



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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July 11, 2025

Jennifer Hanson
General Manager
Nevada Irrigation District
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Subject: Nevada Irrigation District Yuba-Bear Hydroelectric Project FERC Relicensing
Draft CEQA Supplemental Analysis
SCH No. 2024061139

Dear Jennifer Hanson:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Supplemental Analysis from Nevada Irrigation District (NID) for the Yuba-Bear Hydroelectric Project Federal Energy Regulatory Commission (FERC) Relicensing (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.¹ CDFW previously submitted comments in response to the Notice of Intent for a Supplemental CEQA Analysis filed on .

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located in Nevada, Placer, and Sierra counties. The existing hydroelectric project is located within three major river basins, the Middle Yuba River, the South Yuba River, and Bear River. The hydroelectric project is defined as the existing Yuba-Bear Hydroelectric Project under its original 50-year FERC hydropower license, which expired in 2013 and currently operates under an annual license.

The existing hydroelectric project's developments include Bowman, Dutch Flat No. 2, Chicago Park, and Rollins. Among these four developments, there are 13 main dams; 11 reservoirs or impoundments; four major water conduits; four powerhouses with associated switchyards with a combined authorized installed capacity of 79.32 megawatts; one nine-mile-long, 60-kilovolt transmission line; and appurtenant facilities and structures, including recreation facilities.

The Project is the acceptance of the terms of the new FERC license, continuance of Yuba-Bear Hydroelectric Project operations and maintenance under the terms of the new license, and implementation of the license conditions, including modification to some facilities, project boundaries, and operations and maintenance.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist NID in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT 1: Foothill Yellow-Legged Frog

As stated in the Notice of Intent CDFW filed on July 23, 2024, the foothill yellow-legged frog (*Rana boylei*; FYLF) North/Northeastern Sierra clade is listed as "threatened" under CESA. On February 5, 2015, CDFW provided comments to FERC on the Project's 2014 Final Environmental Impact Statement that discussed flow operations opportunities to minimize impacts to FYLF. Additionally, CDFW submitted comments to FERC on June 16, 2023, describing the updated FYLF status as "threatened" under CESA and specifying

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hydropower project operations impacts on FYLF populations. Daily flow ramping measures intended to protect FYLF are specified for many Project components, as detailed in license Condition Number 31 via United States. Forest Service mandatory 4e conditions and in the recently issued Project Draft Water Quality Certification. CDFW recommends NID consult with CDFW and work collaboratively and adaptively to protect FYLF within the Project's footprint to avoid "take" of FYLF during license implementation.

Comment 2: Mitigation Measure Aquatics 2

Mitigation Measure Aquatics 2 states that "mitigation for permanent impacts on Sierra Nevada yellow-legged frog, or foothill yellow-legged frog aquatic habitat shall be provided at a minimum 1:1 ratio if required in regulatory permits issued through United States Fish Wildlife Service or CDFW." It is the policy of the State to conserve, protect, restore and enhance any endangered or threatened species and its habitat (Fish & Game Code, Section 2052). The conservation, protection, and enhancement of CESA-listed species, including Sierra Nevada yellow-legged frog (SNYLF) and FYLF, and their habitat is of statewide concern (Fish and Game Code, Section 2051(c)) and is a Department priority (California Department of Fish and Wildlife, 2022).

CDFW suggests a mitigation ratio of at least 3:1 for permanent impacts on SNYLF and FYLF aquatic habitat. CDFW will work with NID collaboratively to avoid "take" of listed frogs and to protect their environment using the appropriate mitigation measures including mitigation ratios.

Comment 3: Subsequent or Supplemental CEQA Analyses

The Supplemental Analysis reflects an evaluation of implementation of the proposed new hydropower license, including routine maintenance and ongoing operations. The Supplemental Analysis states that "subsequent or supplemental CEQA analysis may be required once specific activities are defined in the plans and before those activities could be implemented." Given the lack of details for site specific project activities identified within the Supplemental Analysis, such as the decommissioning of Chicago Park Forebay Road and other road rehabilitation projects, CDFW expects NID will issue subsequent or supplemental CEQA analyses for similar projects to disclose potential impacts on fish and wildlife resources.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

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FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife: North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to R2CEQA@wildlife.ca.gov.

CDFW appreciates the opportunity to comment on the Supplemental Analysis for the Yuba-Bear Hydroelectric Project FERC Relicensing to assist NID in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Will Kanz, Environmental Scientist at (916) 880-8981 or Will.Kanz@wildlife.ca.gov.

Sincerely,

DocuSigned by:


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Morgan Kilgour
Regional Manager

ec: Jennifer Gacia, Environmental Program Manager
Briana Seapy, Senior Environmental Scientist (Supervisor)
Will Kanz, Environmental Scientist
Department of Fish and Wildlife

Office of Land Use and Climate Innovation, State Clearinghouse, Sacramento

REFERENCES

California Department of Fish and Wildlife (2022). Foothill Yellow-legged Frog Clade Boundaries, California Open Data Portal.