

# Legislative landgrab letter postponed by NID committee

By YubaNet - March 7, 2017, 09:00:29 PM



GRASS VALLEY, Calif. March 7, 2017 – NID’s Administrative Practices Committee decided to send back to staff a proposed letter to Congressman LaMalfa requesting legislation for the transfer of several BLM parcels in the Centennial Dam project area into NID ownership. The proposed letter is at Congressman LaMalfa’s request, NID General Manager Rem Scherzinger stated today.

NID’s desire to acquire the parcels for the proposed dam raised concerns with several groups, notably because of the ‘fringe benefit’ of removing conditions negotiated during the FERC (licensing) process. The set of conditions listed by BLM are contained in the 4(e) section of the agency’s filing with FERC, as part of the relicensing of the Yuba-Bear project. Sensitive species monitoring, preservation of access, fire safety and recreation planning are some of the listed conditions.

Traci Sheehan, speaking for the Foothills Water Network (FWN) at today’s meeting, stated their group does not want the negotiated conditions to go away. She also pointed out an act of Congress does not transfer ownership instantly. The Network is concerned about the precedent such possible legislation could set. Also, once legislation is initiated, NID is no longer in the driver’s seat and cannot control the final version of any bill or amendment.

The current proposed dam project does not include any power generation, but a small hydro-generation project has been discussed numerous times. Allan Eberhart said the district would need a FERC license for a power generation project and BLM would not have

a seat at the table. Scherzinger replied that if the district acquires the parcels, BLM will never be in the room. Director Wilcox stated if the powerhouse is a small one, it does not require a FERC license – so either way BLM is not in the room.

There was discussion of including additional two parcels in the proposed legislation, at the request of Nevada City. Director Wilcox stated he had a discussion recently with City Manager Mark Prestwich – the city wants to acquire the parcels on which the city's water treatment plant is located. Nevada City resident Don Rivenes expressed his misgivings about adding more parcels into the proposed legislation, to which Scherzinger replied "there is an economy of legislation if we combine all the parcels." More discussion ensued about possibly including additional parcels for the Deer Creek project.

Local resident and SYRCL member Jennifer Ekstrom stated she didn't see Centennial as the highest and best use for these public lands.

The acquisition of BLM parcels has been discussed for several years and described as "good business for the District." [General Manager Scherzinger on Sept. 9, 2015] During the October 2, 2016 meeting, Director Drew stated he "cannot see any reason why BLM wants to hold onto these parcels."

Directors Wilcox and Morebeck decided to send the letter back to staff for additional clarification. The item will be brought back at a future APC meeting.

YubaNet requested a comment from American Rivers on the proposed Centennial Dam, hydropower and the BLM land transfer. Associate Director of Headwaters Conservation in California Max Odland stated: "Not only are the BLM parcels in question home to important natural resources, the BLM is a critical stakeholder in the process to relicense the Yuba-Bear Hydroelectric Project under the Federal Energy Regulatory Commission (FERC). Forcing the transfer of BLM lands at this point would undermine the agreements negotiated by NID and local, state, and federal stakeholders, and would remove the BLM from the table at future discussions regarding hydropower on the Bear River.

NID has made numerous public statements indicating their intention to use Centennial Dam for power generation, either at the dam site itself, or by altering hydropower operations at Rollins Reservoir, upstream of the new proposed dam. However, NID has not included hydropower generation in their official project descriptions for state and federal environmental review, and has not indicated that they will be applying for a permit to

produce hydropower from FERC. This discrepancy, along with NID's actions regarding the transfer of federal lands, gives the appearance that NID is going to great lengths to avoid federal oversight on the project.

We do not believe that NID has demonstrated the need for a large new dam project—with all of its associated social, environmental, and economic costs—when there are still no-regrets alternatives that have not been enacted by the irrigation district to this point. We are not convinced that it is a good use of public resources, and we are committed to ensuring that new hydropower projects go through the appropriate federal regulatory process.”