

Regional

SYRCL to D.C. Circuit: Don't let NID undermine the Clean Water Act

By South Yuba River Citizens League (SYRCL) - March 28, 2019, 12:17:36 PM

Nevada City, Calif. March 28, 2019 – On February 19, 2019, Nevada Irrigation District (NID) asked the Federal Energy Regulatory Commission (FERC) to waive safe water quality legal requirements for their Yuba Bear hydroelectric project based on a recent federal court ruling (*Hoop Valley Tribe v. FERC*) that removes water quality protections for hydroelectric projects.

NID's request surprised stakeholders who have been involved in the Yuba Bear dam relicensing process for the past eight years, including Foothills Water Network (FWN), the South Yuba River Citizens League (SYRCL) as well as the State Water Resources Control Board (Water Board).

SYRCL Executive Director Melinda Booth said, "NID is the first water district in the nation to try to circumvent the Clean Water Act and CEQA based on this court case. By doing so NID risks the health of the Yuba River watershed and jeopardizes years of stakeholder collaboration. Their course of action could set a precedent that may undermine environmental protections for waterways nationwide."

FWN Coordinator Traci Sheehan also raised the concern in public comment at an NID Board Meeting, asking "since this could have impacts nationwide, we would like to understand if the NID Board was consulted on this matter before staff filed the letter."

In a formal response, SYRCL and FWN filed a protest [letter](#) to FERC. They distinguished the Yuba Bear project from the *Hoop* case, and asked the agency to not approve NID's request and adhere to normal California Environmental Quality Act (CEQA) and Clean Water Act procedures to protect the Yuba and Bear watersheds. The Water Board also filed a similar [letter](#), protesting NID's request and asking FERC to "simply ignore [NID]."

SYRCL also protested this issue at the national level, joining fifteen states, numerous tribes and conservation groups in requesting the D.C. Circuit court to review the recent *Hoopa* decision.

American Rivers, Trout Unlimited, California Trout and the Hydropower Reform Coalition formally intervened in the *Hoopa Valley Tribe* case **last week**, asking the Court to reconsider their ruling. SYRCL, California Sportfishing Protection Alliance, Karuk Tribe, Yurok Tribe, American Whitewater, Friends of the River and California Outdoors then filed a separate *amicus* brief to support the **petition**, emphasizing their concern that the *Hoopa* ruling could “exempt dozens of hydropower dams that are currently undergoing FERC relicensing from compliance with state water quality standards for the next 30 to 50 years.”

NID has yet to formally respond to SYRCL’s and FWN’s concerns or address their FERC request in a public meeting.

About SYRCL

The South Yuba River Citizens League (SYRCL) is the leading voice for the protection and restoration of the Yuba River watershed. Founded in 1983 through a rural, grassroots campaign to defend the South Yuba River from proposed hydropower dams, SYRCL has developed into a vibrant community organization with more than 3,500 members and volunteers. SYRCL envisions a future in which the Yuba River watershed thrives and is resilient in the face of climate change. It strives to be a vibrant, science-based community organization serving as a leader for environmental stewardship and activism in the Yuba River watershed—and one that inspires others to make a difference in their communities.

See: www.yubariver.org.