



November 23, 2011

**Filed via Electronic Submittal (E-File)**

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  
Study 6.1, Riparian Habitat Upstream of Englebright Reservoir Study  
Large Woody Debris Survey Sites

Dear Secretary Bose:

On September 30, 2011, the Federal Energy Regulatory Commission (FERC) issued a Study Determination for the Yuba County Water Agency's (YCWA) relicensing YCWA's Yuba River Development Project, FERC Project Number 2246 (Project). On October 20, 2011, the United States Department of Commerce, National Oceanic and Atmospheric Administration's, National Marine Fisheries Service (NMFS) filed a notice to initiate a formal study dispute resolution process regarding FERC's Determination.

One issue in dispute pertains to Study 6.1, Riparian Habitat Upstream of Englebright Reservoir Study (Study), and specifically regarding the Determination's direction at Appendix A of the Determination, which stated:

For these reasons, we recommend that YCWA modify the LWD [large woody material] survey methodology of Study 1.1 to incorporate seven LWD survey study sites, with locations identical to those currently proposed for geomorphic surveys upstream of Englebright dam. In addition to these seven study sites, we recommend that after consultation with NMFS, CDFG and the Forest Service, YCWA should identify additional study sites to adequately survey LWD in the potential response reaches of Oregon Creek and the Middle Yuba River. YCWA should file the modified LWD survey methodology with the Commission for approval.

In an effort to resolve the dispute regarding this item, FERC, NMFS and YCWA held a series of telephone conferences.

As a result of these conferences, YCWA understands that FERC and the NMFS would consider this disputed item resolved if the Study was modified to state that a total of nine sites, each site approximately 20 times bankfull width in length, in the Middle Yuba River and Oregon Creek would be surveyed for LWD. The sites include four sites identified for geomorphic surveys per the Channel Morphology Upstream of Englebright Reservoir Study (Study 1.1), and five other sites. The approximate location of the nine sites is shown in Attachment 1 to this letter.<sup>1</sup>

This letter states YCWA's support of adding the above nine sites to the Study, assuming they can be accessed safely - and if this resolves the disputed item regarding LWD surveys, including sites, methods for surveying and reporting regarding LWD.

YCWA appreciates FERC's and NMFS's initiative in resolving this issue.

If you have any questions regarding this letter, please contact me.

Sincerely,

YUBA COUNTY WATER AGENCY



Curt Aikens  
General Manager

Attachment: Attachment 1 – Map Showing Location of Proposed LWD Surveys Sites  
in the Middle Yuba River and Oregon Creek

cc: Alan Mitchnick – FERC DC  
Ken Hogan – FERC DC  
John Wooster - NMFS  
Dispute Panel Members via E-Mail

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<sup>1</sup> Attachment is a Figure 2 in an attachment to an e-mail that was sent by John Wooster of NMFS to Ken Hogan of FERC on November 21, 2011.





Figure 2: Map of potential LWD study areas in the Middle Yuba and Oregon Creek, created by NMFS.