

OD-ORDER, 64 FERC ¶62,117, Yuba County Water Agency, Project No. 2246-022 - California, (Aug. 19, 1993)

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Yuba County Water Agency, Project No. 2246-022 - California

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Yuba County Water Agency, Project No. 2246-022 - California

Order Approving Recreation Plan with Modification, Requiring Study Plan, and Amending License

(Issued August 19, 1993)

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

On February 26, 1993, Yuba County Water Agency, licensee for the Yuba River Development Project, filed a report on recreation resources as required by an Order Approving and Modifying Recreation Study Plan, issued February 4, 1991. ¹ The order required the licensee to perform a comprehensive recreation study to determine the recreation needs of the project area over the next ten years, and to file a recreation plan that would adequately meet those needs. New Bullards Bar is the largest of three project developments and lies partially within the Plumas and Tahoe National Forests. The plan includes a study of the present development and future needs of the New Bullards Bar Reservoir and concludes there is a need to renovate and expand the existing recreation facilities to provide for increasing recreational demand.

The licensee's proposal is to maintain an "uncrowded" atmosphere at Bullards Bar while improving public access. In general, the licensee proposes to update the facilities, adding new campsites, renovating existing sites, increasing parking at the boat ramps and closing and removing the facilities at the Burnt Bridge site. In addition, the plan would establish controlled zones and speed restrictions on certain parts of the reservoir to mitigate user conflicts.

Agency Comments

The licensee solicited comments on the proposal from various Federal, state and local agencies. In addition, a public notice of the proposal was issued March 16, 1993. No comments were received pursuant to the public notice. Comments were included from the U.S. Forest Service, Plumas and Tahoe National Forests. There were no objections to the plan from the Tahoe National Forest; however, the Plumas National Forest objected to the proposed closure of the Burnt Bridge Campground, because it is the only project recreation access area in the Plumas National Forest.

The State of California Department of Fish and Game (CDFG) recommended that the recreation study be expanded to include the Our House and Log Cabin Diversion Dams. CDFG states that these areas receive heavy seasonal recreation use from anglers. CDFG is concerned that adequate measures be taken to increase angler access, including handicapped angler access structures, and to ensure adequate toilet and garbage facilities. CDFG also recommends expansion of the licensee's proposed boating speed restrictions. CDFG recommends that the restrictions include all of the coves adjacent to Burnt Bridge Creek. CDFG proposes that the plan specify the

use of buoys and provide for increased speed limit law enforcement.

The filing also included letters from the National Park Service and the State of California Department of Boating and Waterways. The letters concurred with the licensee's plan.

Discussion

The licensee states that the Burnt Bridge site has been closed twice in the past, due to vandalism and under use. We do not believe there is current recreation demand to support retention of the Burnt Bridge area in conjunction with the other development of public recreation facilities on the reservoir. The licensee's plan will improve and expand other existing facilities to provide for adequate recreational access to the Bullards Bar reservoir. Because lack of use and vandalism have caused the area to be closed twice in the past, and other facilities at the project will be expanded, we do not believe that continued operation of the area is warranted by recreational demand. The licensee's plan will provide satisfactory access without the retention of Burnt Bridge Campground and should be approved.

Regarding the diversion dams, the licensee states that its previous 1970 recreation plan did not include provisions for recreation development at Our House and Log Cabin Diversion Dams. The licensee states that both areas are open to public access; however, the roadways to the areas cross private property and the road to the Log Cabin area is closed due to vandalism that occurred to project and private property, and the site may be reached by pedestrian access only.

Although the Log Cabin and Our House Diversion Damsites are not included in the 1970

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plan or the proposed recreation plan, it appears these sites are capable of providing public recreation opportunities. No study of the recreational potential or need has ever been completed regarding the diversion dams. In order to ensure that the project is adequately developed for recreational access as contemplated by Part 2.7 of the Commission's regulations, and to fulfill our obligation to ensure comprehensive development of the project pursuant to section 10(a) of the Federal Power Act, we believe additional information is warranted concerning the current and proposed recreation access and development of the diversion dams prior to relicensing of the project in 2016. Ordering Paragraph (B) requires the licensee to submit a plan to study the type and amount of recreational use of the diversion dams. The required study plan should result in a final report that should include site plans and location drawings, an assessment of the type and amount of recreation use, and the licensee's plan for management and future development of the areas.

The licensee also states that the CDFG's recommendations regarding boating speed limits may produce only marginal benefits. The licensee stated that further discussion between the licensee and the CDFG is needed to clarify the potential benefits of the CDFG proposal. We believe further information is required to determine if there should be an extension of boating speed limits in the reservoir as recommended by CDFG.

Ordering Paragraph (C) requires the licensee to consult further with the CDFG and provide a final plan regarding CDFG's recommendations. The filing should include a description of the means by which the proposal would be enforced, and the licensee's reasons for its proposal.

Regarding future recreation development, Commission Order No. 313 [*FERC Statutes and Regulations, Regulations Preambles 1982-1985 ¶30,467*], issued December 27, 1965, which established Part 2.7 of the Commission's regulations, states that "We...intend in connection with any application for substantial amendment to a license, reasonably related to recreation, which does not presently incorporate an article requiring the filing of a recreation use plan, the standard free access article, or the article providing for the installation of such recreation facilities as the Commission might...find...required by the public interest, to require the licensee to show cause why

such articles should not be incorporated into its license, if the license is otherwise amended in response to the application".

The project license currently incorporates the standard free access article ² and an approved recreation plan. By letter issued May 25, 1993, the licensee was requested to comment on amendment of its license to include the article providing for the installation of additional recreation facilities (after notice and opportunity for a hearing). The licensee responded by letter filed August 9, 1993 that it had no basis to object to inclusion of that article.

Inclusion of the article specified in Ordering Paragraph (D) of this order will assist the staff in ensuring adequate recreation development throughout the license term and should be included as part of the license. Approval of this proposal is not anticipated to have adverse environmental effects and will improve recreation access to the project. The proposal should be approved as modified below.

The Director orders:

(A) The recreation plan filed on February 26, 1993 is approved and made part of the license.

(B) Within 90 days of the date of issuance of this order, the licensee shall file a study plan to assess the type and amount of recreation use of the Our House and Log Cabin Diversion Dams for Commission approval. The plan shall include a means for assessing current and future recreation demand and the need for future recreation development. The filing shall include documentation of consultation with the U.S. Forest Service, National Park Service, and the State of California Department of Fish and Game.

(C) Within 90 days of the date of issuance of this order, the licensee shall consult with the State of California Department of Fish and Game and file a final plan for reservoir boating speed zones for Commission approval. The filing shall include a description of the means by which the proposal would be enforced, and documentation of consultation with the State of California Department of Fish and Game.

(D) The licensee shall construct, maintain, and operate or shall arrange for the construction, maintenance, and operation of such reasonable recreational facilities, including wharves, launching ramps, beaches, picnic and camping areas, sanitary facilities, and utilities, giving consideration to the needs of the physically handicapped, and shall comply with such reasonable modifications of the project, as may be prescribed hereafter by the Commission during the term of the license upon its own motion

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or upon the recommendation of the Secretary of the Interior or other interested Federal or State agencies, after notice and opportunity for a hearing.

(E) Within 10 years of approval of this plan, the licensee shall file an assessment of the adequacy of project recreation and as-built drawings of the completed renovation to the recreation areas. The assessment and drawings shall be filed for Commission approval and shall include the licensee's plan to provide for future recreation access and comments of the National Park Service, the State of California Department of Fish and Game, and the U.S. Forest Service.

(F) 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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¹ [54 FERC ¶62,082](#) (1991).

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² See Article 7, L-Form L-6, *Terms and Conditions of License for Unconstructed Major Project Affecting Navigable Waters of the United States*, 16 FPC 1121, 1123 (1953).

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