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Date: January 10, 2018

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

Subject: FOREST SERVICE COMMENTS ON THE STATE WATER RESOURCES CONTROL BOARD DRAFT WATER QUALITY CERTIFICATION FOR THE SOUTH FEATHER POWER PROJECT, FERC NO. 2088

Dear Ms. Colombano:

The Forest Service appreciates this opportunity to provide comments on the State Water Resource Control Board's (SWRCB) November 17, 2017 draft Water Quality Certification (WQC) for the South Feather Power Project No. 2088, owned by South Feather Water and Power (hereafter "Licensee"). The Forest Service filed final Federal Power Act Section 4(e) mandatory conditions with FERC, for the South Feather Power Project, on March 6, 2009.

My staff and I have reviewed the draft WQC and our comments are provided below, in two sections: (1) general comments on the document and (2) comments on significant differences between the conditions provided in the draft WQC and the analogous Forest Service Final 4(e) conditions. Note that minor differences in wording or organization of conditions are not called out.

General Comments

- Table of Contents – Section 4.8 (SWRCB Condition 8) is missing.
- Please change references to "USFS" (abbreviation for United States Forest Service) to "Forest Service", throughout.
- We recommend the SWRCB check the use of the names Miner's Ranch canal, conduit, and tunnel in the text and maps. There appears to be some inconsistency among use of these different facility names. Also in Section 1.0 Project Description (page 5), it appears that Miner's Ranch Dam has been omitted from the list of Diversion Dams.
- Section 1.1 – Recreation facilities at Sly Creek Reservoir are not mentioned in the description of the Sly Creek Development, under the major section 1.0 Project Description.
- Section 1.1 – Please clarify that the Project trail at Little Grass Valley Reservoir is actually 13.5 miles long and that the accessible fishing trail is only a portion (0.25 miles).



Comments on Specific License Conditions

- **SWRCB Condition 1 and Forest Service Condition No. 18, Part 2** (Water Year Types)
 - We noted a difference in the timing within each month, for when the Licensee is to begin implementing conditions related to the designated water year type. The SWRCB condition requires implementation within two business days and the Forest Service condition states “from the 15th day of the month”. We support implementation of license conditions affected by water year type at the earliest possible date, and we may revise our 4(e) conditions if needed.
 - The SWRCB draft WQC did not provide definitions for each water year type (e.g., “Wet = greater than or equal to 7.1 MAF”, unimpaired runoff in the Feather River at Oroville). We recommend adopting the definitions provided in the Forest Service condition.

- **SWRCB Condition 1 and Forest Service Condition No. 18, Part 1** (Minimum Flows)

We do not support the SWRCB proposed “Evaluation of MIF’s” after six years of new license implementation. This clause could lead to “perpetual relicensing” of the Project. The Forest Service previously responded to the Licensee’s request for reductions in required minimum flows through our response to the Licensee’s Alternative Conditions, by reducing the required minimum flows between our preliminary and final 4(e) conditions.

- **SWRCB Condition 2** (Gaging Plan)

We support the SWRCB’s proposed *Gaging Plan* for the new license. The Forest Service did not specifically reference a *Gaging Plan* in our final 4(e) conditions; rather we described gaging requirements in **Forest Service Condition No. 18, Part 4** (Streamflow Measurement).

- **SWRCB Condition 3 and Forest Service Condition No. 18, Part 5** (Ramping Rates)

The SWRCB ramping rate condition contains two parts – “Interim Ramping Rates” and “Long-Term Ramping Rate Adaptive Management Plan (RAMP)”. We support the development of the RAMP and believe the Forest Service requirement to evaluate ramping rates should be a component of the RAMP. However, we do not support the SWRCB’s proposed interim ramping rate because it is not protective of the foothill yellow-legged frog (*Rana boylei*, a Forest Service Sensitive Species) during the egg laying and tadpole rearing seasons of this frog. 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 Forest Service ramping rate condition was intended to protect both egg masses and tadpoles during the spring and summer months.

- **SWRCB Condition 4** (Water Quality Plan)

We support the SWRCB’s proposed *Water Quality Plan* for the new license, even though the Forest Service did not specifically reference water quality monitoring in our final 4(e) conditions, we did include water temperature monitoring in our **Condition 19, Part 2**. We recommend that the SWRCB requirement for “Slate Creek Diversion Dam Operations” requirement, also included in this Condition, be analyzed and discussed with the Forest

Service and other resource agencies in relation to the potential effects of both short-term flow fluctuations and longer term water temperature changes on foothill yellow-legged frogs.

- **SWRCB Conditions 5 and 6** (Slate Creek Diversion Dam Sediment Management Plan Geomorphic Flows in Lost Creek)

We support the SWRCB's proposed *Sediment Management Plan for Slate Creek and Geomorphic Flows in Lost Creek* for the new license, even though the Forest Service did not include an analogous plan in our final 4(e) conditions. However, we recommend that the timing of activities for both Conditions be evaluated and modified to consider potential effects on foothill yellow-legged frogs.

- **SWRCB Condition 7, 8, 9 and Forest Service Condition No. 19** (Aquatic Biological Monitoring)

The SWRCB proposed monitoring frequency for fish (**Condition 7**) and benthic macroinvertebrates (**Condition 9**) is consistent with the analogous Forest Service Condition; however, we do not support SWRCB's recommended monitoring frequency for amphibians (**Condition 8**). The Forest Service amphibian monitoring plan (**Condition 19, Part 2**) requires significantly more frequent and robust population monitoring of foothill yellow-legged frogs throughout the new license period.

- **SWRCB Condition 10** (Riparian Vegetation Monitoring and Management Plan)

There is some overlap between the SWRCB proposed *Riparian Vegetation Management and Monitoring Plan* and Forest Service conditions requiring riparian monitoring (**Condition 19, Part 3**) and *Fuel Treatment Plan (Condition 22)* and *Invasive Weed Management Plan (Condition 26)*.

- We suggest that overlap and differences in these conditions be worked out during development of the specific plans, after new license issuance.
- We recommend adding language to this measure that requires implementation of protection measures for special-status wildlife, for any vegetation management activities may occur within or adjacent to these species' habitats. Special status species include: species that are federally endangered or threatened, or proposed for listing as threatened or endangered under the Endangered Species Act; Forest Service sensitive or Forest Service species of conservation concern; State threatened or endangered or candidate for listing under the California Endangered Species Act; State species of special concern; State fully protected species, and State rare plants.

- **SWRCB Condition 11** (Construction General Permit and Water Quality Monitoring and Protection)

There is some overlap between the SWRCB proposed *Construction General Permit and Water Quality Monitoring and Protection* and Forest Service conditions requiring an *Erosion Control Measures Plan (Condition 8)* and a *Road Management Plan (Condition 28)*, however the SWRCB condition does not specifically call out license-related road maintenance and potential water quality concerns. The Forest Service suggests that the SWRCB include this reference and also participate in post-new license development of the *Road Management Plan*.

- **SWRCB Condition 12 and Forest Service Condition No. 20** (Recreational Resources).

There are significant differences between the SWRCB and Forest Service conditions for recreation resources. Specifically, the SWRCB condition focuses on reservoir levels and recreation stream flows while the Forest Service condition is focused on recreation facilities (campgrounds, day use areas, boat ramps, etc.). We suggest that the appropriate time to work through these difference would be during the development of the *Recreation Plan*, which will be required to occur within the first one to three years of new license issuance.

- **SWRCB Condition 13** (Large Woody Material)

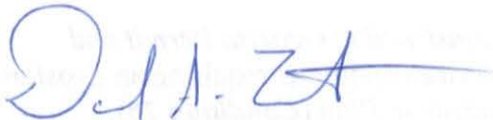
We support the SWRCB's proposed *Large Woody Material Measure* for the new license. In our final 4(e) conditions, the Forest Service did not specifically require passage of large woody material at dams, but we recognize the important benefits wood provides to stream habitats and aquatic species.

We propose to meet with the SWRCB (and other interested parties) prior to the issuance of the final WQC to reach common understanding and draft mutually acceptable language for the above described Conditions. If agreement can be reached, once the final WQC is released, we may amend our 4(e) conditions, as appropriate.

We note (as was described in our email correspondence with the SWRCB in late October/early November 2017) that over the past year, the Forest Service has been meeting with South Feather Water and Power staff to discuss several management plans required by Forest Service final 4(e) conditions. The intent of these meetings has been to get a head start on the work needed for plan development, ahead of the new license being issued. The plans we have discussed include: *Fire Prevention and Response Plan*, *Hazardous Substances Management Plan*, *Integrated Vegetation Management Plan* (i.e., a combination of the required *Fuel Treatment Plan* and *Invasive Weed Management Plan*), and the *Recreation Facilities Plan*. After reviewing the SWRCB draft conditions, we believe that SWRCB involvement is needed at future meetings related to the *Recreation Facilities Plan* and the *Integrated Vegetation Management Plan*, at a minimum; the Forest Service will request that the Licensee reach out to the SWRCB to facilitate your attendance.

We look forward to assisting the SWRCB in implementing actions on National Forest System lands when a new license is issued. If you have any questions regarding this filing you may contact Amy Lind (Tahoe and Plumas National Forests, Hydroelectric Coordinator) at (530) 478-6298 or alind@fs.fed.us.

Sincerely,



DANIEL A. LOVATO
Forest Supervisor

cc: Dawn Alvarez, Amy Lind, Mary Sullivan