

# CALIFORNIA LEGISLATURE

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

February 6, 2020

Karla Nemeth, Director  
Department of Water Resources  
1416 Ninth Street  
Sacramento, CA 95814

Re: **Thermalito Afterbay Salmon Restoration Project**

Dear Director Nemeth,

We are writing to urge you to accelerate implementation of the Thermalito Afterbay retrofit project and the Feather River fish weir, which can provide significant benefit for fall run Chinook salmon, the listed spring-run Chinook and green sturgeon, and other species.

As you know, in 2006, a proposed settlement was reached regarding the reissuance of a Federal Energy Regulatory Commission license for the operation of Oroville Dam and related facilities on the Feather River. That proposed settlement was supported by a broad range of stakeholders and agencies. The agreement includes commitments to a wide range of restoration projects and included funding. However, 13 years after it was reached, the agreement is not yet being implemented.

One of the projects included in the proposed FERC settlement is a project to retrofit the Thermalito Afterbay. The design of the afterbay results in dramatic increases in water temperatures during much of the year. When water from the afterbay is released into the Feather River, downstream river temperatures are increased dramatically, often to levels that are lethal to salmon eggs. As a result, half or more of the spawning habitat on the Feather River below Oroville Dam is unusable by salmon.

A 2009 DWR study identified several possible retrofit solutions. However, DWR has not selected a final project, completed project design and prepared for additional required permits. For more than a decade, this project has been stalled.

In addition, the proposed FERC settlement includes a proposed Feather River fish weir upstream from the Thermalito Afterbay outlet. This weir would allow managers to segregate spawning spring run Chinook salmon from spawning fall run. This facility should be installed and operated in coordination with the completion of the Afterbay retrofit, as the weir is intended to provide protection for the ESA listed spring run, as well as avoid regulatory restrictions on downstream fishing for the non-ESA listed fall run.

Currently, without the weir in place, tens of thousands of fall run salmon that could be repopulating the Feather River are instead being removed from the river and killed, at a great cost to local fishing businesses and residents.

Since the proposed FERC settlement was reached, a widely recognized ecosystem crisis has emerged in the Bay-Delta ecosystem and its tributaries. Many fish species have declined dramatically, including some that are on the brink of extinction. This crisis also has human and economic impacts. In 2008 and 2009, California's salmon fishing industry was shut down, at a cost of thousands of jobs. After the recent drought, another decline in salmon populations resulted in significant restrictions on salmon fishing communities. Implementation of the 2006 FERC settlement, particularly the Thermalito retrofit project and the Feather River fish weir, must be part of a comprehensive state response to this crisis.

We understand that renewal of the FERC License has been delayed as a result of the Oroville spillway failure. We appreciate the need for the careful effort required by FERC in response to this failure. However, this delay in license reissuance has resulted in an ongoing delay in needed restoration projects.


It is important to note that the 2006 FERC settlement requires mitigation for ongoing impacts of the State Water Project to the Feather River. Because implementation has been delayed, these SWP impacts have not been adequately mitigated for more than a decade and salmon runs in the Feather have suffered. So too, have those who fish for salmon, in the river downstream and in the ocean where Feather River salmon are caught. This fishery historically supported a robust salmon fishing economy stretching from the coast up to the city of Oroville. It is critically important that DWR address this situation.

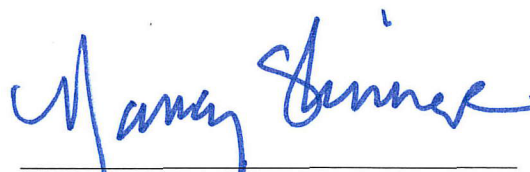
We understand that there is nothing in the proposed settlement or in the FERC process to prevent DWR from voluntarily accelerating needed planning for the Thermalito Retrofit project and the Feather River fish weir. We urge DWR to accelerate this process, to ensure that these projects – and the benefits that they will provide – move forward as rapidly as possible.

Finally, we urge the Administration to include early action on the Thermalito Afterbay retrofit project and the Feather River fish weir in the final California Water Resilience Portfolio plan. These projects represent no regrets actions that offer state agencies an opportunity to take a consensus near-term step forward on salmon restoration.

We request that DWR respond to this request within two weeks.

Sincerely,

  
\_\_\_\_\_  
Senator Jim Nielsen

  
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Senator Nancy Skinner

