



April 24, 2012

**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  
Request for Extension of Initial Study Report Filing Deadline

Dear Secretary Bose:

This letter requests that the Federal Energy Regulatory Commission (FERC or Commission) extend the filing deadline for Yuba County Water Agency's (YCWA) Initial Study Report from September 30, 2012 to December 3, 2012.

### **BACKGROUND**

On September 30, 2011, FERC issued a Study Determination for YCWA's relicensing of the Yuba River Development Project, FERC Project No. 2246 (Project). Appendix C of the Determination included a Revised Process Plan and Schedule, which established a filing deadline of September 30, 2012, for YCWA's Initial Study Report.

The September 30, 2011, Determination was subsequently amended by FERC's December 29, 2011, Formal Study Disputes Resolution Determination, which did not amend the Revised Process Plan and Schedule.

In combination, the September 30 and December 29, 2011 Determinations direct YCWA to perform 44 studies.

Final study plans are in place for 37 of the 44 studies, and, as required by the Determinations, draft plans for six of the studies, after consultation with various agencies, have been filed with FERC for final determination.<sup>1</sup> A seventh study plan<sup>2</sup> is in development and after agency consultation, will be filed with FERC in late May 2012.

YCWA is diligently performing the 37 studies for which final study plans have been approved. In addition, to facilitate the overall relicensing schedule, YCWA is proceeding as best it can<sup>3</sup> with the seven studies that have not received final approval.

Of the 37 studies for which final study plans have been approved, YCWA anticipates that final technical memoranda (i.e., final study reports) will be available for 29 of the studies by the end of September 2012, for two of the studies by the end of March 2013, for two of the studies by the end of February 2013, and for the remaining four studies by the end of September 2013. YCWA intends to make a good faith effort to complete final technical memoranda by the end of September 2012 for each of the seven studies for which plans have not been approved by FERC; however, the anticipated completion of the studies will not be known until FERC issue its final determinations.

### **REASON FOR REQUESTED EXTENSION**

YCWA requests the extension for three reasons. The first reason is that the extension would allow YCWA to make more information available to Relicensing Participants in the Initial Study Report, which YCWA believes is important in the overall relicensing schedule. More information would be available because: 1) fieldwork for many of studies will not be complete until early September 2012; and 2) once the fieldwork is complete, performing the necessary quality assurance/quality control reviews, and preparing final technical memoranda by the end of September 2012 will be challenging. An extension of approximately 2 months would allow YCWA to provide more information to Relicensing Participants in the Initial Study Report.

Second, the extension would allow more time for YCWA to collaborate with Relicensing Participants regarding second year studies. Some of the FERC-approved studies require that, once the study data are collected, YCWA collaborate with Relicensing Participants regarding the need for additional data gathering. If YCWA and the Relicensing Participants agree that additional data gathering is needed, they would collaborate on a study plan and YCWA would

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<sup>1</sup> The studies for which draft plans have been filed with FERC for final determination are: 1) *Channel Morphology Downstream of Englebright Dam* (Study 1.2), which was filed with FERC on March 7, 2012; 2) *Fish Entrainment* (Study 3.11), which was filed with FERC on December 29, 2011; 3) *New Colgate Powerhouse Ramping* (Study 3.12), which was filed with FERC on March 7, 2012; 4) *Riparian Habitat Upstream of Englebright Reservoir* (Study 6.1), which was filed with FERC on February 14, 2012; 5) *Riparian Habitat Downstream of Englebright Dam* (Study 6.2), which was filed with FERC on March 7, 2012; and 6) *Evaluation of Project Effects on Daguerre Point Dam and Hallwood-Cordova Fish Facilities* (Study 7.12), which was filed with FERC on March 7, 2012.

<sup>2</sup> On April 17, 2012, YCWA provided to USFWS, NMFS, CDFG and SWRCB a draft *Fish Behavior and Hydraulics Near Narrows 2 Powerhouse* (Study 7.11) for their 30-day review.

<sup>3</sup> YCWA, at its own risk, is performing portions of each study that YCWA believes will not be altered by FERC's final determination.

include the collaboratively developed study plan in its Initial Study Report. The requested extension would allow more time for this important collaboration.

Third, the extension will not affect the overall FERC Process Plan and Schedule. The field season for the second year of studies will begin in mid April 2013. As shown in Table 1 below, the extension will provide adequate time for the Initial Study Report process to be complete and for YCWA to be in the field in April 2013.

In addition, while not a primary concern, the extension would minimize Relicensing Participants' Initial Study Report process activities over the Thanksgiving, Christmas and New Year holidays.

**Table 1. Changes to FERC's Revised Process Plan and Schedule requested by YCWA with regards to Initial Study Report.**

Responsible Entity	Pre-Filing Milestone	Deadline in FERC's September 30, 2011 Study Determination	Change to Deadline Requested by YCWA
YCWA	Initial Study Report	9/30/12	12/3/12
All Stakeholders	Initial Study Report Meeting	10/14/12	12/18/12
YCWA	Initial Study Report Meeting Summary	10/29/12	1/2/13
All Stakeholders	Study Disputes/Requests to Modify Study Plan	11/28/12	2/1/13
All Stakeholders	Response to Study Disputes/Requests	12/28/12	3/3/13
FERC	Directors Study Plan Determination	1/27/13	4/3/13
YCWA	Second Study Season	Spring/Summer 2013	Spring/Summer 2013

This letter does not request modifications to FERC's September 30, 2011, Revised Process Plan and Schedule other than those requested changes shown in Table 1.

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

Sincerely,

YUBA COUNTY WATER AGENCY



Curt Aikens  
General Manager

cc: Alan Mitchnick – FERC  
Kenneth Hogan – FERC  
Relicensing Participants via E-Mail