



UNITED STATES DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Southwest Region

650 Capitol Mall, Suite 5-100

Sacramento, CA 95814-4700

FEB 15 2011



Curt Aikens
General Manager
Yuba County Water Agency
1220 F Street
Marysville, California 95901-4740

Dear Mr. Aikens:

I am writing in response to your January 24, 2011, letter requesting a coordination meeting between Yuba County Water Agency (YCWA), NOAA's National Marine Fisheries Service (NMFS), and the Federal Energy Regulatory Commission (FERC), to discuss the Endangered Species Act (ESA) consultation process and information needs regarding the FERC licensing of YCWA's Yuba River Development Project (FERC No. 2246). FERC has designated YCWA as their non-Federal representative for carrying out informal consultation under section 7 of the ESA.

The informal consultation process is an optional process that includes all discussions and correspondence, between NMFS and the Federal agency or the designated non-Federal representative prior to initiation of formal ESA consultation. Its purpose is to assist the Federal action agency and NMFS in determining whether formal consultation is required, and to inform any subsequent formal ESA consultation. The informal consultation process is essentially a technical assistance process that allows a Federal agency to use NMFS expertise to evaluate the agency's assessment of potential adverse effects, or to suggest possible modifications to the proposed action that could avoid potentially adverse effects. If a biological assessment is prepared by the designated non-Federal representative, the Federal agency shall furnish guidance and supervision and shall independently review and evaluate the scope and contents of the biological assessment. The ultimate responsibility for compliance with section 7 remains with the Federal agency.

We agree that meetings to coordinate regarding the information needs for relicensing, and the information needs for consultation under the ESA would be valuable. Currently we are reviewing FERC's Notice of Intent (NOI) to file a license application and Preliminary Application Document (PAD) for FERC No. 2246. We would like to have some time at the first meeting to present some information about the ESA consultation regulations and process, and how NMFS addresses FERC hydropower project licensing. We would also like to complete our review of the NOI and PAD prior to this meeting and would like to suggest the first meeting be scheduled for the middle of March.



Gary Sprague, in our Central Valley Office, is our lead on ESA issues associated with the FERC relicensing of YCWA's Yuba River Development Project. Please contact Gary regarding coordination of this meeting. He can be contacted at (916) 930-3615, or via email at Gary.Sprague@noaa.gov. Thank you for this opportunity for coordination.

Sincerely,



Maria Rea
Central Valley Office Supervisor

cc: Copy to File ARN: 151422SWR2011SA00064
NMFS-PRD, Long Beach, CA