



YCWA owns and operates the Yuba River Development Project in accordance with a license issued by the Federal Energy Regulatory Commission in 1966. That license expires on April 30, 2016. YCWA intends to apply for a new license for the Project by April 30, 2014. Information regarding the relicensing process is provided below.

Yuba River Hydroelectric Development Project Relicensing

What is a FERC license?

The Federal Power Act of 1920 provides the Federal Energy Regulatory Commission (FERC) with exclusive authority to license all non-federal hydroelectric projects located on navigable waterways or federal lands. Many of Yuba County Water Agency's (YCWA) Yuba River Development Project facilities are located at least in part on navigable waterways, federal land or both, and are subject to FERC licensing. Licenses are normally issued for a period of 30 to 50 years and contain terms and conditions that regulate project operations and mitigate impacts. In order to continue to operate project facilities, a licensee must obtain a new license for its project when the existing license expires. This process is called "relicensing."

What is the purpose of relicensing?

During relicensing, FERC reassesses use of the resources affected by the project by applying current laws and regulations to such topics as land use, recreation, water supply, habitat, endangered species, and historical and cultural values. In making this assessment, FERC must give "equal consideration" to power and non-power uses. Relicensing provides the licensee, resource agencies, tribes, and the public an opportunity to comment on these issues in the context of project facilities and operations. Through this process, FERC makes sure that the new license is consistent with a comprehensive plan for utilization of the affected resources.

Which hydro power projects on the Yuba River watershed are up for relicensing now?

Three hydroelectric projects in the Yuba River watershed are formally in their relicensing process. The one furthest along is South Feather Water and Power Agency's (SFWPA) South Feather Power Project (FERC Project No. 2088) on Slate creek, a tributary to the North Yuba River. SFWPA filed an application with FERC for a new license on March 26, 2007. SFWPA has operated the project under an annual license from FERC since its initial license expired on March 31, 2009, until such time as FERC issues a new license.

The other two projects formally in relicensing are Nevada Irrigation District's (NID) Yuba-Bear Hydroelectric Project (FERC Project No. 2266) on the Middle and South Yuba rivers and Pacific Gas and Electric Company's (PG&E) Drum-Spaulding Project (Project No. 2310) on the South Yuba River. The initial license for each of these projects expires on April 30, 2013, and NID and PG&E have said they plan to file applications for new licenses by April 2011.

YCWA will formally begin its relicensing of the Yuba River Development Project in 2010. The initial license for YCWA's Project expires on April 30, 2016, 7 years after SFWPA's license and 3 years after NID's and PG&E's licenses. YCWA plans to file an application for a new license in April 2014.

Are there other hydro power projects in the Yuba River watershed?

Besides NID's Yuba-Bear Hydroelectric Project, PG&E's Drum-Spaulding Project and YCWA's Yuba River Development Project, FERC has issued licenses for four other hydro projects in the Yuba River

watershed. Two of these projects must go through relicensing, and FERC has determined that the other two are "exempt" from relicensing. The projects that must go through relicensing are PG&E's 12 MW Narrows Project on the Yuba River and YCWA's 20 MW Deadwood Creek Project on a tributary to the Yuba River. The licenses for these projects expire in 2021 and 2038, respectively. The projects that are exempt from relicensing include NID's Scotts Flat Project and Browns Valley Irrigation District's Virginia Ranch Dam Project. The only other major water projects (i.e., no related power production and do not require FERC licensing) in the Yuba River watershed are Englebright Dam and Daguerre Point Dam, which are both owned and operated by the United States Army Corps of Engineers.

Can you tell me more about FERC's relicensing process?

The relicensing process is based on federal laws and regulations that require a minimum of five years of extensive planning, environmental studies, agency consultation, and public involvement. The process has changed considerably since the initial license for the Yuba River Development Project was issued in the mid 1960's. The Federal Power Act was amended by the Electric Consumers Protection Act (ECPA) in 1986 and the Energy Policy Act in 2005. Among other things, ECPA requires that FERC give "equal consideration" to power production (the purpose of the license), energy conservation, and water quality, recreation, and other non-power benefits of the natural resources, such as fish and wildlife conservation. The Energy Policy Act emphasizes the value of hydropower in the Nation's energy strategy, and provides a mechanism for interested parties to propose alternatives to license conditions recommended by federal and state agencies with the authority to impose mandatory conditions on new FERC licenses. The Energy Policy Act also establishes a mechanism for interested parties to seek clarification regarding the "material facts" that the mandatory conditioning agencies relied on when developing their mandatory conditions.

Is the relicensing process complicated?

The process is complicated, and can be time consuming for participants. FERC regulations provide an applicant with a choice of relicensing approaches. All of the approaches provide for public involvement and focus on achieving the best comprehensive use of the affected resources. In general, the entire process can take 5-7 years to complete before a new license is issued by FERC.

Are there different approaches to relicensing and, if so, which one does YCWA plan to follow?

YCWA anticipates using FERC's Integrated Relicensing Process which is also known as the ILP. FERC, various state agencies and non-governmental organizations collaborated to develop the ILP, which provides a more efficient and timely licensing process than the existing FERC Traditional and Alternative processes. This process also provides appropriate resource protection through better coordination of the licensing process with federal and state agencies, tribes and the public.

In general, the ILP can be viewed in two parts: Pre-Application Activities, which can be divided into five phases; and Post-Filing

Activities. For specific regulations regarding the ILP, please refer to the Code of Federal Regulations, Chapter 18, Part 5. A general description of the ILP is provided below, including an anticipated timeline for YCWA's Yuba River Development project relicensing.

Pre-Application Activities

NOI and PAD Filing - The first Pre-Application Activity phase includes preparation and filing with FERC by the applicant of a Notice of Intent (NOI) to file an application for a new license and a Pre-Application Document (PAD). The PAD provides FERC and potential interested parties with existing, relevant and reasonably available information pertaining to the project to help identify potential impacts, issues and related information needs, to develop study requests and study plans. The NOI and PAD must be filed no earlier than 5 and a half years and no later than 5 years before the existing license expires. YCWA plans to issue an NOI and PAD for the Yuba River Development Project in November 2010, but no later than May 2011.

FERC NEPA Scoping - Within 120 days of the date the NOI is filed, FERC holds an initial meeting with potentially-affected tribes; issues a public notice that the NOI and PAD have been filed; prepares and issues a Scoping Document 1 (SD1) that discusses the project and related issues; and holds a meeting and site visit. Thirty days after the scoping meeting, interested parties may file comments with FERC on the NOI, PAD and SD1. This phase is concluded 45 days later when FERC issues Scoping Document 2 (SD2), if necessary, to address comments. YCWA anticipates that FERC NEPA scoping for the Yuba River Development Project relicensing will occur in late 2010 to early 2011.

Study Plan Development - As described above, under the ILP the applicant is required to include in the PAD a brief description of proposed studies. Within 195 days after the PAD is filed, the applicant must file a Proposed Study Plan that includes detailed plans for each study it proposes to perform. Within 90 days, the applicant must hold at least one study plan meeting, and interested parties may file comments on the Proposed Study Plan. Thirty days later, the applicant must file a Revised Study Plan, and 30 days after that FERC must issue a Study Plan Determination, which orders the applicant to perform the studies described by FERC in the Determination. If mandatory conditioning agencies do not file a dispute within 20 days, FERC's Determination is deemed final and the applicant begins performing the studies. If a mandatory conditioning agency files a dispute, FERC initiates a dispute resolution process that concludes 70 days later when FERC issues a final determination on the disputed item(s). YCWA plans to initiate this important process early, and intends to begin discussing potential studies in early 2010. The Proposed and Revised study plans would be filed in mid 2011.

Study Performance - The ILP provides for two field seasons of studies. At the conclusion of both field seasons, the applicant files a Study Report with FERC that describes the applicant's progress in performing the studies, and identifies any variances and modifications, including new studies. Interested parties have an opportunity to meet with the applicant to discuss each report and file comments with FERC before FERC makes a determination regarding the proposed modifications. At this time, YCWA anticipates most of the studies will occur in 2012 and 2013, though it might start some studies as early as 2011.

DLA/PLP - The final Pre-Application Activity phase commences when the applicant files either a Draft License Application (DLA) or a Preliminary Licensing Proposal (PLP), which must be filed no later than

150 days before the applicant must file its Final License Application (FLA). Interested parties have 90 days to file comments on the DLA or PLP. YCWA plans to file either a DLA or PLP for the Yuba River Development Project no later than December 2013.

FLA - YCWA plans on filing a Final License Application no later than April 30, 2014 (i.e., no later than 2 years before the existing licenses expire). YCWA expects that the license applications will contain the results of all resource studies and resource measures YCWA proposes be included in a new license for the Project. YCWA anticipates collaborating with federal and state agencies, tribes and the public regarding the measures.

Post-Filing Activities

Post-Filing Activities commence when the applicant files its Final License Application. During the Post-filing activities FERC will: 1) determine if the application is complete and request additional information from the applicant if needed; 2) prepare an Environmental Assessment or Environmental Impact Statement consistent with the National Environmental Policy Act once the application is complete; and 3) make a decision on issuance of the new license, including license terms and conditions. In this process, FERC's goal is to assure the best comprehensive use of the affected resources. During this period, YCWA would also prepare as Lead Agency any environmental documents needed to satisfy the requirements of the California Environmental Quality Act (CEQA). YCWA anticipates the State Water Resources Control Board would be a Responsible Agency in this process, and use the CEQA documents to issue a Clean Water Act Section 401 Water Quality Certificate for the Project.

Has YCWA begun the relicensing process?

YCWA began detailed planning for relicensing in 2008. This initial work included setting up administrative systems; selecting a consultant; beginning to gather existing, relevant and reasonably available information; developing and issuing a Preliminary Information Package that contains descriptions of the Project and potentially-affected resources, and conferring with agencies, tribes, non-governmental organizations, and the public about their issues, interests, and potential studies. Also, YCWA is performing some early data gathering (e.g., collecting water temperature data) and is developing a water balance/operations model for the Project to assist in understanding how changes in operations may affect other resources, and to assess the potential for project improvements.

How can I find out more about YCWA's relicensing?

YCWA will provide updates via e-mail to interested parties, and hold public meetings periodically throughout the relicensing process. Also, YCWA hosts a website at www.ycwa-relicensing.com that provides information regarding the Yuba River Development Project and relicensing. Interested parties can call or write YCWA at any time with questions or comments regarding the relicensing process. YCWA's telephone number is (530) 741-6278 and the mailing address is 1221 F Street, Marysville, CA, 95901.

How can I be sure I will get YCWA's relicensing-related information?

YCWA maintains a Relicensing Contact List of interested parties who wish to receive information regarding the Yuba River Development Project relicensing. If you wish to be included, call YCWA at the number above or write to them at the address listed above.