



## **Election Season and Centennial Dam: Get the Facts**

Voting is a very important part of our democracy, as well as an essential way for community members to voice their opinions about issues that matter most. One of those important issues is the management of our precious water resources.

Nevada Irrigation District (NID), one of our local water agencies and proponent of the proposed Centennial Dam, is governed by a 5-member Board of Directors. Two of those Director seats are up for election this November. Consider checking out their websites below to learn more about their platforms and credentials before you vote.

### Division 3

- [Karen Hull](#)
- [Dr. Scott Miller](#) (incumbent, no website)

### Division 5

- [Rich Johansen](#)
- [John Norton](#)

## **Stop Centennial Dam: Frequently Asked Questions**

Since September, there have been candidate forums, campaign mailers and newspaper articles where incorrect statements have been made about [SYRCL](#) and the Centennial Dam Project. As part of our *Stop Centennial Dam* campaign, SYRCL is providing the below educational information to help voters make an informed decision.

### ***What is the proposed Centennial Dam?***

The Nevada Irrigation District (NID) proposes to build a new 110,000-acre-foot reservoir with a 275-foot-tall dam on the Bear River.<sup>1</sup> This would inundate the last six

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<sup>1</sup> Nevada Irrigation District. NOP: Environmental Impact for the Centennial Reservoir Project. 16 Feb 2016. [https://d2xcq4qphg1ge9.cloudfront.net/assets/9324/3169978/original\\_Environmental\\_Impact\\_Report\\_for\\_the\\_Centennial\\_Reservoir\\_Project.pdf](https://d2xcq4qphg1ge9.cloudfront.net/assets/9324/3169978/original_Environmental_Impact_Report_for_the_Centennial_Reservoir_Project.pdf)

miles of publicly accessible, free-flowing river on the Bear, completely flooding the Bear Campground, more than 25 homes and 120 parcels, hundreds of sacred Native American cultural sites, and the Dog Bar Bridge—the only crossing of the Bear River between Highway 49 and Highway 174.

### ***How does a dam on the Bear River affect the Yuba River?***

More than half of the water in the upper Middle and South Yuba Rivers is diverted to the Bear River. Upon entering the Bear River watershed, Yuba water moves through canals and hydropower facilities. SYRCL is concerned that Centennial Dam, if built, could demand even more Yuba River water, especially when dry years leave the new reservoir low.

### ***What would Centennial Dam cost?***

NID has estimated the project will cost anywhere from \$160<sup>2</sup> to \$500 million<sup>3 4</sup>. And if NID borrows money for the dam, the interest payments alone could add several hundred million dollars more over time. An independent third-party economist has estimated that the project could cost over \$1 billion.

### ***How would the dam be paid for?***

NID has yet to release a comprehensive financial plan for this proposal. NID has gone back and forth on whether future hydropower revenue will pay for the project, but hydropower is not included in the Project proposal as of October 2020.

### ***How much money has NID spent so far on the Centennial Dam proposal?***

As of October 2020, NID has spent over \$14 million on Centennial Dam overall. NID has spent over \$7 million alone on property purchases for the Project, with no government approvals and no secured water rights. NID was deemed ineligible for state funding in 2018. Without a plan or secured funding source, SYRCL is concerned that this financially risky project could leave NID's customers severely burdened with debt.

### ***Is hydropower included in the Centennial Dam proposal?***

No, not at this time. NID originally included hydropower generation in its Project proposal in 2015 but removed it in 2017 when it became clear that adding hydropower

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<sup>2</sup> Scherzinger, Rem. "NID Begins Planning for a New Reservoir." Nevada Irrigation District » NID Begins Planning for a New Reservoir. Nevada Irrigation District, 22 Aug. 2014. Web. 05 Jan. 2017. <<http://nidwater.com/2014/08/nid-begins-planning-for-a-new-reservoir/>>.

<sup>3</sup> "FAQ." Centennial Reservoir. Nevada Irrigation District, Web. 09 Jan. 2017.

<<http://www.centennialreservoir.org/faq/#>>; *see also* NID's Application for Proposition 1 funding, reviewed by the California Water Commission (CWC). The CWC estimated the construction cost alone would be \$470 million.

<sup>4</sup> Weiser, Matt. "New California Dam Proposed to Combat Climate Change Concerns." Water Deeply. Water Deeply, 06 Jan. 2017. Web. 09 Jan. 2017.

<<https://www.newsdeeply.com/water/articles/2017/01/09/new-california-dam-proposed-to-combat-climate-change-concerns>>.

generation on the project would be a very costly endeavor. As of October 2020, hydropower is not included in the proposal.

***NID released their 2020 Water Planning Projection documents in September 2020. What do these documents indicate about the need for Centennial Dam?***

The Water Planning Projection documents are an important step toward rational water planning for NID. However, in their original released form, there are unclear and potentially incorrect assumptions in the documents that will be addressed over time as these planning tools are used to develop NID's 'Plan for Water' (formerly the Raw Water Master Plan). Most importantly, they do not conclude that Centennial is needed, and it is inappropriate to draw or state that conclusion.

***Will the new flows in the Yuba-Bear Hydroelectric License require a new reservoir, like Centennial Dam?***

The short answer is no. NID negotiated in good faith for more than 10 years with State and Federal agencies, PG&E, neighboring water agencies, and numerous NGOs like SYRCL within the FERC (hydroelectric) licensing process to establish essential flows for all stakeholders, including NID customers and the environment. NID proposed the new flows in their Final License application to FERC. Flows were negotiated and agreed to based on existing infrastructure.

***If built, would Centennial fill?***

There is no guarantee that Centennial Reservoir, if built, will ever fill to capacity. Predictions about future rainfall are very uncertain due to the impacts of climate change. Inserting another dam on the Bear River, especially one unlikely to spill, could jeopardize water supply reliability for downstream farmers that depend on Camp Far West Reservoir—that's a case of "robbing Peter to pay Paul" with serious potential consequences.

***If NID doesn't build Centennial, will someone else from out of the area build it, and take the water out of our community?***

As of October 2020, NID holds a pending application to the State Water Board for water rights to build Centennial. There are no other interested parties, from Southern California or otherwise, that have expressed interest in funding or building Centennial Dam. Additionally, no other Southern California water entity holds water rights on the Yuba or Bear Rivers.

There are specific state laws that will protect our water. The laws are referred to as area and county of origin statutes, and they serve to upend the normal "first in time, first in right" system of California Water law. These laws make it so that beneficial uses

(such as industry, agriculture, or residential use) in the areas where the water originates will always receive priority over any out of area uses of that water.<sup>5 6</sup>

While these laws don't outright prohibit someone from Southern California building the dam and exporting our water, they do state that if they do, they will lose their rights to that water as soon as the water is needed locally.<sup>7</sup> That means that at any given time, the water rights to build the Dam, or use the water from it in the future, could be taken away. That's a major disincentive to making a billion-dollar investment. Additionally, even if someone did, as soon as any water from the Bear River is needed here in our community, NID would be entitled to senior water rights.

### ***What are the alternatives to building the dam?***

NID should be looking for alternative ways to manage limited water resources that are environmentally sustainable such as restoring meadows, wetlands, and floodplains. NID should consider a range of alternative actions such as repairing or modifying its aging facilities, improving canal efficiency, incentivizing water conservation, stopping leaks, and metering water. A new dam should be the last alternative considered, not the first.

### ***What would happen to public access on the Bear River?***

Many area residents now enjoy free access to the Bear for fly fishing, rafting, gold panning, swimming and hiking. Centennial will inundate the Bear River Campground, resulting in a loss of 250 acres of public land that currently provides public hiking trails, river access, and camping. The Bear River is an affordable recreational site in the greater Colfax area, an economically disadvantaged community.

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<sup>5</sup> California Water Code § 10505: "No priority under this part shall be released nor assignment made of any application that will, in the judgment of the board, deprive the county in which the water covered by the application originates of any such water necessary for the development of the county."

<sup>6</sup> In fact NID's own attorney's rely on county of origin water rights to argue that the Bear River water they are seeking rights for on the Bear should receive priority over the South Sutter Water District's perfected rights for diversion to Camp Far West,

"The September 17, 1959, Release of Priority of Application 5634 in favor of Application 14804 subordinated the rights granted to SSWD to the, "Prior rights of any county in which the water sought to be appropriated originates to use such water as may be necessary for the development of the county, as provided in Section 10505 of the Water Code of California." (1959 Release of Priority, at p. 4.) This subordination rendered the water rights derived from

Application 14804 junior to all applications for the appropriation and use of water in the county in which the water originates (Nevada and Placer Counties) irrespective of whether the application was filed later or has a higher number than Application 14804.1 These county of origin rights are precisely those. which NID seeks to develop pursuant to the requested assignment of Application 5634."

<sup>7</sup> California Water Code § 10505.5 "Every application heretofore or hereafter made and filed pursuant to Section 10500, and held by the State Water Resources Control Board, shall be amended to provide, and any permit hereafter issued pursuant to such an application, and any license issued pursuant to such a permit, shall provide, that the application, permit, or license shall not authorize the use of any water outside of the county of origin which is necessary for the development of the county."

### ***What would happen to Native American sites on the Bear River?***

The Bear River is considered a sacred place for three different Nisenan Tribal entities who still use this cultural landscape for spiritual and ceremonial purposes.

The proposed dam site would completely inundate hundreds of sacred Native American sites<sup>8</sup>, including village and burial sites.

### ***Would the dam threaten endangered and sensitive species?***

NID has indicated that several species could be endangered by Centennial Dam. These include two federally listed species (the valley elderberry longhorn beetle and California red-legged frog), four state species of special concern (the foothill yellow-legged frog, western pond turtle, coast horned lizard, and tri-colored blackbird), and four sensitive plant species (Brandegee's clarkia, inundated bog-clubmoss, Stebbin's phacelia, and Nisenan manzanita).

### ***Who is challenging the project?***

The Foothills Water Network (FWN), a broad coalition of more than a dozen local, state and national conservation groups, including SYRCL, is challenging this project. FWN is on top of the formal regulatory process, commenting on what NID should study in its environmental review. FWN also filed a protest of the water rights application, as did more than a dozen other agencies including the California Department of Fish and Wildlife, U.S. Bureau of Reclamation, and South Sutter Water District. The Network believes that Centennial isn't the correct project for these water rights and that they should be reserved for a future use.

The Centennial Dam proposal has alarmed community members throughout the Bear and Yuba watersheds. There are now over 3,000 Dam Watchdogs actively opposing Centennial Dam.

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<sup>8</sup> "Centennial Reservoir Project." NID Board Meeting. Grass Valley, CA. 14 Dec. 2016. Speech.