



United States Department of the Interior

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Meiling Colombano
State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
P.O. Box 2000
Sacramento, CA 95812-2000

JAN 16 2018

Subject: USFWS Comments on the Draft Water Quality Certification for the South Feather Power Project, FERC Project No. P-2088; Butte, Yuba, and Plumas Counties, California

Dear Ms. Colombano:

Thank you for the opportunity to comment on the Draft Water Quality Certification for the South Feather Power Project (Project), Federal Energy Regulatory Commission (FERC) Project No P-2088. The Project is a water supply and hydroelectric power project, owned and operated by the South Feather Water and Power Agency (SFWPA), located on the South Fork Feather River, Lost Creek, Sly Creek, and Slate Creek, in Butte, Yuba, and Plumas counties, California. The USFWS respectfully submits the following comments regarding the detailed proposed conditions for your consideration.

General Comments

Central Valley spring-run Chinook salmon, a federal and State listed threatened species, are known to naturally reproduce in the Feather and Yuba Rivers. Both the Feather River Hatchery and low flow section of the Feather River are directly influenced by thermal conditions of water discharged from the Kelly Ridge powerhouse (KRPH) to the Diversion Pool on the upper Feather River. Under certain regularly-occurring conditions, warm water released from the KRPH impact the water temperatures in the diversion pool downstream of Lake Oroville (FERC license No. P-2100) and can force the California Department of Water Resources (DWR) to coordinate projects by making higher releases from storage or other operational changes at Lake Oroville, to meet downstream hatchery and instream temperature objectives. Although DWR and SFWPA now have come to a “Kelly Ridge Powerhouse Settlement Agreement” described in the Draft Water Quality Certification, both FERC licenses discharge to the same water body and have the ability to impact water temperatures and spring-run Chinook salmon. Regardless of any settlement agreement regarding operations between the two Licensees, both FERC licenses should contain the same downstream temperature compliance points. There is no proposal by any parties to coordinate the license terms for the FERC P-2100 and P-2088 licenses, so if the licenses expire at a different time and the temperature compliance location is not included in this license, SFWPA would be under no legal requirement to operate their Kelly Ridge Powerhouse

to help maintain river temperatures appropriate for spring-run Chinook salmon at the Feather River Hatchery. Therefore, the USFWS recommends that the temperature compliance language from the P-2100 Water Quality Certification be included by reference in SWRCB's Final Water Quality Certification for this process by including the following statement in Section 2.1: "*By following the stipulations of the KRPB Agreement, SFWPA will coordinate with DWR to meet temperature requirements specified in the SWRCB's December 2010 Final Water Quality Certification for the Department of Water Resources Oroville Facilities*"

Numerous conditions of the Draft Water Quality Certification include provisions in which the Licensee shall develop post-licensing implementation plans in consultation with the Resource Agencies. However, no specific provision is made for public stakeholders to either comment or otherwise participate in development of the plans. In our experience, "public stakeholders" (i.e., public participants or representatives from Non-Governmental Organizations) bring with them years of relevant experience in the watershed and provide meaningful input during other FERC plan developments. The USFWS recommends that the term "interested stakeholders" be included wherever plan development language allows comment from the participating agencies.

Proposed Condition 1

Proposed Condition 1 includes the description of how the Licensee shall determine the water year type, but does not include the actual definitions for each water year type. The USFWS recommends including the definitions of water year types, and how they were derived, in this Condition.

Proposed Condition 1 would also allow for evaluation and readjustment of minimum instream flows after only six years of License implementation. The USFWS is concerned that there will not have been multiple years of the different water year types in order to make ecologically-relevant revisions to the minimum in-stream flows after only six years. Evaluating project influences on aquatic biota is best done using longer-term monitoring datasets. Additionally, the USFWS is concerned that the ability to request permanent license changes during the license term could lead to continuous relicensing of the Project. Therefore the USFWS recommends that instream flows be evaluated again, as part of the normal FERC process, when the next FERC relicensing period allows.

Proposed Condition 3

Proposed Condition 3 includes a ramping rate condition containing two parts – "Interim Ramping Rates" and "Long-Term Ramping Rate Adaptive Management Plan (RAMP)". The USFWS supports the development of a RAMP. However, the USFWS does not support the SWRCB's proposed interim ramping rate, because it is not protective of the foothill yellow-legged frog (*Rana boylei*) during the egg laying and tadpole rearing seasons of this species. Scientific understanding of how ramping rate affects foothill yellow-legged frogs has significantly evolved since 2008 based on work done in this watershed and other Sierra Streams. We recommend the SWRCB develop an interim ramping rate for the months of April through September that is consistent with natural springtime recession rates in Sierra Nevada Rivers (i.e., on the order of a 10% or less decrease in daily flow steps (see *Yarnell, S., R. Peek, G. Epke, and*

A. Lind. 2016. Management of the spring snowmelt recession in regulated systems. Journal of American Water Resources Association. 52:723-736.)

The Service appreciates the opportunity to review and comment on this Draft Water Quality Certification. If you have any questions regarding this response, please contact Dr. Stephanie Millsap of my staff at (916) 930-2658.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Welsh". The signature is fluid and cursive, with a large initial "D" and "W".

Daniel Welsh
Deputy Field Supervisor

cc: Mary Lisa Cornell, CDFW, Rancho Cordova
Amy Lind, U.S. Forest Service, Plumas National Forest

