Draft Application for a New License Major Project – Existing Dam

Initial Statement

Security Level: Public

Yuba River Development Project FERC Project No. 2246



Prepared by:
Yuba County Water Agency
1220 F Street
Marysville, CA 95901
www.ycwa.com

Draft – December 2013

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List of Attachments

Attachment 1

Draft Public Notice to Be Placed by the YCWA in Local Periodicals Twice within 14 days of YCWA's Filing the Final License Application with FERC

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Initial Statement

Before The Federal Energy Regulatory Commission

Application for a New License for a Major Project – Existing Dam

1.0 <u>Introduction</u>

The Yuba County Water Agency (YCWA, Licensee or Applicant) has prepared this Initial Statement, as part of its Application for a New Major License from the Federal Energy Regulatory Commission (FERC or Commission) for the Yuba River Development Project (Project), FERC Project Number 2246. The Project is located in part on United States lands managed by the United States Department of Agriculture, Forest Service, as parts of the Tahoe and Plumas national forests, and on lands administered by the United States Army Corps of Engineers (USACE) as parts of Englebright Reservoir and Dam.

This Initial Statement is prepared in conformance with Title 18 of the Code of Federal Regulations (CFR), Subchapter B (Regulations under the Federal Power Act), Part 5 (Integrated Licensing Process [ILP]). In particular, this Initial Statement conforms to the regulations in 18 CFR Section (§) 4.51(a), which pertain to the contents of an Initial Statement, and in 18 CFR § 5.18(a), which requires, in part, that the Application for a New License include certain general information. This application is being filed under the ILP, as defined by 18 CFR § 5.18.

2.0 Applicant and Requested Term of New License

YCWA formally applies to the Commission for a new license for the Project, a water power project, as described in the attached exhibits. The initial license for the Project was issued by the Federal Power Commission, FERC's predecessor, to YCWA on May 16, 1963, effective on May 1, 1963. The Federal Power Commission's May 6, 1966, Order Amending License changed the license's effective date to May 1, 1966, for a term ending on April 30, 2016.

On November 5, 2010, YCWA filed with FERC a Notice of Intent to File an Application for a New License for the Project on or before April 30, 2014.

YCWA proposes to continue operating the Project for the next 50 years with one modification to an existing generation facility (i.e., the addition of a tailwater depression system to New Colgate Powerhouse), the addition of a new flood control outlet to New Bullards Bar Reservoir, and the adoption of the resource management measures proposed in its license application.

A new 50-year license is requested for the Project because YCWA anticipates incurring substantial expenses for modifications to its generation facility, the addition of the flood control

outlet, and implementing protection, mitigation, and enhancement measures, including constructing and refurbishing recreation facilities and access roads thereto during the next license term.

Location of the Project 3.0

The location of the Project is:

California State:

Township or nearby town: City of Marysville

Counties: Yuba, Nevada, and Sierra

Yuba River; Middle Yuba River; North Stream or other body of water:

Yuba River; and Oregon Creek, a tributary

to the Middle Yuba River

4.0 Applicant's Name, Business Address and Telephone Number

YCWA's physical address, mailing address and telephone number are:

Yuba County Water Agency

1220 F Street Marysville, CA 95901

Tel: (530) 741-5000 www.ycwa.com

5.0 **Applicant's Authorized Agent**

The exact name, business address and telephone number of the person authorized to act for YCWA as an agent for this Application for a New License are:

Yuba County Water Agency

Curt Aikens General Manager 1220 F Street Marysville, CA 95901

Tel: (530) 741-5000 caikens@ycwa.com

6.0 **Applicant's Organizational Status**

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, YCWA 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.)

7.0 <u>Pertinent Statutory and Regulatory Requirements of the State of California</u>

The statutory or regulatory requirements of California, the State in which the Project is located, that may affect the Project with respect to: 1) bed and banks; 2) appropriation, diversion, and use of water for power purposes; 3) right to engage in the business of developing, transmitting, and distributing power; and 4) any other business necessary to accomplish the purposes of the license under the Federal Power Act, are:

- <u>California Fish and Wildlife Code §§ 1600-1616</u> Require that parties notify the California Department of Fish and Wildlife (Cal Fish and Wildlife) and follow the prescribed requirements before substantially changing or using any material from any streambed.
- <u>California Water Code §§ 1200-1831</u> Specify requirements and procedures for appropriation and use of water for power purposes.
- California Water Code § 13160; Title 23, California Code of Regulations §§ 3855-3861 –
 California Water Code section 13160 designates California State Water Resources
 Control Board (SWRCB) as the state water pollution control agency for Federal Water
 Pollution Control Act and any other federal act. Title 23, California Code of Regulations,
 sections 3855-3861 specify requirements and procedures for applications for water
 quality certificates required under federal law.
- <u>California Water Code §§ 6075-6157</u> Specify powers of the California Division of Safety of Dams (CDSOD) and specify requirements and procedures for the inspection and maintenance of dams.

The steps which YCWA has taken or plans to take to comply with each of the laws cited above are described below.

 YCWA will submit a notification to Cal Fish and Wildlife under California Fish and Wildlife Code section 1602 if any new construction work in any streambed is required for the Project.

- YCWA already has the water rights necessary to operate the Project.
- YCWA will file an application for a Water Quality Certificate with the State Water Resources Control Board (SWRCB) within 60 days after the date that FERC issues a notice that YCWA's Application for New License is Ready for Environmental Analysis [18 CFR § 5.23(b)(1)].
- YCWA cooperates, and will continue to cooperate, with CDSOD on annual inspections of Project dams.

8.0 <u>Proprietary Rights Necessary to Construct, Operate and Maintain the Project</u>

YCWA owns all existing Project facilities and has the necessary proprietary rights, title and interest in lands and water to operate and maintain the Project. No Project facilities (other than recreational facilities) are federally owned or operated. YCWA has the necessary proprietary rights, title and interest in lands and water to construct the proposed new flood control outlet at New Bullards Bar Reservoir, new tailwater depression system at New Colgate Powerhouse, and new recreation facilities.

9.0 <u>Counties, Cities, Other Political Subdivisions and Indian</u> <u>Tribes Affected by the Project</u>

The name and mailing address of the counties in which the Project is located are:

County of Nevada

Board of Supervisors 950 Maidu Avenue Nevada City, CA 95959-8600 **County of Sierra**

Board of Supervisors 100 Courthouse Square, Suite 11 Downieville, CA 95936

County of Yuba

Board of Supervisors 215 Fifth Street Marysville, CA 95901-5737

The Project is not located within any designated cities, towns or subdivisions, nor is a Project dam located within 15 miles of any city of town with a population of 5,000 or more.

The Project passes water through the federally-owned Englebright Reservoir, which is located on the Yuba River near the City of Marysville. However, none of the Yuba River Development Project facilities are integral parts of Englebright Dam; the Project's Narrows 2 Power Conduit and Narrows 2 Powerhouse, the most downstream Project facilities, are not connected or attached to Englebright Dam in any way, nor do they intersect the dam in any way (e.g., the powerhouse power tunnel and penstock do not pass through the dam).

Englebright Dam, which is about 260 ft high and forms Englebright Reservoir, was constructed by the California Debris Commission in 1941. The dam and the surrounding land are owned by the United States. When the California Debris Commission was decommissioned in 1986, administration of Englebright Dam and Reservoir passed to the USACE. The primary purpose of the dam is to trap and contain sediment derived from extensive historic hydraulic mining operations in the Yuba River watershed. Englebright Reservoir is about 9 miles long with a surface area of 815 acres. Englebright Reservoir when first constructed had a gross water storage capacity of 70,000 acre-feet (ac-ft); however, due to sediment capture, the gross water storage capacity today is approximately 50,000 ac-ft.

The Project does not use any other federal facilities or any State of California facilities. No irrigation districts own or operate facilities within the Project.

The Project is located within the vicinities of the following irrigation district areas, planning/zoning areas, and similar special purpose political subdivision areas:

Brophy Water District¹

Manager 1190 Civic Center Boulevard Yuba City, CA 95993

Cordua Irrigation District¹

Manager Post Office Box 1111 Marysville, CA 95901

Hallwood Irrigation District¹

Manager Post Office Box 1349 Marysville, CA 95901

Nevada County Resource Center

Manager & Bear River Watershed Coordinator 113 Presley Way, Suite 1 Grass Valley, CA 95945-5846

Browns Valley Irrigation District¹

Manager Post Office Box 6 Browns Valley, CA 95918

Dry Creek Mutual Water Company¹

Manager Post Office Box 813 Wheatland, CA 95692

Nevada County Local Agency Formation Commission

Executive Officer 950 Maidu Avenue Nevada City, CA 95959

Nevada Irrigation District

Manager 1036 West Main Street Grass Valley, CA 95945-5424

¹ YCWA Member Unit

Ramirez Water District¹

Manager 1528 Starr Drive, S-A Yuba City, CA 95993 Sierra County Local Agency Formation Commission

Executive Officer P.O. Box 530 Downieville, CA 95936

Sierra Nevada Conservancy

Executive Director 11521 Blocker Drive, Suite 205 Auburn, CA 95603 South Yuba Water District¹

Manager Post Office Box 8 Rio Oso, CA 95677

Yuba County Local Agency Formation Commission

Commission Clerk 825 Ninth Street, Suite B Marysville, CA 95901 Yuba County Resource Center Conservation District Director 1511 Butte House Road, Suite B Yuba City, CA 95993

Yuba County Water Agency

General Manager 1220 F Street Marysville, CA 95901 Wheatland Water District¹

Manager Post Office Box 404 Wheatland, CA 95962

YCWA pumps approximately 6 ac-ft of water each year directly from New Bullards Bar Reservoir to supply water to the YCWA's Cottage Creek Water Treatment Plant for use at the Project's recreational facilities adjacent to the reservoir. No other parties divert water directly from the Project facilities or features for irrigation or domestic water uses. However, after water is used for power generation at Project facilities, water may be diverted downstream for other uses such as power, irrigation and domestic water supply.

The Project is not located within any federal special purpose political subdivision.

In addition to the parties noted above, YCWA has reason to believe that the following political subdivisions in the general area of the Project would likely be interested in or affected by this relicensing:

Browns Valley Irrigation District

Manager

9370 Browns Valley School Road

Browns Valley, CA 95918

City of Marysville

Mayor

P.O. 150

Marysville, CA 95901-0150

The Project is not located within or adjacent to an Indian tribe reservation.

Indian tribes that may be affected by the Project are listed below. By including this list here, YCWA does not imply that any tribe listed below will be interested in the Yuba River Development Project relicensing, or that tribes not included in this list would not be interested in the relicensing.

Concow Maidu Tribe of Mooretown Rancheria

Chairperson #1 Alverda Drive Oroville, CA 95966

Greenville Rancheria of Maidu Indians

Chairperson P.O. Box 279 Greenville, CA 95947-0279

Nisenan/Maidu Tribe of Nevada City Rancheria

Chairperson P.O. Box 825 Nevada City, CA 95959

Pakan-Yani Band of Strawberry Valley Rancheria

Chairperson Rea Cichocki 1540 Strader Avenue Sacramento, CA 95815

T'Si-akim Maidu

Chairperson P.O. Box 1316 Colfax, CA 95713-1316

United Auburn Indian Community

Chairperson 10720 Indian Hill Road Auburn, CA 95603

Enterprise Rancheria of Maidu Indians

Chairperson 1940 Feather River Blvd, Suite B Oroville, CA 95965

Mechoopda Indian Tribe of Chico Rancheria

Director of OEPP 125 Mission Ranch Blvd. Chico, CA 95926

Nisenan/Maidu

April Moore 19630 Placer Hills Road Colfax, CA 95713-9617

Todd Valley Miwok-Maidu Cultural Foundation

Cultural Representative P.O. Box 1490 Foresthill, CA 95631-1490

Tyme Maidu Tribe of Berry Creek Rancheria

Chairperson 5 Tyme Way Oroville, CA 95966

Washoe Tribe of Nevada & California

Chairperson 919 U.S. Highway 395 South Gardnerville, NV 89410-8968

YCWA will include the parties above on the Yuba River Development Project relicensing Contact List, and will make a copy of the Application for New License, including Exhibit G maps, available to each party listed above, or their designee.

10.0 <u>Federal, State and Local Agencies That May Be Interested</u> in the Project

YCWA believes the following federal, State of California, and local agencies might be interested in the Yuba River Development Project relicensing. By including this list here, YCWA does not imply that these agencies will be interested in the Yuba River Development Project relicensing or that agencies not included in this list would not be interested in the relicensing.

Federal Agencies

Advisory Council on Historic Preservation, Project Review

Old Post Office Building 1100 Pennsylvania Ave., NW, Ste 803 Washington, D.C. 20004

Federal Emergency Management Agency

Regional Office 1111 Broadway, Suite 1200 Oakland, CA 94607-4052

U.S. Bureau of Indian Affairs

Area Director – Pacific Regional Office 2800 Cottage Way Sacramento, CA 95825-1885

U. S. Geological Survey, California Water Science Center

Director 6000 J Street, Placer Hall Sacramento, CA 95819-2605

California Bay-Delta Authority Upper Yuba River Studies Program

Program Manager 650 Capitol Mall, Fifth Floor Sacramento, CA 95814-95814

U. S. Army Corps of Engineers

Chief – Regulatory Branch Sacramento District 1325 J Street Sacramento, CA 95814-2922

U.S. Environmental Protection Agency

Regional Director Pacific Southwest Regional Office 75 Hawthorne Street San Francisco, CA 94105-3922

U. S. Department of Agriculture, Forest Service, Regional Hydropower Assistance Team

650 Capitol Mall, Suite 8-200 Sacramento, CA 95814-4700

U. S. Department of Agriculture, Forest Service, Plumas National Forest

Forest Supervisor 159 Lawrence Street P.O. Box 11500 Quincy, CA 95971-6025

U.S. Department of Commerce, National Marine Fisheries Service

Southwest Region 501 West Ocean Blvd., Suite 420 Long Beach, CA 90802-4213

U.S. Department of Interior, Bureau of Reclamation

Director - Mid Pacific Regional Office 2800 Cottage Way Sacramento, CA 95825-1898

U.S. Department of Interior, Fish and Wildlife Service

Anadromous Fish Restoration
Program
Habitat Restoration Coordinator
850 Guild Avenue, Suite 105
Stockton, CA 95240

State of California Agencies

California Environmental Protection Agency, Regional Water Quality Control Board

Central Valley Region Executive Officer 11020 Sun Center Drive, #200 Rancho Cordova, CA 95670-6114

U. S. Department of Agriculture, Forest Service, Tahoe National Forest

Forest Supervisor 631 Coyote Street Nevada City, CA 95959-2250

U.S. Department of Interior, Bureau of Land Management

Field Manager - Mother Lode Field Office 5152 Hillsdale Circle El Dorado Hills, CA 95762

U.S. Department of Interior, Fish and Wildlife Service

Branch Chief – Energy and Power 2800 Cottage Way, Suite W-2605 Sacramento, CA 95825-1846

U.S. Department of Interior, National Park Service

Pacific West Region - Outdoor Recreation Planner 333 Bush Street, Suite 500 San Francisco, CA 94104-2828

California Environmental Protection Agency, State Water Resources Control Board

Section 401 Coordinator 1001 I Street Sacramento, CA 95814 P. O. Box 2000 Sacramento, CA 95812-2048

California Natural Resources Agency, Department of Fish and Wildlife

Manager – Region 2 1701 Nimbus Road Rancho Cordova, CA 95670-4503

California Natural Resources Agency, Department of Parks and Recreation

Division of Boating and Waterways Director One Capitol Mall, Suite 410 Sacramento, CA 95814

California Natural Resources Agency, Department of Water Resources

1416 9th Street P.O. Box 942836 Sacramento, CA 95814-5511

California State Transportation Agency, Department of Transportation

Director – District 3 703 B Street Marysville, CA 95901

California Natural Resources Agency, Department of Forestry and Fire Protection

Nevada-Yuba-Placer Unit 13760 Lincoln Way Auburn, CA 95603-3236

California Natural Resources Agency, Department of Parks and Recreation

Office of Historic Preservation State Historic Preservation Office 1416 9th Street Sacramento, CA 95814 P. O. Box 942896 Sacramento, CA 94296-0001

California Natural Resources Agency, Department of Water Resources

Division of Safety of Dams 1416 9th Street P.O. Box 942836 Sacramento, CA 95814-5511

Local Agencies

Sierra County Department of Planning

Director 101 Courthouse Square P.O. Box 530 Downieville, CA 96118

Yuba County Planning Department

Director 915 Eight Street, Suite 123 Marysville, CA 95901

YCWA will include the parties above on the Yuba River Development Project relicensing Contact List, and will make a copy of the Application for New License, including Exhibit G maps, available to each party listed above, or their designee.

11.0 <u>Businesses, Non-Governmental Organizations and Members of the Public That May Be Interested in the Project</u>

For informational purposes, YCWA provides to the FERC the following list of businesses, non-governmental organizations (NGO) and members of the public that have specifically asked YCWA to include them on the Yuba River Development Project Contact List, or that YCWA has reason to believe might be interested in the relicensing. By including this list here, YCWA does not imply that each party will be interested in the Yuba River Development Project relicensing, or that businesses, NGOs or members of the public not included in this list would not be interested in the relicensing.

American Rivers

California Regional Director 432 Broad Street Nevada City, CA 95959-2422

California Hydropower Reform Coalition

Director 436 14th Street, Suite 801 Oakland, CA 94612-2726

California Sportfishing Protection Alliance

Director 1248 East Oak Avenue, #D Woodland, CA 95776

Environmental Advocates

19555 Burning Bush Road Nevada City, CA 95959

Federation of Fly Fishers

Northern California Council P.O. Box 1017 Meadow Vista, CA 95722-1017

American Whitewater

Conservation Director 4 Baroni Drive Chico, CA 95928-4314

California Trout

Executive Director 360 Pine Street, 4th Floor San Francisco, CA 94104

Dobbins-Oregon House Action Committee

P.O. Box 703 Oregon House, CA 95962

Environmental Defense Fund

San Francisco Office 123 Mission Street, 28th Floor San Francisco, CA 94105-1551

Foothill Water Network

Coordinator P.O. Box 573 Coloma, CA 95613

Friends of the River

Executive Director 1418 20th Street, Suite 100 Sacramento, CA 95811

Pacific Gas and Electric Company

Director, Hydro Relicensing Mail Code N11D 245 Market Street, Rm. 1147 San Francisco, CA 94105-0001

Sierra Nevada Alliance

Executive Director P.O. Box 7989 South Lake Tahoe, CA 96158-7989

The Bay Institute of San Francisco

350 Bay Street, #100 PMB 316 San Francisco, CA 94133

Natural Heritage Institute

Director of NHI Legal Services 100 Pine Street, Suite 1550 San Francisco, CA 94111

Sierra Club

Mother Lode Chapter Chapter Chair 909 12th Street, Suite 202 Sacramento, CA 95814-2700

South Yuba River Citizens League

Executive Director 216 Main Street Nevada City, CA 95959-2509

Trout Unlimited

CA Hydropower Coordinator 1808B 5th Street Berkeley, CA 94710-1915

YCWA will include the parties above on the Yuba River Development Project Relicensing Contact List, and will make a copy of the Application for New License, including Exhibit G, available to each party listed above, or their designee.

12.0 <u>Readily Accessible, Reviewable and Reproducible</u> Information

This Application for New License, as well as other information required under 18 CFR § 5.2, is available to businesses, NGOs and members of the public for inspection, review and reproduction (at a reasonable cost of reproduction and postage) during regular business hours (8:00 a.m. - 5:00 p.m., Monday through Friday) at YCWA's place of business; that is:

Yuba County Water Agency

1220 F Street Marysville, CA 95901

The public is instructed to contact Mr. Curt Aikens, or his designee, by telephone at (530) 741-5000 to make an appointment to review the information.

A copy of this Application for New License is available at the following public library in the Project region:

Yuba County Public Library 303 2nd Street Marysville, CA 95901-6011

In addition, in conformance with 18 CFR § 5.2 and to facilitate the distribution of documents and information regarding the Yuba River Development Project Relicensing, YCWA maintains a Yuba River Development Project Relicensing Website at http://www.ycwa.relicensing.com. Information and Relicensing documents (except for excessively large documents) including this Application for New License are available in portable document format (.PDF) on the Website.

13.0 Notice of Availability of Application

As required by 18 CFR § 5.17(d)(2), YCWA will publish a notice of the availability of this Final Application for New License twice within 14 days of the date it is filed with FERC in the following newspapers of general circulation:

The Appeal Democrat 1530 Ellis Lake Drive Marysville, CA 95901 Tel: (530) 749-4700

The Mountain Messenger P.O. Drawer A Downieville, CA 95936 Tel: (530) 289-3262

A copy of the publication is attached. YCWA will promptly file with FERC proof of publication.

14.0 Exhibits

The exhibits that are filed as part of this Application for New License are:

- Exhibit A Project Description
- Exhibit B Project Operations and Resource Utilization
- Exhibit C Construction History and Proposed Construction Schedule
- Exhibit D Statement of Costs and Financing
- Exhibit E Environmental Report
- Exhibit F General Design Drawings
- Exhibit G Project Maps
- Exhibit H Miscellaneous Material

The foregoing Initial Statement and attached exhibits are hereby made part of this Final Application for New License.

SUBSCRIPTION AND VERIFICATION

This application for new license is executed in the State of California, City of Marysville, and County of Yuba by Curt Aikens, General Manager of the Yuba County Water Agency being first duly sworn, deposes and says that the contents of this application for new license are true to the best of his knowledge or belief, and signs the application this _____ day of April 2014.

| YUBA COU | YUBA COUNTY WATER AGENCY | | |
|--|---|--|--|
| By: | Curt Aikens, General Manager | | |
| Subscribed and sworn to before me, a Notary Pu April 2014. | ablic of the State of California, this day of | | |
| | | | |
| Notary Public | | | |
| in and for the County of Yuba, State of California | | | |
| My commission expires | | | |
| | {SEAL} | | |

ATTACHMENT 1

Draft Public Notice to Be Placed by the YCWA in Local Periodicals Twice Within 14 days of YCWA Filing the Final License Application for New License with FERC

Announcement of Filing of Application Before the Federal Energy Regulatory Commission for a New License Major Project – Existing Dam for the Yuba River Development Project

Yuba County Water Agency (YCWA) owns and operates the Federal Energy Regulatory Commission (FERC)-licensed Yuba River Development Project, a water power project in Yuba, Sierra and Nevada counties, California, on the Yuba River; Middle Yuba River; North Yuba River; and Oregon Creek, a tributary to the Middle Yuba River. The Project is composed of three developments – New Bullards Bar Minimum Flow, New Colgate and Narrows 2. The current FERC license for the Project expires on April 30, 2016.

On or about April 30, 2014, YCWA applied to FERC for a New License for a Major Project – Existing Dam. The Application describes the Project facilities, Project operation, estimated costs related to continued operations, and general information. The Application also includes a description of environmental and recreational resources in the vicinity of the Project; an assessment of potential adverse environmental impacts associated with continued Project operation and maintenance; and YCWA's proposed resource management measures to protect and enhance environmental and recreation resources, and mitigate any Project impacts.

As required by 18 CFR § 5.2(b), at this time YCWA announces the availability for inspection and reproduction of the Application. The Application has been made available in electronic format to pertinent resource agencies and Native American Tribes, and a paper copy is available for inspection and reproduction during regular business hours at the Public Library in Marysville and at YCWA's office at 1220 F Street, Marysville, CA (tel: 530-741-6541). The Application is also available on YCWA's Relicensing Website at www.ycwa-relicensing.com. A copy of the Application may also be obtained upon request from YCWA after reasonable reimbursement to YCWA for postage and reproduction.

Upon acceptance of the Application for filing, FERC will publish notices soliciting additional public participation.

Questions regarding this notice should be addressed to Curt Aikens, General Manager, at (530) 741-5000.

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