



August 22, 2016

Via Electronic Submittal (eFile)

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. 2246-042 CA
Request for REA Notice Issuance No Sooner Than November 1, 2016**

Dear Secretary Bose:

This letter requests that the Federal Energy Regulatory Commission (FERC) issue the Ready for Environmental Analysis (REA) notice for Yuba County Water Agency's (YCWA) Yuba River Development Project, FERC Project Number 2246 (Project), no sooner than November 1, 2016.

This request is made by YCWA on behalf of YCWA, United States Department of Agriculture, Forest Service; United States Department of the Interior, Fish and Wildlife Service; California Department of Fish and Wildlife; California Sportfishing Protection Alliance; South Yuba River Citizens League; American Whitewater; Foothills Water Network; Sierra Club and Trout Unlimited, which are collectively referred to as the parties in this letter, so that the parties may complete negotiations on certain potential new license requirements.

BACKGROUND

On April 27, 2014, YCWA filed with FERC an Application for New License Major Project – Existing Dam (FLA) for the Project. Since then, the parties and other stakeholders have participated in over 150 meetings to discuss potential Project effects and to collaboratively develop detailed requirements for the new license (i.e., potential conditions). The parties have tentatively agreed to or are close to agreement on many of the potential conditions and have drafted detailed wording for the conditions, including associated resource plans.

Some significant conditions are still in discussion, which the parties intend to conclude in the very near future.

Issuance of the REA notice before November 1, 2016 would disrupt the ongoing, focused flow of these negotiations.

REQUEST

The parties request that FERC issue the REA Notice no sooner than November 1, 2016.

The parties have scheduled 13 meetings between the date of this letter and the end of October 2016. The meetings are open to all interested stakeholders, not just the parties. The date and the general agenda topic for each scheduled meeting are:

- August 24 – Potential 4(e) Conditions
- August 26 – Potential 4(e) Conditions (Recreation Facilities Plan)
- September 9 – Process Team for Planning
- September 12 – Potential 4(e) Conditions (Recreation Facilities Plan)
- September 13 – Potential 4(e) Conditions
- September 14 – Potential Non-4(e) Conditions
- September 19 – Potential 4(e) Conditions (Recreation Facilities Plan)
- September 27 – Potential 4(e) Conditions & Potential Non-4(e) Conditions
- September 28 – Potential Non-4(e) Conditions
- October 11 – Potential Non-4(e) Conditions
- October 12 – Potential Non-4(e) Conditions
- October 25 – Potential Non-4(e) Conditions
- October 26 – Potential Non-4(e) Conditions

“Potential Non-4(e) Conditions” in the above table include, among other things, potential lower Yuba River and New Bullards Bar (North Yuba River) Reach conditions.

In addition to the above scheduled meetings, it is anticipated that smaller work group meetings will be scheduled. In fact, the parties are in the process of scheduling four additional meetings for a workgroup to focus on lower Yuba River potential conditions. The parties may modify the above schedule for efficiency purposes.

The parties' respective managements have directed their staffs that completion of these negotiations on the above schedule is a very high priority, and to schedule additional meetings within this timeframe if necessary.

As you can see, the parties have prioritized the scheduled meetings first on all potential Forest Service Federal Power Act (FPA) 4(e) conditions, excluding “standard administrative” conditions. YCWA’s and the Forest Service’s goal is, by the end of September 2016, to file two letters with FERC. The first is a letter from YCWA that would include the conditions, including detailed resource plans, for which YCWA and the Forest Service have reached agreement. This letter would also state YCWA’s commitment to include the conditions in YCWA’s amendment

to its Final License Application (FLA) when YCWA files its FLA amendment, with the assumption that the Forest Service would file these same conditions as Forest Service's preliminary 4(e) conditions. The second letter is a letter from the Forest Service that would be filed in a timely manner after YCWA files its letter, and would state the Forest Service's commitment to file these same conditions as Forest Service's 4(e) conditions when the Forest Service files its preliminary 4(e) conditions. YCWA and the Forest Service are hopeful that other stakeholders will support these conditions.

In addition, the parties will continue negotiations on potential non-4(e) conditions with the goal of completing those discussions by the end of October 2016. If, by the end of October 2016, the parties have resolved all significant non-4(e) conditions, YCWA will file with FERC a separate letter including any non-4(e) conditions for which the parties have reached collaborative agreement.

Following these two filings, YCWA will file with FERC an FLA amendment that will contain additional analyses (e.g., model runs and results, associated costs, etc.) regarding the agreed-upon conditions.

JUSTIFICATION FOR THE REQUEST

Issuance of the REA notice no sooner than November 1, 2016 would provide reasonable, but limited, additional time for the parties to complete their, to date, very successful and productive negotiations. In particular, YCWA and the Forest Service are highly confident that the additional time will result in FPA 4(e) conditions that are acceptable to both YCWA and the Forest Service, and to most other stakeholders, and that FERC staff will support the conditions.

Further, issuing the REA notice no sooner than November 1, 2016, will result in issuance of a new license earlier than would otherwise occur because FERC should have few disputes to independently analyze. If the REA notice was issued sooner than November 1, the parties would necessarily cease negotiations to concentrate on drafting and filing timely documents triggered by the REA notice and associated comment periods. YCWA would prepare an FLA amendment that would not have the benefit of agreed-upon FPA 4(e) and non-4(e) conditions, and the parties would draft comments on the FLA amendment. In short, the parties would prefer to use this time to work together on collaborative conditions, rather than draft "position" letters.

The parties considered requesting that FERC issue the REA notice with an extended comment period (i.e., longer than the 60-day comment period provided in 18 C.F.R. § 5.23[a]), rather than issuing the REA notice no sooner than November 1, 2016. However, the parties believe the latter is preferable. Issuance of the REA notice prior to November 1 would disrupt the continuity of ongoing discussions and would limit the additional time available for parties to collaboratively resolve issues, as written comments would need to be prepared first, based on positions reflecting the state of discussions when the REA notice is issued, providing only limited additional time to collaborate and revise written documents if agreement was achieved. The parties believe an extended comment period approach would be less efficient and less likely to achieve successful completion of the negotiations than issuing the REA notice no sooner than November 1, 2016.

On behalf of the parties, thank you for your consideration of this request.

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

Sincerely,



for
Curt Aikens
General Manager

cc: Alan Mitchnick, FERC, DC
Ken Hogan, FERC, DC
Eli Ilano, Forest Service, TNF
Karen Hayden, Forest Service, TNF
Daniel Lovato, Forest Service, PNF
Randy Gould, Forest Service, PNF
Amy Lind, Forest Service
Dan Welsh, USFWS
Alison Willy, USFWS
Tina Bartlett, CDFW
Anna Milloy, CDFW
Chris Shutes, CSPA
Gary Reedy, SYRCL
Dave Steindorf, AW
Traci Sheehan, FWN
Allan Eberhart, SC
Brian Johnson, TU
Relicensing Participants on YCWA's Yuba River Development Project's Relicensing E-Mail Contact List (via e-mail)