

**Application for a Non-Capacity
Amendment of License
Major Project – Existing Dam**

Initial Statement

Security Level: Public

Yuba River Development Project
FERC Project No. 2246



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INITIAL STATEMENT

Before The Federal Energy Regulatory Commission

Application for Non-Capacity Amendment of License for a Major Project – Existing Dam

1.0 Introduction

The Yuba County Water Agency (YCWA or Licensee) has prepared this Initial Statement as part of its Non-Capacity License Amendment Application for the Yuba River Development Project (Project), Federal Energy Regulatory Commission (FERC) Project Number 2246, as described in the enclosed updated Recreation Plan (Exhibit R). The purpose of this non-capacity license amendment application is to revise the FERC-approved Exhibit R and include several improvements to the existing recreation facilities as part of the existing license, specifically at Cottage Creek Campground (formerly Cottage Creek Picnic Area) and the parking areas at Dark Day and Cottage Creek boat launch facilities. The Amended Exhibit R also provides updated descriptions of recreational facilities and management practices under the existing FERC license.

YCWA filed separate letters with FERC for approval of these facility changes under the existing license, including a September 2, 2016 letter requesting FERC's approval of the Recreation Plan (Plan) to redevelop the Cottage Creek Picnic Area as a group campground; and an April 26, 2017 letter requesting FERC's approval for the Plan to provide additional boat ramp parking. In response to YCWA's requests in letters dated November 1, 2016 and May 24, 2017, FERC requested that YCWA submit an application to amend the existing license to approve the updated Recreation Plan that describes both these revised public recreation facilities. The current Exhibit R was last approved by FERC on August 19, 1993¹.

This Non-Capacity License Amendment Application is filed with FERC to satisfy FERC's request in the November 1, 2016 and May 24, 2017 letters, and to accurately describe the current (and immediately planned alterations to) Project recreation facilities and their use by the recreating public. Section 4.0 below discusses consultation conducted with the United States Department of Agriculture, Forest Service (Forest Service) to update the Recreation Plan proposed for approval in this amendment application and implementation under the existing license, and describes the revisions that have been incorporated into the updated Exhibit R Recreation Plan.

The Project is located in part on United States lands managed by the Forest Service as parts of the Tahoe and Plumas national forests, and on lands administered by the United States Army Corps of Engineers (USACE) as parts of Englebright Reservoir and Dam.

¹ *Yuba County Water Agency*, 64 FERC ¶ 62,117 (1993).

This Initial Statement is prepared in conformance with the regulations in 18 C.F.R. Section (§) 4.201(a), which specifies the requirements for Applications for Amendment of License.

2.0 Applicant's Name, Business Address and Telephone Number

The exact name, business address, and telephone number of the Applicant are:

Yuba County Water Agency
1220 F Street
Marysville, CA 95901
Tel: (530) 741-5000
www.ywa.org

The exact name, business address, and telephone number of each person authorized to act as agents for the Applicant in this application are:

Curt Aikens
General Manager
Yuba County Water Agency
1220 F Street
Marysville, CA 95901
Tel: (530) 741-5000
caikens@ywa.org

3.0 Applicant's Organizational Status

Established in 1959 by the Yuba County Water Agency Act (West's California Water Code App., §§ 84-1 – 84-28) and headquartered in Marysville, California, YCWA is a public agency governed by a seven-member Board of Directors consisting of the five members of the Yuba County Board of Supervisors and two members elected from districts that together encompass Yuba County. YCWA was created "for the purpose of accomplishing a function of statewide importance." (YCWA Act, § 1, West's California Water Code App., § 84-1). YCWA has the power to: 1) "control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and flood waters flow into the agency, and to conserve such waters for the beneficial and useful purposes of said agency;" 2) "do any and every lawful act necessary in order that sufficient water may be available for any present and future beneficial use;" and 3) "develop hydroelectric power to the extent that such power can be developed in connection with the construction and operation of its projects." (YCWA Act, §§ 4, 4.1 & 4.2; West's California Water Code App., §§ 84-4, 84-4.1 & 84-4.2.)

YCWA is the licensee for the Project issued on May 16, 1963 by the Federal Power Commission.

4.0 Non-Capacity Amendment Application Description

At this time, YCWA is submitting this non-capacity license amendment application to update the existing Exhibit R.

YCWA is in the process of applying for a new license for the Project. As part of this relicensing process, YCWA has been involved in extensive discussions and consultation with the Forest Service and other interested parties since June 2013 to develop the new license recreation plan based on the results of YCWA's relicensing recreation study - Technical Memorandum 8-1, *Recreational Use and Visitor Surveys* (YCWA 2013). As part of the consultation, YCWA, the Forest Service and other interested parties have agreed upon several improvements to the existing Project recreation facilities as part of the existing license, specifically at Cottage Creek Campground and the parking areas at Dark Day and Cottage Creek boat launch facilities. Both areas are on National Forest System (NFS) lands.

To develop the amended Exhibit R, YCWA worked collaboratively with the Forest Service starting on July 9, 2017 when YCWA provided the initial draft of the amended Exhibit R to the Forest Service for review. YCWA subsequently met with the Forest Service on January 16, 2018, April 20, 2018, June 5, 2018 and August 21, 2018. YCWA made the final changes to the amended Exhibit R on October 10, 2018 to address Forest Service comments. Based on recent communications with the Forest Service, YCWA expects the Forest Service to file a letter of support for the Amended Exhibit R following this submittal. The resultant mutually agreeable amended Exhibit R includes not only the improvements to the facilities noted above, but also accurately describes the current Project recreation facilities and their use by the recreating public. In summary, the major differences between the existing Exhibit R and the Amended Exhibit R are the following:

- The Amended Exhibit R replaces the Cottage Creek Picnic Area that was shown in the existing Exhibit R with the Cottage Creek Campground, as proposed by YCWA in its September 2, 2016 letter
- The Amended Exhibit R shows the reorganized parking areas at Dark Day and Cottage Creek Boat Launch facilities, as proposed by YCWA in its April 26, 2017 letter
- The Amended Exhibit R includes the addition of an existing entrance station building along the entrance road to the Dark Day Campground, Picnic Site and Boat Launch facilities
- The Amended Exhibit R does not include either the Burnt Bridge Campground or the Administrative site, which were removed from the Project by FERC's August 19, 1993 Order
- The Amended Exhibit R shows the current management and amenities of Frenchy Point Boat-in Campground, which was a developed campground in the existing Exhibit R. However, it is now managed as a dispersed shoreline camping site where the restroom facility has been removed and only the campsite amenities remain (i.e., picnic tables, fire rings and Klamath stoves)

- The Amended Exhibit R uses facility names consistent with the Forest Service’s current facility naming guidelines based on the amenities provided at each facility. Specifically, the Project recreation facilities named Dark Day Picnic Area, Sunset Vista Point, Dam Overlook, and Moran Road Day Use Area in the existing Exhibit R are named Dark Day Picnic Site, Sunset Vista Observation Site, Dam Overlook Observation Site, and Moran Road Boating Site in the Amended Exhibit R
- The Amended Exhibit R provides updated descriptions of the Project recreation facilities and amenities provided to the general public
- The Amended Exhibit R provides updated routine maintenance and operation responsibilities at the Project recreation facilities based on current practices
- The Amended Exhibit R provides a site development planning process and implementation schedule for the improvements as proposed by YCWA in its September 2, 2016 letter (Cottage Creek Campground) and April 26, 2016 letter (organized parking areas at Dark Day and Cottage Creek Boat Launch facilities)
- The Amended Exhibit R provides updated site plans showing the current Project recreation facilities layouts and amenities
- The Amended Exhibit R does not include any recreation monitoring program similar to the existing Exhibit R that does not include monitoring requirements. However, the Recreation Plan for the new license contains a monitoring program. YCWA monitors use and development of public recreational facilities and reports to FERC in compliance with 18 C.F.R §8.11 (Form 80)

5.0 Pertinent Statutory and Regulatory Requirements of the State of California

The statutory or regulatory requirements of the state(s) in which the Project is located that affect the Project as proposed with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes are:

The Project is located in California. No state statutory or regulatory requirements are applicable to this non-capacity license amendment request.

The steps which the applicant has taken or plans to take to comply with each of the laws cited above are:

Not applicable.

6.0 Exhibits

Applications for Non-Capacity License Amendments require that only those exhibits applicable to the proposed amendment of the Exhibit R be provided in accordance with application requirements at 18 CFR § 4.201(c). Only changes to the Exhibit R currently filed with the Commission in support of the Project relicensing are needed herein, as confirmed by YCWA in

discussions with FERC staff while preparing this Non-Capacity License Amendment Application. All of the facilities are located within the existing FERC Project Boundary.

In addition to the Amended Exhibit R, FERC also requested that YCWA provide: 1) documentation of consultation with the United States Department of the Interior, Fish and Wildlife Service (USFWS) regarding effects on Endangered Species Act (ESA)-listed species; and 2) documentation of consultation with the State Historic Preservation Officer (SHPO), Forest Service, and tribes regarding effects on historic properties protected under the National Historic Preservation Act (NHPA) for the Cottage Creek Campground redevelopment and the additional boat ramp parking plan. YCWA has filed with FERC, on August 31, 2018,² documentation of consultation with the USFWS regarding ESA-listed species for the Cottage Creek Campground redevelopment and expects to file documentation of consultation for the additional boat ramp parking plan by December 1, 2018. Furthermore, YCWA has filed documentation of consultation with the SHPO, Forest Service and tribes regarding effects on historic properties for the Cottage Creek Campground redevelopment on December 22, 2017³ and the additional boat ramp parking plan on September 14, 2017.⁴

² This letter is available on FERC's ELibrary at Accession # 20180831-5176.

³ This letter is available on FERC's ELibrary at Accession # 20171222-5227.

⁴ This letter is available on FERC's ELibrary at Accession # 20170914-5014.

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SUBSCRIPTION AND VERIFICATION

This application for new license is executed in the State of California, City of Marysville, and County of Yuba by Curt Aikens, General Manager of the Yuba County Water Agency being first duly sworn, deposes and says that the contents of this application for new license are true to the best of his knowledge or belief, and signs the application this 26 day of November 2018.

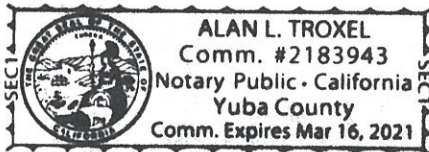
YUBA COUNTY WATER AGENCY

By: Curt Aikens
Curt Aikens, General Manager

A notary public or other officer completing this certificate verifies the only identity of the individual who signed the document to which this certificate is attached, and no the truthfulness, accuracy or validity of that document.

State of California
County of Yuba

Subscribed and sworn to (or affirmed) before me on this 26th day of November,
2018, by Curt Aikens



[Signature]
Signature

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