

OD-ORDER, 31 FERC ¶62,186, Yuba County Water Agency, Project No. 2246-001, (May 09, 1985)

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Yuba County Water Agency, Project No. 2246-001

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Yuba County Water Agency, Project No. 2246-001**Order Amending License**

(Issued May 9, 1985)

Quentin A. Edson, Director, Office of Hydropower Licensing.

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On February 14, 1984, Yuba County Water Agency (Applicant/Agency) filed an application under the Federal Power Act, 16 U.S.C. §§791 (a) - 825(r), for amendment of its license for the Yuba River Project No. 2246, located on the North Fork Yuba River, near Dobbins, in Yuba County, California. ¹ ² Applicant proposes to add the New Bullards Bar Dam Development to the project.

Notice of the application has been published and comments have been received from interested Federal and State agencies. None of the agencies objected to amending the license and no protests or motions to intervene have been received. The significant concerns of the commenting agencies are discussed below.

Project Description

The proposed project would utilize required minimum fish flow releases at New Bullards Bar Dam and would consist of: (1) a 12-inch-diameter, 70-foot-long steel penstock; (2) a powerhouse, located at the toe of the dam, containing a single 150-kW turbine generator unit producing an estimated average annual generation of 1.13 GWh; (3) a 24-inch-diameter, 40-foot-long discharge pipe; and (4) a short tap line to interconnect the project to an existing Pacific Gas and Electric Company (PG&E) line.

Safety of Structures

The proposed project structures would be safe and adequate if constructed in accordance with sound engineering practices.

Comprehensive Development

The proposed development is not in conflict with any planned development of the North Fork Yuba River and would utilize the existing head and minimum fish release flow at the New Bullards Bar Dam to provide an

emergency power supply in order to operate the spillway gates and lights in the event of a Pacific Gas and Electric Company (PG&E) power outage; surplus power would be sold to PG&E. The project will make good use of the available head and flow of the minimum release structure and will be best adapted to the comprehensive development of the resource for beneficial public purposes upon compliance with the terms and conditions of the license. Total annual energy generation would be 1.131 GWh at a plant factor of 86 percent, which represents a fuel savings equivalent to about 1,860 barrels of oil or 525 tons of coal annually.

The proposed project would produce power at a cost of approximately 69 mills/kWh and would be economically feasible based on the sale of power at the avoided cost in the State of California, adjusted for escalation.

Water Quality

The proposal would utilize the current minimum flow release of 5 cubic feet per second (cfs), provided for the maintenance of fish resources in the North Fork of the Yuba River, downstream of the New Bullards Bar Dam, to generate electricity.

The Resources Agency of California (RAC) recommends that the discharge from the proposed powerhouse contain a minimum dissolved oxygen (DO) level of 7 milligrams per liter (mg/l), measured 200 feet downstream from the minimum flow release powerhouse tailrace.

The requirement for maintaining a minimum DO level of 7 mg/l in the proposed project area conforms to the state standard for the North Fork of the Yuba River. Utilization of a Pelton wheel turbine with a hydraulic capacity of 5 cfs should sufficiently aerate the project discharge to maintain this standard. At present, there is little evidence to support the need for any additional aeration at the project, but further monitoring of DO levels should be conducted to ensure compliance with the state standard. Article 63 requires the Licensee, after consultation with the appropriate agencies, to monitor DO concentrations and, if necessary, to recommend changes in project structures or operations needed to ensure that DO levels are maintained at the state standard during project operation.

Fish Resources

The RAC recommends that the Applicant restock fish in the New Bullards Bar Reservoir to compensate for the loss of angling use and for any reduction of fish populations that may occur if water levels in the reservoir are lowered below the minimum pool level during project construction. The project would connect the existing minimum flow discharge pipe, located at the toe of the dam, with the proposed powerhouse. Water levels in the reservoir would not be affected by the proposed construction; therefore, there would be no loss of angling use and no reduction of fish populations in the project area as a result of the proposed construction.

Cultural Resources

There are no known historic, cultural, or archeological resources that will be affected by the proposed project. Article 64 requires the protection of any cultural resources that may be discovered in the event of any future construction at the project.

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Other Environmental Concerns

Water quality certification, as required by Section 401 of the Clean Water Act, was waived for the proposed project by the State of California, Central Valley Regional Water Quality Control Board, on August 10, 1984.

No Federally listed threatened or endangered species or critical habitat, or sites listed or eligible for listing on the *National Register of Historic Places* will be affected by the project.

Findings of No Significant Impact

Construction of the proposed project will cause minor, short-term increases in noise levels, dust, and exhaust emissions and will produce sediment and erosion from the disturbance of riverbed and land surfaces. Wildlife populations will be temporarily disrupted during the construction period. The mitigative measures proposed and the provisions of the license articles included herein will provide protection for the water, fish, and cultural resources affected by the operation of the proposed project. In accordance with the National Environmental Policy Act of 1969, an Environmental Assessment was prepared for the New Bullards Bar Dam Hydroelectric Project (FERC Project No. 2246-001). ³

On the basis of the record and on the basis of Staff's independent environmental analysis, the issuance of an amendment of license for the project as conditioned herein will not constitute a major Federal action significantly affecting the quality of the human environment.

It is ordered that:

(I) The license for the Yuba River Project No. 2246 is amended effective the first day of the month in which this order is issued as follows:

(A) Paragraph (B) of the license is amended to include Subparagraph (b)(10) as follows:

(b)(10) New Bullards Bar Dam Development

A 12-inch-diameter, 70-foot-long steel penstock; a 16 feet by 16 feet indoor type powerhouse, utilizing the 5 cfs minimum fish flow release at New Bullards Bar Dam and located at the toe of the dam, housing a single Pelton turbine-generator unit with an installed capacity of 150 kW; a 24-inch-diameter, 40-foot-long discharge pipe; and, a tap line to interconnect the project to an existing Pacific Gas and Electric Company transmission line.

(B) The following part of Exhibit A and the Exhibit F drawings filed February 14, 1984, are found to generally conform to the Commission's rules and regulations and are approved and made a part of the license for Project No. 2246 only to the extent that they generally show and describe the project works:

ExhibitA--Two paragraphs on page 7 of the application.

Exhibit F	FERC No.	Title
F-1	2246-91	Site Plan
F-2	2246-92	Turbine Building

(C) The following Exhibit G drawings filed February 14, 1984, are found to conform to the Commission's rules and regulations and are hereby approved and made a part of the license for Project No. 2246:

Exhibit G	FERC No.	Title
G-1	2246-93	Project Location
G-2	2246-94	Project Location
G-3	2246-95	County Assessor's Map

(D) Paragraph (i) of Article 57 of the license is revised to read as follows:

(i) For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable amount as determined in accordance with the provisions of the Commission's regulations in effect from time to time. The authorized installed capacity for that purpose is 439,200 horsepower.

(E) The following articles are added to the license for Project No. 2246:

Article 63. The Licensee shall maintain the State of California dissolved oxygen (DO) standard in the North Fork of the Yuba River, as measured downstream of the minimum flow release tailrace, for the protection of water quality. Further, Licensee, in cooperation with the Central Valley Regional Water Quality Control Board, the California Department of Fish and Game, and the U. S. Fish and Wildlife Service, shall develop and implement a mutually satisfactory monitoring plan to assess the impact of project operation on the DO concentrations of the North Fork of the Yuba River. Within 6 months from the date of issuance of this license, the Licensee shall file a description of the monitoring plan, a schedule for completion, and a date for filing a final report with the Director, Office of Hydropower Licensing, along with comments from the above agencies on the adequacy of the plan. The Director may require modification of the plan.

The results of the monitoring program shall be submitted to the Commission. If the results of the monitoring program indicate that changes in project structures or operations are necessary to maintain the State of California DO standard, the Licensee also shall file for Commission approval, as part of the final

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report, a schedule for implementing the specific changes in project structures or operations, along with comments from the agencies listed above on the adequacy of the specific changes in project structures or operations. At the same time that the implementation schedule is filed with the Commission, copies of the schedule shall be served on the agencies consulted.

Article 64. The Licensee shall, prior to any future construction at the project, consult with the California State Historic Preservation Officer (SHPO) about the need for cultural resource survey and salvage work. Documentation of the nature and extent of consultation, including a cultural resources management plan, shall be filed with the Commission 6 months before any construction activity. The Licensee shall make available funds in a reasonable amount for any such work, as required. If any previously unrecorded archeological or historical sites are discovered during the course of the construction or development of any project works or other facilities at the project, construction activity in the vicinity shall be halted, a qualified archeologist shall be consulted to determine the significance of the sites, and the Licensee shall consult with the SHPO to develop a mitigative plan for the protection of significant archeological or historical resources. If the Licensee and the SHPO cannot agree on the amount of money to be expended on archeological or historical work related to the project, the Commission reserves the right to require the Licensee, at its own expense, to conduct any such work found necessary.

Article 65. The Licensee shall commence construction of the New Bullards Bar Dam Project within two years from the issuance date of this order and shall complete construction of the project within four years from the issuance date of this order.

Article 66. The Licensee shall provide one copy to the Commission's Regional Engineer and two copies to the Director, Division of Inspections, of the final contract drawings and specifications for pertinent features of the project, such as water retention structures, powerhouse, and water conveyance structures, at least 60 days prior to start of construction. The Director, Division of Inspections, may require changes in the plans and specifications to assure a safe and adequate project.

Article 67. The Licensee shall within 90 days of completion of construction file with the Commission for approval by the Director, Division of Project Management, revised Exhibits A and F to describe and show the project as-built.

(II) This order is final unless a petition appealing it to the Commission is filed within 30 days from the date of its issuance, as provided in Section 385.1902 of the Commission's regulations, 18 C.F.R. §385.1902 (1983). The Licensee's failure to file a petition appealing this order to the Commission shall constitute acceptance of this order. In acknowledgment of acceptance of this order and its terms and conditions, it shall be signed by the Licensee and returned to the Commission within 60 days from the date this order is issued.

-- Footnotes --

¹ Authority to act on this matter is delegated to the Director, Office of Hydropower Licensing, under §375.314 of the Commission's regulations, 49 Fed. Reg. 29,369 (1984)(Errata issued July 27, 1984)(to be codified at 18 C.F.R. §375.314). This order may be appealed to the Commission by any party within 30 days of the issuance date of this order pursuant to Rule 1902, 18 C.F.R. §385.1902 (1984). Filing an appeal and final Commission action on that appeal are prerequisites for filing an application for rehearing as provided in Section 313(a) of the Act. Filing an appeal does not operate as a stay of the effective date of this order or of any other date specified in this order, except as specifically directed by the Commission.

² The license for Project No. 2246 was issued to the Agency on May 16, 1963 (29 FPC 1002(1963), modified on rehearing, 30 FPC 1610(1963)), and would expire on April 30, 2016. The New Bullards Bar Dam is licensed under Project No. 2246.

³ Environmental Assessment, New Bullards Bar Dam Hydroelectric Project, FERC No. 2246-001--California, February 28, 1985, prepared by the Division of Environmental Analysis, Office of Hydropower Licensing, Federal Energy Regulatory Commission. This document is available in the Division of Public Information and in the Commission's public file associated with this proceeding.