



FOOTHILLS WATER NETWORK

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Contacts:

Melinda Booth, Executive Director
South Yuba River Citizens League
(530) 265-5961 x202; melinda@yubariver.org

Ashley Overhouse, Policy Manager
South Yuba River Citizens League
(408) 472-4522; ashley@yubariver.org

Traci Sheehan, Coordinator
Foothills Water Network
(530) 919-3219; traci@foothillswaternetwork.org

Yuba and Bear Rivers threatened by Waivers of Clean Water Act Protections

Conservationists call on the Federal Energy Commission

Sacramento, CA – Recent decisions by the Federal Energy Regulatory Commission (FERC) and rollbacks by the Trump Administration have crippled the Clean Water Act in a way that would allow hydropower dam projects on the Yuba and Bear rivers to avoid California’s environmental laws protecting our water, our lands and our community. Conservationists have launched an effort to protect the Yuba and Bear River watersheds, warning communities that with this new ruling, states like California will not be allowed to protect their own rivers and watersheds.

“The Yuba River Watershed is the first in line to be sacrificed,” stated Melinda Booth, Executive Director of the South Yuba River Citizens League (SYRCL). “It is inappropriate for the Trump Administration to gut our State’s ability to protect our watershed. Our community can’t standby without speaking up.”

The recent rulings by FERC determine that California does not need to issue a water quality certification for two hydropower projects on the Yuba and Bear Rivers. These two projects include Nevada Irrigation District’s Yuba Bear Project and Yuba Water Agency’s Yuba River Development Project, which are considered among the oldest and most complex hydropower projects in the state. The current FERC licenses that determine how the two water agencies operate their projects are over 50 years old, make up over a dozen dams and currently allow 80% of the water to be diverted out of the river to generate electricity.

SYRCL is now looking to the public to raise the alarm on this issue and asking concerned citizens to sign on. With more than 800 signatures so far, SYRCL’s letter urges the Commission to reverse their waivers on the Yuba and Bear River projects and instead, protect the Clean Water Act by urging the Nevada Irrigation District and Yuba Water Agency to obey state environmental regulations.

The recent federal rulings effectively preclude California's authority and ability to protect the public and watersheds from the water quality and degradation caused by these two projects. Commonly referred to as Clean Water Act Section 401 certifications, the State Water Board is the designated California agency to issue a "401 certification." Typically it is the final stage in determining the conditions of a 50-year license and how a non-federal hydroelectric project can operate.

"Hydropower dams divert water around entire sections of the Yuba and Bear rivers, leaving them dry, or worse, rapidly alternating between unnatural drought and flood-like conditions," stated Traci Sheehan, Coordinator for Foothills Water Network. "If left unchecked, hydropower operations endanger a number of species and plant life, and are a significant source of water pollution. Dams alter the temperature and chemical makeup of water that is impounded behind and released, harming the biological integrity of our river ecosystems. That is why Clean Water Act 401 protections in our community are so critical to the future health and resiliency of the Yuba and Bear River watersheds."

Conservationists are warning that FERC could now issue 40 to 50-year licenses to the water agencies without these critical state environmental protections. In fact, they already have issued a new license to Placer County Water Agency for the Middle Fork American Project. The decisions would have damaging, long-lasting impacts on the Yuba and Bear River watersheds, and lasting impacts for Clean Water Act enforcement statewide. Conservationists, including SYRCL as a member of Foothills Water Network, have filed appeals on both granted waivers, but have yet to hear a decision. In an attempt to preserve their regulatory authority, the State Water Board issued a 401 certification on July 20th despite it lacking the California Environmental Quality Act requirements.

It is now up to the Commission to reverse these waivers of the Clean Water Act and include the Water Board's 401 certification in the final hydropower license. Short of legal action, SYRCL and other environmental partners have consistently opposed these waivers for the past year, to no avail.

"Protecting our bedrock environmental laws for the health of our impacted waterways is more important now than ever before," stated Ashley Overhouse, River Policy Manager at SYRCL. "We hope FERC will hear our Community and do the right thing."

Click [here](#) to read more about the issue and to sign SYRCL's letter to FERC.

Based in Nevada City, CA, the South Yuba River Citizens League (SYRCL, pronounced "circle"), 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. For more information, visit yubariver.org and follow us on Twitter @yubariverpeople.

The Foothills Water Network represents a broad group of non-governmental organizations and water resource stakeholders in the Yuba River, Bear River, and American River watersheds. The overall goal of the Foothills Water Network is to provide a forum that increases the effectiveness of non-profit conservation organizations to achieve river and watershed restoration and protection benefits for the Yuba, Bear, and American rivers.