

(D) The terms and conditions of the Act, which it has been found to be in the public interest to waive, are hereby excluded from this license.

(E) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313(a) of the Act, and failure to file such an application shall constitute acceptance of this license. In acknowledgment of the acceptance of this license, it shall be signed for the licensee and returned to the Commission within 60 days from the date of issuance of this order.

Before Commissioners: Lee C. White, Chairman; L. J. O'Connor, Jr., Carl E. Bagge and John A. Carver, Jr.

YUBA COUNTY WATER AGENCY, PROJECT NO. 2246

ORDER FURTHER AMENDING LICENSE (MAJOR) AND AUTHORIZING COMMENCEMENT OF CONSTRUCTION OF POWER INTAKE AT NEW BULLARDS BAR DAM OF PROJECT

(Issued October 3, 1968)

On April 27, 1967, Yuba County Water Agency, licensee for Project No. 2246, filed a request for Commission authorization to commence construction of the multi-level power intake at the New Bullards Bar Dam. The request was accompanied by a supplemental Exhibit L drawing showing final location and functional design of the intake structure, and by letters of concurrences with respect to same from the California Department of Fish and Game, dated March 30, 1966, and the Department of the Interior's Portland Regional Office of the Fish and Wildlife Service, dated April 21, 1967. The April 27, 1967 filing was pursuant to Article 60 of the license for the project.

On May 1, 1967, the licensee filed for amendment of Article 41 of the license for the project to permit the floating out of logs and clearing debris from the inaccessible portions of the New Bullards Bar Reservoir area as the reservoir is being filled rather than removal by other means prior to impoundment of water as presently required by license Article 41. The amendment of the latter article could be effectuated by approving herein as a part of the license a clearing plan entitled "YUBA RIVER DEVELOPMENT CLEARING PLAN FOR NEW BULLARDS BAR RESERVOIR" consisting of two typewritten pages of typed text, dated April, 1967, and a map designated (FPC No. 2246-93).

The project is to be located on Yuba River and certain of its tributaries in Yuba, Nevada and Sierra Counties, California, and affects lands of the United States within the Plumas and Tahoe National Forests and will utilize the U.S. Corps of Engineers' Englebright Dam and Reservoir.

The Secretary of the Interior has advised that its Fish and Wildlife Service has examined the drawings of the power intake for the New Bullards Bar Dam and concurs with the licensee on the functional design of the intake in accordance with the provisions of license Article 60.

The U.S. Forest Service and the California Department of Fish and Game have reported favorably on the above-mentioned May 1, 1967 filing respecting reservoir clearance. The U.S. Corps of Engineers, Department of the Army, has suggested that provision be made in any amendment of the license for the project that the debris be removed from the reservoir pool as soon as possible

during the initial storage of water in the reservoir to minimize the possibility of debris entering the channel below the New Bullards Bar Dam, as provided for by revised Article 41 herein.

The Commission finds:

(1) Public notice of the May 1, 1967 application for amendment has been given. No protests or petitions to intervene have been received.

(2) It is appropriate and in the public interest in administering Part I of the Federal Power Act to authorize the commencement of construction of the power intake at the New Bullards Bar Dam as shown on construction drawing No. ZCC-11-802-R2, entitled "Dam Power Intake Sections and Elevations," filed April 27, 1967, relating to license Exhibit L-38 (FPC No. 2246-92); and to approve as part of the license the above-mentioned "YUBA RIVER DEVELOPMENT CLEARING PLAN FOR THE NEW BULLARDS BAR RESERVOIR" consisting of: two-page typewritten text, dated April, 1967, and filed May 1, 1967, and drawing entitled "CLEARING PLAN FOR NEW BULLARDS BAR RESERVOIR" filed May 1, 1967, (FPC No. 2246-93).

The Commission orders:

(A) Yuba County Water Agency is hereby authorized to commence construction of the multi-level intake at the New Bullards Bar Dam of Project No. 2246 as contemplated by Article 60 of the license for the project and as shown on the above-mentioned construction drawing No. ZCC-11-802-R2.

(B) The clearing plan described in finding (2) above is hereby approved as part of the license for Project No. 2246.

(C) License Article 41 is hereby amended to read as follows:

Article 41. The Licensee shall, prior to the impounding of water, clear the area of project reservoirs as follows: *New Bullards Bar Reservoir*—All vegetation between elevation 1,700 feet and 1,955 feet, except that in precipitous and inaccessible areas of the reservoir. Timber, slash and woody debris from logging and clearing operations may be removed by flotation in accordance with the "YUBA RIVER DEVELOPMENT CLEARING PLAN FOR THE NEW BULLARDS BAR RESERVOIR" and *Other Project Reservoirs* (not including the Englebright Reservoir)—all lands in the bottoms and margins up to high-water level; shall clear and keep clear to an adequate width lands of the United States along open conduits; and shall dispose of all temporary structures, unused timber, brush, refuse, or inflammable material resulting from the clearing of the lands or from the construction and maintenance of the project works. In addition, all trees along the margins of reservoirs which may die from operation of the reservoir shall be removed. The clearing of the lands and the disposal of the material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission. Any debris permitted to be floated to central disposal points shall be removed from the reservoir as soon as possible during the initial storage of water in the reservoir.

(D) This amendment in the manner set out above shall not operate to alter or amend the license in any other respect, and shall not in any way constitute a waiver of any other part, provision or condition of the license.

(E) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313(a) of the Act, and failure to file such an application shall constitute acceptance of this license amendment.