



State Water Resources Control Board

December 18, 2023

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
Sent via FERC eFiling to Docket P-2088-068

**South Feather Power Project
Federal Energy Regulatory Project No. 2088
Butte, Yuba, and Plumas Counties
South Fork Feather River, Sly Creek, Lost Creek, and Slate Creek**

COMMENTS ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR HYDROPOWER LICENSE

Dear Secretary Bose:

On October 19, 2023, the Federal Energy Regulatory Commission issued a draft supplemental environmental impact statement (SEIS) for South Feather Water and Power Agency's South Feather Power Project. State Water Resources Control Board staff reviewed the draft SEIS and are providing comments in Attachment A.

If you have questions regarding this letter, please contact Savannah Downey, Project Manager, by email at Savannah.Downey@waterboards.ca.gov or by phone at (916) 322-1585.

Sincerely,

A handwritten signature in black ink that reads "S. Downey".

Savannah Downey
Senior Environmental Scientist (Specialist)
Water Quality Certification Program

Attachment A: Comments on Federal Energy Regulatory Commission's Draft Supplemental Environmental Impact Statement for South Feather Water and Power Agency's South Feather Power Project

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ATTACHMENT A: COMMENTS ON FEDERAL ENERGY REGULATORY
COMMISSION'S DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
FOR SOUTH FEATHER WATER AND POWER AGENCY'S SOUTH FEATHER
POWER PROJECT

State Water Resources Control Board (State Water Board) staff submit the following comments on the Federal Energy Regulatory Commission's (FERC) draft supplemental environmental impacts statement (SEIS) for the South Feather Water and Power Agency's (SFWPA) South Feather Power Project (Project).

1. State Water Board staff appreciate FERC staff's support of numerous conditions in the water quality certification (certification), including Conditions 1(K), 1(L), 2, 3, 4(B), 5, 6, 12, 13, 14, 15, and 18. Staff also appreciate FERC staff's support of biological monitoring included in the certification as incorporated into the Aquatic Monitoring Plan.
2. Prior to issuance of the draft SEIS, State Water Board staff, California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), United States Forest Service (Forest Service), and SFWPA discussed foothill yellow-legged frog (FYLF) presence within Project-affected river reaches and limitations of Project infrastructure that would make it difficult for SFWPA to implement the interim ramping rates from Condition 3(A), which were also included in the FERC staff alternative. These unresolved issues should be addressed prior to FERC issuing a new license for the Project.

While some agencies' comments on the draft SEIS may include information to address these issues, State Water Board staff anticipate that these comments will not fill all data gaps or resolve all issues. Staff request that FERC convene a technical conference to continue FYLF discussions. A technical conference would allow for the back-and-forth conversations needed for collaborative problem-solving.

Staff anticipate that the technical conference would provide information necessary to analyze impacts of project operations on FYLF, including but not limited to:

- Biological survey results of FYLF presence within Project-affected river reaches over time.
- Project operations that cause large flow fluctuations in Project-affected river reaches during FYLF reproductive season.
- Operational changes that could reduce large flow fluctuations in Project-affected river reaches during FYLF reproductive season.
- Feasibility of implementing interim ramping rates with existing infrastructure.
- Limitations of interim ramping rates with regard to protecting FYLF.

Staff recommend that FERC, CDFW, Forest Service, USFWS, SFWPA, and the State Water Board staff be invited to participate.

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3. Pages 3-89 – 3-90: “[W]e find no rationale as to how proposed project operations could change water quality in project-affected stream reaches relative to existing operation, with the possible exception of temperature-driven benefits to [dissolved oxygen]... Based on the above and excluding temperature at Slate Creek and Kelly Ridge Powerhouse, there appear to be few project-related benefits from monitoring water quality of any type in project affected reaches.”

In issuing certification for a project, the State Water Board must ensure consistency with the designated beneficial uses of waters affected by the project, the water quality objectives developed to protect those uses, and anti-degradation requirements. (*PUD No. 1 of Jefferson County v. Washington Dept. of Ecology* (1994) 511 U.S. 700, 714-719.) The purpose of Condition 4(A), Water Quality Monitoring, is to ensure the Project as a whole, not just the change in Project operations before and after license issuance, does not violate California's water quality standards. For example, the Project impacts water quality by releasing unseasonably cold water from Little Grass Valley Dam, limiting rainbow trout growth. Proposed Project activities that may impact water quality include sediment management and geomorphic flows. Further, monitoring requirements of Condition 4(A) are consistent with the State Water Board's authority to investigate waters of the state, including for quality, and to require necessary monitoring and reporting pursuant to Water Code sections 13267 and 13383. State Water Board staff recommend that FERC staff include the requirements of Condition 4(A) in the FERC staff alternative.