



February 14, 2014

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

Kimberly D. Bose, Secretary  
FEDERAL ENERGY REGULATORY COMMISSION  
888 – 1st Street, N.E.  
Washington, D.C. 20426-0001

**SUBJECT:** Yuba River Development Project  
FERC Project No. 2246-058 - California  
Cultural Resources Inventory Report - **PRIVILEGED**

Dear Secretary Bose:

The Yuba County Water Agency (YCWA), as owner and operator of the Yuba River Development Project, hereby files with the Federal Energy Regulatory Commission (FERC) the attached report entitled: *Cultural Resources Inventory, National Register of Historic Places Evaluations, and Finding of Effect for the Yuba River Development Project Relicensing, Nevada, Sierra, and Yuba Counties, California, (FERC No. 2246)* (Report). A draft of the Report was submitted to participating tribes and agencies for review and comments. Relevant comments were addressed, and YCWA submitted the attached transmittal letter and Report to the State Historic Preservation Officer (SHPO) on February 11, 2014 for a 30-day review in accordance with 36 CFR Part 800.3(c)(4) of the National Historic Preservation Act.

Please note that YCWA is filing the attached Report with FERC as Privileged since it contains confidential information. The transmittal letter that accompanied the report to the SHPO does not contain confidential information.

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

Sincerely,

A handwritten signature in blue ink that reads 'Curt Aikens'.

YUBA COUNTY WATER AGENCY  
Curt Aikens  
General Manager

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
February 14, 2014  
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Attachment 1: YCWA's February 11, 2014 Letter to SHPO  
Attachment 2: *Cultural Resources Inventory, National Register of Historic Places  
Evaluations, and Finding of Effect for the Yuba River Development  
Project Relicensing, Nevada, Sierra, and Yuba Counties, California,  
(FERC No. 2246) - PRIVILEGED*

cc: Frank Winchell - FERC DC

cc w/out Attach. 2: Alan Mitchnick – FERC DC  
Relicensing Participants on YCWA's Yuba River Development Project's  
Relicensing E-Mail Contact List (via e-mail)



February 11, 2014

OHP Reference: FERC120321A

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FEB 11 2014

OHP

Carol Roland-Nawi  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

**Subject: Finding of Effect for the Yuba River Development Project Relicensing (FERC Project No. 2246) Historic Properties Study, Nevada, Sierra, and Yuba Counties, California**

Dear Ms. Roland-Nawi:

The Yuba County Water Agency (YCWA), under the authority of the Federal Energy Regulatory Commission (FERC), is continuing consultation with the State Historic Preservation Officer (SHPO) regarding the undertaking referenced above, per the code of federal regulations (C.F.R.) found at 36 C.F.R. Part 800. FERC has designated YCWA as its non-federal representative for purposes of National Historic Preservation Act Section 106 consultation during relicensing of the Yuba River Development Project (FERC No. 2246) (Project). Specifically, we are consulting with you concerning the potential effects on Historic Properties as a result of this undertaking. Enclosed you will find the following document in support of our present consultation effort: *Cultural Resources Inventory, National Register of Historic Places Evaluations, and Finding of Effect for the Yuba River Development Project Relicensing, Nevada, Yuba, and Sierra Counties, California (FERC No. 2246)*.

YCWA owns and operates the Project, and is in the process of seeking a new license under FERC's Integrated Licensing Process (ILP), as found in 18 C.F.R. Part 5. The Project is located in Yuba, Sierra, and Nevada counties, California, on the main stems of the Yuba River, the North Yuba River, the Middle Yuba River, and Oregon Creek, a tributary to the Middle Yuba River. A portion of the existing FERC Project Boundary encompasses lands managed by the United States Department of Agriculture Forest Service (Forest Service) as part of the Plumas and Tahoe national forests (PNF and TNF, respectively) and the United States Army Corps of Engineers. All other land within the Project Boundary is private.

As required under FERC's ILP to assist FERC in complying with Section 106, YCWA developed and implemented a study plan to identify archaeological and built environment historic properties within the Project's Area of Potential Effects (APE) that may be affected by the Project. The APE was defined as all lands within the existing FERC Project Boundary and a 200-ft buffer around the boundary. YCWA requested the SHPO's concurrence on the APE in a letter dated March 21, 2012, and received SHPO's concurrence in a letter dated



April 19, 2012, in accordance with 36 C.F.R. Part 800. Subsequent to SHPO's concurrence, YCWA identified cultural resources outside the defined APE that could be potentially affected by the Project, and therefore expanded the APE to include those areas. The additional areas totaled approximately 52 acres and expanded the APE to a total of approximately 9,600 acres. YCWA received SHPO's concurrence on the revisions to the APE in a letter dated February 5, 2013.

YCWA conducted cultural resources surveys between August 2011 and February 2013 to document both archaeological and built environment resources. Surveys were conducted at varying water levels to maximize the amount of survey coverage within the APE. The majority of the APE was found to be excessively steep, and above New Bullards Bar Reservoir's normal maximum water surface elevation, the landscape is intensely covered with dense vegetation throughout, hindering the pedestrian survey efforts. All locations that could be surveyed are clearly indicated on the survey coverage maps in Appendix I of the enclosure to this letter.

The study resulted in the identification of 55 archaeological sites within the APE (24 previously identified sites and 31 newly discovered sites) and 13 isolated finds. YCWA revisited six of the 24 previously identified sites; the other previously documented sites were either inundated by the reservoir or had been newly documented by PNF and, thus, did not require revisiting. Of the 37 sites visited by YCWA (i.e., 31 new sites and six previously recorded sites), nine are exclusive to Native American use and 28 sites contain solely historic period features and/or deposits. The study also resulted in the documentation of 14 historic built environment resources within the APE. The resources are associated with either the current or older, decommissioned hydroelectric system.

YCWA evaluated all previously and newly identified archeological sites for their eligibility for inclusion in the NRHP if field data were sufficient to allow evaluation at the inventory level. Thirteen sites were evaluated as ineligible because they lacked integrity and, based on archival and field research, do not meet eligibility requirements for the National Register of Historic Places (NRHP) under criteria A, B, C, or D. Forty-four sites could not be evaluated at the survey level. Project-related effects were identified at 13 of the 44 unevaluated sites. Further investigations will be required to evaluate these sites for potential listing on the NRHP. No Project-related effects were observed at the other 17 sites.

Three built environment resources were evaluated as eligible for inclusion in the NRHP. The Old Colgate Diversion Dam was constructed in 1904 and was part of the original Colgate hydropower system. It was found to be eligible under NRHP Criterion A, due to its association with pioneering efforts in hydropower and power transmission in the United States. The New Colgate Powerhouse and Penstock, though less than 50 years in age, were considered as exceptionally significant (NRHP Criterion Consideration G) and are recommended as eligible for inclusion in the NRHP under Criterion C. All three eligible resources are experiencing effects from Project-related operation and maintenance activities; however it was determined that they are not experiencing adverse effects.

Two of the 14 built resources over 50 years old are recommended as ineligible for inclusion in the NRHP as they do not meet eligibility requirements. Nine built resources, less than 50 years old, were also evaluated as not eligible for inclusion in the NRHP and therefore are not eligible for consideration under NRHP Criterion Consideration G.

At this time, YCWA requests SHPO's concurrence regarding a revision to the APE. YCWA believes the change is appropriate because YCWA's relicensing studies, including cultural studies, demonstrated that much of the area within the APE is not experiencing Project-related effects and that there are no current or planned Project-related activities in the locations proposed for removal. The revised APE would include 6,098 acres, a reduction of 3,502 acres. A total of 18 archaeological sites and three built environment resources occur within the 3,502 acres proposed for removal from the current APE. They are either experiencing no Project effects or were evaluated as ineligible for the NRHP. A map of the revised APE is included in Appendix N of the enclosure to this letter.

Within the revised APE as described above, there are 37 archaeological sites and 11 built environment resources. Nine of the 37 archeological sites were evaluated as ineligible for inclusion in the NRHP. Of the remaining 28 archeological sites, 13 are currently experiencing Project effects. Eleven sites are inundated by New Bullards Bar Reservoir, one could not be accessed due to unsafe conditions, and three sites are not experiencing Project-related effects. Of the 11 built resources in the revised APE, three resources are evaluated as eligible for inclusion in the NRHP; the remaining eight are evaluated as ineligible.

Because it is not possible to determine all of the effects of various activities that may occur over the course of a license term, FERC typically completes Section 106 by entering into a Programmatic Agreement or Memorandum of Agreement with the license applicant, the Advisory Council for Historic Preservation, and the SHPO that typically require the license applicant to develop and implement a Historic Properties Management Plan (HPMP) that considers and manages effects on historic properties throughout the term of the license. Under the new license, the 28 archeological sites and three built resources will be managed under a HPMP that will guide YCWA in the management of these resources throughout the term of the new license.

Therefore, on behalf of FERC, YCWA requests your concurrence on the following items:

- (1) the appropriateness of the revised APE for the proposed undertaking pursuant to 36 C.F.R. Part 800.4(a)(1);
- (2) the adequacy of the historic property identification efforts pursuant to 36 C.F.R. Part 800.4(b);
- (3) the determination that 13 sites and eight built environment resources in the current and revised APE are ineligible for listing on the NRHP pursuant to 36 C.F.R. Part 800.4(c);

