March 7, 2011

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Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

SUBJECT: Yuba River Development Project
FERC Project No. 2246-058
Comments on Scoping Document 1

Dear Secretary Bose:

This letter provides comments by the Yuba County Water Agency (YCWA) on the Federal Energy Regulatory Commission's (FERC) January 4, 2011, Scoping Document 1 (SD1) for YCWA's Yuba River Development Project, FERC No. 2246 (Project).

YCWA is the owner, operator and holder of the current FERC license for the Yuba River Development Project. On November 5, 2010, YCWA filed with FERC a Pre-Application Document (PAD) and a related Notice of Intent (NOI) in support of YCWA's intent to file an application for a new license for the Project.

Subsequently, on February 11, 2011, YCWA filed with FERC ten detailed study proposals. YCWA stated that it intended to include the study proposals in its Proposed Study Plan, which it plans to file by April 19, 2011. The study proposals show, in redline, the changes to similar study proposals in YCWA's PAD. Most of the changes had been discussed at some level with federal, state, and local agencies, Native American tribes, non-governmental organizations and members of the public interested in the relicensing (collectively referred to as Relicensing Participants in this letter).

YCWA's comments on SD1 are divided into two categories: 1) recommendations regarding the geographic extent of the cumulative effects analysis; and 2) recommendations regarding FERC's Mailing List.

RECOMMENDATIONS REGARDING CUMULATIVE EFFECTS ANALYSIS

In Sections 4.1.1 and 4.4.2 of SD1, FERC states:

> Based on information in the Pre-Application Document, and preliminary staff analysis, we anticipate water resources and aquatic resources as resources with the potential to be cumulatively affected by the continued operation and maintenance of the Yuba River Project. By this document, we are asking for recommendations on additional resources that may be affected cumulatively.
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> Our geographic scope of analysis for cumulatively affected resources is defined by the physical limits or boundaries of: (1) the proposed action's effect on the resources, and (2) contributing effects from other hydropower and non-hydropower activities within the Yuba River Basin. Because the proposed action would affect the resources differently, the geographic scope for each resource may vary.
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> At this time, we are seeking input to aid us in defining an appropriate geographic scope for each of the resource areas/issues identified in section 4.2 below.

YCWA appreciates FERC's request for input regarding the resources that may be affected cumulatively and the geographic scope of each of such potential cumulative effects. YCWA's recommendations are provided below. Numerous activities in the basin have the potential to cumulatively affect, in combination with the Project, one or more resources areas. However, some of these activities are relatively minor in comparison to other activities. YCWA considers the activities with a potential for relatively minor cumulative effects to be activities such as the continued management of the Tahoe and Plumas National Forests by the United States Department of Agriculture, Forest Service. YCWA has focused below on activities that it believes in and of themselves are having and will have major effects on resources that may be affected by the Project.

Channel Morphology and Riparian Vegetation in the Yuba River from Englebright Dam to the Marysville Gage

The Yuba River's channel morphology, sediment composition, sediment supply and riparian vegetation from the United States Army Corps of Engineers (USACE) Englebright Dam (River Mile, or RM, 24.0) to the Marysville Gage at RM 6.2 have been, and continue to be, substantially affected by four major non-Project activities, each of which is discussed below. YCWA recommends that the lower boundary of the

cumulative effects analysis for this, and other issues described below, be the Marysville Gage at River Mile 6.2, just upstream of strong influences (i.e., substantial backwatering effects) of the Feather River, a substantially larger river to which the Yuba River is a tributary and which is controlled by the California Water Project through Oroville Dam and Reservoir (FERC Project No. 2100).

The first non-Project activity is the long history of mining in the Yuba River basin that has resulted in severe alterations to the river channel and surrounding riparian corridor. Between 1852 and 1906, an estimated 366,500,000 cubic yards (yd^3) of hydraulic mining debris moved downstream from the upland mining areas of the greater Yuba River watershed and were deposited in the lower Yuba River causing aggradations on the order of 26 to 85 feet (Adler 1980). This massive sedimentation in the channel and floodplains transformed the lower Yuba River into a braided, unstable stream system. By some estimates, as much as 90 percent of that material remains in the lower Yuba River basin as quasi-permanent deposits in the floodplains. Large cobble "training walls" comprised of mining debris were erected in the early part of the 20th century to channelize and direct the river. The training walls, as well as Sacramento River Flood Control Project levees constructed along the Yuba River, have channelized the river substantially. In places, the main channel of the Yuba River has been relocated, aggradation has raised the channel bed by as much as 30 feet or more, and river-side banks are composed mostly of perched terraces of large cobbles.

The second non-Project activity is USACE's Englebright Dam. This 280-foot-high dam, which was placed into service in 1941, stores sediment that would otherwise move downstream, and creates a backwater effect that may affect channel morphology and riparian vegetation. Such effects also occur to a lesser extent at USACE's Daguerre Point Dam (RM 11.4), which was constructed in 1910.

The third and fourth non-Project activities are operations of Pacific Gas and Electric Company's (PG&E) Narrows 1 Powerhouse (RM 23.8) and diversions of water at YCWA's Main Canal (RM 11.4), each of which alters flows that may affect channel morphology and riparian vegetation in the lower Yuba River. There are other agricultural water diversions in the Yuba River between USACE's Englebright and Daguerre Point dams as well.

These non-Project activities, in combination with the Project's flow releases at Narrows 2 Powerhouse, have the potential to cumulatively affect channel morphology and riparian vegetation in the Yuba River downstream of Englebright Dam.

Water Quantity and Quality in the Middle Yuba River and Yuba River from Our House Diversion Dam to Englebright Dam

Nevada Irrigation District's (NID) Yuba-Bear Hydroelectric Project (FERC Project No. 2266) affects the amount of water and the temperature of the water entering

YCWA's Project at Our House Diversion Dam. This non-Project activity, in combination with the Project's diversions and releases at Our House Diversion Dam, has the potential to cumulatively affect water quantity and temperature in the Middle Yuba River and Yuba River from Our House Diversion Dam to Englebright Dam.[1]

Water Quantity and Quality in the Yuba River from Englebright Dam to the Marysville Gage

The same non-Project activities that have affected, and continue to affect, channel morphology and riparian vegetation in the Yuba River downstream of Englebright Dam also have affected and continue to affect water quantity and quality. Alterations to the river channel due to mining activities affect water quality through increased thermal loading. Englebright Dam creates a backwater effect at the intake for PG&E's Narrows 1 Powerhouse, which diverts water from the main channel and returns it approximately 0.5 mile downstream. Agricultural diversions from the lower Yuba River alter river flows, which also affect water quality, especially water temperature. In addition, out-of-basin diversions and exports of water by NID's upstream Yuba-Bear Hydroelectric Project and PG&E's upstream Drum-Spaulding Project (FERC Project No. 2310) substantially and adversely affect the amounts of water and the temperatures of the water entering Englebright Reservoir, and thus flows and temperatures in the lower Yuba River below Englebright.[2] These non-Project activities, in combination with the Project's flow releases at Narrows 2 Powerhouse, have the potential to cumulatively affect water quantity and quality in the Yuba River downstream of Englebright Dam.

Aquatic Resources in the Yuba River from Englebright Dam to the Marysville Gage

Aquatic resources in the Yuba River downstream of Englebright Dam have the potential to be cumulatively affected by changes in water quantity and quality, which are described above.

Anadromous Fishes in the Yuba River

Anadromous fishes in the Yuba River downstream of Englebright Dam have the potential to be cumulatively affected by changes in water quantity and quality, which are described above. Upstream passage of these fishes is affected to some degree by USACE's Daguerre Point Dam constructed in 1910, and is completely blocked by

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[1] YCWA has not recommended this section of stream for cumulative effects for channel morphology, riparian vegetation and aquatic resources because, while the extent of the change from non-Project activities would affect flow and possibly water temperature, these changes would not likely be great enough to have a discernable effect on channel morphology, riparian vegetation and aquatic resources.

[2] *See* Comments of Yuba County Water Agency on Draft License Applications for Nevada Irrigation District's Yuba-Bear (Project No. 2266) and Pacific Gas & Electric's Drum-Spaulding (Project No. 2310) Projects, filed with FERC on January 31, 2011.

USACE's Englebright Dam constructed in 1941.[3] This blockage is complete - later construction and operation of PG&E's Narrows 1 and YCWA's Narrows 2 powerhouses, which utilize the backwater effect created by Englebright Dam, did not and do not contribute in any way to this blockage. This blockage would occur even if these two powerhouses never had been constructed.

Summary

In summary, YCWA recommends FERC list in its Scoping Document 2 (SD2) the following resources as potentially cumulatively affected and the corresponding geographic scope for each:

Resources	Geographic Scope
Channel Morphology	Englebright Dam to Marysville Gage
Water Quantity	Our House Diversion Dam to Marysville Gage
Water Quality	Our House Diversion Dam to Marysville Gage
Aquatic Resources	Englebright Dam to Marysville Gage
Riparian Vegetation	Englebright Dam to Marysville Gage
Anadromous Fishes	Englebright Dam to Marysville Gage

RECOMMENDATIONS ON FERC MAILING LIST

Section 10 of SD1 included a mailing list. YCWA recommends the following changes to the Mailing List:

- Delete the California Public Utilities Commission. YCWA is a public agency and, as such, is not subject to the California Public Utilities Commission jurisdiction.
- Delete the County of Merced Water Users Association. This association is located in the Merced River basin, which is over 300 miles south of the Project.
- Delete the County of Siskiyou, CA. The county is located about 300 miles north of the Project.
- Delete James Canaday. Mr. Canaday is no longer employed by the State Water Resources Control Board. Replace him with Jeff Parks, who YCWA understands is the staff person assigned by the SWRCB to the Yuba River Development Project relicensing.

[3] YCWA is not responsible for ownership, operations or maintenance of USACE's Daguerre Point Dam or USACE's Englebright Dam.

- Delete Nancy Jones, Donald R. Frost and Donn A. Wilson. These individuals are no longer employed by YCWA.

If you have any questions regarding these comments, please contact me.

Sincerely,

YUBA COUNTY WATER AGENCY

for Curt Aikens
General Manager

cc: Alan Mitchnick – FERC DC