



December 20, 2011

Magalie Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Mail Code: PJ-12  
Washington, D.C. 20426

**E-Filed**

**RE: YCWA Narrows 2 (FERC Project No. 2246)  
Narrows 2 Flow Rates January 1-15, 2012**

Dear Secretary Salas:

Yuba County Water Agency (YCWA) requests a flow deviation in the Article 33 minimum flow requirement from 1,000 cubic feet per second (cfs) to 800 cfs from January 1 through 15, 2012 in the lower Yuba River at the Smartville Gage. The request is due to dry weather conditions to date and a dry forecast through the end of the year that could continue through mid January and longer.

For this water year starting October 1, 2012, precipitation is significantly below normal with a dry forecast through the end of December. We expect about 1/3 of normal precipitation (5 inches compared to a 15 inch average) at the Colgate powerhouse rain gage through December 31<sup>st</sup>. With the dry forecast, the combined November and December precipitation could be the driest amount in the 105 year record. During November there was no recorded precipitation. For December to date we have recorded about 1/10 an inch of precipitation and with the current dry forecast, December 2011 could end up being the driest on record. December and November are respectively our wettest and 5<sup>th</sup> wettest months of the year. The small amount of precipitation that we have received provides a snowpack that is about 1/4 of the normal snowpack for the end of December.

Our plan to manage these dry conditions is to drop the Smartville flow from the existing 950 cfs to 850 cfs early in the week of December 18 and maintain the 850 cfs flow through January 15. The deviation request to 800 cfs allows us to implement this plan and to provide a 50 cfs buffer to ensure that we meet the 800 cfs minimum flow requirement. If dry conditions continue after January 15, we would drop the flow to about 750 cfs. If there is significant precipitation we would increase flows appropriately.



This flow plan and deviation request was reviewed by the Yuba Accord River Management Team (RMT), which includes biologists from the National Marine Fisheries Service (NMFS), the California Department of Fish and Game (DFG) and the Fish and Wildlife Service (FWS). The RMT, including all the fishery agency biologists, concur with the request as shown in the attachment which documents their discussion on this subject.

Under the FERC license developed in the early 1960's, the minimum instream flow requirement is 600 cfs from October 16 through December 31, then 1,000 cfs from January 1 through 15 and then 600 cfs through the end of March. In 2008, the California State Water Resources Control Board (SWRCB) set new minimum instream flow requirements including a 700 cfs requirement at Smartville (with lower flows in the very dry years) from September 1 through March 31. The SWRCB minimum flow requirements, called the Yuba Accord, were negotiated over several years with biologists from the National Marine Fisheries Service (NMFS), the California Department of Fish and Game (DFG) and other entities. The Yuba Accord flow schedules do not include the 1,000 cfs flows for January 1-15, since the higher January flows were not considered to be a 'best use' of the water from a biological perspective. The Accord was designed to utilize all available water, so that optimum Flow Schedules (Schedules 1 or 2) would occur in nearly 80 per cent of water years. However, to make this possible, YCWA must try to operate close to minimum flows in dry conditions.

This request for flow deviation is being made for two reasons – to minimize unnecessary flow fluctuations when those fluctuations do not benefit, or may harm fisheries and to conserve water to be able to implement higher instream flow schedules in the future.

With the anticipated continued dry conditions, a necessarily conservative water management flow plan would be to drop the lower Yuba River flow from 850 cfs soon, on or about December 20<sup>th</sup>. Without a deviation from the 1,000 cfs flow requirement, flows would need to increase to about 1,050 cfs by January 1 to ensure compliance with the 1,000 cfs flow requirement. Flows would then be reduced to 850 cfs or lower on January 16<sup>th</sup>. This fluctuation would not benefit the salmon and steelhead in the lower Yuba River.

The other fishery benefit provided by the deviation request would be conservation of water that could support a higher instream flow requirement in the next year. The Yuba Accord flow schedules are set according to the North Yuba Index, which is determined by the previous year's September 30<sup>th</sup> New Bullards Bar (NBB) Reservoir storage and the actual and predicted annual inflow as measured every month beginning on February 1<sup>st</sup> through May 1<sup>st</sup>. If dry conditions persist, and if the flow deviation is not granted, the additional releases required in January 2012 could result in a lower September 30<sup>th</sup> NBB Reservoir storage, and possibly trigger a lower instream flow requirement for 2013.

YCWA respectfully requests FERC's approval for this deviation by December 31, 2011. If there are any questions, I am available at 530-741-6278.

Sincerely,



Curt Aikens  
General Manager

Attachment

cc: Kent Smith/Tracy McReynolds DFG  
Maria Rae/Gary Sprague NMFS  
Susan Moore/Beth Campbell USFWS  
Duane Massa Pacific States Marine Fisheries Commission  
Ron Adyha FERC SF  
Mike Kline YCWA

## Pitts, Sheila

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**From:** Geoff Rabone [grabone@ycwa.com]  
**Sent:** Tuesday, December 20, 2011 11:54 AM  
**To:** Pitts, Sheila  
**Subject:** FW: Flow Variation for Yuba River, January 1-15, 2012  
**Attachments:** Request for 2011 Jan 1-15 flow Deviation Draft V2 TJ.pdf

**Importance:** High

Fyi...

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**From:** Tom Johnson [<mailto:trjllc@zetabroadband.com>]  
**Sent:** Tuesday, December 20, 2011 10:31 AM  
**To:** 'Beth Campbell'; 'Duane Massa'; 'Gary Sprague'; 'Tracy McRyenolds '  
**Cc:** 'Bowen, Heather'; [stevegrinnell@cox.net](mailto:stevegrinnell@cox.net); [trjllc@zetabroadband.com](mailto:trjllc@zetabroadband.com); 'Bratovich, Paul'; Curt Aikens; 'Geary, Eugene'; Geoff Rabone; 'Gregory Pasternack'; 'Ryon Kurth'; 'Jacob Katz'  
**Subject:** Flow Variation for Yuba River, January 1-15, 2012  
**Importance:** High

Beth Campbell, US Fish & Wildlife Service  
Duane Massa, Pacific States Marine Fisheries Commission  
Tracy McReynolds, California Department of Fish & Game  
Gary Sprague, National Marine Fisheries Service:

Pursuant to our discussion at the River Management Team (RMT) today, Yuba County Water Agency (YCWA) will request a flow variance from the Federal Energy Regulatory Commission (FERC) for the period of January 1-15, 2012. The draft letter requesting the variation is attached to this email, the final letter as-submitted will be forwarded as well. The letter states in part:

*Yuba County Water Agency (YCWA) requests a flow deviation in the Article 33 minimum flow requirement from 1,000 cubic feet per second (cfs) to 800 cfs from January 1 through 15, 2012 in the lower Yuba River at the Smartville Gage. The request is due to dry weather conditions to date and a dry forecast through the end of the year that could continue through mid January and longer.*

*For this water year stating October 1, 2012, precipitation is significantly below normal with a dry forecast through the end of December. We expect about 1/3 of normal precipitation (5 inches compared to a 15 inch average) at the Colgate powerhouse rain gage through December 31<sup>st</sup>. With the dry forecast, the combined November and December precipitation could be the driest amount in the 105 year record. During November there was no recorded precipitation. For December to date we have recorded about 1/10 an inch of precipitation and with the current dry forecast, December 2011 could end up being the driest in our 105 year record. December and November are respectively our wettest and 5<sup>th</sup> wettest months of the year. The small amount of precipitation that we have received provides a snowpack that is about ¼ of the normal snowpack for the end of December.*

*Our plan to manage these dry conditions is to drop the Smartville flow from the existing 950 cfs to 850 cfs early in the week of December 18 and maintain the 850 cfs flow through January 15. The deviation request to 800 cfs allows us to implement this plan and to provide a 50 cfs buffer to ensure that we meet the 800 cfs minimum flow requirement. If dry conditions continue after January 15, we would drop the flow to about 750 cfs. If there is significant precipitation we would increase flows appropriately.*

*This flow plan and deviation request was reviewed by the Yuba Accord River Management Team (RMT), which includes biologists from the National Marine Fisheries Service (NMFS), the California Department of Fish and Game (DFG) and the Fish and Wildlife Service (FWS). The RMT, including all the fishery agency biologists, concur with the request.*

This plan was discussed at the RMT today, and all of you agreed with this request for deviation.

Please let me know if this does not correctly capture our discussions

Thanks,

TJ

Tom Johnson

(916) 764-2268

[TRJLLC@zetabroadband.com](mailto:TRJLLC@zetabroadband.com)



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a 700 cfs requirement at Smartville (with lower flows in the very dry years) from September 1 through March 31. The SWRCB minimum flow requirements, called the Yuba Accord, were negotiated over several years with biologists from the National Marine Fisheries Service (NMFS), the California Department of Fish and Game (DFG) and other entities. The Yuba Accord flow schedules do not include the 1,000 cfs flows for January 1-15, since the higher January flows were not considered to be a 'best use' of the water from a biological perspective. The Accord was designed to utilize all available water, so that optimum Flow Schedules (Schedules 1 or 2) would occur in nearly 80 per cent of water years. However, to make this possible, YCWA must try to operate close to minimum flows in dry conditions.

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Curt Aikens

General Manager

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Rod McInnis/Gary Sprague NMFS

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DRAFT