (<i>no later than (NLT) 30 days of date NOI and PAD filed</i>)	3/15/16 (Tuesday)	4/13/16 (Wednesday)	--	FERC	Hold meeting with potentially affected Native American tribes (<i>NLT 30 days of date NOI and PAD filed</i>)	3/15/16 (Tuesday)	4/13/16 (Wednesday)
18 C.F.R. § 5.8. NOTICE OF COMMENCEMENT OF PROCEEDING, DECISION ON USE OF TLP, AND INITIATION OF ESA AND NHPA INFORMAL CONSULTATION					18 C.F.R. § 5.8. NOTICE OF COMMENCEMENT OF PROCEEDING, DECISION ON USE OF TLP, AND INITIATION OF ESA AND NHPA INFORMAL CONSULTATION				
(a)	FERC	Issue Notice of Commencement of Proceeding (NCP) and decision regarding SSWD's request to use TLP (<i>NLT 60 days of date NOI and PAD filed</i>)	3/15/16 (Tuesday)	5/13/16 (Friday)	(a)	FERC	Issue Notice of Commencement of Proceeding (NCP) and decision regarding SSWD's request to use TLP (<i>NLT 60 days of date NOI and PAD filed</i>)	3/15/16 (Tuesday)	5/13/16 (Friday)
(b)	FERC	Request initiation of informal consultation under § 7 of the ESA and/or § 106 of the NHPA, if appropriate (<i>NLT 60 days of date NOI and PAD filed</i>)	3/15/16 (Tuesday)	5/13/16 (Friday)	(b)	FERC	Request initiation of informal consultation under § 7 of the ESA and/or § 106 of the NHPA, if appropriate (<i>NLT 60 days of date NOI and PAD filed</i>)	3/15/16 (Tuesday)	5/13/16 (Friday)
18 C.F.R. § 5.8. ISSUE SCOPING DOCUMENT 1					18 C.F.R. § 5.8. ISSUE SCOPING DOCUMENT 1				
(c)	FERC	Issue Scoping Document 1 (SD1) (<i>NLT 60 days of date NOI and PAD filed</i>)	3/15/16 (Tuesday)	5/13/16 (Friday)					
18 C.F.R. § 5.8. HOLD NEPA SCOPING MEETING AND SITE VISIT					18 C.F.R. § 16.8. FIRST STAGE CONSULTATION – HOLD JOINT MEETING AND SITE VISIT				
					(b)(3)(i)(B)	SSWD	Consult with the resource agencies, Native American tribes and members of the public on the scheduling of a joint meeting (<i>NLT 15 days in advance of the joint meeting</i>)	5/14/16 (Saturday)	6/27/16 (Monday)
(e)	FERC	Post notice of NEPA scoping meeting in Federal Register and local news papers (<i>NLT 30 days of date NCP issued</i>)	5/14/16 (Saturday)	6/13/16 (Monday)	(b)(3)(i)(B) [and 18 CFR § 16.8(h)(i)(1)]	SSWD	Post notice of joint meeting in local newspapers, including purpose, location, time and agenda (<i>NLT 14 days in advance of the joint meeting</i>)	5/28/16 (Saturday)	6/28/16 (Tuesday)
(e)	FERC	Notify agencies, tribes and non-governmental organizations by mail of scoping meeting (<i>NLT 30 days of date NCP issued</i>)	5/14/16 (Saturday)	6/13/16 (Monday)	(b)(3)(i)(B)	SSWD	Provide to resource agencies, Native American tribes and FERC a written notice of the time and place of the joint meeting and an agenda of the issues to be discussed at the joint meeting (<i>NLT 15 days in advance of the joint meeting</i>)	5/28/16 (Saturday)	6/27/16 (Monday)
(d)	FERC	Hold NEPA scoping meeting and conduct site visit (<i>NLT 30 days of date NCP issued</i>)	5/14/16 (Saturday)	6/13/16 (Monday)	(b)(3)(ii)(B)	SSWD	Hold the joint meeting and provide an opportunity for a site visit to review the information and discuss the data and studies to be provided by SSWD as part of the consultation process (<i>No earlier than (NET) 30 days but NLT 60 days of date NCP is issued</i>)	5/14/16 (Saturday)	7/12/16 (Tuesday)
(d)	Relicensing Participants	Resource agencies, Native American tribes and members of the public may attend the NEPA scoping meeting to identify issues for NEPA scoping, preliminary identify study needs, discuss process plan and schedule, and cooperating agency status (<i>NET 30 days of date NCP is issued</i>)	5/14/16 (Saturday)	6/13/16 (Monday)	(b)(4)	Relicensing Participants	Resource agencies, Native American tribes and members of the public may attend the joint meeting to express their views regarding resource issues that should be addressed in the application. Attendance of the public at the site visit is at the discretion of SSWD (<i>NET 30 days but NLT 60 days of date NCP is issued</i>)	5/14/16 (Saturday)	7/12/16 (Tuesday)
--	FERC	Post either an audio recording or written transcripts of the NEPA scoping meeting on e-Library	--		(b)(4)	SSWD	Make either an audio recording or written transcripts of the joint meeting, and promptly provide copies of these recordings, upon request (<i>Promptly provide to FERC, agencies and Indian tribes, upon request</i>)	Promptly provide copies of the recordings or transcripts to FERC, agencies and Native American tribes upon request	
18 C.F.R. § 5.9. COMMENTS AND INFORMATION OR STUDY REQUESTS					18 C.F.R. § 16.8. FIRST STAGE CONSULTATION - STUDY REQUESTS AND DISPUTE RESOLUTION				
(a)	SSWD & Relicensing Participants ⁵	File comments on PAD and SD1, and request studies (<i>NLT 60 days of date NCP issued</i>)	5/14/16 (Saturday)	7/12/16 (Tuesday)	(b)(5)	Relicensing Participants	Provide to SSWD written comments identifying Relicensing Participant's determination of necessary studies to be performed or the information to be provided by SSWD (<i>NLT 60 days after joint meeting unless deadline is extended to 120 days by FERC</i>)	7/13/16 (Wednesday)	11/9/16 (Wednesday) ³

Table 1.5-1. (continued)

Integrated Licensing Process (ILP)					Traditional Licensing Process (TLP)				
Subsection(s)	Lead	Activity ¹	Timeframe (Start and Finish) ²		Subsection(s)	Lead	Activity ¹	Timeframe (Start and Finish) ²	
18 C.F.R. § 5.10. SCOPING DOCUMENT 2									
--	FERC	Issue Scoping Document 2 (SD2) (NLT 45 days of the end of PAD and SD1 comment period)	7/13/16 (Wednesday)	8/26/16 (Friday)					
18 C.F.R. § 5.11. APPLICANT'S PROPOSED STUDY PLAN AND STUDY PLAN MEETINGS									
(a)	SSWD	File Proposed Study Plan (NLT 45 days of the end of PAD and SD1 comment period)	7/13/16 (Wednesday)	8/26/16 (Friday)					
(e)	SSWD	Hold Proposed Study Plan meeting (NLT 30 days after date Proposed Study Plan filed)	8/27/16 (Saturday)	9/26/16 (Monday)					
18 C.F.R. § 5.12. COMMENTS ON PROPOSED STUDY PLAN									
--	Relicensing Participants	File comments on Proposed Study Plan (NLT 90 days after date Proposed Study Plan is filed)	8/27/16 (Saturday)	11/24/16 (Thursday)					
18 C.F.R. § 5.13. REVISED STUDY PLAN AND STUDY PLAN DETERMINATION									
(a)	SSWD	File Revised Study Plan (NLT 30 days of date Proposed Study Plan comment period ends)	11/25/16 (Friday)	12/26/16 (Monday)					
(b)	Relicensing Participants	File comments on Revised Study Plan (NLT 15 days of the date Revised Study Plan is filed)	12/27/16 (Tuesday)	1/10/17 (Tuesday)					
(c)	FERC	Issue Study Plan Determination (NLT 30 days of date Revised Study Plan is filed)	12/27/16 (Tuesday)	1/25/17 (Wednesday)					
(d)	FERC	Revised Study Plan deemed approved (20 th day after FERC Determination if no study plan disputes filed)	2/14/17 (Tuesday)						
18 C.F.R. § 5.14. FORMAL STUDY DISPUTE RESOLUTION PROCESS									
(a)	Mandatory Conditioning Agencies and Tribes	File Notice of Dispute (NOD) (NLT 20 days of date FERC Determination issued)	1/25/17 (Wednesday)	2/14/17 (Tuesday)					
(d)	FERC	Convene Dispute Resolution Panel (NLT 20 days of date NOD filed)	2/15/17 (Wednesday)	3/6/17 (Monday)					
(i)	SSWD & Relicensing Participants	File comments on NOD (NLT 25 days of date NOD filed)	2/15/17 (Wednesday)	3/13/17 (Monday)					
(k)	Dispute Resolution Panel (DRP)	Deliver to FERC finding on NOD (NLT 50 days of date NOD filed)	2/15/17 (Wednesday)	4/5/17 (Wednesday)					
(l)	FERC	Director of Office of Energy Projects issues written determination regarding NOD (NLT 70 days of date NOD filed)	2/15/17 (Wednesday)	4/25/17 (Tuesday)					
					(b)(6)(i)	SSWD & Relicensing Participants	During first stage consultation, if SSWD and Relicensing Participant disagree regarding any matter or regarding the need to conduct a study or gather information, SSWD or the Relicensing Participant may refer the dispute in writing to FERC for resolution, providing a copy to other affected parties (any time during first stage consultation).	Until First Stage Consultation ends	
					(b)(6)(ii)	Disagreeing Party	If a dispute is filed with FERC, the disagreeing party may file a response (NLT 15 days from the date the dispute is filed with FERC)	NLT 15 days from the date the dispute is filed with FERC	
					(b)(6)(iv)	FERC	FERC resolves dispute	--	--
18 C.F.R. § 5.15. CONDUCT STUDIES					18 C.F.R. § 16.8. SECOND STAGE CONSULTATION – CONDUCT STUDIES				
(a)	SSWD	Conduct studies	2/15/17 (Wednesday) ⁴	2/14/18 (Wednesday) ⁴	(c)(1)	SSWD	Conduct studies	11/10/16 (Thursday) ⁵	1/30/19 (Wednesday) ⁵

Table 1.5-1. (continued)

Integrated Licensing Process (ILP) 18 C.F.R. § 5.15. CONDUCT STUDIES				Traditional Licensing Process (TLP) 18 C.F.R. § 16.8. SECOND STAGE CONSULTATION – CONDUCT STUDIES					
Subsection(s)	Lead	Activity ¹	Timeframe (Start and Finish) ²		Subsection(s)	Lead	Activity ¹	Timeframe (Start and Finish) ²	
(b)	SSWD	File periodic progress reports	FERC determine frequency						
(c)(1)	SSWD	File Initial Study Report (<i>NLT 1 year after FERC's approval of Revised Study Plan</i>)	2/15/17 (Wednesday)	2/14/18 (Wednesday)					
(c)(2)	SSWD	Hold Initial Study Report meeting (<i>NLT 15 days of date Initial Study Report filed</i>)	2/15/18 (Thursday)	3/1/18 (Thursday)					
(c)(3)	SSWD	File Initial Study Report meeting summary including proposed plan modifications and new studies (<i>NLT 15 days after Initial Study Report meeting</i>)	3/2/18 (Friday)	3/16/18 (Friday)					
(c)(7)	FERC	Approval of meeting summary and study plan modifications if no disagreements filed (<i>30th day after meeting summary filed</i>)	4/16/18 (Monday)						
(c)(4)	Relicensing Participants	File disagreements with meeting summary including SSWD's proposed study plan modifications and new studies (<i>NLT 30 days after Initial Study Report meeting summary filed</i>)	3/17/18 (Saturday)	4/16/18 (Monday)					
(c)(5)	SSWD & Relicensing Participants	File responses to disagreements (<i>NLT 30 days after disagreement period ends</i>)	4/17/18 (Tuesday)	5/16/18 (Wednesday)					
(c)(6)	FERC	Resolve disagreement and amend study plan (<i>NLT 30 days after responses to disagreements period ends</i>)	5/17/18 (Thursday)	6/15/18 (Thursday)					
(f)	SSWD	File Updated Study Report, including election of SSWD to file a DLA rather than a PLP, if SSWD chose to do so	2/15/18 (Thursday) ⁴	2/14/19 (Thursday) ⁴					
(c)(2)	SSWD	Hold Updated Study Report meeting (<i>NLT 15 days of date Updated Study Report filed</i>)	2/15/19 (Friday)	3/1/19 (Friday)					
(c)(3)	SSWD	File Updated Study Plan meeting summary including SSWD's proposed study plan modifications and new studies (<i>NLT 15 days after Updated Study Report meeting</i>)	3/2/19 (Saturday)	3/18/19 (Monday)					
(c)(7)	FERC	Approve meeting summary and study plan modifications if no disagreements filed (<i>30 days after meeting summary filed</i>)	4/17/19 (Wednesday)						
(c)(4)	Relicensing Participants	File disagreements with meeting summary and proposed study modifications and new studies (<i>NLT 30 days after Updated Study Report meeting summary filed</i>)	3/19/19 (Tuesday)	4/17/19 (Wednesday)					
(c)(5)	SSWD & Relicensing Participants	File response to disagreements (<i>NLT 30 days after disagreement period ends</i>)	4/18/19 (Thursday)	5/17/19 (Friday)					
(c)(6)	FERC	Resolve disagreement and amend study plan (<i>NLT 30 days after response to disagreements period ends</i>)	5/18/19 (Saturday)	6/17/19 (Monday)					
					(c)(2)	Relicensing Participants	During Second Stage Consultation, a Relicensing Participant may request SSWD conduct a study or gather information not previously identified. SSWD must promptly initiate the study or gather the information, unless it refers the request to FERC for resolution (<i>during second stage consultation</i>).	When Second Stage Consultation begins	Until Second Stage Consultation ends
					(c)(2)	SSWD	SSWD may refer the request to FERC for dispute resolution, copying affected parties.	--	--
					(b)(6)(ii)	SSWD	If SSWD files the dispute with FERC, other affected parties may file a response (<i>NLT 15 days from the date the dispute is filed with FERC</i>)	NLT 15 days from the date SSWD files the dispute with FERC	
					(b)(6)(iv)	FERC	FERC resolves dispute	--	--

Table 1.5-1. (continued)

Integrated Licensing Process (ILP)				Traditional Licensing Process (TLP)					
Subsection(s)	Lead	Activity ¹	Timeframe (Start and Finish) ²		Subsection(s)	Lead	Activity ¹	Timeframe (Start and Finish) ²	
18 C.F.R. § 5.16. PRELIMINARY LICENSING PROPOSAL OR DRAFT LICENSE APPLICATION				18 C.F.R. § 16.8. SECOND STAGE CONSULTATION – DRAFT LICENSE APPLICATION					
(a)–(d)	SSWD	File Preliminary Licensing Proposal (PLP) or Draft License Application (DLA) (<i>No less than 150 days prior to deadline for filing license application</i>)	1/31/19 (Thursday)		c(4)	SSWD	Provide to agencies and Native American tribes a copy of the DLA, including full documentation of consultation. (<i>No less than 150 days prior to deadline for filing license application</i>)	1/31/19 (Thursday)	
(e)	Relicensing Participants	File comments on PLP/DLA (<i>NLT 90 days of date PLP or DLA filed</i>)	2/1/19 (Friday)	5/1/19 (Wednesday)	c(5)	Resource Agencies & Native American Tribes	Provide written comments on DLA to SSWD (<i>NLT 90 days of date PLP or DLA filed</i>)	2/1/19 (Friday)	5/1/19 (Wednesday)
					c(6)(i)&(iii)	SSWD, Resource Agencies & Native American Tribes	If comments indicate that a resource agency or Native American tribe has a substantive disagreement with SSWD’s conclusions regarding resource impacts or proposed PM&E measures, SSWD holds at least one joint meeting with the disagreeing resource agency or Native American tribe and other agencies with similar or related areas of interest, expertise, or responsibility to discuss and to attempt to reach agreement. SSWD and the disagreeing resource agency or Native American tribe may conclude the joint meeting with a document embodying any agreement and any issues that are unresolved. (<i>NLT 60 days from the date of the written comments of the disagreeing agency or Indian tribe</i>)	5/2/19 (Thursday)	7/1/19 (Monday)
					c(6)(ii)	SSWD	Consult with disagreeing party and others about scheduling of joint meeting, and provide FERC, disagreeing party and others with written notice of the time and place of the joint meeting and a written agenda of the issues to be discussed at the joint meeting (<i>NLT 15 days in advance of the joint meeting</i>)	NLT 15 days in advance of the joint meeting	
					c(7)	SSWD & Disagreeing Party	SSWD and the disagreeing resource agency or Native American tribe may conclude the joint meeting with a document embodying any agreement and any issues that are unresolved.	--	--
					c(8)	SSWD	SSWD describe all disagreements with a resource agency or Native American tribe on technical or PM&E measures in its application, including an explanation of the basis for SSWD’s disagreement with the resource agency or Native American tribe.	--	--
18 C.F.R. § 5.16. PRELIMINARY LICENSING PROPOSAL OR DRAFT LICENSE APPLICATION				18 C.F.R. § 16.8. THIRD STAGE CONSULTATION – FINAL LICENSE APPLICATION					
(a)	SSWD	File a Final License Application (FLA) (<i>NLT 2 years prior to expiration of the current license</i>)	7/1/19 (Monday)		(d)(1)	SSWD	File a Final License Application (FLA) and provide a copy of the FLA to agencies, Native American tribes, governmental offices and consulted members of the public (<i>NLT 2 years prior to expiration of the current license</i>)	7/1/19 (Monday)	
					(f)	SSWD	Include in Exhibit E documentation of all consultation regarding comments, recommendation and proposed terms and conditions and studies. If the comments, recommendation and proposed terms and conditions and studies were not accepted by SSWD, describe why. (<i>unspecified</i>)	Include in FLA	

¹ The activity description is a good faith effort to summarize the pertinent regulation. The reader is encouraged to read the specific regulation.
² 18 C.F.R. § 385.2007(a)(2) provides that if a filing date falls on a Saturday, Sunday or federal legal public holiday, the deadline for filing becomes the next business day. The schedule includes this consideration.
³ Assumes Relicensing Participants request and receive a 60 day extension, so the total duration for Relicensing Participants to identify necessary studies is 120 days.
⁴ The ILP schedule assumes that studies begin when FERC’s Study Determination is deemed final, and may continue for 2 years or more, as determined by FERC.
⁵ The TLP schedule assumes that studies begin after the deadline for providing to SSWD written comments identifying necessary studies or information, and may continue until SSWD files the FLA.

SSWD anticipates that FERC will issue its own schedule, which will become the formal relicensing schedule, after SSWD files its NOI and PAD, and that FERC's schedule will include the post-application filing period (i.e., from filing of the FLA through issuance of a new license).

1.5.2 SSWD's Proposed Location and Dates of the TLP Joint Meeting and Site Visit or the ILP NEPA Scoping Meeting and Site Visit

1.5.2.1 TLP Joint Meeting and Site Visit

If FERC authorizes SSWD to use the TLP and based on the TLP process schedule in Table 1.5-1, SSWD's proposed date and location of the TLP site visit is as follows:

- Proposed Site Visit – from 9:00 AM to 3:00 PM on May 18, 2016 (Wednesday) at the Project.

SSWD proposes holding two TLP joint meetings on the day after the site visit: one meeting in the morning to focus on resource agency concerns and one in the evening to focus on the public's views. Specifically, SSWD proposes:

- Proposed Joint Meetings – from 9:00 AM to noon and from 6:00 PM to 9:00 PM on May 19, 2016 (Thursday) at HDR, Inc., 2379 Gateway Oaks Drive, Suite 200, Sacramento, CA.

The above site visit and joint meeting will only occur if FERC authorizes SSWD's use of the TLP.

1.5.2.2 ILP NEPA Scoping Meeting and Site Visit

If FERC does not approve SSWD's request to use the TLP, Section 5.6(d)(1) of 18 C.F.R. requires an applicant using the ILP to include in its PAD a proposal to FERC for dates and locations for FERC's ILP scoping meeting and site visit. Based on the ILP process schedule in Table 1.5-1, the ILP scoping meeting and site visit would occur in March 2016. SSWD's propose date and location of the ILP site visit are as follows:

- Proposed Site Visit – from 9:00 AM to 3:00 PM on March 16, 2016 (Wednesday) at the Project.

SSWD proposes holding two ILP coordinated scoping meetings on the day after FERC's site visit: one meeting in the morning to focus on resource agency concerns and one in the evening to focus on the public's views. Specifically, SSWD proposes:

- Proposed Scoping Meetings – from 9:00 AM to noon and from 6:00 PM to 9:00 PM on March 17, 2016 (Thursday) at HDR, Inc., 2379 Gateway Oaks Drive, Suite 200, Sacramento, CA.

However, FERC will set the schedule and location for a FERC ILP scoping meeting and site visit, if the ILP is used.

1.5.3 Discretionary Activities

Table 1.5-1 provides a schedule of regulatory deadlines that must be adhered to by Relicensing Participants, including SSWD and FERC. However, within the confines of those regulations, SSWD may choose to undertake discretionary activities to facilitate the relicensing, such as holding additional meetings/workshops to collaboratively develop study proposals, review study results, and develop resource management measures.

1.5.4 Relicensing Communication Guidelines

1.5.4.1 Objectives

The communication guidelines describe how SSWD plans to communicate and interact with Relicensing Participants during the relicensing, regardless of whether the ILP or TLP is used.

It should be noted that:

- These guidelines do not supersede or in any way modify FERC's regulations, or any other federal or State of California regulations related to the relicensing, including those related to Section 106 of the NHPA, Section 7 of the ESA, or Section 401 of the CWA.
- These guidelines do not apply to FERC or any documents, meetings, correspondence, or other actions for which FERC is responsible during the relicensing process.
- These guidelines do not apply to Relicensing Participants. Each Relicensing Participant may choose how it wishes to communicate during the relicensing.
- These are guidelines, not hard rules.
- SSWD may revise these communication guidelines as necessary at any time during the relicensing process.

1.5.4.2 Participation

1.5.4.2.1 Participants

Participation in the relicensing is open to any federal agency; State of California agency; local agency; NGOs; Native American tribes, including tribes that are formally recognized by the federal government, tribes that are not formally recognized by the federal government, and members of tribes; businesses; and unaffiliated members of the public. SSWD assumes that each Relicensing Participant is authorized to speak on behalf of the agency, organization, or affiliation that he or she represents in the relicensing.

1.5.4.2.2 Late Participation in the Relicensing

SSWD anticipates that each Relicensing Participant that begins participating in the relicensing after the beginning of the relicensing processes (i.e., filing of the NOI and PAD) will take actions, including consulting with SSWD and other Relicensing Participants regarding available information, as necessary to become informed and “up-to-speed” should the Relicensing Participant enter the relicensing after it has formally begun. SSWD intends that late or delayed participation will not be allowed to disrupt the relicensing.

1.5.4.3 Relicensing Participants Contact List

SSWD will maintain a list of parties that are likely to be interested in the relicensing³² or that have specifically expressed to SSWD an interest in the relicensing.

SSWD will request that each of these potentially interested parties provide appropriate information (i.e., name, title, affiliation, mailing address, and telephone and fax numbers, and e-mail address) for its designated contact for the relicensing. SSWD assumes that designated contacts will keep the appropriate members of their agency, tribe, or NGO advised of relicensing activities. Also, SSWD anticipates that each agency, tribe, and NGO will notify SSWD if contact information for its designated contact changes.

Relicensing is a long process that will extend for at least 5 years. To keep the Relicensing Participants Contact List current, SSWD will periodically issue an e-mail to all those on the Contact List asking for each contact to confirm that he or she wishes to remain on the Contact List. SSWD will assume that those who do not respond in a timely fashion are no longer interested in the relicensing and delete those individuals from the Contact List.

Because SSWD understands that many people would be uncomfortable if their contact information was made readily available, SSWD does not intend to provide the Contact List to parties or otherwise make it available.

1.5.4.4 Relicensing Website

SSWD has established and will maintain a publicly accessible internet website as a means of making information regarding the relicensing readily available to Relicensing Participants. Examples of information that will be provided on the website include the initial FERC license for the Project including an annotated current license, FERC filings, FERC orders regarding the relicensing, and relicensing documents (e.g., the NOI and PAD, as well as other documents as they are developed). Many of the folders on the website will be empty until the documents for each folder are developed.

SSWD’s Relicensing Website can be accessed at www.sswdrelicensing.com.

³² The initial parties on the Contact List are listed in SSWD’s NOI.

1.5.4.5 Meetings

As noted above, these communication guidelines apply only to SSWD-sponsored meetings. SSWD anticipates that meetings sponsored by another party (e.g., FERC or a Relicensing Participant) will be organized, announced, hosted, and followed-up on by that other party. The guidelines SSWD intends to follow for SSWD-sponsored meetings are provided below.

1.5.4.5.1 Meeting Locations and Start Time

SSWD intends that meeting locations, including those for regularly scheduled meetings, and start times will be selected by SSWD in consultation with interested Relicensing Participants to ensure the greatest participation by those who wish to attend the meeting and the least amount of inconvenient travel for meeting participants overall. SSWD assumes that each Relicensing Participant will be aware of any meeting start time and location posted on the Relicensing Website Event Calendar.

1.5.4.5.2 Event Calendar

An Event Calendar that includes scheduled SSWD-sponsored meetings, as well as key relicensing milestone dates, will be maintained on the Relicensing Website. Relicensing Participants and others may view the Event Calendar to see when a meeting is planned. The calendar will provide details, such as location and an agenda for the meeting.

1.5.4.5.3 Meeting Agenda

SSWD will develop an agenda for an upcoming meeting based on regulatory requirements and input from the Relicensing Participants at previous meetings or as otherwise reasonable. Standard items on each meeting agenda will include:

- Introductions
- Purpose of Meeting
- Review of Agenda
- Review Overall Relicensing Schedule
- Administrative Items, if any
- Status Reports If Appropriate or Requested, if any
- Specific Meeting Agenda Items
- Review of Decisions and Action Items

Those who plan to attend a SSWD-sponsored meeting should understand that those at the meeting may re-organize the agenda or proceed through an agenda at a faster or slower pace than anticipated when the agenda was developed.

1.5.4.5.4 Telephone Calling into Planned In-Person Meetings

SSWD believes that in-person participation in a meeting rather than by telephone is a more effective and desirable form of communication. However, to accommodate constrained schedules, encourage participation, and make meetings as accessible as possible to meeting participants, SSWD will attempt to arrange a telephone call-in line for a Relicensing Participant, if the meeting room has such capabilities and if requested by that Relicensing Participant at least 3 days in advance of the meeting. If there is a call-in number available, SSWD will forward the call-in number to the Relicensing Participant who requested it. However, SSWD does not guarantee the quality of the phone connection or that the Relicensing Participant that participates by telephone will be forwarded all material that may be reviewed at the meeting. SSWD does not intend that any Relicensing Participant will routinely participate in meetings by telephone: the telephone call-in line is offered as an occasional remedy, not a permanent accommodation.

1.5.4.5.5 Meeting Moderation/Facilitation

SSWD is committed to an open and transparent process with a free exchange of information and interests among SSWD and all Relicensing Participants during meetings. SSWD anticipates that SSWD will lead SSWD-sponsored meetings. SSWD will make a good-faith effort to ensure that all meeting participants are heard during the meeting.

If SSWD and Relicensing Participants agree that a facilitator is pivotal to the success of any particular SSWD-sponsored meeting or group of meetings, SSWD will provide a neutral third-party facilitator for that relicensing meeting or group of meetings.

1.5.4.5.6 Meeting Action Items and Decisions

SSWD does not intend to prepare a summary of SSWD-sponsored meetings unless: 1) SSWD and Relicensing Participants agree that a summary would be important in tracking a particular issue and agree on specific wording that will be included in the summary; or 2) FERC regulations require a summary of the meeting be prepared and filed with FERC. If SSWD prepares a summary, SSWD will post the summary on the Relicensing Website Event Calendar for that meeting.

1.5.4.5.7 Privileged Meetings

Some meetings and information prepared for or shared during a meeting may be Privileged. For example, information on Native American resources and locations of sensitive environmental and cultural resources are considered confidential, Privileged material with restrictions on their distribution. SSWD will share Privileged information with only those Relicensing Participants who have a need to view the material. Further, SSWD anticipates that any Relicensing Participant providing Privileged information to SSWD will identify the information as Privileged or confidential in advance of providing it to SSWD.

1.5.4.5.8 Attendance at Meetings

SSWD encourages each Relicensing Participant to make a good faith effort to be represented at every SSWD-sponsored relicensing meeting that is of interest to the Relicensing Participant.

1.5.4.5.9 Preparation for Meetings

SSWD encourages Relicensing Participants to make good faith efforts to arrive at meetings on time, read background information provided before each meeting, and be prepared to effectively discuss topics on the meeting agenda. SSWD encourages Relicensing Participants to discuss material on the agenda with other Relicensing Participants whom they think might be interested in the material.

1.5.4.5.10 Caucus

SSWD encourages Relicensing Participants to call for a caucus, if needed, at any time during a SSWD-sponsored meeting.

1.5.4.5.11 Relicensing Participants Unable to Attend a Meeting

If a Relicensing Participant finds that he or she is unable to attend, or is unable to have a representative attend a SSWD-sponsored meeting, the Relicensing Participant may provide to SSWD any input the Relicensing Participant wishes to be considered at the meeting. If this occurs, SSWD will make a good faith effort to convey the information accurately, disclosing who provided the information and when they provided it, to Relicensing Participants at the meeting.

1.5.4.6 Documents

FERC's regulations identify a number of documents that are required during relicensing. The ILP and TLP regulations stipulate that either FERC, the applicant, or in some instances another party, is responsible for producing these necessary documents. SSWD anticipates that there will also be other informal documents generated during the course of the relicensing.

1.5.4.6.1 FERC's Documents

For documents issued by FERC, SSWD anticipates that FERC will distribute the documents in accordance with FERC's protocols. SSWD anticipates that all documents issued or received by FERC will be posted and publicly available in the e-Library on FERC's website at www.ferc.gov. To view these, a Relicensing Participant should click on "Documents and Filing," "eLibrary," then "General Search." FERC's website provides further instructions for obtaining documents. Each Relicensing Participant can register to receive a notice each time FERC posts a document to its website regarding the relicensing of the Project. To register, a Relicensing Participant should go to FERC's website, click on "Documents and Filing," and then "eSubscription." FERC's website provides further instructions.

1.5.4.6.2 Non-SSWD or FERC Generated Documents

SSWD expects that any Relicensing Participant who creates, files with FERC, or distributes a document including correspondence will be responsible for the distribution of the document. A Relicensing Participant should not assume that, by using the “Reply All” function in a SSWD-generated e-mail, all Relicensing Participants on the Contact List received his or her e-mail.

SSWD reminds Relicensing Participants that FERC encourages parties when filing material with FERC to submit an electronic filing pursuant to Section 385.2003(a), or file a complete hardcopy original and required number of copies of the filing to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426. The filing should reference the Project (Camp Far West Hydroelectric Project) and FERC Project number (2997).

1.5.4.6.3 SSWD’s Documents

SSWD anticipates using FERC’s e-Filing whenever possible for documents SSWD files with FERC, and anticipates distributing such documents by e-mail, compact disc (CD or DVD), or paper copy to Relicensing Participants, as appropriate. The distribution will also go to FERC’s Service List after FERC establishes a formal Service List. SSWD plans to use e-mail for distribution of informal documents it initiates. SSWD will have the date, the name of the document, and the page number on each page of each document SSWD produces. Other miscellaneous information, such as “draft,” will be shown in the footer of each page of the document, if appropriate.

1.5.4.6.4 Collaboratively Developed Documents

SSWD anticipates that at times SSWD and Relicensing Participants may desire to develop a document collaboratively. In those cases and unless otherwise agreed to by SSWD and Relicensing Participants interested in the document, SSWD plans to use a single-text approach. Specifically, once an initial draft of the document is developed, SSWD plans to post the document on its Relicensing Website in Microsoft Word or some other appropriate format (i.e., not *.pdf or a password-protected document) that can be downloaded from the Relicensing Website and used by Relicensing Participants. This is referred to as a “Posted File.”

As a Posted File is revised, SSWD anticipates that SSWD or the Relicensing Participant who revises the Posted File will include in the file name the date of the version of the file and the author/reviser. For instance, a file may be named “Water Quality Study Proposal SWRCB110116.doc” to indicate the Posted File is a version of a water quality study proposal, the revisions were made by the SWRCB, and the date of the file is November 1, 2016. SSWD anticipates that the author or reviewer will ensure that the appropriate headers and footers are on the file and that the date of the file in the footer matches the date in the file name – this is not SSWD’s responsibility. SSWD plans to post the revised file on the Relicensing Website if SSWD made the revision, or post the file once provided to SSWD if a Relicensing Participant made the revision.

Periodically, SSWD may remove from the Relicensing Website files that have been revised or are otherwise out-of-date.

SSWD intends that all changes to a Posted File will be made in Microsoft Word Track Changes or other appropriate manner so that changes and/or comments can easily be understood, shared, and integrated into a revised text.

SSWD plans that Track Changes on a Posted File may be accepted if SSWD and Relicensing Participants developing the document agree.

1.5.4.6.5 Availability of Information in PAD

In accordance with 18 C.F.R. 5.6(c)(2) and Section 5.2, SSWD plans to provide sources of information on the existing environment and known or potential resource impacts included in the PAD to anyone who requests the information. SSWD will make a good faith effort to provide the document within 30 days of receipt of request. The document may be provided electronically (e.g., by e-mail or on CD/DVD) unless the party requesting asks for the information in hardcopy. Except for agencies, SSWD may charge a reasonable cost for copying and postage for the material.

1.5.4.7 Personal Conduct

1.5.4.7.1 Respect for Participants

SSWD will respect at all times the personal integrity, values, and legitimacy of the interests of each Relicensing Participant, and expects that each Relicensing Participant will do the same.

1.5.4.7.2 Commitments

SSWD will not make commitments lightly, and expects that Relicensing Participants will do the same.

1.5.4.7.3 Communicating Interests

At SSWD-sponsored meetings, SSWD will make a good faith effort to ensure that adequate time is provided for the interests of all Relicensing Participants to be discussed and acted upon. However, SSWD does not intend to routinely defer decisions or allow the relicensing process to be disrupted by delays.

SSWD will communicate its interests in topics under consideration, and expects Relicensing Participants will do the same. SSWD firmly believes that it is incumbent upon SSWD and each Relicensing Participant to state his or her interests, and that timely voicing of these interests is essential to enable meaningful dialogue and full consideration of different points of view. SSWD will share resource information and identify its understanding of relevant agency laws, regulations and policies with regards to assessment of potential impacts and development of

potential resource management measures, and encourages Relicensing Participants to do the same.

1.5.4.8 Communications

SSWD understands that all Relicensing Participants, including SSWD, are free to communicate informally with each other; however, all parties are encouraged to share relevant communications with SSWD and among all Relicensing Participants, as appropriate.

Other than verbal communications at meetings, SSWD will use e-mail as the primary means of SSWD's formal communication among Relicensing Participants.

SSWD will treat telephone calls with Relicensing Participants informally, with no specific documentation.

1.6 List of Attachments

There are no attachments to this section.

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