

**OD-ORDER, 54 FERC ¶62,082, Yuba County Water Agency, Project No. 2246-007 - California, (Feb. 04, 1991)**

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**Yuba County Water Agency, Project No. 2246-007 - California**

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**Yuba County Water Agency, Project No. 2246-007 - California**

**Order Modifying and Approving Recreation Study Plan**

**(Issued February 4, 1991)**

**J. Mark Robinson, Dir., Division of Project Compliance and Administration.**

On November 19, 1990, and supplemented on January 8, 1991, the Yuba County Water Agency (licensee) filed a recreation study plan for the New Bullards Bar Project. The Commission's San Francisco Regional Office (SFRO) requested that the licensee revise the project's recreation plan after a July 1985 inspection revealed closed recreation facilities at the project. The licensee initially filed a revised recreation plan on April 15, 1988, which was not approved. Subsequently, the licensee filed a request to perform a new recreation study to serve as the basis for a redraft of the project recreation plan.<sup>1</sup> The study is to result in a revised recreation management plan to supersede all previous existing recreation plans.

The study plan was developed in consultation with appropriate local, state and federal agencies. The U.S. Forest Service (Forest Service) commented by letter dated November 7, 1990, that the radius of the study plan should extend 100 miles from the reservoir. The Forest Service further recommended that the licensee reduce the planned forecast of recreation needs to a 10-year period rather than 15 years, and that the study investigate a management of reservoir drawdown to complement recreational activities. By letter dated November 5, 1990, the Yuba County Sheriff's Office (Sheriff's Office) made comments concerning law enforcement and management of the recreation areas. The comments did not specifically concern the study plan, but noted specific items which should be addressed in the resulting recreation plan.

In its January 8, 1991, response to the Forest Service comments, the licensee consented to include Forest Service recommendations for a 100-mile study area and 10-year needs forecast. The licensee maintains, however, that a drawdown management component in the study would be costly and nonproductive. The licensee cites considerable operating constraints including its power purchase contract, fish and game agreement for minimum flow, ramping rates, minimum pool, and water temperature, U.S. Army Corps of Engineers flood control requirements, water service contracts and the need for conservation storage. The licensee contends that these restrictions would limit the potential outcome of the study and that study resources could be more effectively applied elsewhere.

The Sheriff's Office is responsible for law enforcement at the project. Part 2.7(f)(1) of the Commission's regulations requires the licensee to cooperate with law enforcement agencies to develop public safety regulations. In addition, the Sheriff's Office's past public safety concerns have in part necessitated the revision of the project recreation plan. In order to ensure that public safety concerns are adequately addressed in the plan, the Sheriff's

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should be permitted to comment on the proposed recreation plan.

The SFRO requested the revision to the licensee's plan to correct deficiencies in project recreational facilities and, in particular, recreation areas which had been closed without amendment of the license. The primary scope of the revised plan is to provide adequate facility development at the project. The various aspects of project operation were considered at the time of licensing; the Commission found the project to be best adapted for comprehensive development of the waterway. At that time the approved recreational development of the project was believed to accommodate the needs of the area. The plan was required to determine what revisions are necessary to accommodate changing needs. Further, the Forest Service has not demonstrated the need for drawdown management. Such analysis is outside the scope of this requirement and, as such, the licensee should not be required to restudy the project operations to determine the effects of drawdown on recreation.

The study must result in a plan which will adequately provide for the recreational needs of the project and identify any new measures or facilities which will be required to meet those needs. The schedule submitted by the licensee assumed a December 1990 approval date for the study plan. In order to ensure adequate time to conduct the study and develop a plan, the filing date for the final plan should be extended from May 1992 until August 1, 1992.

The licensee's plan as modified by Ordering Paragraphs (B) and (C) should adequately determine the recreational needs of the project and provide a revised recreation plan that would accommodate these needs.

*The Director orders:*

(A) The recreation study plan, filed on November 19, 1990, and supplemented on January 8, 1991, is approved.

(B) The recommendations of the Forest Service in their November 7, 1990, comment letter regarding the size of the study area and period of needs projection shall be adopted into the study plan.

(C) The licensee shall file, for Commission approval, a revised recreation plan for the project, including the comments of the Forest Service, Sheriff's Office, and appropriate federal, state and local agencies not later than August 1, 1992.

(D) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. §385.713.

**-- Footnotes --**

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<sup>1</sup> The licensee filed a letter requesting to perform a recreation study on April 16, 1990, which was approved by letter dated August 14, 1990.

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