

## SECTION 1

# INTRODUCTION

---

## 1.1 Yuba County Water Agency

Under separate cover, Yuba County Water Agency (YCWA or Licensee) this day filed with the Federal Energy Regulatory Commission (FERC) a Notice of Intent (NOI) to seek a new license for the existing Yuba River Development Project, FERC Project No. 2246 (Project).<sup>1</sup> YCWA, located in Marysville, California, is a public agency formed in 1959 pursuant to the Yuba County Water Agency Act (West's California Water Code App. §§ 84-1 – 84-28). Section 4.1 of the Yuba County Water Agency Act (West's California Water Code App. § 84-4.1) authorizes YCWA to develop hydroelectric power in connection with YCWA's projects.<sup>2</sup>

Under the provisions of the Federal Power Act (FPA),<sup>3</sup> on May 16, 1963, the Federal Power Commission (FPC), FERC's predecessor agency, issued to YCWA an initial license for the Project. The FPC issued an order on May 6, 1966, amending the initial license and making the license effective from May 1, 1966, through April 30, 2016.

YCWA has prepared this Pre-Application Document (PAD) to assist federal and State of California agencies, Indian tribes, local governments, non-governmental organizations, businesses, members of the public, and others interested in the Relicensing, which are collectively referred to as "Relicensing Participants," to prepare for the relicensing.

## 1.2 Yuba River Development Project

The Project, which was constructed in the mid 1960s and put into service in 1970, replaced three older facilities: 1) the Colgate Diversion Dam, Flume and Powerhouse, which originally were constructed in 1899 by the Yuba Electric Power Company, 2) the Bullards Bar Dam and Reservoir, which were constructed in 1923-1924 by a group of private investors led by Harry Payne Whitney and purchased by Pacific Gas and Electric Company (PG&E) a few years later; and 3) the Bullards Bar Powerhouse, which was constructed by PG&E in 1949.

The existing Project is located in Yuba, Sierra, and Nevada counties, California, on the main stems of the Yuba River, the North Yuba River, and the Middle Yuba River, and on Oregon Creek, a tributary to the Middle Yuba River. A portion of the existing FERC Project Boundary<sup>4</sup> is located on public land managed by the United States Department of Agriculture (USDA)

---

<sup>1</sup> Activities related to the preparation of an application for a new license are referred to collectively as the "Relicensing."

<sup>2</sup> For additional information regarding YCWA, refer to Section 2.1 of this Pre-Application Document and to YCWA's website at [www.ycwa.com](http://www.ycwa.com).

<sup>3</sup> The Federal Power Act (FPA) of 1920 provided the Federal Power Commission (FPC), FERC's predecessor agency, and now provides FERC with exclusive authority to license all non-federal hydroelectric projects that are located on navigable waterways or federal lands. The Yuba River Development Project (Project) is located in part on federal lands and a navigable waterway, and is therefore subject to FERC licensing.

<sup>4</sup> The existing FERC Project Boundary is the area that Licensee uses for normal Project operations and maintenance, and is shown in Exhibits G, J, and K of the existing license.

Forest Service (Forest Service) as part of the Plumas and Tahoe national forests (PNF and TNF, respectively).

The Project consists of three developments, New Colgate, New Bullards Minimum Flow, and Narrows 2, which range in elevation from 280 feet to 2,049 feet.<sup>5</sup> In total, the Project includes:

- 1 dam and associated storage reservoir - New Bullards Bar
- 2 diversion dams - Our House and Log Cabin
- 2 diversion tunnels - Lohman Ridge and Camptonville
- 2 underground power tunnels - New Colgate and Narrows 2
- 1 above ground penstock - New Colgate
- 3 powerhouses - New Colgate, New Bullards Minimum Flow, and Narrows 2
- 7 recreation areas - Emerald Cove Marina, Hornswoggle Group Camp, Schoolhouse Family Camp, Dark Day Campground, Dark Day Boat Ramp, Garden Point Campground, and Madrone Cove Campground

The Project does not include any aboveground water conduits (e.g., canals or flumes) or any transmission lines.

Licensee typically operates New Bullards Bar Reservoir by capturing winter and spring runoff from rain and snowmelt. Consequently, New Bullards Bar Reservoir normally reaches its peak storage at the end of the spring runoff season, and then is gradually drawn down until its lowest elevation is reached in mid-winter. The reservoir does not undergo substantial daily changes in elevation. New Bullards Bar Reservoir has mandatory flood pool criteria from October through April that can affect storage.<sup>6</sup> Our House and Log Cabin diversion dam impoundments do not store water and Licensee operates them to divert water to New Bullards Bar Reservoir in spring during high flow periods. Licensee operates New Colgate Powerhouse for peaking/ancillary services and the New Bullards Minimum Flow and Narrows 2 powerhouses as base load facilities.

Project benefits include water supply, flood control, recreation, fish and wildlife habitat, and power generation.

Detailed information regarding Project facilities, features, and operation is included in Section 6.0 of this PAD. Refer to Section 3.0 for a description of the river basins in which the Project is located.

### **1.2.1 Lower Yuba River Accord**

A uniquely important set of agreements regarding the Project is the Lower Yuba River Accord (Yuba Accord). In 2005, YCWA and 16 other interested parties signed memoranda of

---

<sup>5</sup> All elevation data are in United States Department of Commerce (USDOC), National Oceanic and Atmospheric Association (NOAA), National Geodetic Survey (NGS) Vertical Datum of 1983 (NAVD 83).

<sup>6</sup> The USACE contributed \$12 million to the construction of New Bullards Bar Dam in exchange for flood control space the reservoir would provide.

understanding that specified the terms of the Yuba Accord. The Yuba Accord is a comprehensive, consensus-based program to protect and enhance aquatic habitat in the Yuba River downstream of the United States Army Corps of Engineers' (USACE) Englebright Dam. Following environmental review, YCWA executed four agreements in 2007, which together comprise the Yuba Accord. The four agreements are: 1) the Lower Yuba River Fisheries Agreement, which specifies the Yuba Accord's Lower Yuba River minimum streamflows and creates a detailed fisheries monitoring and evaluation program; 2) the Water Purchase Agreement, under which the California Department of Water Resources (CDWR) purchases water, some of which is provided by the Yuba Accord's minimum streamflows, from YCWA for CALFED's Environmental Water Account (the first long-term acquisition of water that protects Bay/Delta fish and wildlife), and for State Water Project and Central Valley Project contractors; 3) the Conjunctive Use Agreements with seven of YCWA's member units, which specify the terms of the Yuba Accord's groundwater conjunctive-use program; and 4) amendments to the 1966 Power Purchase Contract between YCWA and PG&E.

The Yuba Accord was developed by a multi-agency resource team, including representatives from the National Marine Fisheries Service, the US Fish and Wildlife Service, the California Department of Fish and Game, and a group of non-governmental organizations. The Yuba Accord flow schedules were developed to essentially optimize habitat conditions during high flow years for this highly regulated river system. Subsequently additional flow schedules were developed by the resources team for drier conditions which included a "balancing of resources" approach. The Accord flow schedules were ultimately approved by the State Water Resources Control Board.

Together, this package of agreements commits more water to minimum instream flows and provides greater reliability for both instream and consumptive uses than would be possible without the agreements. Licensee has been operating the Project in conformance with the Yuba Accord since 2006.<sup>7</sup> On May 20, 2008, the State Water Resources Control Board (SWRCB) adopted its Corrected Order WR 2008-0014, which approved the long-term amendments to YCWA's water-right permits that were necessary so that YCWA may continue to implement the Yuba Accord. For additional information regarding the Yuba Accord, refer to <http://www.ycwa.com>.

### **1.3 Relicensing Process**

To prepare an application for a new license, Licensee intends to follow FERC's Integrated Licensing Process (ILP) as established in regulations in Title 18 of the United States Code of Federal Regulations (18 CFR), Part 5. These regulations require Licensee to file with FERC an NOI and a PAD sometime between November 2010 and April 2011, and an application for a new license by April 2014.

This PAD is a requirement of FERC's ILP regulation and constitutes one of the initial activities in the Relicensing. Licensee is filing this PAD with FERC simultaneously with the NOI and will

---

<sup>7</sup> The 2006, 2007, and early 2008 operations were under one-year pilot programs that were approved by the State Water Resources Control Board.

make the PAD available to Relicensing Participants. The PAD provides FERC and Relicensing Participants with summaries of existing, relevant, and reasonably available information related to the Project that is in Licensee's possession at the time the PAD is filed. The information required in the PAD is specified in 18 CFR § 5.6(c) and (d).

Licensee exercised due diligence in acquiring information included in the PAD. Licensee contacted appropriate governmental agencies, Native American tribes, and others potentially having relevant information; conducted extensive searches of publicly available databases and its own records; and broadly distributed a comprehensive questionnaire designed specifically to identify existing, relevant, and reasonably available information related to the Project.

Licensee has established a publicly accessible website ([www.ycwa-relicensing.com](http://www.ycwa-relicensing.com)) to make Relicensing information readily available to Relicensing Participants.

## **1.4 Licensee's Early Consultation and Preliminary Information Package**

Since July 2009, Licensee has conducted over 30 meetings with Relicensing Participants to familiarize them with Project facilities, features, and operations; to review Licensee's relicensing plans and the ILP; to seek out sources of existing, relevant, and reasonably available information; to identify potential relicensing issues; and to begin early development of study plans. The meetings included a tour of the Project on October 1, 2009. Participants in these meetings have included representatives of:

- Federal Energy Regulatory Commission
- USDA, Forest Service
- United States Department of Interior, Bureau of Land Management
- United States Department of Interior, Fish and Wildlife Service
- United States Department of Commerce, National Marine Fisheries Service
- State Water Resources Control Board
- California Department of Fish and Game
- Yuba County Fish and Game
- Yuba County Resource Center
- Camptonville Community Services District
- American Whitewater
- Sierra Club
- Friends of the River
- California Sportfishing Protection Alliance
- Foothills Water Network
- South Yuba River Citizens League
- Sierra Salmon Alliance
- Gold Country Fly Fishers
- Federation of Fly Fishers

- Social Alliance Network
- Save Sierra Salmon

To facilitate these meetings, Licensee issued a Preliminary Information Package in May 2009. The package included much of the information included in the PAD.

A major focus of Licensee's early consultation meetings was the identification of data gaps and the collaborative development of study proposals, which are discussed in more detail in Section 10.0 of the PAD.

## **1.5 Contents of Pre-Application Document**

This PAD includes the following sections:

- Table of Contents – A listing of each section, subsection, table, figure, map, photo, and appendix included in the PAD.
- Glossary – A list of terms, acronyms, and abbreviations commonly used in the PAD and a definition of each.
- Section 1 – This introduction to the PAD.
- Section 2 – A process plan and schedule for all relicensing activities through filing of the License Application, per 18 CFR § 5.6(d)(1). This section also includes a description of YCWA and its relicensing goals and interests, Licensee's Relicensing Communication Guidelines, and an ILP Flow Chart.
- Section 3 – General description of the river basins and sub-basins potentially affected by continued operation of the Project, per 18 CFR § 5.6(d)(3)(xiii).
- Section 4 – A discussion of major laws that apply to the Project and this relicensing process.
- Section 5 – A list of comprehensive plans filed with FERC (Qualifying Plans) and other plans that apply to the Project and this relicensing process, per 18 CFR § 5.18(d)(4)(iii).
- Section 6 – A description of the existing Project facilities and operations, and Licensee's proposed new facilities and changes in Project operations, per 18 CFR § 5.6(d)(2).
- Section 7 – A description of the existing environment by resource area, per 18 CFR § 5.6(d)(3)(i)(A), (B), and (d)(3)(ii)-(xiii), based on information acquired and reviewed by Licensee to date.
- Section 8 – A description of preliminary issues associated with the Project, including continuing impacts. This section includes a discussion of Project activities and known or potential environmental and recreation effects associated with each issue, per 18 CFR § 5.6(d)(3)(i)(C) and (4)(i).
- Section 9 – A description of Project facilities and operations and management activities Licensee currently undertakes or proposes to undertake as a condition of the new license for the purpose of protecting or mitigating impacts that would result from continued operation

and maintenance (O&M) of the Project, or for the purpose of enhancing resources that would be affected by continued Project O&M. These facilities, operations, and management activities are referred to as resource management measures. [18 CFR § 5.6(d)(3)(i)(D)].

- Section 10 – A preliminary description of studies by resource area, which Licensee proposes to undertake as part of the Relicensing process, per 18 CFR § 5.6(d)(4)(ii). Relicensing Participants should consider these study proposals as “straw man” proposals by Licensee to facilitate development of detailed study proposals that Licensee will include in its Proposed and Revised Study Plans.
- Section 11 – A list of sources of information cited in the PAD.
- Appendix A – A summary of contacts made by Licensee in preparing the PAD.
- Appendix B – A listing and brief description of existing, relevant, and reasonably available information by resource area found by Licensee during preparation of the PAD.
- Appendix C – The name of each person authorized to act as agent for Licensee in the relicensing process.
- Appendix D – A series of hardcopy maps at a scale of 1:24,000 that show the Project Area and surrounding non-Project facilities and features. For the purposes of the PAD, the Project Area is defined as the area within the existing FERC Project Boundary and the land immediately surrounding the FERC Project Boundary (i.e., within about 0.25-mile of the FERC Project Boundary) and includes Project-affected reaches between facilities and downstream to the next major water controlling feature or structure.
- Appendix E – Licensee’s low-altitude helicopter videos of Project-affected river reaches and Project facilities and features on digital video disk (DVD).
- Appendix F – Regulated and unimpaired hydrology, including reservoir elevations.