

SECTION 2

PROCESS PLAN, SCHEDULE, AND COMMUNICATION GUIDELINES

2.1 Yuba County Water Agency and Its Relicensing Goal and Principal Interests

2.1.1 Description of Yuba County Water Agency

Established in 1959 by the Yuba County Water Agency Act (West’s California Water Code App., §§ 84-1 – 84-28) and headquartered in Marysville, California, the Yuba County Water Agency (YCWA or Licensee) is a public agency governed by a seven-member Board of Directors consisting of the five members of the Yuba County Board of Supervisors and two members elected from districts that together encompass Yuba County. YCWA was created “*for the purpose of accomplishing a function of statewide importance.*” (YCWA Act, § 1, West’s California Water Code App., § 84-1). YCWA has the power to: 1) “*control the flood and storm waters of the agency and the flood and storm waters of streams that have their sources outside of the agency, which streams and flood waters flow into the agency, and to conserve such waters for the beneficial and useful purposes of said agency;*” 2) “*do any and every lawful act necessary in order that sufficient water may be available for any present and future beneficial use;*” and 3) “*develop hydroelectric power to the extent that such power can be developed in connection with the construction and operation of its projects.*” (YCWA Act, §§ 4, 4.1 & 4.2; West’s California Water Code App., §§ 84-4, 84-4.1 & 84-4.2.)

Today, YCWA owns and operates New Bullards Bar Dam and Reservoir, which provide critical flood control to Marysville and other downstream communities and, through their associated powerhouses, provide clean, renewable energy to the California energy grid. YCWA delivers approximately 300,000 acre-feet (ac-ft) of water to local irrigation districts in Yuba County annually, is a leader in statewide water transfers and lower Yuba River fisheries restoration, and is involved in many constructive efforts with local, State, and federal agencies, and conservation groups.

YCWA firmly believes that continued ownership and operation of the Yuba River Development Project (Project) is integral to YCWA’s, Yuba County’s, and the region’s future.

2.1.2 Licensee’s Relicensing Goal

Licensee enters the Relicensing with the following expressed goal: *Obtain a new license for the Project with minimal adverse impact to Project economics while helping to foster YCWA’s relationship with the community, resource agencies, and other interested parties. YCWA desires to obtain a new license of maximum term for the Project at minimum cost, both initially and ongoing, that protects and enhances the Project’s water supply and flood control benefits, while*

maximizing economic benefits from the production of electrical power and meeting environmental, recreational, and other non-power requirements and needs.

2.1.3 Licensee's Principal Relicensing Interests

To meet its relicensing goal, Licensee will seek to obtain a new Project license that embodies the following:

- Maximizes public and employee safety and minimizes liability risks.
- Complies with all laws, regulations, license and permit conditions, and agreements pertaining to the Project.
- Complies with Licensee's mission and is consistent with Licensee's policies and procedures.
- Maintains reasonable operation and maintenance flexibility and access to Project facilities.
- Uses, to the extent appropriate, the positive relationships and results of the Lower Yuba River Accord (Yuba Accord) and other related proceedings.
- Addresses ongoing environmental effects of facilities, features, and operations within the jurisdiction of the Federal Energy Regulatory Commission (FERC) and those federal and State of California agencies with mandatory conditioning authority under the Federal Power Act (FPA). Licensee's interest is to not confuse the Relicensing by addressing Licensee's facilities, features, and operations that are non-Project related and, therefore, outside FERC's jurisdiction under relicensing.
- Preserves and enhances the value of the Project as both a reliable source of water and power, and maintains a robust, economically competitive Project.
- Includes a new license term length of 40 to 50 years.
- Includes conditions that are based on the best available sound science, that protect the environment, and that achieve a reasonable balance between power and non-power utilization of Project-affected resources.
- Includes a reasonable schedule for implementation of license conditions involving capital improvements.
- Avoids open-ended license conditions. Uses adaptive management only where data are insufficient to support fixed license conditions.
- Provides for appropriate public recreation opportunities within the FERC Project Boundary¹ consistent both with the resource carrying capacity and demand as specified in the FPA and with the primary power generation, flood control, and water supply purposes of the Project.
- Achieves reasonable resource management objectives at the lowest feasible cost.
- Preserves flexibility in meeting minimum stream flow requirements.

¹ The 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 current license.

- Maintains operational flexibility, including options to operate in base load or peaking mode.
- Is consistent with other resource and land-planning efforts, but focuses on Project impacts to Project-affected resources.

2.2 Process Plan and Schedule

2.2.1 Regulatory Relicensing Deadlines

FERC's Integrated License Process (ILP) regulations in 18 CFR Part 5 establish a schedule of activities and milestone dates to which Licensee, FERC, and Relicensing Participants must adhere. Many milestone dates are contingent upon a previous activity (e.g., a party may file comments within 30 days of a FERC ruling). However, some dates are fixed by the current license expiration date and do not depend on when a previous Relicensing activity is completed. These fixed milestones for the relicensing process are:

- November 1, 2010 (Monday) – The earliest date Licensee may file a Notice of Intent (NOI) to file an application for a new license and a Pre-Application Document (PAD) is 5.5 years prior to the date that the initial license expires (18 CFR § 5.6).
- May 2, 2011 (Monday) – The latest date Licensee may file an NOI and PAD is 5 years prior to the date that the initial FERC license expires. Five years prior to the expiration of the license is April 30, 2011, a Saturday. FERC's policies provide that when a filing date falls on a weekend or federal holiday, the filing date automatically becomes the next regular business day. However, if the date by which FERC must take an action falls on a weekend or holiday, the deadline moves to the previous business day. May 2, 2011, is the first regular business day after April 30, 2011, and is, therefore, the latest date that Licensee may file its NOI and PAD.
- December 2, 2013 (Monday) – The latest date Licensee may file with FERC a Preliminary License Proposal (PLP) or a Draft License Application (DLA) is 150 days before Licensee must file an application for a new license, which is April 30, 2014 (18 CFR § 5.16). One hundred and fifty days before April 30, 2014, is Saturday, November 30, 2013. As stated above, FERC's policies provide that when a filing date falls on a weekend or federal holiday, the filing data automatically becomes the next regular business day. December 2, 2013 is the first regular business day after November 30, 2013, and is, therefore, the latest date that Licensee may file a PLP or DLA.
- April 30, 2014 (Wednesday) – The latest date that Licensee may file an application for a new license with FERC is 2 years before the initial FERC license expires (18 CFR § 5.17).
- April 30, 2016 (Saturday) – The date the initial FERC license for the Project expires.

Table 2.2-1 shows major ILP regulatory processes and associated deadlines. YCWA developed this table using the timeframes set forth in 18 CFR, Part 5, and based the table on anticipated NOI and PAD filing dates of November 1, 2010, the earliest possible filing date. The first column in Table 2.2-1 shows the pertinent ILP regulation for the activity in the row. The second

column shows the party responsible for initiating the activity. The third column describes the activity including, where appropriate, a previous activity linked to this activity. The last column shows the calendar duration of the activity. Where an activity is contingent on a previous activity, the schedule shown assumes the previous activity is completed on the latest date shown for that previous activity.

Table 2.2-1. Project relicensing regulatory deadlines based on filing the NOI and PAD on November 1, 2010.

18 CFR §	Lead	Activity	Timeframe (Start and Finish) ^{1,2}	
§ 5.5. NOTIFICATION OF INTENT				
(a)-(g)	Licensee	File Notice of Intent (NOI) to file an application for a new license and request for non-federal representative status under § 7 of the Endangered Species Act (ESA) and § 106 of the National Historic Preservation Act (NHPA), if Licensee intends to request such status (<i>no earlier than 5.5 years and no later than 5 years prior to expiration of the current license</i>)	11/1/10 (Monday)	
§ 5.6. PRE-APPLICATION DOCUMENT				
(a)-(e)	Licensee	File Pre-Application Document (PAD) (<i>no earlier than 5.5 years and no later than 5 years prior to expiration of the current license</i>)	11/1/10 (Monday)	
§ 5.7. TRIBAL CONSULTATION				
----	FERC	Hold meeting with potentially affected Native American tribes (<i>no later than (NLT) 30 days of date NOI and PAD filed</i>)	11/2/10 (Tuesday)	12/1/10 (Wednesday)
§ 5.8. NOTICE OF COMMENCEMENT OF PROCEEDING AND SCOPING DOCUMENT, OR OF APPROVAL TO USE TRADITIONAL LICENSING PROCESS OR ALTERNATIVE PROCEDURES				
(a)	FERC	Issue Notice of Commencement of Proceeding (NCP) (<i>NLT 60 days of date NOI and PAD filed</i>)	11/2/10 (Tuesday)	12/31/10 (Friday)
(b)(2)	FERC	Request initiation of informal consultation under § 7 of the ESA and/or § 106 of the NHPA, if appropriate (<i>NLT 60 days of date NOI and PAD filed</i>)	11/2/10 (Tuesday)	12/31/10 (Friday)
(c)	FERC	Issue Scoping Document 1 (SD1) (<i>NLT 60 days of date NOI and PAD filed</i>)	11/2/10 (Tuesday)	12/31/10 (Friday)
(b)(3)(viii)	FERC	Hold NEPA scoping meeting and conduct site visit (<i>NLT 30 days of date NCP issued</i>)	1/1/11 (Saturday)	1/28/11 (Friday) ³
§ 5.9. COMMENTS AND INFORMATION OR STUDY REQUESTS				
(a)	Licensee & Relicensing Participants	File comments on PAD and SD1, and request studies (<i>NLT 60 days of date NCP issued</i>)	12/31/10 (Friday)	3/1/11 (Tuesday)
§ 5.10. SCOPING DOCUMENT 2				
---	FERC	Issue Scoping Document 2 (SD2) (<i>NLT 45 days of the end of SD1 comment period</i>)	3/2/11 (Wednesday)	4/15/11 (Friday)
§ 5.11. APPLICANT'S PROPOSED STUDY PLAN AND STUDY PLAN MEETINGS				
(a)	Licensee	File Proposed Study Plan (<i>NLT 45 days of the end of SD1 comment period</i>)	3/2/11 (Wednesday)	4/15/11 (Friday)
(e)	Licensee	Hold initial study plan meeting (<i>NLT 30 days after date Proposed Study Plan filed</i>)	4/16/11 (Saturday)	5/16/11 (Monday) ⁴
§ 5.12. COMMENTS ON PROPOSED STUDY PLAN				
	Relicensing Participants	File comments on Proposed Study Plan (<i>NLT 90 days after date Proposed Study Plan is filed</i>)	4/16/11 (Saturday)	7/14/11 (Thursday)
§ 5.13. REVISED STUDY PLAN AND STUDY PLAN DETERMINATION				
(a)	Licensee	File Revised Study Plan (<i>NLT 30 days of date Proposed Study Plan comment period ends</i>)	7/15/11 (Friday)	8/15/11 (Monday) ⁵
(b)	Relicensing Participants	File comments on Revised Study Plan (<i>NLT 15 days of the date Revised Study Plan is filed</i>)	8/16/11 (Tuesday)	8/30/11 (Tuesday)
(c)	FERC	Issue Study Plan Determination (<i>NLT 30 days of date Revised Study Plan is filed</i>)	8/16/11 (Tuesday)	9/14/11 (Wednesday)
(d)	FERC	Study plan approved (<i>20th day after FERC Determination if no study plan disputes filed</i>)	10/4/11 (Tuesday)	

Table 2.2-1. (continued)

18 CFR §	Lead	Activity	Timeframe (Start and Finish) ^{1,2}	
§ 5.14. FORMAL STUDY DISPUTE RESOLUTION PROCESS				
(a)	Mandatory Condition Agencies and Tribes	File Notice of Dispute (NOD) (<i>NLT 20 days of date FERC Determination issued</i>)	9/15/11 (Thursday)	10/4/11 (Tuesday)
(d)	FERC	Convene Dispute Resolution Panel (<i>NLT 20 days of date NOD filed</i>)	10/5/11 (Wednesday)	10/24/11 (Monday)
(i)	Licensee & Relicensing Participants	File comments on NOD (<i>NLT 25 days of date NOD filed</i>)	10/5/11 (Wednesday)	10/31/11 (Monday) ⁶
(k)	Dispute Resolution Panel (DRP)	Deliver to FERC finding on NOD (<i>NLT 50 days of date NOD filed</i>)	10/5/11 (Wednesday)	11/23/11 (Wednesday)
(l)	FERC	Director of Office of Energy Projects issues written determination regarding NOD (<i>NLT 70 days of date NOD filed</i>)	10/5/11 (Wednesday)	12/13/11 (Tuesday)
§ 5.15. CONDUCT STUDIES				
(a)	Licensee	Implement FERC-approved study plan	9/15/11 (Thursday) ⁷	9/16/12 (Sunday)
(b)	Licensee	File periodic progress reports	FERC Determine Frequency	
(c)(1)	Licensee	File Initial Study Report (<i>NLT 1 year after FERC's approval of Revised study plan</i>)	9/15/11 (Thursday)	9/17/12 (Monday)
(c)(2)	Licensee	Hold Initial Study Report meeting (<i>NLT 15 days of date Initial Study Report filed</i>)	9/18/12 (Tuesday)	10/2/12 (Tuesday)
(c)(3)	Licensee	File Initial Study Report meeting summary including proposed plan modifications and new studies (<i>NLT 15 days after Initial Study Report meeting</i>)	10/3/12 (Wednesday)	10/17/12 (Wednesday)
(c)(7)	FERC	Approval of meeting summary and study plan modifications if no disagreements filed (<i>30th day after meeting summary filed</i>)	11/16/12 (Friday)	
(c)(4)	Relicensing Participants	File disagreements with meeting summary including Licensee's proposed study plan modifications and new studies (<i>NLT 30 days after Initial Study Report meeting summary filed</i>)	11/17/12 (Saturday)	12/17/12 (Monday) ⁸
(c)(5)	Licensee & Relicensing Participants	File response to disagreements (<i>NLT 30 days after Dispute period ends</i>)	12/18/12 (Tuesday)	1/16/13 (Wednesday)
(c)(6)	FERC	Resolve disagreement and amend study plan (<i>NLT 30 days after responses to disagreements period ends</i>)	1/17/13 (Thursday)	2/15/13 (Friday)
(f)	Licensee	File Updated Study Report (<i>NLT 2 years after FERC's approval of Revised Study Plan</i>)	9/15/11 (Thursday)	9/16/13 (Monday)
(c)(2)	Licensee	Hold study plan meeting (<i>NLT 15 days of date Updated Study Report filed</i>)	9/17/13 (Tuesday)	10/1/13 (Tuesday)
(c)(3)	Licensee	File study plan meeting summary including Licensee's proposed study plan modifications and new studies (<i>NLT 15 days after Updated Study Report meeting</i>)	10/2/13 (Wednesday)	10/16/13 (Wednesday)
(c)(7)	FERC	Approve meeting summary and study plan modifications if no disagreements filed (<i>30 days after meeting summary filed</i>)	11/15/13 (Friday)	
(c)(4)	Relicensing Participants	File disagreements with meeting summary and proposed study modifications and new studies (<i>NLT 30 days after Updated Study Report meeting summary filed</i>)	11/16/13 (Saturday)	12/16/13 (Monday) ⁹
(c)(5)	Licensee & Relicensing Participants	File response to disagreements (<i>NLT 30 days after disagreement period ends</i>)	12/17/13 (Tuesday)	1/16/14 (Thursday)
§ 5.15. CONDUCT STUDIES (continued)				
(c)(6)	FERC	Resolve disagreement and amend study plan (<i>NLT 30 days after response to disagreements period ends</i>)	1/17/14 (Friday)	2/14/14 (Friday)
§ 5.16. PRELIMINARY LICENSING PROPOSAL				
(a)-(d)	Licensee	File Preliminary Licensing Proposal (PLP) or Draft License Application (DLA) (<i>No less than 150 days prior to deadline for filing license application</i>) ¹⁰	12/2/13 (Monday) ¹¹	
(e)	Relicensing Participants	File comments on PLP or DLA (<i>NLT 90 days of date PLP or DLA filed</i>)	12/3/13 (Tuesday)	3/3/2014 (Monday)

Table 2.2-1. (continued)

18 CFR §	Lead	Activity	Timeframe (Start and Finish) ^{1,2}
§ 5.17. FILING OF APPLICATION			
(a)	Licensee	File application for new license (<i>NLT 2 years prior to expiration of the current license</i>)	4/30/2014 (Wednesday)

¹ This schedule is based on Licensee filing its NOI and PAD on November 1, 2010, 5.5 years prior to the date that the initial license expires — the earliest date that Licensee can file its NOI and PAD.

² When an activity is contingent on completion of a previous activity, the schedule assumes the previous activity is completed the latest date shown for that previous activity.

³ Thirty days from the date that the NCP is issued is January 30, 2011, a Sunday. Therefore, the date by which FERC must hold the scoping meeting and conduct the site visit is January 28, 2011, a Friday.

⁴ Thirty days from the date that the Proposed Study Plan is filed is May 15, 2011, a Sunday. Therefore, the date by which Licensee must hold its initial study plan meeting is the next business day, May 16, 2011, a Monday.

⁵ Thirty days from the deadline for filing comments on the Proposed Study Plan is August 13, 2011. Therefore, the date by which Licensee must file its Revised Study Plan is the next business day, August 15, 2011, a Monday.

⁶ Twenty-six days from the deadline for Notice of Disputes is October 29, 2011, a Saturday. Therefore, the date by which Relicensing Participants must file comments on the disputes is the next business day, October 31, 2011, a Monday.

⁷ The schedule assumes that no study proposals go to dispute resolution, and therefore that studies begin upon FERC's Determination.

⁸ Thirty days from the deadline for filing disputes concerning the Initial Study Report meeting summary is December 16, 2012, a Sunday. Therefore, the date by which responses to disagreements must be filed is the next business day, December 17, 2012, a Monday.

⁹ Thirty days from the deadline for filing disputes concerning the Updated Study Report meeting summary is December 15, 2013, a Sunday. Therefore, the date by which responses to disagreements must be filed is the next business day, December 16, 2013, a Monday.

¹⁰ Licensee may choose to file a PLP (or DLA) sooner than 150 days prior to the date the application must be filed depending on the status of the proceeding. To develop the PLP or DLA, Licensee may choose at any time in the relicensing process to hold meetings to reach agreement on as many protection, mitigation and enhancement (PM&E) measures as possible with as many Relicensing Participants as possible.

¹¹ One hundred and fifty days before April 30, 2014, is Saturday, November 30, 2013. Therefore, the latest Licensee may file the PLP or DLA is the next business day, December 3, 2013, a Monday.

Table 2.2-1 shows that FERC's site visit and National Environmental Policy Act (NEPA) scoping would occur in January 2011 and that the primary activity in 2011 would be study proposal development. The studies would continue in 2012 as well as in 2013, if needed. Refer to Figure 2.4.1 for a list of post-filing activities.

Licensee anticipates that FERC will issue its own schedules after Licensee files its NOI and PAD for the periods both before and after Licensee files its application for new license.

Because there is some flexibility (i.e., if Licensee files a document early, it could affect the comment period) in the schedule shown in Table 2.2-1, this schedule is subject to change throughout the Relicensing. Licensee has posted the above table on the Relicensing Website and will update the schedule periodically as appropriate.

2.2.2 Licensee's Proposed Location and Dates of Scoping Meeting and Site Visit

Section 5.6(d)(1) of 18 CFR requires an applicant to include in its PAD a proposal to FERC for dates and locations for FERC's scoping meeting and site visit. Based on the above process schedule, the scoping meeting and site visit should occur in January 2011. Licensee proposes the following:

- Proposed Site Visit - January 26, 2011 (Wednesday).

Licensee anticipates that most if not all of the Project will be accessible in January. However, weather conditions may affect access to some Project facilities.

Licensee proposes holding two coordinated scoping meetings on the day after the site visit: one meeting in the morning to focus on resource agency concerns and one in the evening to focus on the public's views. Specifically, Licensee proposes:

- Proposed Scoping Meetings - January 27, 2011 (Thursday) at a place to be selected by FERC in Marysville, California at 9:00 in the morning and at 7:00 in the evening.

2.2.3 Discretionary Activities

Table 2.2-1 provides a schedule of regulatory deadlines that must be adhered to by Relicensing Participants, including Licensee and FERC. However, within the confines of those regulations, Licensee may choose to undertake discretionary activities to facilitate the Relicensing, such as holding additional meetings/workshops to collaboratively develop study proposals, review study results, and develop resource management measures.

2.2.3.1 Early Study Proposal Development

One such discretionary activity is the continued development of study proposals. To facilitate development of study proposals, Licensee plans to invite Relicensing Participants to a series of study proposal development meetings immediately following issuance of the PAD. The purpose of the meetings will be to continue discussions of study proposals begun in 2010 with the goal of collaboratively reaching agreement on as many study proposals as possible with as many Relicensing Participants as possible before the time that Licensee must file its Proposed Study Plan. Licensee intends to continue this collaborative effort up to the time that Licensee files its Revised Study Plan.

2.2.3.2 Initiation of Studies Before FERC's Study Determination

Licensee will consider initiating studies before FERC's Study Determination.

2.3 Relicensing Communication Guidelines

2.3.1 Objectives

The Communication Guidelines describe how Licensee plans to communicate and interact with Relicensing Participants during the Relicensing. Licensee does not propose that participation in the Relicensing be contingent upon formal acceptance of these Communication Guidelines, but that Licensee and Relicensing Participants will voluntarily abide by the intent of these Communication Guidelines. It should be noted that:

- These guidelines do not supersede or in any way modify FERC’s ILP regulations, or any other federal or State of California regulations related to the Relicensing, including those related to Section 106 of the NHPA, Section 7 of the ESA, or Section 410 of the CWA.
- These guidelines do not apply to FERC or any documents, meetings, correspondence, or other actions for which FERC is responsible during the relicensing process.
- These are guidelines, not hard rules.
- The Communication Guidelines may be revised as necessary at any time during the relicensing process.

Licensee proposes these Communication Guidelines to facilitate communication and for the purpose of encouraging early and continuing participation in the Relicensing to facilitate making collaborative, consensus-based decisions in a timeframe that is consistent with FERC’s ILP. One of the goals of the Communication Guidelines is to provide guidance during the Relicensing leading to collaborative development of study proposals and Protection, Mitigation, and Enhancement (PM&E) measures for the Project. If Licensee and Relicensing Participants determine it is appropriate, these Communication Guidelines may be revised during the Relicensing.

2.3.2 Participation

2.3.2.1 Participants²

Participation in the Relicensing under the ILP is open to any federal agency (including FERC); State of California agencies; local agencies; non-governmental organizations (NGOs); Native American tribes, including tribes formally recognized by the federal government, tribes that are not formally recognized by the federal government, and members of tribes; businesses; and unaffiliated members of the public. Licensee assumes that each Relicensing Participant is authorized to speak on behalf of the agency, organization, or affiliation that he or she represents in the relicensing.

To the extent allowed by law, including the NHPA and consultation requirements under Section 106 of the NHPA, Licensee invites participation in the Relicensing by tribes formally recognized by the federal government, as well as by non-federally recognized tribes.

2.3.2.2 Late Participation in the Relicensing

The ILP is a carefully structured process, the success of which depends on timely participation by all interested stakeholders. Licensee anticipates that each Relicensing Participant who begins participating in the Relicensing after the beginning of the Relicensing processes will take actions, including consulting with Licensee and other Relicensing Participants regarding available information, as necessary to become informed and “up-to-speed.” Licensee intends that late or delayed participation will not be allowed to routinely disrupt the Relicensing.

² Licensee understands that the SWRCB may provide clarification regarding its participation in the relicensing.

2.3.3 Relicensing Contact List

Licensee will maintain a list of contacts (Contact List) for all Relicensing Participants who express to Licensee an interest in the Relicensing and who have provided to Licensee an email or mailing address for a contact.

Besides an email address, Licensee will request that each agency, tribe, and NGO provide appropriate information (i.e., name, title, affiliation, mailing address, and telephone and fax numbers) for its designated contact. Licensee assumes that those designated contacts will keep the appropriate members of their agency, tribe, or NGO advised of Relicensing activities. Also, Licensee anticipates that each agency, tribe, and NGO will notify Licensee if contact information for its designated contact changes.

Relicensing is a long process that will extend for at least 5 years. To keep the Contact List current, Licensee intends to periodically issue an email to all those on the Contact List asking for each contact to confirm that he or she wishes to remain on the Contact List. Licensee will assume that those who do not respond in a timely fashion are no longer interested in the Relicensing and delete those individuals from the Contact List.

Because Licensee understands that many people would be uncomfortable if their contact information were made readily available on the internet, Licensee does not intend to post the Contact List on the Relicensing Website.

2.3.4 Relicensing Website

Licensee has established, and plans to maintain, a publicly accessible internet website as a means of making information regarding the Relicensing readily available to Relicensing Participants. Examples of information that will be provided on the website include the initial FERC license for the Project including an annotated current license, FERC filings, FERC orders regarding the relicensing, and Relicensing documents (e.g., the NOI and PAD, as well as other documents such as the Proposed Study Plan, Revised Study Plan, and license application as they are developed). Many of the folders on the website will be empty until the documents for each folder are developed.

Licensee's Project Relicensing Website can be accessed at www.ycwa-relicensing.com.

2.3.5 Relicensing Action Item Log

Licensee intends to maintain an Action Item Log that will include the status of all action items agreed to by Licensee and Relicensing Participants for the Relicensing. The log will include an action item number, when the action item was originated and by whom or at which meeting or workshop, a clear description of the action item, when the action was intended to be completed, who the action item was assigned to, the status of the item, and the date it was completed. Closed items will be shaded in grey to indicate they have been completed. Licensee will keep

the most current version of the Action Item Log posted on the Relicensing Website. Open action items will be reviewed as appropriate at each Licensee-sponsored meeting.

2.3.6 Meetings

As noted above, these Communication Guidelines apply only to Licensee-sponsored meetings. Licensee anticipates that meetings sponsored by another party (e.g., FERC or a Relicensing Participant) will be organized, announced, hosted, and followed up on by that other party. The guidelines Licensee intends to follow for Licensee-sponsored meetings are provided below.

2.3.6.1 Meeting Locations and Start Time

Licensee intends that meeting locations, including those for regularly scheduled meetings, and start times will be selected by Licensee in consultation with interested Relicensing Participants to ensure the greatest participation by those who wish to attend the meeting and the least amount of inconvenient travel for meeting participants overall. Licensee assumes that each Relicensing Participant will be aware of any meeting start time and location posted on the Relicensing Website Event Calendar. The Relicensing Website Event Calendar is described below.

2.3.6.2 Event Calendar

An Event Calendar that includes scheduled meetings will be maintained on the Relicensing Website. Relicensing Participants and others may view the Event Calendar to see when a meeting is planned. The calendar will provide details, such as location and a notice/agenda for the meeting. After a meeting has occurred, the calendar will provide the notice/agenda, the completed sign-in sheet, and any presentations made by Licensee at the meeting. It is Licensee's intent that the Action Item Log will suffice as a meeting summary.

2.3.6.3 Meeting Notice/Agenda

Soon after Licensee becomes aware of a meeting, Licensee will make a good faith effort to issue an e-mail to the Contact List giving those on the list early notice that the meeting has been scheduled and of the potential agenda.

Licensee will make all reasonable efforts to issue to Relicensing Participants on the Contact List a notice and accompanying agenda and meeting material at least 5 working days in advance of the meeting. Changes to the agenda that are made less than 5 working days in advance of the meeting shall be agreed to by Relicensing Participants at the meeting or postponed to a later meeting.

If a party on the Contact List wishes another form of notice, the party should contact Licensee and, within reason, Licensee will comply with the request for an alternative form of meeting notification.

Licensee will develop an agenda for an upcoming meeting based on input from the Relicensing Participants at previous Relicensing meetings or as otherwise reasonable. Licensee and Relicensing Participants will schedule meetings with the goal of including all appropriate Relicensing Participants. The last agenda topic prior to adjourning a Licensee-sponsored Relicensing meeting will always be to identify the date and agenda topics for the next meeting(s).

If Licensee is aware that an important item is scheduled for decision (see below) at a meeting, Licensee will highlight this item on the notice/agenda. Licensee expects that lack of participation in a meeting in which a decision item is placed on the agenda will not be used to routinely delay decisions.

It is the mutual responsibility of meeting participants to identify key Relicensing Participants who are not in attendance at the meeting and assign someone to contact the identified key Relicensing Participants on particular issues prior to finalizing decisions on that issue.

Unless agreed to by participants at a meeting and to the extent appropriate, standard items on each meeting agenda will include:

- Introductions
- Purpose of Meeting
- Review and Approval of Agenda
- Review Relicensing Schedule, if appropriate for planning meetings and timelines for decisions
- Administrative Items, if any
- Status Reports If Appropriate or Requested, if any
- Review of Proposed Major Decisions and New Action Items
- Set Date and Agenda for Next Meeting(s)

Licensee and Relicensing Participants may make reasonable adjustments or otherwise develop the agenda for any given meeting as necessary.

Those who plan to attend a Licensee-sponsored meeting should understand that those at the meeting may re-organize the agenda or proceed through an agenda at a faster or slower pace than that anticipated when the agenda was developed.

2.3.6.4 Telephone Calling into Planned In-Person Meetings

Licensee believes that in-person participation in a meeting rather than by telephone is a more effective and desirable form of communication. However, to accommodate constrained schedules, encourage participation, and make meetings as accessible as possible to meeting participants, Licensee will attempt to arrange a telephone call-in line for a Relicensing Participant, if the meeting room has such capabilities, and if requested by that Relicensing Participant at least two days in advance of the meeting. If there is a call-in number available,

Licensee will forward the call-in number to the Relicensing Participant who requested it. However, Licensee does not guarantee the quality of the phone connection or that the Relicensing Participant will be forwarded all material that may be reviewed at the meeting. Licensee hopes that no Relicensing Participant will routinely participate in meetings by telephone.

2.3.6.5 Meeting Moderation/Facilitation

Licensee is committed to an open and transparent process with a free exchange of information and interests among Licensee and all Relicensing Participants. If Licensee and Relicensing Participants agree that a facilitator is pivotal to the success of any particular Relicensing meeting or group of meetings (e.g., study development and PM&E development meetings), Licensee will provide a neutral third-party facilitator for that Relicensing meeting or group of meetings. Licensee intends that there will be a single facilitator for all such meetings. For meetings in which the facilitator is not present or requested, Licensee anticipates that Licensee will lead the meetings and Licensee will make a good-faith effort to ensure that all meeting participants are heard.

2.3.6.6 Meeting Action Items and Decisions

Licensee intends that Relicensing meetings will result in action items and decisions. To capture these meeting results, Licensee intends to place all such action items and decisions on the Action Item Log (see Section 2.3.5). While serving as a meeting summary, the Action Item Log is not intended to be a transcript of the meeting or meeting notes, or to state the position of any Relicensing Participant on any issue, including sentiment concerning the process. The Action Item Log is intended only to reflect action items and major decisions from the meeting.

Licensee will endeavor to update and post the Action Item Log on the Relicensing Website within 2 business days after each meeting.

If a Relicensing Participant suggests a substantive change to an Action Item Log entry, Licensee, with the concurrence of Relicensing Participants who were at the meeting in which the action item was identified, will review the suggestion and revise the Action Item Log appropriately.

Licensee does not intend to prepare any other summary of a meeting unless Licensee and Relicensing Participants agree that a summary would be important in tracking a particular issue and agree on specific wording that will be included in the summary. If a summary is prepared, then the summary will be posted on the Event Calendar for that meeting.

2.3.6.7 Confidential Meetings

Some meetings and information prepared for or shared during a meeting under the ILP may be confidential. For example, information on Native American resources and locations of sensitive environmental and cultural resources are considered confidential material with restrictions on their distribution. Licensee expects that any Relicensing Participant providing confidential

information under applicable law or regulations will identify the information as confidential in advance of disclosure and will manage the information appropriately.

2.3.6.8 Decision Making

Licensee intends to make a good faith effort to make decisions and reach agreement by consensus with Relicensing Participants present at any scheduled Licensee-sponsored Relicensing meeting. For the purpose of the Relicensing, Licensee intends that “consensus” means that Licensee and Relicensing Participants “can live with” the decision. Licensee expects that each Relicensing Participant will be responsible for completing the necessary internal coordination to ensure that his or her organization can approve a decision. For each major decision at the meeting, Licensee will ask each Relicensing Participant if the agency, organization, or tribe he/she represents “can live with” the decision. Licensee will assume that Relicensing Participants will be truthful and responsive to all decisions that are put to question.

Licensee intends that lack of participation in a meeting in which a decision item is placed on the agenda will not be used to delay decisions. Licensee encourages each Relicensing Participant to participate in meetings at which a decision of interest to them will be considered.

Unless otherwise indicated, Licensee will consider all “can you live with it” decisions as interim decisions subject to further discussion and modification based on additional information or reconsideration.

Licensee intends to include all consensus decisions in the Action Item Log.

2.3.6.8.1 Use of “Collaboration” and “Consultation”

Some study proposals or plans, or other documents, may require Licensee and Relicensing Participants (or a designated subset of Relicensing Participants, such as a group of agencies or an agency) to “collaborate” or to “consult” on a decision. In those cases where “collaboration” is required, this shall mean Licensee and the Relicensing Participants (or a designated subset of Relicensing Participants) will make a reasonable effort to reach a consensus decision using the “can you live with it” threshold described in Section 2.3.6.8 above, and such decisions will be final to the extent required in the study proposal or plan or other document. Failure to reach consensus after Licensee makes a reasonable effort to collaborate will complete Licensee’s and the Relicensing Participants’ (or the designated subset of Relicensing Participants’) requirement for “collaboration” (i.e., collaboration can result in an agreement to disagree).

Where a study proposal or plan requires “consultation,” this shall mean that Licensee will make a reasonable effort to seek out the opinions and input of Relicensing Participants (or a designated subset of Relicensing Participants) prior to Licensee making a decision. Consultation does not require Licensee reach consensus, though Licensee’s goal in all cases is to do so.

2.3.6.9 Attendance at Meetings

Licensee encourages each Relicensing Participant to make a good faith effort to be represented at every Licensee-sponsored relicensing meeting that is of interest to the Relicensing Participant.

2.3.6.10 Preparation for Meetings

Licensee encourages Relicensing Participants to make good faith efforts to arrive at meetings on time, read background information provided before each meeting, and be prepared to effectively discuss topics on the meeting agenda. Licensee encourages Relicensing Participants to discuss material on the agenda with other Relicensing Participants whom they think might be interested in the material.

2.3.6.11 Caucus

Licensee encourages Relicensing Participants to call for a caucus, if needed, at any time during a Licensee-sponsored meeting.

2.3.6.12 Relicensing Participants Unable to Attend a Meeting

If a Relicensing Participant finds that he or she is unable to attend, or to have a representative attend, a meeting at which the Relicensing Participant wishes to be represented, the Relicensing Participant may provide to Licensee any input the Relicensing Participant wishes to be considered at the meeting. If this occurs, Licensee will make a good faith effort to convey the information accurately, and its source, to Relicensing Participants at the meeting.

2.3.6.13 Planned Telephone Conference Calls (In Lieu of In-Person Meetings)

Where Relicensing Participants agree, Licensee plans to arrange a meeting by telephone conference only (i.e., as compared to a planned in-person meeting to which some meeting participants may call in by telephone, as described in Section 2.3.6.4) for a meeting where a small number of individuals are expected to participate and the agenda is very limited. To the extent reasonable, Licensee intends to treat such telephone conferences as regular Licensee-sponsored meetings. In those instances, Licensee will issue a teleconference meeting notice and agenda, including a call-in number, to those Relicensing Participants who have advised Licensee that they plan to participate in the teleconference (i.e., not to all Relicensing Participants).

Licensee does not intend to conduct any Licensee-sponsored meetings by videoconference.

2.3.6.14 Types of Meetings

Licensee plans to hold various types of meetings. A brief description of each type of meeting is provided below. This list is not comprehensive; other types of meetings may be scheduled and held by Licensee as appropriate.

- Quarterly Relicensing Participants Meetings. Licensee intends to schedule a meeting at least once every 3 months for all Relicensing Participants. In addition to other agenda items, the overall relicensing schedules and process-type issues will be discussed at each of these meetings.
- Study Proposal Development Workgroups. Licensee may form study proposal development workgroups for each general resource area study. Licensee anticipates that the workgroups will meet as needed to try to resolve any differences regarding study proposals, and that the workgroups will continue to meet as long as reasonable progress is being made up to the time Licensee files its Revised Study Plan.
- Resource Management Measure Workgroups. Licensee's goal is to include in its license application resource management measures that each Relicensing Participant "can live with," and that each Relicensing Participant will support in comments and recommendations to FERC and in other Relicensing-related proceedings. To do so, Licensee plans to consult in a timely fashion with Relicensing Participants to schedule and hold workshops for the development of resource management measures with the goal of reaching agreement on as many measures as possible with as many Relicensing Participants as possible. The number of workshops will depend on progress made at the previous workshops.
- ILP Required Meetings. ILP regulations require Licensee to hold meetings at specific times in the relicensing process and for specific purposes.
- Workgroup Meetings. Licensee and Relicensing Participants may agree to form specific workgroups from time to time during the Relicensing. Licensee plans that such workgroups would be specifically charged by Licensee and Relicensing Participants with the accomplishment of a specific task, such as drafting a joint document or focusing on a specific highly technical issue. Licensee intends that these Communications Guidelines will apply to such workgroups unless otherwise agreed to by Licensee and Relicensing Participants. Upon completion of its assigned task, Licensee expects that the workgroup will disband.

2.3.7 Documents

FERC's regulations identify a number of documents that are required for inclusion in the ILP. The ILP regulations stipulate that either FERC, the applicant, or in some instances another party, is responsible for producing these necessary documents. Licensee anticipates that there will also be other informal documents generated during the course of the relicensing.

2.3.7.1 FERC's Documents

For documents issued by FERC, Licensee anticipates that FERC will distribute the documents in accordance with FERC's protocols. Licensee anticipates that all documents issued or received by FERC will be posted and publicly available in the e-Library on FERC's website at www.ferc.gov. To view these, a Relicensing Participant should click on "Documents and Filing," "eLibrary," then "General Search." FERC's website provides further instructions for obtaining documents. Each Relicensing Participant can register to receive a notice each time FERC posts a document to its website regarding the relicensing of the Project. To register, a

Relicensing Participant should go to FERC's website, click on "Documents and Filing," and then "eSubscription." FERC's website provides further instructions.

2.3.7.2 Non-Licensee or FERC Generated Documents

Licensee expects that any Relicensing Participant who creates, files with FERC, or distributes a document including correspondence will be responsible for the distribution of the document. A Relicensing Participant should not assume that by using the "Reply All" function in a Licensee-generated e-mail that all Relicensing Participants on the Contact List received his or her e-mail.

2.3.7.3 Licensees' Documents

Licensee anticipates using FERC's e-Filing whenever possible for documents Licensee files with FERC, and anticipates distributing such documents by e-mail, compact disc (CD), or paper copy to Relicensing Participants, as appropriate. The distribution will also go to FERC's Service List after Licensee's license application is accepted by FERC and FERC establishes a formal Service List. Licensee plans to use e-mail for distribution of informal documents it initiates. Licensee anticipates that it will post on the Relicensing Website all public documents (e.g., letters addressed to Licensee, but not e-mails) Licensee sends or receives regarding the relicensing. Licensee will have the date, the name of the document, and the page number on each page of each document when it is initially distributed by Licensee. Other miscellaneous information, such as "draft," will be shown in the footer of each page of the document, if appropriate.

2.3.7.4 Collaboratively Developed Documents

Licensee anticipates that at times Licensee and Relicensing Participants may desire to develop a document collaboratively. In those cases and unless otherwise agreed to by Licensee and Relicensing Participants interested in the document, Licensee plans to use a single-text approach. Specifically, once an initial draft of the document is developed, Licensee plans to post the document on its Relicensing Website in Microsoft Word or some other appropriate format (i.e., not pdf or a password-protected document) that can be downloaded from the Relicensing Website and used by Relicensing Participants. This is referred to as a Posted File.

As a Posted File is revised, Licensee anticipates that Licensee or the Relicensing Participant who revises the Posted File will include in the file name the date of the version of the file and the author/reviser. For instance, a file may be named "Water Quality Study Proposal CDFG110109.doc" to indicate the Posted File is a version of a water quality study proposal, the revisions were made by the California Department of Fish and Game (CDFG), and the date of the file is November 1, 2009. The author or reviser will be responsible for ensuring that the appropriate headers and footers are on the file and that the date of the file in the footer matches the date in the file name. Licensee plans to post the revised file on the Relicensing Website if Licensee made the revision, or post the file once provided to Licensee if a Relicensing Participant made the revision.

Periodically, Licensee, with the approval of Relicensing Participants may remove from the website Posted Files that have been revised. Licensee will maintain the Posted Files on its or its consultant's server.

Licensee intends that all changes to a Posted File will be made in Microsoft Word Track Changes or other appropriate manner so that changes and/or comments can easily be understood, shared, and integrated into a revised text.

Licensee plans that Track Changes on a Posted File may be accepted if Licensee and Relicensing Participants developing the document agree.

2.3.7.5 Availability of Information in PAD

In accordance with 18 CFR 5.6(c)(2) and Section 5.2, Licensee plans to provide sources of information on the existing environment and known or potential resource impacts included in the PAD to anyone who requests the information. Licensee will make a good faith effort to provide the document within 20 days of receipt of request. The document may be provided electronically (e.g., by email or on CD) unless the requester asks for the information in hard copy. Except for agencies, Licensee may charge a reasonable cost for copying and postage for the material.

2.3.8 Monthly Anticipated Fieldwork Schedules

Near the end of each month, Licensee will post to the Relicensing Website an anticipated fieldwork schedule for the upcoming month. If no fieldwork is anticipated for the upcoming month, a schedule will not be posted. The anticipated fieldwork schedule will be organized by FERC-approved study and will be Licensee's best estimate at the time the schedule is posted. It will be subject to modification by Licensee without prior notice. The anticipated fieldwork schedule will not be a formal part of the FERC-approved study or in any way supersede the FERC-approved study.

The anticipated fieldwork schedule will include a running list of variances, if any, to the FERC-approved study.

Any Relicensing Participant interested in observing fieldwork listed in the anticipated fieldwork schedule may contact Licensee's designee at least one week in advance of the scheduled fieldwork, and the designee will coordinate with the participant to the extent possible. It is understood that Licensee is not responsible in any way (e.g., transportation, equipment and gear, food and beverages, access to private property or safety) for any participant who wishes to observe fieldwork.

2.3.9 Field Data Availability

As field data are collected for each study, Licensee plans to efficiently compile data, assure itself of data quality (i.e., quality assurance/quality control (QA/QC) review), and organize data in the format Licensee plans to use to review the data, which may be described in the appropriate study

proposal. Once that is done, which may not be until technical reports are issued, Licensee plans to make data available to Relicensing Participants by posting the compiled data on the Relicensing Website or otherwise make the data available (e.g., on CD) to Relicensing Participants.

2.3.10 Periodic Reports to Meet FERC Requirements

2.3.10.1 Periodic Progress Reports

Licensee plans to provide FERC with brief written progress reports on a periodic basis as determined by FERC in its Study Plan Determination. The periodic progress reports will briefly describe the progress on each study since the last progress report, key findings, and any modification to the FERC-approved study proposal.

2.3.10.2 Initial and Updated Study Reports

As required by 18 CFR § 5.15(c) and (f), Licensee will file with FERC an Initial Study Report within one year of FERC's Study Plan Determination, and an Updated Study Report within two years of FERC's Study Plan Determination. The reports will describe Licensee's overall progress in implementing the FERC-approved studies, status of schedule, and a summary of data collected to date. These are progress reports and are intended to be filed during performance of the studies and not after the studies are complete. The reports will also include a discussion of any variance from the FERC-approved study proposal and schedule and modifications to ongoing studies. The reports will also include any new studies proposed by Licensee. Licensee will follow the guidelines provided in 18 CFR § 5.15(c) and (f) regarding holding a meeting within 15 days of filing each study report and filing a meeting summary within 15 days of the meeting.

2.3.11 Personal Conduct

2.3.11.1 Respect for Participants

Licensee expects that the personal integrity, values, and legitimacy of the interests of each Relicensing Participant will be respected at all times by all other Relicensing Participants. Licensee intends that the facilitator will provide guidelines for respectful conduct.

2.3.11.2 Commitments

Licensee encourages Relicensing Participants to not make commitments lightly. Licensee intends to make a good faith effort to ensure that adequate time is provided for the interests of all Relicensing Participants to be discussed and acted upon. However, Licensee does not intend to routinely defer decisions or allow the relicensing process to be disrupted by delays.

2.3.11.3 Communicating Interests

Licensee expects that each Relicensing Participant will communicate his or her interests in topics under consideration. Licensee firmly believes that it is incumbent upon each Relicensing Participant to state his or her interests, and that timely voicing of these interests is essential to enable meaningful dialogue and full consideration of different points of view. Licensee encourages resource information germane to assessment of potential impacts and development of potential resource management measures to be shared with Licensee and Relicensing Participants.

2.3.11.4 Good Faith

Licensee encourages each Relicensing Participant to make a good faith effort to achieve his or her Relicensing objectives through use of the ILP.

2.3.12 Communications

Licensee understands that all Relicensing Participants, including Licensee, are free to communicate informally with each other; however, all parties are encouraged to share relevant communications with Licensee and among all Relicensing Participants as appropriate.

Other than verbal communications at meetings, Licensee intends that e-mail will be the primary means of Licensee's formal communication among Relicensing Participants. The initiator of any such e-mail is responsible for ensuring it is sent to all Relicensing Participants, as applicable.

Licensee anticipates telephone calls among Relicensing Participants will be treated informally, with no specific documentation.

2.4 Integrated Licensing Process Flow Chart

The diagram attached, Figure 2.4-1, was prepared by FERC and illustrates the ILP pursuant to 18 CFR Part 5.

2.5 List of Attachments

None

