

137 FERC ¶ 62,168  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

United Water Conservation District

Project No. 2153-031

ORDER MODIFYING AND APPROVING RAMPING RATE DISCHARGE, DEPTH,  
AND VELOCITY RELATIONSHIP EVALUATION PLAN UNDER ARTICLE 401(a)  
AND AMENDING LICENSE

(Issued November 22, 2011)

1. On October 21, 2011, United Water Conservation District (licensee) filed its Ramping Rate Discharge, Depth, and Velocity Relationship Evaluation Plan with the Federal Energy Regulatory Commission (Commission), pursuant to article 401(a) of its license<sup>1</sup> for the Santa Felicia Project No. 2153. The project is located on lower Piru Creek in Ventura County, California.

LICENSE REQUIREMENT

2. License article 401(a) requires that the licensee file various plans for Commission approval, as required by the Terms and Conditions (T&C) of the National Marine Fisheries Service's (NMFS) incidental take statement for the project. T&C 1(b) requires that the licensee develop a Ramping Rate Discharge, Depth, and Velocity Relationship Evaluation Plan. The plan is required to develop the empirical relationship between discharge, water depth, and velocity in lower Piru Creek, downstream of Santa Felicia Dam. The plan is also required to include: a description field sampling methods; the number of sampling locations; a proposal for random sampling site selection; a sampling schedule; a description of analytical methods; and a proposal for submitting the sampling results to NMFS.

LICENSEE'S PLAN

3. The licensee proposes to conduct velocity, discharge, and river stage monitoring to ensure compliance with T&C 1(a) of its incidental take statement. T&C 1(a) requires that the licensee implement a water release ramping rate of 2 inches/hour to guide

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<sup>1</sup> See 124 FERC ¶ 62,193. Order Issuing New License (issued September 12, 2008).

increases and decreases of water releases from Santa Felicia Dam to Piru Creek for the purpose of minimizing the likelihood of displacing and stranding steelhead in Piru Creek downstream of Santa Felicia Dam. As part of its plan, the licensee proposes to modify the ramping rate requirement of T&C 1(a). The licensee states that its recently developed Water Release Plan under article 401(a) only requires a 2-inches/hour ramping rate for flow decreases.<sup>2</sup> Accordingly, the licensee requests that the ramping rate requirement for increases in flow, no longer apply.

4. In order to measure the effects of discharge on streamflow depth, the licensee proposes to monitor water depth changes at eight locations in lower Piru Creek using water elevation transducers. Streamflow depths would be measured every 15 minutes during both an up-ramp and a down-ramp during migration and water conservation flow releases.<sup>3</sup> The licensee states that it would compile raw depth data to graphically plot water depth against discharge. Finally, the licensee proposes to use acquired data to calculate wetted perimeter, velocity, and Manning's n for discharge at selected sampled sites.

5. The licensee states that it will compile and analyze data collected during conservation releases between 2009 and 2011 into a report format. The licensee proposes to submit a draft report to NMFS no later than 90 days following the completion of data collection, or 90 days following Commission approval of its plan, if all data has not yet been collected. The licensee's plan also includes preliminary results from data collected in 2009.

## CONSULTATION

6. The licensee developed its plan, including its proposal to modify the ramping rate requirement, in consultation with NMFS. The licensee submitted its final plan to NMFS on October 11, 2011. By letter dated October 14, 2011, NMFS stated that the licensee's plan fulfilled the requirements of T&C 1(b).

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<sup>2</sup> See 135 FERC ¶ 62,159. Order Granting Temporary Waiver of Minimum Flow Requirements under Article 403 (issued May 23, 2011).

<sup>3</sup> Migration and water conservation releases, as set forth in the licensee's Water Release Plan, require large pulse flows in excess of 200 cubic feet per second between January 1<sup>st</sup> and May 31<sup>st</sup>. The actual required flow is based on actual and predicted rainfall-induced discharge. During these releases, the licensee is required to increase discharge such that a flow no more than doubles in any two-hour period and to reduce discharge to no greater than 50 percent in any 24-hour period (See 135 FERC ¶ 62,159).

## DISCUSSION

7. The licensee is proposing to study the effects of ramping rates on water depth, and velocity in lower Piru Creek. The licensee's plan contains a study plan that should help determine the appropriate ramping rates to avoid displacing and stranding of federally-listed southern California steelhead. The licensee's plan, however, does not contain a proposal for filing the results of its monitoring with the Commission. In order to track the progress of the licensee's monitoring and its compliance with the monitoring requirements of its plan, the licensee should be required to file a copy of its monitoring report with the Commission, concurrent with its submittal to NMFS. Due to the fact that data collection should have concluded by May 31, 2011, it is anticipated that the licensee's report should be completed and submitted to NMFS, and consequently, the Commission, within 90 days of the date of this order

8. The licensee is also proposing a minor modification to the required ramping rates set forth in T&C 1(a). The modification would require that the 2 inch/hour ramping rate only apply to flow decreases, and flow increases would no longer be subject to the same requirement. Although the modification was temporarily approved in the aforementioned May 23, 2011 order, the modification to the project license should be made permanently. The remaining elements of the licensee's plan adequately fulfill the requirements of T&C 1(b), and as modified above, should be approved.

9. It should be noted that various elements of the licensee's plan to determine the empirical relationship between discharge, depth, and velocity require that monitoring be conducted in accordance with flows outlined in the licensee's Water Release Plan, which has not yet been approved on a permanent basis.<sup>4</sup> Consequently, approval of the licensee's plan should not be construed as a permanent approval of the flow regime outlined in the licensee's Water Release Plan. The temporary approval of the licensee's Water Release Plan, however, should not create a conflict between the licensee's monitoring schedule and the expiration of the temporary flow schedule approval, as the Water Release Plan is approved through May 23, 2012, and the licensee is proposing to conclude monitoring in 2011. Conversely, should additional monitoring under the plan be necessary beyond May 23, 2012, the licensee should request an amendment to its

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<sup>4</sup> Per the May 23, 2011 Order Granting Temporary Waiver of Minimum Flow Requirements under Article 403, the flow requirements of article 403 were temporarily waived for one year in order to implement the Water Release Plan. Per license article 401(b), permanent approval of the licensee's Water Release Plan will require a license amendment.

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Ramping Rate Discharge, Depth, and Velocity Relationship Evaluation Plan to incorporate any revision to the monitoring schedule.

The Director orders:

(A) United Water Conservation District's (licensee) Ramping Rate Discharge, Depth, and Velocity Relationship Evaluation Plan, filed with the Federal Energy Regulatory Commission (Commission) on October 21, 2011, pursuant to article 401(a) of its license for the Santa Felicia Project, is approved.

(B) The licensee shall file a copy of its Ramping Rate Discharge, Depth, and Velocity Relationship Evaluation monitoring report with the Commission within 90 days of the date of this order.

(C) The Santa Felicia Project license is hereby modified, whereby the 2 inches/hour ramping rate set forth in Term and Condition 1(a) of the incidental take statement only applies to decreases in flow in Piru Creek downstream of Santa Felicia Dam.

(D) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2011). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Thomas J. LoVullo  
Chief, Aquatic Resources Branch  
Division of Hydropower Administration  
and Compliance

Document Content(s)

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