

SECTION 1.0

INTRODUCTION

1.1 YCWA's Amended Application for a New License

The Yuba County Water Agency (YCWA), pursuant to Section (§) 5.18 of Title 18 of the Code of Federal Regulations (C.F.R.), files with the Federal Energy Regulatory Commission (FERC or Commission) an Amended Application for a New License for Major Project – Existing Dam – (Amended FLA)¹ for YCWA's 361.9-megawatt (MW) Yuba River Development Project (Project), FERC Project Number 2246. 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. YCWA filed an Application for New License (FLA) in April 27, 2014.

YCWA files this Amended FLA because, subsequent to filing its FLA, YCWA, agencies and other stakeholders reached collaborative agreement on more than 30 measures, many of which include detailed implementation plans. YCWA has included these collaboratively agreed to measures and associated plans in Appendix E2 of this Exhibit E.

The existing Project ranges in elevation from 290 feet (ft) to 2,030 ft,² and 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 Boundary³ encompasses land owned by the United States (i.e., federal land). The federal land includes National Forest System (NFS) lands managed by the United States Department of Agriculture, Forest Service (Forest Service) as part of the Tahoe National Forest (TNF) and the Plumas National Forest (PNF). The TNF is managed consistent with the 1990 TNF Land and Resource Management Plan (TNF LRMP) (Forest Service 1990), and the PNF is managed consistent with the 1988 PNF Land and Resource Management Plan (PNF LRMP) (Forest Service 1988). These plans were each amended by the 2004 Sierra Nevada Forest Plan Amendment (Forest Service 2004a) and the 2007 Sierra Nevada Forests Management Indicator Species Amendment (Forest Service 2007a).⁴ The FERC Project Boundary also includes federal land administered by the United States Army Corps of Engineers

¹ YCWA filed with FERC an Application for a New License Major Project – Existing Dam – (Final License Application, or FLA) for the Project on April 21, 2014.

² All elevation data in this Exhibit are in United States Department of Commerce (USDOC), National Oceanic and Atmospheric Association (NOAA), National Geodetic Survey Vertical Datum of 1929 (NGVD 29) unless otherwise stated.

³ The existing FERC Project Boundary is the area that YCWA uses for normal Project operations and maintenance (O&M). The existing Project Boundary and YCWA's proposed Project Boundary are shown in Exhibit G of YCWA's Amended FLA.

⁴ For the purposes of this Exhibit E, whenever the TNF LRMP, as amended, and the PNF LRMP, as amended, is referenced, it is understood that the LRMPs are as amended by at least the 2004 Sierra Nevada Forest Plan Amendment and the 2007 Sierra Nevada Forests Management Indicator Species Amendment.

(USACE) as part of Englebright Dam and Reservoir.⁵ All other land within the Project Boundary is private, mostly owned by YCWA.⁶

Existing Project facilities include: 1) New Bullards Bar Dam and Reservoir; 2) Our House and Log Cabin diversion dams; 3) Lohman Ridge and Camptonville diversion tunnels; 4) New Colgate and Narrows 2 power tunnels and penstocks; 5) New Colgate, New Bullards Minimum Flow and Narrows 2 powerhouses; 6) Narrows 2 Powerhouse Full Bypass (Full Bypass) and 7) appurtenant facilities and features (e.g., administrative buildings, switchyards, roads, trails and gages). The existing Project does not include any aboveground open water conduits (e.g., canals or flumes) or any transmission lines.

In addition, the existing Project includes 16 developed recreation facilities. These facilities are: 1) Hornswoggle Group Campground; 2) Schoolhouse Campground; 3) Dark Day Campground; 4) Cottage Creek Campground;⁷ 5) Garden Point Boat-in Campground; 6) Madrone Cove Boat-in Campground; 7) Frenchy Point Boat-in Campground; 8) Dark Day Picnic Area; 9) Sunset Vista Point; 10) Dam Overlook; 11) Moran Road Day Use Area; 12) Cottage Creek Boat Launch;⁸ 13) Dark Day Boat Launch, including the Overflow Parking Area; 14) Schoolhouse Trail; 15) Bullards Bar Trail; and 16) floating comfort stations.⁹ All of the recreation facilities are located on NFS land, with the exception of the Dam Overlook, Cottage Creek Boat Launch and small portions of the Bullards Bar Trail, which are located on land owned by YCWA. All of the developed recreation facilities are located within the existing FERC Project Boundary, except for a few short segments of the Bullards Bar Trail to the east of the Dark Day Boat Launch. In addition, the Project includes two undeveloped recreation sites at Our House and Log Cabin diversion dams, both located on NFS land and within the existing FERC Project Boundary.

The existing Project is operated primarily for flood control, water supply, power generation and environmental enhancement, especially for anadromous salmonids downstream of Narrows 2 Powerhouse, and recreation. YCWA operates New Bullards Bar Reservoir for storage by capturing winter and spring runoff from rain and snowmelt, and augmenting storage by diversions from the Middle Yuba River and Oregon Creek. The reservoir reaches its peak storage at the end of the spring runoff season, and then is gradually drawn down until its lowest elevation in early to mid-winter. New Bullards Bar Reservoir has mandatory reserved flood storage space criteria from mid-September through the end of May that limit maximum authorized storage. The New Colgate Powerhouse is a highly versatile facility and is used for a

⁵ For the purpose of this Exhibit E, if the federal land is composed solely of NFS lands, it may be referred to as “NFS lands.” If the land is composed solely of federal land administered by the USACE, it may be referred to as “USACE lands.”

⁶ While YCWA is a public agency, its land holdings are considered private property. These land holdings may be referred to as “YCWA lands” in this Exhibit E.

⁷ Cottage Creek Campground was burned in 2010 and has not been rebuilt. YCWA is in discussions with the Forest Service regarding rebuilding the burned campground.

⁸ Emerald Cove Marina provides visitor services at Cottage Creek Boat Launch, including houseboat and boat rentals, boat slips and moorings, fuel and a general store. The marina is operated under a lease from YCWA by a private company.

⁹ The Project recreation facilities included one campground that is no longer part of the Project. Burnt Bridge Campground was closed initially by the Forest Service in 1979 due to low use levels. FERC, in an August 19, 1993 Order, which approved YCWA’s Revised Recreation Plan, directed YCWA to remove all improvements and restore the Burnt Bridge Campground to the condition it was in prior to development of the facility. YCWA consulted with the Forest Service and all that remains of Burnt Bridge Campground today is the circulation road and vehicle spurs; all other facilities were removed.

combination of peaking and base generation, and at many times, provides a significant percentage of the required ancillary services for electric grid regulation of the region. The New Bullards Bar Minimum Flow and Narrows 2 powerhouses are operated primarily as base load facilities.

YCWA proposes seven general changes to existing Project facilities: 1) addition of a Tailwater Depression System (TDS) at New Colgate Powerhouse; 2) addition of a new Auxiliary Flood Control Outlet at New Bullards Bar Reservoir; 3) modification to the Our House Diversion Dam fish release outlet; 4) modification to the Log Cabin Diversion Dam fish release outlet; 5) modification to the Lohman Ridge Diversion Tunnel Intake; 6) modifications to recreation facilities at New Bullards Bar Reservoir;¹⁰ and 7) modifications to Project roads. In addition, YCWA proposes to modify the existing FERC Project Boundary.

In general, YCWA proposes to continue to operate the Project as it has operated historically (i.e., since 2006 when the Lower Yuba River Accord instream flow requirements went into effect), with the addition of a number of operation and management activities to: 1) protect or mitigate impacts from continued operation and maintenance (O&M) of the Project; and 2) enhance resources affected by continued Project O&M. These activities are collectively referred to as protection, mitigation and enhancement (PM&E).

Figure 1.1-1 illustrates the general regional location of the Yuba River watershed. Figure 1.1-2 shows the Project Vicinity,¹¹ Project facilities, and the proposed FERC Project Boundary.

¹⁰ YCWA has completed all FERC-approved studies, and filed the results with FERC. However, YCWA's proposed Condition RR1, *Recreation Facilities Plan*, includes the construction and operation of a new Kelly Ridge Campground and a new recreation vehicle (RV) dump station. Since the facilities were agreed to very late in the relicensing and, as conceived at this time, would be located on approximately 57 ac of NFS lands outside the existing Project boundary, YCWA's relicensing studies did not include the area where the new Kelly Ridge Campground and the new RV dump station would be located, which are shown in the *Recreation Facilities Plan*. Therefore, YCWA will perform botanical and cultural studies (i.e., water and aquatic studies are not proposed because the area does not include and is not adjacent to any surface water) in these areas in 2017 and will file with FERC the results of the studies when they are available. The additional cultural studies may require that YCWA modify its previously filed *Historic Properties Management Plan* (HPMP). If so, YCWA anticipates the modified HPMP would be filed with FERC by the end of 2017.

¹¹ For the purposes of this Exhibit E, "Project Vicinity" refers to the area surrounding the proposed Project on the order of United States Geological Survey (USGS) 1:24,000 quadrangles.

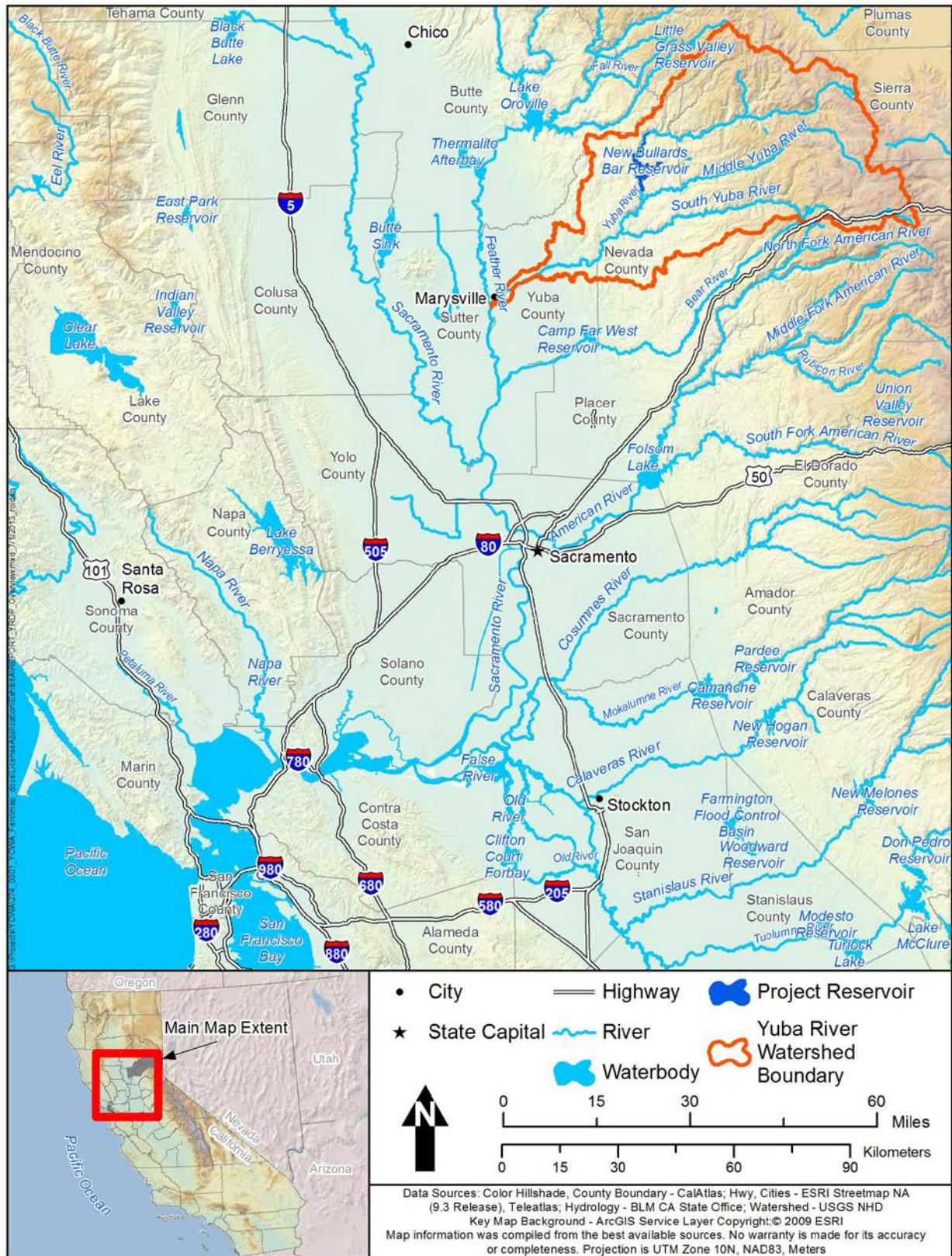


Figure 1.1-1. Yuba River watershed in relation to the Feather River and other tributaries to the Sacramento River.

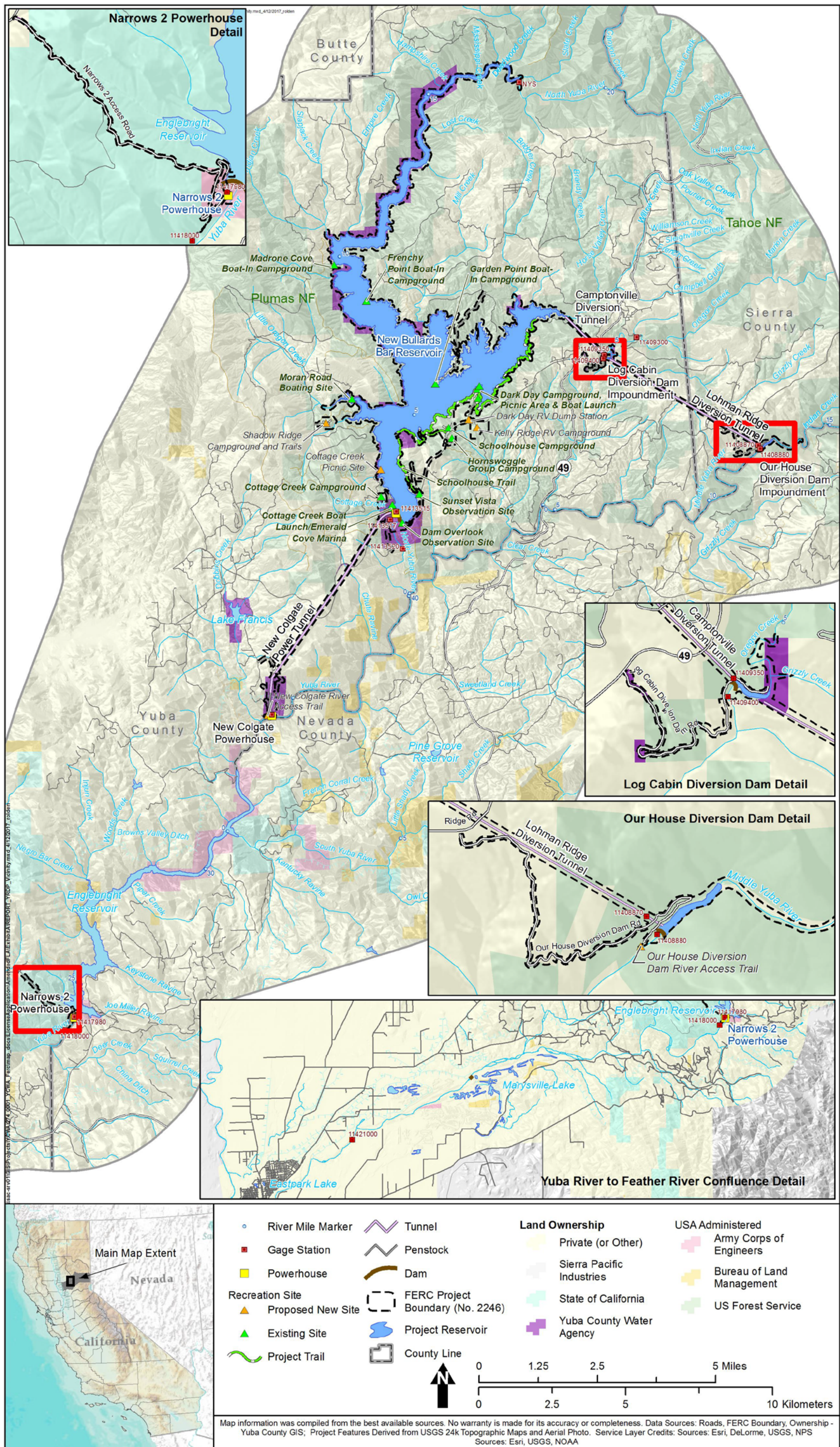


Figure 1.1-2. Yuba County Water Agency's Yuba River Development Project and Project Vicinity.

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YCWA's proposed Project would be able to continue to provide reliable flood control for downstream areas and surface water supplies under YCWA's water right permits to YCWA's eight member units – Brophy Water District (BWD), Browns Valley Irrigation District (BVID), Cordua Irrigation District (CID), Dry Creek Mutual Water Company (DCMWC), Hallwood Irrigation Company (HIC), Ramirez Water District (RWD), South Yuba Water District (SYWD) and Wheatland Water District (WWD) – that deliver water to their service territories, which collectively encompass approximately 90,000 acres (ac) in western Yuba County.¹² The proposed Project would also continue to provide substantial protection and enhancement for anadromous salmonids in the Yuba River downstream of Narrows 2 Powerhouse.

YCWA anticipates that its proposed Project would generate an average of about 1,374,003 megawatt-hours (MWh) of energy annually, which with ancillary service benefits, represents a gross annual power value of \$50,079,638 using 2016 energy prices. Annual costs under the proposed Project would be \$38,973,801. Therefore, the net annual benefits would be \$11,105,837, a reduction of \$8,208,630 from current operations. (Table 4.3-1.)

1.2 Purpose of Action and Need for Power

1.2.1 Purpose of Actions

The Commission must decide whether to issue a license to YCWA for the Project and what conditions should be placed in the license, if issued. In deciding whether to issue a license for the Project, the Commission must determine that the Project will be best adapted to a comprehensive plan for improving or developing the waterway. In addition to the power and developmental purposes for which licenses are issued (e.g., flood control, irrigation, and water supply), the Commission must give equal consideration to the purposes of energy conservation; the PM&E of fish and wildlife, including related spawning grounds and habitat; the provision of recreational opportunities; and the preservation of other aspects of environmental quality.

Issuing a new license for the Project would allow YCWA to continue to generate electricity at the Project for the term of the new license, making electric power from a renewable resource available for transmission to its customers. YCWA would continue to provide irrigation and domestic water to the local communities.

This Exhibit E, Environmental Report, was prepared pursuant to 18 C.F.R. Section 5.18(c), and in general conformance with the Commission's *Preparing Environmental Assessments: Guidelines for Applicants, Contractors and Staff* (FERC 2008). In addition, this Exhibit E was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), and assesses the effects associated with the operation of YCWA's proposed Project and the No

¹² For the purpose of this Exhibit, "existing Project" refers to the existing Project as configured and operated since 2006 when the Lower Yuba River Accord went into effect as a pilot program before being subsequently adopted through changes to YCWA's water right permits in 2008 (see State Water Resources Control Board Corrected Order WR 2008-0014). The "proposed Project" refers to the Project proposed by YCWA in its Application for New License, including with YCWA's proposed PM&E measures. The word "Project" is used at times in this Exhibit where the reference can reasonably be to either the existing Project or the proposed Project.

Action Alternative.¹³ This Exhibit includes measures proposed by YCWA for the PM&E of resources that would potentially be affected by YCWA's proposed Project.

1.2.2 Need for Power

The Project is located in the California-Mexico Power area of the Western Electricity Coordination Council (WECC). According to the California Energy Commission (CEC), electricity consumption statewide is projected to grow at an annual average compounded rate of 1.2 percent from 2010 through 2020 (CEC 2009). YCWA's proposed Project would continue to meet part of existing load requirements within the system, which is in need of resources.

In particular, New Colgate Powerhouse is a source of firm, dispatchable generation, which is useful for providing both peak summertime regional demands for energy and for providing ancillary services to the regional grid (e.g., spinning reserve). These ancillary services will likely have increasing importance as other non-dispatchable sources of power generation (e.g., wind and solar generation) are incorporated into the regional grid to help meet renewable generation portfolio requirements.

Power from the Project could help to meet a need for power in the WECC region in both the short-term and long-term. The Project would provide low-cost power that may displace non-renewable, fossil-fired generation and contribute to a diversified generation mix. Displacing the operation of fossil-fired facilities avoids some power plant emissions and creates an environmental benefit.

In 1966, YCWA entered into a 50-year power purchase contract with PG&E. The contract stipulated that YCWA provide to PG&E the electric power output from the Project and PG&E pay for the ongoing operating and maintenance expenses of the Project in addition to debt service on \$185,000,000 in construction bonds. The contract expired on April 30, 2016. YCWA currently sells all of the electrical output from the Project into the California Independent System Operator (CAISO) daily and real-time energy markets, and receives payment from the CAISO pursuant to the CAISO daily and real-time energy market payment rules. YCWA engages outside firms to act as scheduling coordinator for the CAISO, and to provide assistance on bidding and settlements for the CAISO markets. All electrical generation scheduling is driven by water throughput requirements to meet regulatory flow requirements, consumptive demands, and flood control objectives.

1.3 Statutory and Regulatory Requirements

Issuing a new license for the Project is subject to numerous requirements under the Federal Power Act (FPA) and other applicable statutes. The major acts and related requirements are summarized in Table 1.3-1 and described below in chronological order based on date of

¹³ The "No Action Alternative" is defined as the condition under which the existing Project as currently configured (e.g., no changes to generation facilities) would continue to operate into the future as it has operated since 2006. All Project alternatives, including YCWA's proposed Project, are compared to the No Action Alternative.

enactment. The current status of actions undertaken by YCWA or the agency with jurisdiction related to each requirement are briefly described.

Table 1.3-1. Summary of statutory and regulatory requirements and status.

Requirement	Agency with Jurisdiction	Status
Migratory Bird Treaty Act of 1918	USFWS	The USFWS has not formally specified measures to protect birds protected under the Migratory Bird Treaty Act at this time.
Section 4(e) of the Federal Power Act of 1920	Forest Service and USACE	The Forest Service and USACE have not formally specified Section 4(e) terms and conditions at this time.
Section 10(a) of the Federal Power Act of 1920	Forest Service, Park Service, NMFS, USFWS, SWRCB and Cal Fish and Wildlife	The agencies have not formally provided Section 10(a) recommendations at this time.
Section 10(j) of the Federal Power Act of 1920	USFWS, NMFS and Cal Fish and Wildlife	The agencies have not formally provided Section 10(j) recommendations at this time.
Section 18 of the Federal Power Act of 1920	NMFS and USFWS	NMFS and USFWS have not formally prescribed Section 18 fishway prescriptions at this time.
Energy Policy Act of 2005	Department of Agriculture Department of Commerce	At this time, parties have not requested trial-type hearings or recommended alternatives to FPA Section 4(e) mandatory conditions or Section 18 fishway prescriptions.
Bald and Golden Eagle Protection Act of 1940	USFWS	The USFWS has not formally specified measures to protect bald and golden eagles at this time.
California Fully Protected Species Act (1957)	Cal Fish and Wildlife	YCWA has consulted with Cal Fish and Wildlife regarding Fully Protected species. Cal Fish and Wildlife has not issued a formal determination at this time.
National Historic Preservation Act of 1966	Advisory Council, Forest Service, State Historic Preservation Officer, Park Service and Native American Tribes	YCWA has consulted with the Forest Service, State Historic Preservation Officer and Native American tribes, and included a Historic Properties Management Plan in the Amended FLA.
Wild and Scenic Rivers Act of 1968	Forest Service and Park Service	The agencies have not provided formal comments regarding designated, or proposed for designation Wild and Scenic Rivers at this time.
National Environmental Policy Act of 1969	FERC	FERC initiated NEPA scoping in January 2011 and will be the Lead Agency under NEPA.
Clean Air Act of 1970	EPA and Air Quality Control Boards	The agencies have not provided formal comments regarding air quality at this time.
Section 401 of the Clean Water Act (added by the Water Pollution Control Act Amendments of 1972)	SWRCB	YCWA will file with the SWRCB a formal request for a CWA Section 401 Water Quality Certificate within 60 days of the date that FERC issues its Ready for Environmental Analysis Notice.
Coastal Zone Management Act of 1972	California Coastal Zone Commission	Not applicable; the Project is not within the Coastal Zone.
California Environmental Quality Act of 1970	YCWA, SWRCB and Cal Fish and Wildlife	YCWA plans to be the Lead Agency for CEQA (SWRCB expected to be Responsible Agency), and will initiate CEQA at the appropriate time in the relicensing proceeding.
California Wild and Scenic Rivers Act of 1972	Forest Service, BLM and CDPR	The agencies have not provided formal comments regarding designated, or proposed for designation California Wild and Scenic Rivers at this time.
Endangered Species Act of 1973	USFWS and NMFS	YCWA has consulted with USFWS and NMFS, and included an Applicant-Prepared Draft Biological Assessment in the Amended FLA.

Table 1.3-1. (continued)

Requirement	Agency with Jurisdiction	Status
Magnuson-Stevens Fishery Conservation and Management Act of 1976	NMFS	YCWA has consulted with NMFS, and included an Amended Applicant-Prepared Draft Essential Fish Habitat Assessment in the Amended FLA.
Pacific Northwest Electric Power Planning and Conservation Act of 1980	Pacific Northwest Power and Conservation Planning Council	Not applicable; the Project is not within the Pacific Northwest Power and Conservation Planning area (i.e., the Columbia River Basin).
Wilderness Act of 1984	Forest Service and Park Service	The agencies have not provided formal comments regarding designated, or proposed for designation Wilderness Areas at this time.
California Endangered Species Act of 1984	Cal Fish and Wildlife	YCWA has consulted with Cal Fish and Wildlife regarding CESA-listed species. Cal Fish and Wildlife has not issued a formal determination at this time.
Americans with Disabilities Act of 2010, and Accessibility Standards	United States Department of Justice	YCWA has assessed recreation facilities on private land owned by YCWA using these standards, and addressed ADA access in the Amended FLA. Consultation is not required.
Forest Service Outdoor Recreation Accessibility Guidelines of 2006, and Architectural Barriers Act Accessibility Standards	Forest Service	YCWA has consulted with the Forest Service regarding recreation facilities on federal land managed by the Forest Service, and addressed access in the Amended FLA.

1.3.1 Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. §§ 703-712), implemented the 1916 Convention between the United States and Great Britain, on behalf of Canada, for the protection of migratory birds. The MBTA was later amended to address treaties between the United States and Mexico, the United States and Japan, and the United States and the Soviet Union, now Russia. The act provides that, unless and except as permitted by regulations made under the act, it is unlawful

...to pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry, or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof...

that is included in terms of one or more of these treaties. (16 U.S.C. § 703)

Executive Order 13186 (66 FR 3853) defines the responsibilities of federal agencies for the protection of migratory birds. Each federal agency taking actions that have, or are likely to have, measurable negative effect on migratory bird populations are directed to develop and implement, within two years, a Memorandum of Understanding (MOU) with the USDOJ, United States Fish

and Wildlife Service (USFWS), the lead agency for migratory birds, that shall promote the conservation of migratory bird populations.

YCWA has had ongoing discussions with the USFWS since mid-2009 regarding potential Project effects on migratory bird species potentially affected by the Project.

At this time, the USFWS has not proposed any recommendations for potentially-affected migratory birds. YCWA expects that the USFWS will initiate discussion on migratory birds at the appropriate time in the relicensing proceeding.

1.3.2 Federal Power Act of 1920

1.3.2.1 Section 4(e) Conditions

Section 4(e) of the FPA of 1920, as amended, (16 U.S.C. § 797(e)) provides that any license issued by the Commission for a Project within a federal reservation shall be subject to and contain such conditions as the secretary of the responsible federal land management agency deems necessary for the adequate protection and utilization of the reservation. Portions of the Project are located on federal land administered by the Forest Service as part of the TNF and PNF and on federal land administered by the USACE as Englebright Dam and Reservoir.

Pursuant to FERC's regulations at 18 C.F.R. Section 5.22(a)(4), FERC will solicit preliminary FPA Section 4(e) conditions in its notice that YCWA's license application is ready for environmental analysis. After the federal agencies have proposed their preliminary FPA Section 4(e) conditions, parties to the relicensing proceeding may request a trial-type hearing on any disputed issues of material fact with respect to such preliminary conditions (16 U.S.C. § 797(e)). Requests for trial-type hearing must be filed with the relevant agency within 30 days of the agency's deadline for filing the preliminary condition with FERC (7 C.F.R. § 1.621(a)(2)).

In addition, pursuant to Section 33 of the FPA, which was added by Section 241 of the Energy Policy Act of 2005 (16 U.S.C. § 823d(a)), parties to a relicensing proceeding may propose alternative FPA Section 4(e) conditions. The Secretary of relevant agency must accept the alternative in lieu of its own proposal if it determines, based on substantial evidence, that the alternative condition:

- (A) provides for the adequate protection and utilization of the reservation; and
- (B) will either, as compared to the condition initially [proposed] by the Secretary –
 - (i) cost significantly less to implement; or
 - (ii) result in improved operation of the project works for electricity production.

Alternative FPA Section 4(e) conditions must be filed within 30 days of the agency's deadline for filing the preliminary FPA Section 4(e) condition with FERC (7 C.F.R. § 1.671(a)(2)).

At this time, neither the Forest Service nor the USACE have filed with FERC any preliminary FPA Section 4(e) conditions.

1.3.2.2 Section 10(a) Recommendations

Section 10(a)(1) of the FPA (16 U.S.C. § 806(a)(1)) provides that the Project adopted by the Commission

...shall be such as in the judgment of the Commission will be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce, for the improvement and utilization of water-power development, for the adequate protection, mitigation, and enhancement of fish and wildlife (including related spawning grounds and habitat), and for other beneficial public uses, including irrigation, flood control, water supply, and recreation and other purposes referred to in...

FPA section 4(e).

YCWA has had ongoing discussions with federal, State and local agencies since mid-2009 regarding potential Project effects.

At this time, federal and State agencies that have filed with FERC comprehensive plans for the development of the waterway have not proposed any FPA Section 10(a) recommendations. YCWA expects that these agencies will exercise their FPA Section 10(a) authorities at the appropriate time in the relicensing proceeding.

Refer to Section 5.4 of this Exhibit E for a discussion of the Project's consistency with comprehensive plans that have been filed with FERC (i.e., Qualifying Plans).

1.3.2.3 Section 10(j) Recommendations

Under Section 10(j) of the FPA (16 U.S.C. § 803(j)), each hydroelectric license issued by the Commission must include conditions for the PM&E of fish and wildlife that are affected by the Project and are based on recommendations that federal and State fish and wildlife agencies provide to the Commission, unless the Commission determines that the proposed PM&E recommendations are inconsistent with the purposes and requirements of the FPA or other applicable law. Before rejecting or modifying any such agency recommendation, the Commission must attempt to resolve any such inconsistency with the agency making the recommendation, giving due weight to the recommendations, expertise, and statutory responsibilities of such agency.

YCWA has had ongoing discussions with federal, State and local fish and wildlife agencies since mid-2009 regarding potential Project effects on fish and wildlife.

At this time, federal and State and local fish and wildlife agencies have not proposed any FPA Section 10(j) recommendations for potentially-affected fish and wildlife resources. YCWA expects that these agencies will exercise their FPA Section 10(j) authorities at the appropriate time in the relicensing proceeding.

1.3.2.4 Section 18 Fishway Prescriptions

Section 18 of the FPA (16 U.S.C. § 811) provides that the Commission shall require the construction, O&M by a licensee at its own expense of such fishways as may be prescribed by the Secretary of Commerce or the Secretary of Interior.

Pursuant to FERC's regulations at 18 C.F.R. Section 5.22(a)(4), FERC will solicit preliminary FPA Section 18 prescriptions in its notice that YCWA's license application is ready for environmental analysis. After the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) and USFWS have proposed their preliminary FPA Section 18 prescriptions, parties to a relicensing proceeding may request a trial-type hearing on any disputed issues of material fact with respect to such preliminary prescriptions (16 U.S.C. § 811). Requests for trial-type hearing must be filed with the relevant agency within 30 days of the agency's deadline for filing the preliminary condition with FERC (50 C.F.R. § 221.21(a)(2)).

In addition, pursuant to Section 33 of the FPA, which was added by Section 241 of the Energy Policy Act of 2005 (16 U.S.C. § 823d(b)), parties to a relicensing proceeding may propose alternative Section 18 prescriptions. The Secretary of relevant agency must accept the alternative in lieu of its own proposal if it determines, based on substantial evidence, that the alternative prescription:

- (A) will be no less protective than the fishway initially prescribed by the Secretary; and
- (B) will either, as compared to the fishway initially prescribed by the Secretary –
 - (i) cost significantly less to implement; or
 - (ii) result in improved operation of the project works for electricity production.

Alternative FPA Section 18 prescriptions must be filed within 30 days of the agency's deadline for filing the preliminary Section 18 prescription with FERC (50 C.F.R. § 221.71(a)(2)).

YCWA has had ongoing discussions with NMFS and USFWS since mid-2009 regarding potential Project effects on fish passage.

At this time, the Secretaries of Commerce and Interior have not provided any formal fishway prescriptions. YCWA expects that the secretaries will exercise or reserve their FPA Section 18 authorities at the appropriate time in the relicensing proceeding.

1.3.3 Bald and Golden Eagle Protection Act of 1940

Section 1 of the Bald and Golden Eagle Protect Act (BGEPA) of 1940 (16 U.S.C. § 668), prohibits the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import of any bald or golden eagles, or any part, nest or egg thereof, unless otherwise permitted by the Secretary of the Interior. Section 4 of the Act (16 U.S.C. § 668c) defines “take” to include to “*pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.*” A USFWS regulation (50 C.F.R. § 22.3) defines “disturb” as

...to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding or sheltering behavior.

YCWA has observed bald eagles (*Haliaeetus leucocephalus*) in the Project Area,¹⁴ and golden eagles (*Aquila chrysaetos*) have been reported to occur in the Project Vicinity, though they have not been observed by YCWA.

YCWA has had ongoing discussions with the USFWS since mid-2009 regarding the potential effect of the Project on bald eagles and golden eagles.

At this time, USFWS has not made a formal determination regarding Project effects on bald or golden eagles. YCWA anticipates formal discussion with the USFWS will occur at the appropriate time in the relicensing proceeding.

1.3.4 California Fully Protected Species Statutes (1957)

In 1957, California adopted statutes providing for the full protection of specified birds, mammals, amphibians and reptiles and fish (California Fish and Game Code [F.G.C.] §§ 3511, 4700, 5050, 5515). These statutes provide that no provision of the Fish and Game Code or any other provision of law shall be construed to authorize the issuance of permits or licenses to take any member of one of these Fully Protected (CFP) species, except that the California Department of Fish and Wildlife (Cal Fish and Wildlife)¹⁵ may authorize the taking of members of these species “for necessary scientific research, including efforts to recover fully protected, threatened,

¹⁴ For the purposes of this document, “Project Area” is defined as the area within the FERC Project Boundary and the land immediately surrounding the FERC Project Boundary (i.e., within about 0.25-mi of the FERC Project Boundary) and includes Project-affected reaches between facilities and downstream to the next major water controlling feature or structure.

¹⁵ In January 2013, the California Natural Resources Agency changed the name of the California Department of Fish and Game (CDFG) to the California Department of Fish and Wildlife.

or endangered species,” and may authorize the live capture and relocation of members of the listed bird species pursuant to a permit for the protection of livestock.

Today, 13 bird species, 9 mammal species, 5 reptile and amphibian species, and 10 fish species are designated as FP under California state law.

Through consultation with Cal Fish and Wildlife, YCWA has identified four CFP species that have a reasonable potential to be affected by the Project:

- State of California Fully Protected Species:
 - Ringtail (*Bassariscus astutus*)
 - American peregrine falcon (*Falco peregrinus anatum*)
 - Bald eagle
 - Golden eagle

The bald eagle is also listed as an endangered species under the California Endangered Species Act (CESA), and both the bald eagle and the golden eagle are protected under the MBTA and BGEPA. In addition, the bald eagle, golden eagle and American peregrine falcon are protected under F.G.C. Sections 3503, 3503.5, and 3513, which make it unlawful to take, possess, or needlessly destroy birds’ nests or eggs; take, possess, or destroy raptors and their eggs and nests; and take or possess any migratory nongame bird, or part thereof, designated in the MBTA, respectively. None of the FP species are listed as threatened or endangered species under the ESA.

YCWA has had ongoing discussions with Cal Fish and Wildlife since mid-2009 regarding the potential effect of the Project, including on CFP species.

At this time, Cal Fish and Wildlife has not made a formal determination regarding potential Project effects on FP species. YCWA expects that Cal Fish and Wildlife will make comments or recommendations regarding this issue at the appropriate time in the relicensing proceeding.

1.3.5 National Historic Preservation Act of 1966

Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. § 470f), requires any federal agency having direct or indirect jurisdiction over a proposed federal or federally assisted undertaking to “*take into account the effects of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in*” the National Register of Historic Places (NRHP) that the Secretary of the Interior is authorized to expand and maintain under Section 101(a)(1)(A) of the NHPA (16 U.S.C. § 470a(a)(1)(A)). The regulations implementing the NHPA are in 36 C.F.R. Part 800. Section 800.4(a)(1) of 36 C.F.R. requires the federal agency whose proposed undertaking is subject to the NHPA must determine and document the “area of potential effects” (APE) and 36 C.F.R. Section 800.16(d) defines this area as “*the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.*” This regulation also

provides that the “*area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.*” 36 C.F.R. Section 800.16(y) defines “undertaking” as “*a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.*” In this case, the undertaking is FERC’s issuance of a new license to YCWA for the Project. Potential effects that may be associated with this undertaking include Project-related effects associated with the day-to-day O&M of the Project after issuance of a new license.

Historic properties are any prehistoric or historic district, site, building, structure, object, or traditional cultural property included in or eligible for inclusion in the NRHP maintained by the Secretary of the Interior (36 C.F.R. § 800.16(l)(1)). In most cases, cultural resources less than 50 years old are not considered eligible for the NRHP; however, a property achieving significance within the past 50 years is eligible if it is of exceptional importance. Cultural resources also must retain their integrities (i.e., the ability to convey their significance) to qualify for listing in the NRHP. For example, dilapidated structures or heavily disturbed archaeological sites may not retain enough integrity to relay information relative to the context in which the resource is considered to be important and, therefore, may not be eligible for listing on the NRHP.

As part of the NHPA Section 106 process, federal agencies and their representatives are required to participate in consultation on any findings and determinations regarding an undertaking’s effect on historic properties (36 C.F.R. § 800.2(a)(4)). Consulting parties include: 1) the State Historic Preservation Officer (SHPO); 2) Indian tribes; 3) local governments; and 4) individuals and organizations with a demonstrated interest in the Project. Section 106 requires that federal agencies seek concurrence from the SHPO on any determinations of NRHP eligibility and findings of effect to historic properties, and notify the Advisory Council on Historic Preservation (Council) on any finding of adverse effects. Additionally, federal agencies must make a reasonable and good faith effort to identify Indian tribes and other consulting parties that might attach religious and cultural significance to historic properties that may be affected by the undertaking (36 C.F.R. § 800.3(f)(2)), and gather information to assist in the identification of such properties (36 C.F.R. § 800.4(a)(3),(4)).

On January 4, 2011, FERC initiated consultation with SHPO pursuant to 36 C.F.R. Section 800.3(c)(3), and designated YCWA as its non-federal representative for the purposes of informal Section 106 consultation. FERC also sent letters to Native American tribes in the area informing them of the beginning of consultation and requesting their participation in the process. YCWA initiated informal consultation with tribes and agencies in 2009 and has since conducted numerous Section 106 consultation meetings. The meetings focused on development of data gathering studies, defining the APE for the relicensing study, development of a NRHP evaluation plan, field visits to cultural sites, and discussion of other topics participants wished to address. The meetings were attended by representatives from four Native American tribes, the Forest Service, FERC and YCWA.

As required under Section 106, YCWA also identified the Project APE, which encompasses all lands, Project facilities, and features within the existing FERC Project Boundary,¹⁶ excluding the areas above Project power and diversion tunnels.¹⁷

YCWA prepared and submitted to the Forest Service, participating tribes, and the SHPO final technical reports detailing the results of each study in partial fulfillment of the requirements under Section 106 (Ramsey Ford et al. 2014, Ramsey Ford et al. 2016, Blount et al. 2013). These technical reports are confidential and are not available to the public. However, the results of these reports are summarized in the Cultural Resources Section 3.3.8 of YCWA's Amended FLA.

FERC typically requires, as a license condition, that an applicant for a new license develop and implement a HPMP that considers and manages effects to historic properties throughout the term of the license. YCWA developed a draft HPMP and provided it to the Forest Service and tribes for review and comment on November 26, 2013 and received comments from the Forest Service on January 15, 2014. All relevant comments received from tribes¹⁸ and agencies have been incorporated into the HPMP. The revised HPMP was submitted to the SHPO for a 30-day review and comment period on March 12, 2014. SHPO comments were received on July 11, 2014. Following revisions to the HPMP, based on both SHPO comments and on additional cultural resource survey work to address newly exposed lands due to California's recent drought and some small changes to the APE, the HPMP was again submitted to tribes and agencies for review on November 10, 2015. The Forest Service provided additional comments on December 9, 2015 and the tribes did not comment. The HPMP was again revised to address these final Forest Service comments and resubmitted to the SHPO for review and concurrence on April 22, 2016. SHPO concurred in a letter dated June 13, 2016 that the HPMP will adequately address how historic properties will be managed in the Project APE for the term of the new FERC license. The Forest Service also approved of the HPMP in writing on June 29, 2016. Subsequently, YCWA filed the final HPMP with FERC on July 5, 2016.¹⁹

YCWA anticipates that FERC will enter into a programmatic agreement (PA) that will formally implement the HPMP under the new license for the Project. The PA generally concludes FERC's Section 106 responsibilities for the relicensing.

¹⁶ The existing FERC Boundary for the Project is shown on existing Exhibit F maps. YCWA's proposed FERC Project Boundary is shown in Exhibit G of YCWA's Amended FLA.

¹⁷ YCWA performs no ground disturbing activities on the lands above the power and diversion tunnels except where the tunnels daylight. Therefore, the lands above the tunnels were not included in the APE, except where the tunnels daylight.

¹⁸ The United Auburn Indian Community and the Nevada City Rancheria filed with FERC comments on the HPMP on March 2, 2014 as part of comments on the Project's Draft License Application (DLA). YCWA reviewed the comments and incorporated relevant comments into the HPMP, as appropriate.

¹⁹ Section 3.3.8 of this Amended FLA reflects the information included in the HPMP filed with FERC on July 5, 2016. However, recent developments related to additional FERC boundary changes including for the new Kelley Ridge Campground and new RV dump station, recent SHPO consultation efforts, and new information presented by local tribes, have resulted in a need to modify the HPMP. The needed modifications to the HPMP will be made following additional consultation efforts by YCWA with tribes, agencies, and SHPO. Once the modified HPMP has gone through another round of review by these consulting parties, the modified HPMP will be filed with FERC. YCWA anticipates that the final modified HPMP will be filed with FERC by the end of 2017.

1.3.6 Wild and Scenic Rivers Act of 1968

Under the Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. §§ 1271-1287), various rivers and river segments are designated as components of the national wild and scenic rivers system for their “*outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values*” (16 U.S.C. §1271). The purpose of the act is to preserve these rivers in their free-flowing conditions, and to protect them and their immediate environments for the benefit and enjoyment of present and future generations. There are no designated federal Wild and Scenic Rivers in the Project Vicinity.

In 1999, the Forest Service recommended for Wild and Scenic River designation: 1) the 45 miles (mi) of North Yuba River upstream of New Bullards Bar Reservoir;²⁰ 2) Canyon Creek, a tributary of the North Yuba River; and 3) the South Yuba River between Lake Spaulding and Point Defiance. All of these river segments are upstream of the Project. Although legislation to confirm these recommendations has not yet been proposed, the Forest Service currently manages these rivers to protect their wild and scenic values.

The Project would not affect the river segments recommended for designation under the Wild and Scenic Rivers Act because none of these segments is located within the Project Area or downstream of the Project.

YCWA has had ongoing discussions with the Forest Service and the Park Service since mid-2009 regarding the potential effects of the Project.

At this time, the Forest Service and Park Service have not formally commented on YCWA’s proposed Project in relation to the Wild and Scenic Rivers Act. YCWA expects that the agencies will comment at the appropriate time in the relicensing proceeding, as necessary.

1.3.7 National Environmental Policy Act of 1969

The National Environmental Policy Act of 1969 (42 U.S.C. §§ 4321-437h) (NEPA) requires all federal agencies involved in the permitting of activities affecting the environment, such as the issuance of a new FPA license for the Project, to evaluate the environmental impacts of the proposed action and the significance of these impacts.

Under NEPA, it is the continuing responsibility of the federal government

...to use all practical means consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may-- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; (2) assure for all Americans safe, healthful,

²⁰ The Forest Service’s designation did not specify the lower elevation of the proposed Wild and Scenic River segment, but simply said at New Bullards Bar Reservoir.

productive, and esthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; (4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice; (5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources. (42 U.S.C. §4331(b))

NEPA requires federal action agencies to prepare environmental impact statements (EIS) that describe: 1) the environmental impacts of the proposed action; 2) any adverse environmental effects which cannot be avoided should the proposal be implemented; 3) alternatives to the proposed action; 4) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and 5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. (42 U.S.C. § 4332(2)(C)).

On January 4, 2011, the Commission in its Notice of Commencement of Proceeding stating that FERC intended to prepare an Environmental Assessment (EA) for the Project, but noting there was a possibility that an EIS would be required.

The EA or EIS acts as a disclosure or guidance document in which FERC describes the effects of proposed actions and possible PM&E measures; assesses the environmental effects of relicensing the Project; and concludes that relicensing the Project is: 1) not a major federal action significantly affecting the quality of the human environment; or 2) a major federal action significantly affecting the quality of the human environment.

Section 1.4 contains additional details regarding the current activities undertaken by FERC for implementing NEPA.

1.3.8 Clean Air Act of 1970

The Clean Air Act (42 U.S.C. §§ 7401-7671q) and the Conformity Rules require federal agencies to conform to State Implementation Plans (SIPs). The USEPA has established requirements and procedures to ensure that federally sponsored or approved actions will comply with the National Ambient Air Quality Standards (NAAQS), and conform to the appropriate SIPs. The conformity rules apply to designated non-attainment or maintenance areas for criteria pollutants regulated under NAAQS. The SIPs are the approved State air quality regulations that provide policies, requirements, and goals for the implementation, maintenance, and enforcement of the NAAQS. SIPs include emission limitations and control measures to attain and maintain the NAAQS. The USEPA has developed two conformity regulations: one for transportation projects and one for non-transportation projects. Non-transportation projects are governed by the “general conformity” regulations (40 C.F.R. Parts 6, 51 and 93) described in the final rule for Determining Conformity of General Federal Actions to State or Federal Implementation Plans.

Because the Project is a non-transportation project, the general conformity rule applies.

At this time, the EPA and local Air Quality Control Boards have not formally commented on the Project with regards to air quality. YCWA expects that these agencies will comment at the appropriate time in the relicensing proceeding, as necessary.

1.3.9 Clean Water Act

Section 303 of the Clean Water Act (CWA) (33 U.S.C. § 1313), authorizes states to adopt water quality standards applicable to intrastate waters and to submit them to the United States Environmental Protection Agency (EPA) for review and approval. The SWRCB and the State's nine Regional Water Quality Control Boards (RWQCB) adopt such water quality standards through their adoption of water quality control plans, which also are known as "Basin Plans," pursuant to Water Code Sections 13240-13248. The region of the Central Valley RWQCB (CVRWQCB) includes the Project and the Yuba River watershed.

CWA Section 303((c)(2)(A) (33 U.S.C. § 1313(c)(2)(A) provides that water quality standards shall "*consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses.*" In California, water quality control plans contain water quality objectives, which consist of "*limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention and correction of water pollution and nuisance*" and programs of implementation to achieve the objectives (Water Code §§ 13050(h), 13241-13242.) The RWQCBs must consider various factors, including the following, when they establish water quality objectives: 1) past, present and probable future beneficial uses of water; 2) environmental characteristics of the hydrographic unit (HU) under consideration, including the quality of water available thereto; 3) water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area; 4) economic considerations; 5) the need for developing housing within the region; and 6) the need to develop and use recycled water (Water Code § 13241). Water quality control plans or revisions adopted by a RWQCB do not become effective unless and until approved by the SWRCB (Water Code § 13245).

The fourth edition of the Water Quality Control Plan (Basin Plan) for the Sacramento and San Joaquin Rivers was initially adopted in 1998 and most recently revised in 2011 (CVRWQCB 1998). This Basin Plan formally specifies designated existing and potential beneficial uses and water quality objectives for the Yuba River. The various water quality objectives specified in the Basin Plan are in numeric and narrative form, and some apply to the whole basin while others apply only to specified water bodies.

The Basin Plan divides the area in the Project Vicinity into two HUs: 1) HU 517, which includes the Yuba River and its tributaries upstream of Englebright Reservoir; and 2) HU 515.3, which includes the Yuba River from Englebright Dam to the Feather River. Table 1.3-2 lists designated beneficial uses for these HUs.

Table 1.3-2. Designated beneficial uses of surface water within the Project and the area downstream by HU in the Basin Plan.

Designated Beneficial Use Description from Basin Plan, Section II		Designated Beneficial Use by HU in the Basin Plan, Table II-1		
		Use	Yuba River from Headwaters to USACE's Englebright Dam	Yuba River from USACE's Englebright Dam to Feather River
			HU 517	HU 513.3
Municipal and Domestic Supply (MUN)	Uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply.	Municipal and Domestic Supply	Existing	--
Agricultural Supply (AGR)	Uses of water for farming, horticulture, or ranching including, but not limited to, irrigation (including leaching of salts), stock watering, or support of vegetation for range grazing.	Irrigation	Existing	Existing
		Stock Watering	Existing	Existing
Industrial Process Supply (PRO)	Uses of water for industrial activities that depend primarily on water quality.	Process	--	--
Industrial Service Supply (IND)	Uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, or oil well re-pressurization.	Service Supply	--	--
		Power	Existing	Existing
Water Contact Recreation (REC-1)	Uses of water for recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.	Contact	Existing	Existing
		Canoeing and Rafting	Existing	Existing
Non-Contact Water Recreation (REC-2)	Uses of water for recreational activities involving proximity to water, but where there is generally no body contact with water, nor any likelihood of ingestion of water. These uses include, but are not limited to, picnicking, sunbathing, hiking, beach-combing, camping, boating, tide-pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.	Other Non-Contact	Existing	Existing
Warm Freshwater Habitat (WARM)	Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.	Warm ¹	--	Existing
Cold Freshwater Habitat (COLD)	Uses of water that support cold water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.	Cold ¹	Existing	Existing
Migration of Aquatic Organisms (MGR)	Uses of water that support habitats necessary for migration or other temporary activities by aquatic organisms, such as anadromous fish.	Warm ²	--	Existing
		Cold ³	--	Existing
Spawning (SPWN)	Uses of water that support high quality aquatic habitats suitable for reproduction and early development of fish.	Warm ²	--	Existing
		Cold ³	Existing ⁴	Existing

Table 1.3-2. (continued)

Designated Beneficial Use Description from Basin Plan, Section II		Designated Beneficial Use by HU in the Basin Plan, Table II-1		
		Use	Yuba River from Headwaters to USACE's Englebright Dam	Yuba River from USACE's Englebright Dam to Feather River
			HU 517	HU 513.3
Wildlife Habitat (WILD)	Uses of water that support terrestrial or wetland ecosystems including, but not limited to, preservation or enhancement of terrestrial habitats or wetlands, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, or invertebrates), or wildlife water and food sources.	Wildlife Habitat	Existing	Existing

Source: CVRWQCB 1998

¹ Resident does not include anadromous. Any hydrologic unit with both WARM and COLD beneficial use designations is considered COLD water body by the SWRCB for the application of water quality objectives.

² Striped bass, sturgeon, and shad.

³ Salmon and steelhead.

⁴ While the Basin Plan designates spawning of salmon and steelhead as an existing use of the Yuba River from its headwaters to Englebright Dam, salmon and steelhead do not occur in these sections of the river. Englebright Dam has been a complete block to upstream anadromous fish passage since 1941.

CWA Section 303(d) (33 U.S.C. § 1313(d)) requires that each State identify the waters within the State for which effluent limitations under CWA Section 301(b)(1)(A) and (B) (33 U.S.C. § 1311(b)(1)(A) & (B)) are not stringent enough to implement any water quality standard applicable to such waters. The SWRCB and CVRWQCB work together to research and update this list for Central Valley Region. This list and its associated Total Maximum Daily Load (TMDL) Priority Schedule indicate that, in the Project Vicinity the following surface waters have been identified by the SWRCB as impaired under CWA Section 303(d) for the following constituents and water quality parameters (SWRCB 2012):

- mercury - New Bullards Bar Reservoir, the North Fork Yuba River between New Bullards Bar and Englebright Reservoir, the Middle Yuba River, the South Yuba River from Lake Spaulding to Englebright Reservoir, Englebright Reservoir, and the Lower Yuba River from Englebright Reservoir to the Feather River.
- pH - Deer Creek, a tributary to the Yuba River downstream of Englebright Dam
- arsenic - Kanaka Creek, a tributary to the Middle Yuba River upstream of Our House Diversion Dam
- water temperature - South Yuba River from Lake Spaulding to Englebright Reservoir

There are currently no approved TMDL plans for the Yuba River basin.

CWA Section 401 (33 U.S.C. § 1341), which was added to the CWA by the Federal Water Pollution Control Act Amendments of 1972, requires that an applicant for a federal license or permit seek certifications from the appropriate State agency that the Project will comply with several listed sections of the CWA, including CWA Section 303. CWA Section 401(d) (33 U.S.C. § 1341(d)) provides that any such certification

...shall set forth any effluent limitations and other limitations and monitoring requirements necessary to assure that any applicant for a Federal license or permit will comply with any applicable effluent limitations and other limitations under [33 U.S.C. § 1311 or 1312] standard of performance under [33 U.S.C. § 1316] or prohibition, effluent standard, or pretreatment standard under [33 U.S.C. § 1317], and with any other appropriate requirement of State law set forth in such certification, and shall become a condition on any Federal license or permit subject to the provisions of this section.

The SWRCB issues CWA Section 401 certifications for hydroelectric power projects in California.

A CWA Section 401 water quality certificate was not issued for the current FERC license for the existing Project because the Federal Power Commission issued the Project license before enactment of the CWA.

YCWA has had ongoing discussions with the SWRCB since mid-2009 regarding the potential effects of the Project.

YCWA intends to file with the SWRCB a request for a CWA Section 401 Water Quality Certificate within 60 days of the date that FERC issues its notice accepting YCWA's Amended FLA and stating the application is ready for environmental review.

1.3.10 California Environmental Quality Act of 1970

The California Environmental Quality Act (CEQA) (Pub. Res. Code §§21000-21189.3) requires State and local government agencies to follow specified procedures to identify any significant environmental impacts of their proposed actions and to avoid or mitigate those impacts whenever feasible. CEQA applies to all discretionary activities proposed to be undertaken or approved by California state agencies, such as the SWRCB and Cal Fish and Wildlife, or local government agencies, such as YCWA.

Under CEQA, an environmental impact report (EIR) must be prepared for any Project that may have a significant effect on the environment. (Pub. Res. Code §21100, subd. (a).) An EIR is the public document that analyzes and describes the significant environmental effects of a proposed Project, identifies and describes alternatives, and describes potential measures to reduce or avoid potential environmental impacts. A CEQA guideline states that when federal review of a Project under NEPA also is required, State agencies should cooperate with federal agencies to the fullest extent possible to reduce duplication between CEQA and NEPA. (Cal. Code Regs., tit. 14, § 15226.)

One CEQA requirement for which there is no corresponding NEPA requirement is the need for CEQA lead agencies to adopt a program for monitoring or reporting on mitigation measures that were adopted for the Project. (Cal. Code Regs., tit. 14, § 15097.) The monitoring or reporting program must ensure compliance with mitigation measures during Project implementation. The

program may also provide information on the effectiveness of mitigation measures. Although discussion of the mitigation reporting or monitoring program can be deferred until the final EIR or, in some cases, after Project approval, it is often included in the draft EIR, so that the public may review it and comment on it.

Another analysis required for EIR under CEQA that is not required by NEPA is a description of any growth-inducing effects that the proposed Project may cause. (Cal. Code Regs., tit. 14, § 15126.2(d).)

As a local governmental agency, YCWA will be the lead agency for the CEQA process for Project relicensing, and expects that the SWRCB will be a CEQA responsible agency. YCWA expects Cal Fish and Wildlife will be involved in the CEQA process because it is both a trustee agency for the State's fish and wildlife resources and a responsible agency for administering the CESA and other provisions of the F.G.C. that afford protection to the State's fish and wildlife public resources (CEQA Guidelines § 21070 and 21069).

YCWA expects to initiate the CEQA process, which will include agency consultation and public review, after FERC issues its notice stating the Amended FLA is ready for environmental review.

1.3.11 Coastal Zone Management Act of 1972

Under Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended, (CZMA), (16 U.S.C. § 1456(c)(3)(A)), the Commission may not issue a license for a Project within or affecting a state's coastal zone unless the state's CZMA agency concurs with the license applicant's certification of consistency with the state's CZMA program, or the agency's concurrence is conclusively presumed by its failure to act within 180 days of its receipt of the applicant's certification.

The Project is not located within the coastal zone boundary, which extends from a few city blocks to five mi inland from the sea, and will not affect any resources located within the boundary of the coastal zone. Therefore, the Project is not subject to California coastal zone program review and no consistency certification is needed.

1.3.12 California Wild and Scenic Rivers Act of 1972

The California Wild and Scenic Rivers Act (WSRA) (Pub. Res. Code §§ 5093.50-5093.70) was enacted in 1972 to preserve in their free-flowing states designated rivers possessing extraordinary scenic, recreation, fishery, or wildlife values. (See Pub. Res. Code § 5093.50.) The WSRA prohibits the construction of dams, reservoirs, diversions and other water impoundment facilities, other than permitted temporary flood storage facilities, on any designated river and segment unless the Secretary of the California Resources Agency (Resources Agency) determines that the facility is needed to supply domestic water to local residents and that the facility will not adversely affect the free-flowing condition and natural character of the river and segment. (Pub. Res. Code § 5093.55.) The WSRA requires the

Resources Agency to coordinate the activities of State agencies whose activities affect designated rivers with the activities of other State, local and federal agencies with jurisdiction over matters that may affect the rivers, and it requires State and local agencies and departments to exercise their powers in manners that are consistent with the WSRA and its policy. (Pub. Res. Code §§ 5093.60, 5093.61.). Initially, the WSRA required the implementation of a management plan for each river or river segment designated as wild and scenic, but the amendments of 1982 eliminated this requirement. (See former Pub. Res. Code § 5093.59.) State designated rivers may be added to the federal system upon the request of the Governor of California and the approval of the Secretary of the Interior. (See 16 U.S.C. § 1275(c).)

The Project Vicinity does not include any sections of river designated or proposed for designation under the WSRA. The nearest State-designated Wild and Scenic River is the South Yuba River from Lang Crossing to its confluence with Kentucky Creek downstream of Bridgeport. It is managed by the United States Department of Interior, Bureau of Land Management (BLM) in partnership with the Forest Service and the California Department of Parks and Recreation (CDPR), and is upstream of the Project.

YCWA has had ongoing discussions with the Forest Service, BLM and CDPR since mid-2009 regarding the potential effect of the Project.

At this time, the Forest Service, BLM and CDPR have not formally commented on YCWA's proposed Project in relation to the WSRA. YCWA expects that the agencies will comment at the appropriate time in the relicensing proceeding, as necessary.

1.3.13 Endangered Species Act of 1973

The ESA of 1973, as amended, (16 U.S.C. § 1531 - 1544) was enacted to conserve endangered and threatened species and the ecosystems upon which they depend. (See 16 U.S.C. § 1531(b) & (c)(1).) The ESA defines an “endangered” species as “*any species which is in danger of extinction throughout all or a significant portion of its range...*” and a “threatened” species as, “*any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.*” (16 U.S.C. § 1532(6) & (20)). A species may be listed under the ESA as an endangered species or as a threatened species. (16 U.S.C. § 1533.) The ESA is administered by the Secretary of the Interior through USFWS for most species, and by the Secretary of Commerce through NMFS for marine and anadromous species. (See 16 U.S.C. § 1532(15).)

Section 7 of the ESA (16 U.S.C. § 1536) requires federal agencies to consult with the USFWS or NMFS to ensure that any action that they authorize, fund, or carry out is not likely to jeopardize the continued existence of any threatened or endangered species, or result in the destruction or

adverse modification of critical habitat²¹ for these listed species. A proposed action may jeopardize the continued existence of a listed species if it would “*reduce appreciably the likelihood of both the survival and recovery of a listed species...*” (50 C.F.R. § 402.02).

An ESA Section 7 consultation begins with requests to the USFWS and NMFS for inventories of the threatened and endangered species that may be affected by the proposed Project. For hydroelectric power project relicensings, FERC then prepares a Biological Assessment (BA) that discusses whether or not any listed species or critical habitat is likely to be adversely affected by the federal action, and therefore requires formal consultation. At the end of the consultation process, the USFWS or NMFS may issue a Biological Opinion (BO) that specifies whether the proposed action will jeopardize the continued existence of any threatened or endangered species, or result in the destruction or adverse modification of any designated critical habitat. (16 U.S.C. § 1536(b).) If jeopardy or adverse modification is found, then the USFWS or NMFS must suggest a reasonable and prudent alternative, or alternatives, to the proposed action that the USFWS or NMFS believes would not cause such jeopardy or adverse modification and which can be taken by the federal agency or applicant in implementing the proposed Project. (16 U.S.C. § 1536(b)(3)(A).) A non-jeopardy opinion may be accompanied by an incidental take statement that specifies potential impacts of the taking of individuals of a listed species or their habitat, mitigation measures, and terms and conditions for implementation of reasonable and prudent mitigation measures. (16 U.S.C. § 1536(b)(4).)

On January 4, 2011, the Commission initiated informal consultation with USFWS and NMFS as required under Section 7 of the ESA and the interagency cooperation regulations in 50 C.F.R. Part 402, and designated YCWA as FERC’s non-federal representative for purposes of informal consultation.

Through informal consultation with the USFWS and NMFS, YCWA has identified 11 species listed as threatened or endangered under ESA that have a reasonable potential to be affected by the Project. These species are:

- ESA Endangered Species:
 - Stebbins’ morning-glory (*Calystegia stebbinsii*)
 - Pine Hill flannelbush (*Fremontodendron decumbens*)
 - Hartweg’s golden sunburst (*Pseudobahia bahiifolia*)
 - Vernal pool tadpole shrimp (*Lepidurus packardi*)
- ESA Threatened Species:
 - Layne’s ragwort (*Packera layneae*)

²¹ Critical habitat is defined in Section 3(5)(A) of the ESA (16 U.S.C. § 1532(5)(A)) as the specific areas within the geographical area occupied by the species where there are physical or biological features that are essential to the conservation of the species or that may require special management considerations or protection. (16 U.S.C. § 1532(5)(A)(i).) Specific areas outside of the geographical area occupied by the species may also be included in designations of critical habitat, if such areas are determined to be essential for the conservation of the species. (16 U.S.C. § 1532(5)(A)(ii).)

- Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*)
- California red-legged frog (*Rana draytonii*) and Critical Habitat
- Vernal pool fairy shrimp (*Branchinecta lynchi*)
- Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit (ESU) and Critical Habitat²²
- Steelhead, California Central Valley Distinct Population Segment (DPS) (*O. mykiss*) and Critical Habitat²³
- North American green sturgeon, Southern DPS (*Acipenser medirostris*) and Critical Habitat²⁴

Stebbins' morning glory and Hartweg's golden sunburst are also listed as endangered species under the CESA, and Central Valley spring-run Chinook salmon is listed as threatened under the CESA, which is discussed below. None of the ESA-listed species are CFP species.

YCWA has had ongoing discussions with FERC, NMFS and USFWS since mid-2009 regarding the potential effects of the Project on ESA-listed species.

The process used to address Project effects on federally listed threatened and endangered species and their critical habitats and a summary of anticipated environmental effects on the species is included in Section 3.3.5, which directly addresses federally listed species under USFWS' jurisdiction. Federally listed fish species under NMFS' jurisdiction are addressed in the Applicant-Prepared Draft BA (APDBA) in Volume IV of this Exhibit E.²⁵

YCWA anticipates that FERC will consult with NMFS and USFWS²⁶ at the appropriate time in the relicensing proceeding.

²² The ESU for Central Valley spring-run Chinook salmon is defined as all naturally-spawned populations of spring-run Chinook salmon in the Sacramento River and its tributaries, including the Feather River Fish Hatchery population. On the Yuba River, Critical Habitat for spring-run Chinook salmon extends from the confluence with the Feather River upstream to Englebright Dam.

²³ The DPS for Central Valley steelhead includes all naturally-spawned populations of steelhead below natural and human-made impassable barriers in the Sacramento and San Joaquin rivers and their tributaries, excluding steelhead from San Francisco and San Pablo bays and their tributaries. On the Yuba River, Critical Habitat for Central Valley steelhead extends from the confluence with the Feather River upstream to Englebright Dam.

²⁴ The Southern DPS of North American green sturgeon includes the green sturgeon population spawning in the Sacramento River and utilizing the Sacramento-San Joaquin River Delta and San Francisco Estuary. On the Yuba River, Critical Habitat extends from the confluence with the Feather River upstream to Daguerre Point Dam.

²⁵ An applicant that FERC has designated its non-federal representative must include an APDBA in its FLA according to 18 C.F.R. Section 5.18(b)(3)(ii).

²⁶ At pages 11 and 18 of its March 3, 2014 letter that provided comments on YCWA's DLA, USFWS requested formal ESA consultation regarding Project effects on California red-legged frog (CRLF). At pages 15 and 18 of its letter, USFWS states that informal consultation is needed regarding Project effects on valley elderberry longhorn beetle (VELB).

1.3.14 Magnuson-Stevens Fishery Conservation and Management Act of 1976

One of the purposes of the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. §§ 1801-1891d) (MSA) is to conserve and manage anadromous fishery resources of the United States. (16 U.S.C. § 1801(b)(1).) The MSA establishes eight Regional Fisheries Management Councils and authorizes them to prepare, monitor and revise fishery management plans in ways that will achieve and maintain the optimum yield from each fishery. (16 U.S.C. §1852.) The Pacific Fisheries Management Council is responsible for implementing the MSA in California. (16 U.S.C. § 1852(a)(1)(F).) The Secretary of Commerce has oversight authority. (See 16 U.S.C. § 1854.)

The MSA was amended in 1996 to establish a new requirement to describe and identify “Essential Fish Habitat” (EFH) in each fishery management plan. (16 U.S.C. § 1855(b).) EFH is defined in the MSA regulations as “*those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.*” (50 C.F.R. § 600.10.) For Pacific salmon, EFH “*includes all those water bodies occupied or historically accessible*” in specified hydrologic units. (50 C.F.R. § 600.412.) For the purpose of EFH, NMFS uses fourth field hydrologic unit codes developed by the United States Geological Survey (USGS) as defined in the USGS publication; HU Maps, Water Supply Paper 2294, 1987.²⁷

The MSA requires that all federal agencies consult with NMFS on all actions and proposed actions, that are or will be permitted, funded, or undertaken by the agency (the lead agency), and that may adversely affect any EFH (16 U.S.C. § 1855(b)(2).). Comments from NMFS following consultation are advisory only; however, the lead agency must provide a written explanation to NMFS if the lead agency does not agree with NMFS’ recommendations regarding EFH. (See 16 U.S.C. § 1855(b)(4)(B).)

Within the Project affected basin, the Pacific Fisheries Management Council has designated freshwater EFH for Pacific salmon. (50 C.F.R. § 660.412.) The designation does not identify specific Chinook salmon races (e.g., spring-run or fall-run) but instead is for “Pacific salmon.” As discussed above, Pacific salmon EFH “*includes all water bodies occupied or historically accessible*” in designated HUs (50 C.F.R. § 660.412), and the lower Yuba River HU (USGS HUC 18020107) is one of these designated HUs (50 C.F.R., pt. 660, subpt. H, table 1.)

Based on this designation, the Project Area includes three sections of the river that are EFH for Pacific salmon. These are: 1) approximately 40.0 mi of the Yuba River from the confluence with the Feather River upstream to the confluence of the North Yuba River and Middle Yuba River; and 2) about 17.8 mi of the North Yuba River from the confluence of the North Yuba River and Middle Yuba River upstream to the normal maximum water surface elevation (NMWSE) of New Bullards Bar Reservoir; and 3) about 1.5 mi of the Middle Yuba River from

²⁷ The geographic extent of HUs range is from the first field, which is the largest geographic extent, to the sixth field, which is the smallest geographic extent. Fourth field HU Codes divide the landscape into distinct geographic areas that are identified by eight numbers unique to that HU.

the confluence of the North Yuba River and Middle Yuba River upstream to an historical barrier (NMFS 2012; Pacific Fishery Management Council 2000; Yoshiyama et al. 2001).

However, the USACE's Englebright Dam at River Mile (RM)²⁸ 24.3 on the Yuba River is currently a complete physical barrier to anadromous fish upstream migration, so Pacific salmon cannot access any EFH located upstream of this dam.

On January 4, 2011, the Commission initiated informal consultation with NMFS, as required by the applicable MSA regulation (50 C.F.R. § 600.920).

YCWA has had ongoing discussions with NMFS since mid-2009 regarding the potential effect of the Project.

The process used to address Project effects on EFH and a summary of anticipated environmental effects on EFH is described in the Applicant-Prepared Draft EFH Assessment in Volume IV of this Exhibit E.²⁹ YCWA anticipates that FERC will consult with NMFS under the MSA at the appropriate time in the relicensing proceeding.

1.3.15 California Native Plant Protection Act of 1977

The California Native Plant Protection Act (CNPPA) (F.G.C. §§ 1900 - 1913) was enacted in 1977 and authorizes the California Fish and Wildlife Commission to designate native plants within the State as rare or endangered (F.G.C. § 1904). Currently, 64 species, including some with the potential to occur on the Project, are listed under the CNPPA. Take of these plant species is prohibited, with the exception of certain exempted activities, including some agriculture and nursery operations, emergencies and proper notification of Cal Fish and Wildlife for vegetation removal from canals, roads, etc., and changes in land use.

YCWA identified two species listed as rare under CNPPA that have reasonable potential to be affected by the Project. These species are:

- CNPPA Rare Species:
 - Pine Hill flannelbush (*Fremontodendron californicum* ssp. *decumbens*)
 - Layne's ragwort (*Packera layneae*)

Pine Hill flannelbush is listed as endangered under the ESA, and Layne's ragwort is listed as threatened under the ESA. Neither plant species was located on the Project; therefore, the Project is not expected to impact plants listed under the CNPPA. If any plants listed on the CNPPA are found to be located on the Project, then YCWA will comply with the CNPPA.

²⁸ In this Exhibit, river miles (RM) are measured from the downstream confluence of each river moving upstream. In the Yuba River, RM 0.0 is designated at the confluence of the Yuba and Feather rivers.

²⁹ An applicant that FERC has designated its non-federal representative must include an Applicant-Prepared draft EFH assessment in its FLA according to 18 C.F.R. Section 5.18(b)(3)(iii). The draft EFH assessment should contain the information described in 50 C.F.R. Section 600.920(e).

1.3.16 Pacific Northwest Electric Power Planning and Conservation Act of 1980

The provisions of the Pacific Northwest Electric Power Planning and Conservation Act of 1980, as amended (16 U.S.C. §§ 839 - 839h) do not apply to the Project because the Project is not located within the Pacific Northwest Electric Power Planning and Conservation Area (i.e., the Columbia River Basin).

1.3.17 Wilderness Act of 1984

The Project Vicinity does not include any areas that have been included in or are proposed for inclusion in the National Wilderness Preservation System under Wilderness Act of 1984, as amended (16 U.S.C. §§ 1131 - 1136).

YCWA has had ongoing discussions with the Forest Service since mid-2009 regarding the potential effects of the Project.

At this time, the Forest Service has not formally commented on the proposed Project with regards to Wilderness Areas. YCWA expects that the Forest Service will comment at the appropriate time in the relicensing proceeding, if necessary.

1.3.18 California Endangered Species Act of 1984

Under the CESA (F.G.C. §§ 2050 – 2069), the California Fish and Wildlife Commission may, after following specified procedures, list native bird, mammal, fish, amphibian, reptile or plant species as endangered species or threatened species (F.G.C. §§ 2062, 2067, 2070 - 2079).³⁰

CESA prohibits any person from importing, exporting, taking, possessing, purchasing or selling within California any species or product thereof that is listed as an endangered species or a threatened species under CESA (F.G.C. § 2080). However, Cal Fish and Wildlife may issue permits for the incidental take of CESA-listed species if the impacts of the authorized take are minimized and fully mitigated and other applicable statutory requirements are satisfied (F.G.C. § 2081(b)). But no such permit may be issued if its issuance would jeopardize the continued existence of the species (F.G.C. § 2081(c)).

If a species is listed as an endangered species or threatened species under the ESA, and if the USFWS or NMFS has authorized incidental take of the species under ESA Section 7 (16 U.S.C. § 1536) or ESA section 10 (16 U.S.C. § 1539), then such incidental take also is authorized by CESA if Cal Fish and Wildlife follows the statutory procedures and issues a determination that such incidental take is consistent with CESA (F.G.C. § 2080.1).

³⁰ Cal Fish and Wildlife, pursuant to its goal of maintaining viable populations of all native species, also designates "species of special concern" when in Cal Fish and Wildlife's opinion, declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction. The State's species of concern designation is an administrative term and has no legal status.

Through consultation with Cal Fish and Wildlife, YCWA has identified seven species listed as threatened or endangered species under CESA that have reasonable potential to be affected by the Project. These species are:

- CESA Endangered Species:
 - Stebbins' morning-glory
 - Hartweg's golden sunburst
 - Scadden Flat checkerbloom (*Sidalcea stipularis*)
 - Bald eagle
 - Great gray owl (*Strix nebulosa*)
- CESA Threatened Species:
 - Sierra Nevada red fox (*Vulpes vulpes necator*)
 - Central Valley Spring-run Chinook salmon

Stebbins' morning glory and Hartweg's golden sunburst are also listed as endangered species under the federal ESA. Bald eagle and the great gray owl are also protected under the MBTA and F.G.C. Sections 3503, 3503.5, and 3513, and bald eagle is protected under the BGEPA. Both bald eagle and American peregrine falcon are CFP species.

YCWA has had ongoing discussions with Cal Fish and Wildlife since mid-2009 regarding the potential effects of the Project on fish and wildlife.

At this time, Cal Fish and Wildlife has not formally commented on the proposed Project with regards to CESA. YCWA expects that Cal Fish and Wildlife will formally comment at the appropriate time in the relicensing proceeding, if necessary.

1.3.19 Forest Service's Outdoor Recreation Accessibility Guidelines of 2006, and Architectural Barriers Act Accessibility Standards

Recreation facilities on NFS land must comply with either the Forest Service's Outdoor Recreation Accessibility Guidelines (FSORAG) or Architectural Barriers Act Accessibility Standards (ABAAS). FERC, however, has no statutory role in implementing or enforcing FSORAG as it applies to its licenses. A licensee's obligation to comply with FSORAG or ABAAS exists independent of its license.

YCWA consulted with the Forest Service on FSORAG and ABAAS compliance regarding recreation facilities on NFS land.

At this time, the Forest Service has not formally commented (i.e., proposed FPA § 4(e) conditions) on the proposed Project with regards to accessibility. YCWA expects that the Forest

Service will formally comment at the appropriate time in the relicensing proceeding, if necessary.

1.3.20 Americans with Disabilities Act of 2010

Public recreation facilities must comply with the Americans with Disabilities Act of 2010 as amended (ADA) (42 U.S.C. §§ 12101 - 12213) on private land. FERC, however, has no statutory role in implementing or enforcing the ADA as it applies to its licenses. A licensee's obligation to comply with the ADA exists independent of its FERC Project license.

All Project recreation facilities on private land are on land owned by YCWA. The facilities will comply with the ADA.

1.4 Public Review and Comment

The Commission's regulations (18 C.F.R. § 16.8) require that an applicant consult with appropriate federal and State agencies, local governments, Indian tribes, non-governmental organizations, businesses and unaffiliated members of the public that may be interested in the proceeding before filing an application for a license. This consultation is the first step in complying with ESA, NHPA, and other federal statutes. Pre-filing consultation must be completed and documented according to the Commission's regulations.

1.4.1 Scoping

Under the Commission's regulations, issuing a licensing decision for any Project first requires preparation of either an EA or an EIS, in accordance with NEPA. The preparation of an EA or EIS is supported by a scoping process to ensure the identification and analysis of all pertinent issues.

On January 4, 2011, the Commission issued a Notice of Commencement of Proceeding stating FERC intended to prepare an EA for the Project but noting there was a possibility that an EIS would be required. At the same time, the Commission issued Scoping Document 1 (SD1). SD1 provided Relicensing Participants³¹ with FERC's preliminary list of issues and alternatives to be addressed in an EA, or EIS, for the Project relicensing and enabled Relicensing Participants to more effectively participate in and contribute to the scoping process.

The Commission held two public scoping meetings in Marysville, California, on February 2, 2011, and conducted a site visit on February 1, 2009. The scoping meetings and site visit were noticed in a local newspaper and the Federal Register. The meetings were recorded and the transcript posted by the Commission on its Internet E-Library. The Commission requested that written comments on SD1 and YCWA's Pre-Application Document (PAD) be provided to the Commission no later than March 7, 2011.

³¹ For the purposes of this Exhibit, "Relicensing Participants" means federal and state agencies, local governments, Indian tribes, non-governmental organizations, businesses and unaffiliated members of the public that have participated in the Yuba River Development Project relicensing.

In addition to the oral comments received during the scoping meetings, the Commission received 32 comment letters by the March 7 deadline. Eight of the letters provided comments on SD1 and 30 of the letters commented on the PAD. Table 1.4-1 lists Relicensing Participants that filed comments on SD1 and the PAD.

Table 1.4-1. List of comment letters in chronological order filed with FERC on FERC’s Scoping Document 1 and YCWA’s Pre-Application Document.

Relicensing Participant	Date of Letter	Document on Which Comments Were Filed	
		FERC’s Scoping Document 1	YCWA’s Pre-Application Document
United Auburn Indian Community	2/1/11	--	X
Gold Country Fly Fishers	2/9/11	--	X
Cordua Irrigation District	2/17/11	X	--
Emerald Cove Marina	2/28/11	--	X
Gardner	2/28/11	--	X
Billings	2/28/11	--	X
Byers	2/28/11	--	X
Collier	2/28/11	--	X
Burton	3/2/11	--	X
Myles and Scott	3/2/11	--	X
United States Department of Agriculture, Forest Service	3/2/11	X	X
California Department of Fish and Wildlife	3/2/11	X	X
Gandy	3/3/11	--	X
United States Department of Interior, National Parks Service	3/4/11	--	X
Phillipson	3/5/11	--	X
Foothills Water Network	3/5/11	X	X
Bodhaine	3/6/11	--	X
Dixon	3/6/11	--	X
Hansen	3/7/11	--	X
Watts	3/7/11	--	X
Fye	3/7/11	--	X
Kurashewich	3/7/11	--	X
Hatfield	3/7/11	--	X
Camptonville Community Service District	3/7/11	--	X
Federal Energy Regulatory Commission	3/7/11	--	X
United State Department of Interior, Fish and Wildlife Service	3/7/11	X	X
State Water Resources Control Board	3/7/11	X	X
Yuba County Water Agency	3/7/11	X	--
United States Department of Commerce, National Oceanic Atmospheric and Administration, National Marine Fisheries Service	3/7/11	X	X
Yuba County Fish and Game Commission	3/7/11	--	X
Camptonville Community Partnership	7/29/09	--	X
Feather River Chapter of Trout Unlimited	3/10/11	--	X
Total	32	8	30

Following the Commission’s review of oral comments during the February 2 scoping meetings and written comments on SD1 and the PAD, on April 18, 2011, the Commission issued Scoping Document 2 (SD2), which replaced SD1.

1.4.2 Interventions

At this time, the Commission has not granted intervention in the relicensing proceeding to any party.

1.4.3 Cooperating Agency Status

On January 4, 2011, the Commission invited agencies with jurisdiction or special expertise with respect to environmental issues who would like cooperating status for the preparation of the NEPA environmental document to so notify the Commission.

At this time, no agency has requested cooperating agency status.

1.4.4 Relicensing Studies

1.4.4.1 FERC's Determination on Revised Study Plan

Beginning in July 2009, almost 2 years prior to filing its Revised Study Plan with FERC, YCWA began to meet with Relicensing Participants to familiarize them with the Project and its operations; discuss process; identify issues; and, most importantly, to collaboratively develop study proposals. After over 30 meetings, YCWA filed its Revised Study Plan, which included 42 proposed studies, with FERC on August 17, 2011.

On September 30, 2011, FERC issued a Study Plan Determination for YCWA's Yuba River Development Project. FERC amended its Determination on December 8, 2011. The Determination, as amended, approved without modification 30 of the 42 studies in YCWA's Revised Study Plan, approved with modifications 12 of the studies, and added two new studies, for a total of 44 studies.

FERC's September 30, 2011 Determination, as amended, required that YCWA modify existing studies or develop new studies. YCWA filed these studies with FERC, which approved or modified and approved them on May 14, 2012 and July 24, 2012.

1.4.4.2 FERC's Determination Regarding Study Disputes

On October 20, 2011, NMFS filed a formal dispute with FERC's September 30, 2011, Study Determination, as amended. The dispute included 39 study elements, all of which focused on anadromous fish.

On December 28, 2011, FERC issued a Formal Study Disputes Resolution Determination resolving the disputed studies. FERC's Determination modified four studies and revised one study.

Subsequently, FERC issued study determinations on May 14 and July 24, 2012 that approved and modified studies.

1.4.4.3 FERC’s Determination on Initial Study Report

YCWA filed with FERC an Initial Study Report on December 3, 2012, held an Initial Study Report (ISR) meeting on December 12, 2012, and filed with FERC an ISR meeting summary on December 27, 2012.

Seven letters, which provided comments on YCWA’s ISR and ISR meeting summary were filed with the FERC by the filing date deadline of January 28, 2013. Table 1.4-2 lists each commenter and the date of its comment letter.

Table 1.4-2. Comment letters filed with FERC regarding YCWA’s Yuba River Development Project’s Initial Study Report and meeting summary.

Commenter	Date of Comment Letter
United States Department of Interior, National Park Service ¹	1/25/13 ¹
United States Department of Agriculture, Forest Service	1/25/13
State Water Resources Control Board	1/25/13
Foothills Water Network (FWN) ²	1/27/13
United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service ³	1/28/13 ³
United States Department of Interior, Fish and Wildlife Service	1/28/13
California Department of Fish and Wildlife	1/28/13
Total	7

¹ The NPS’ letter was initially filed with FERC on December 27, 2012 and refiled without modification, including the date of the letter, on January 25, 2013.

² Representatives of multiple NGOs that signed FWN’s January 27, 2013 letter were from FWN, California Sportfishing Protection Alliance (CSPA), Trout Unlimited (TU), American Whitewater (AW), American Rivers (AR), South Yuba River Citizens League (SYRCL), Sierra Club (Mother Lode Chapter), and Northern California Federation of Fly Fishers (FFF).

³ In a letter dated and filed with FERC on February 14, 2013, the NMFS filed errata to its January 28, 2013 letter.

Collectively, the commenters requested modifications to 15 on-going studies and at least eight new studies.

On March 29, 2013, FERC issued a *Determination on Requests for Modifications to the Yuba River Hydroelectric Project Study Plan* that modified eight studies and added three new studies. In a subsequent conference call, FERC added one new study.

1.4.4.4 FERC’s Determination on Updated Study Report

YCWA filed with FERC an Updated Study Report on December 3, 2013, held an Updated Study Report meeting on December 17, 2013, and filed with FERC an Updated Study Report meeting summary by December 31, 2013.

Eight letters, which provided comments on YCWA’s Updated Study Report and meeting summary were filed with the FERC by the filing date deadline of January 30, 2014. A ninth letter was filed one day late. Two letters, which requested a new study, were filed with FERC in July 2013, well before YCWA issued the Updated Study Report. One letter from the USDO, National Park Service (NPS), which provides comments on a technical memorandum and was

referred to in NPS' Updated Study Report comment letter, was filed with FERC in July 2013. Table 1.4-3 lists each commenter and the date of its comment letter.

Table 1.4-3. Comment letters filed with FERC regarding YCWA's Yuba River Development Project's Updated Study Report and meeting summary.

Commenter	Date of Comment Letter	Date Letter Filed with FERC
United States Department of Interior, Fish and Wildlife Service	July 3, 2013	July 3, 2013
	December 30, 2013	December 31, 2013
	January 30, 2014	January 30, 2014
United States Department of Agriculture, Forest Service	January 30, 2014	January 30, 2014
United States Department of Interior, Bureau of Land Management (BLM)	January 30, 2014	January 30, 2014
United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service	January 30, 2014	January 30, 2014
State Water Resources Control Board	January 30, 2014	January 30, 2014
California Department of Fish and Wildlife	July 3, 2013	July 3, 2013
	January 30, 2014	January 30, 2014
Foothills Water Network ¹	January 30, 2014	January 30, 2014
United States Department of Interior, National Park Service	July 26, 2013	July 26, 2013
	January 30, 2014	January 31, 2014
Total		12

¹ Representatives of multiple NGOs that signed FWN's January 30, 2014 letter, including FWN, CSPA, TU, AW, AR, SYRCL, Sierra Club (Mother Lode Chapter), Northern California Federation of Fly Fishers, and Save Auburn Ravine Salmon and Steelhead (SARSAS).

YCWA filed with FERC a response to comment letters on March 3, 2014.

On November 13, 2014, FERC issued that required YCWA to modify two studies (Study 2.2, *Water Balance/Operations Model*, and Study 3.11, *Entrainment*) and perform one new study (*Effects of Construction and Operation of the Proposed New Flood Control Outlet at New Bullards Bar Dam*).

1.4.4.5 Study Status

YCWA conducted 50 studies over the course of the relicensing, and filed with FERC a technical memorandum for each completed study. Each technical memorandum included an executive summary; a description of study goals and objectives; methods and results; a discussion of study results; a description of study-specific consultation and collaboration undertaken by YCWA; a list of variances to the FERC-approved study; a list of attachments to the technical memorandum; and references. Table 1.4-4 lists each of these studies and associated technical memorandum, including for each technical memorandum, the date YCWA filed the final technical memorandum with FERC and the associated accession number on FERC's ELibrary. These technical memoranda are included by reference in this Amended FLA.³²

³² YCWA has not filed each technical memorandum with the Amended Application since they are already in the docket and on file with FERC.

Table 1.4-4. List of studies and associated technical memorandum conducted by YCWA in support of the relicensing, the data YCWA filed each technical memorandum with FERC, and the corresponding accession number for the technical memorandum in FERC’s ELibrary.

Study No.	Study Description/ Technical Memorandum Name	Date YCWA Filed Final Technical Memorandum with FERC	Corresponding Accession Number on FERC’s ELibrary
GEOLOGY AND SOILS			
1.1	Channel Morphology Upstream of Englebright Reservoir	April 28, 2014	20140429-4048
1.2	Channel Morphology Downstream of Englebright Dam	April 28, 2014	20140429-4050
WATER RESOURCES			
2.1	Hydrologic Alteration	April 28, 2014	20140429-4052
2.2	Water Balance/Operations Model	April 28, 2014 and modified on November 25, 2014	20141217-0109
2.3	Water Quality	April 28, 2014	20140429-4057
WATER RESOURCES (cont.)			
2.4	Bioaccumulation	April 28, 2014	20140429-4058
2.5	Water Temperature Monitoring	April 28, 2014	20140429-4059
2.6	Water Temperature Model	April 28, 2014	20140429-4062
AQUATIC RESOURCES			
3.1	Aquatic Macroinvertebrates Upstream of Englebright Reservoir	April 28, 2014	20140429-4063
3.2	Aquatic Macroinvertebrates Downstream of Englebright Dam	April 28, 2014	20140429-4064
3.3	Special-Status Aquatic Mollusks	April 28, 2014	20140429-4065
3.4	Special-Status Amphibians – Foothill Yellow-Legged Frog Surveys	April 28, 2014	20140429-4066
3.5	Special-Status Amphibians – Foothill Yellow-Legged Frog Habitat Modeling	April 28, 2014	20140429-4067
3.6	Special-Status Turtles – Western Pond Turtle	April 28, 2014	20140429-4068
3.7	Reservoir Fish Populations	April 28, 2014	20140429-4069
3.8	Stream Fish Populations Upstream of Englebright Reservoir	April 28, 2014	20140429-4070
3.9	Non-ESA-Listed Fish Populations Downstream of Englebright Dam	April 28, 2014	20140429-4071
3.10	Instream Flow Upstream of Englebright Reservoir	April 28, 2014	20140429-4075
3.11	Entrainment	April 28, 2014, and modified on May 14, 2015	20140429-4076 20150514-5181
3.12	New Colgate Powerhouse Ramping	April 28, 2014	20140429-4077
3.13	Focused 2013 Foothill Yellow-legged Frog Surveys	April 28, 2014	20140429-4078
3.14	Focused 2013 Western Pond Turtle Surveys	April 28, 2014	20140429-4027
WILDLIFE RESOURCES			
4.1	Special-Status Wildlife – California Wildlife Habitat Relationships	April 28, 2014	20140429-4028
4.2	Special-Status Wildlife – Bats	April 28, 2014	20140429-4030
BOTANICAL RESOURCES			
5.1	Special-Status Plants	April 28, 2014	20140429-4031
5.2	Supplemental Botanical and Valley Elderberry Longhorn Beetle Surveys for Construction of the Proposed New Flood Control Outlet at New Bullards Bar Dam	October 27, 2015	20151028-5078
RIPARIAN, WETLANDS AND LITTORAL HABITATS			
6.1	Riparian Habitat Upstream of Englebright Reservoir	April 28, 2014	20140429-4032
--	Addendum to Technical Memorandum 6-1, Riparian Habitat Above Englebright – Additional Analysis	April 28, 2014	20140429-4023
6.2	Riparian Habitat Downstream of Englebright Dam	April 28, 2014	20140429-4034
--	Addendum to Technical Memorandum 6-2, Riparian Habitat Downstream of Englebright Dam – Additional Analysis	April 28, 2014	20140429-4024
6.3	Wetlands	April 28, 2014	20140429-4035
THREATENED, ENDANGERED AND FULLY PROTECTED SPECIES			
7.1	ESA-Listed Plants	April 28, 2014	20140429-4036
7.2	Narrows 2 Powerhouse Intake Extension	April 28, 2014	20140429-4037
7.3	ESA-Listed Amphibians – California Red-Legged Frog	April 28, 2014	20140429-4038
7.4	ESA-Listed Wildlife – Valley Elderberry Longhorn Beetle	April 28, 2014	20140429-4039
7.5	CESA-Listed Plants	April 28, 2014	20140429-4040
7.6	CESA-Listed and Fully Protected Wildlife – California Wildlife Habitat Relationships	April 28, 2014	20140429-4041

Table 1.4-4. (continued)

Study No.	Study Description/ Technical Memorandum Name	Date YCWA Filed Final Technical Memorandum with FERC	Corresponding Accession Number on FERC's ELibrary
THREATENED, ENDANGERED AND FULLY PROTECTED SPECIES (cont'd)			
7.7	CESA-Listed and Fully Protected Wildlife – Bald Eagle	April 28, 2014	20140429-4042
7.8	ESA/CESA-Listed Salmonids Downstream of Englebright Dam	April 28, 2014	20140429-4043
7.9	Green Sturgeon Downstream of Englebright Dam	April 28, 2014	20140429-4044
7.10	Instream Flow Downstream of Englebright Dam	April 28, 2014	20140429-4045
--	Addendum to Technical Memorandum 7-10, Instream Flow Downstream of Englebright Dam – Depth and Velocity Summary Tables for In-Channel and for Floodplain	April 28, 2014	20140429-4025
7.11	Fish Behavior and Hydraulics Near Narrows 2 Powerhouse	April 28, 2014 and modified on March 31, 2016 ¹	20140429-4008 20160331-5261
7.11a	Radio Telemetry Study of Spring- and Fall-run Chinook Salmon Downstream of Narrows 2 Powerhouse		
7.12	Evaluation of Project Effects on Daguerre Point Dam and Hallwood-Cordua Fish Facilities	April 28, 2014	20140429-4009
7.13	Fish Stranding Associated with Shutdown of Narrows 2 Powerhouse Partial Bypass	April 28, 2014	20140429-4010
RECREATION RESOURCES			
8.1	Recreation Use and Visitor Surveys	April 28, 2014	20140429-4011-
8.2	Recreational Flow	July 30, 2015	20140429-4013
8.3	Recreational Trail Use	October 27, 2015	20151028-5078
LAND USE			
9.1	Primary Project Roads and Trails	April 28, 2014	20140429-4014
AESTHETIC RESOURCES			
10.1	Visual Quality	April 28, 2014	20140429-4015
SOCIOECONOMIC RESOURCES			
None			
CULTURAL RESOURCES			
12.1	Historic Properties	April 28, 2014	20140429-4016
TRIBAL RESOURCES			
13.1	Native American Traditional Cultural Properties	April 28, 2014	20140429-4017
Total		50	

¹ As provided in the FERC-approved studies, the final technical memoranda for Studies 7.11 and 7.11a were combined into a single final technical memorandum.

YCWA has completed all FERC-ordered relicensing studies.

YCWA's proposed Condition RR1, *Recreation Facilities Plan*, includes the construction and operation of a new Kelly Ridge Campground and a new RV dump station. Since the facilities were agreed to very late in the relicensing and, as conceived at this time, would be located on approximately 57 ac of NFS lands outside the existing Project boundary, YCWA's relicensing studies did not include the area where the new Kelly Ridge Campground and the new RV dump station would be located, which are shown in the *Recreation Facilities Plan*. Therefore, YCWA will perform botanical and cultural studies (i.e., water and aquatic studies are not proposed because the area does not include and is not adjacent to any surface water) in these areas in 2017 and will file with FERC the results of the studies when they are available. The additional cultural studies may require that YCWA modify its previously filed HPMP. If so, YCWA anticipates the modified HPMP would be filed with FERC by the end of 2017.

1.4.4.6 Collaborative Development of YCWA’s Proposed Conditions

YCWA developed most of its proposed conditions, including associated implementation plans, in collaboration with Relicensing Participants. Table 1.4-5 presents YCWA’s understanding of agreement on each of the 41 conditions proposed by YCWA in Appendix E2 of this Exhibit E.

Table 1.4-5. List of YCWA’s proposed conditions and the Relicensing Participants that YCWA understands agree with YCWA’s proposed Condition. A green shaded row indicates a condition that YCWA and the Forest Service reached tentative agreement on as a FPA § 4(e) potential condition. A yellow shaded row indicates a condition that YCWA and Cal Fish and Wildlife and/or USFWS reached tentative agreement on as a FPA § 10(j) potential recommendation.¹ A white shaded row indicates a condition that has not been collaboratively agreed to between YCWA and agencies.

YCWA’s Proposed Condition			YCWA’s Understanding of Relicensing Participants That Agree With YCWA’s Proposed Condition ²						
Designation in This Amended FLA	Replaces YCWA Proposed Condition with This Designation in YCWA’s 2014 FLA ³	Name	FS	FWS	CDFW	SYRCL	FWN	AW	SC
GENERAL									
GEN1 ⁴	GEN1 & TE3	<i>Organize Ecological Group and Host Meetings</i>	X	X	X		X	X	
GEN2	GEN2	<i>Annual Review of Special-Status Species Lists and Assessment of New Species on NFS Lands</i>	X				X		
GEN3 ⁴	GEN3	<i>Provide Environmental Training to Employees</i>	X	X	X		X		
GEN4	GEN4	<i>Develop and Implement a Coordinated Operations Plan to Assure Licensee’s Compliance with the New License for the Yuba River Development Project</i>	X	X	X		X		
GEN5	-- ⁵	<i>Special-Status Species on NFS Lands</i>	X				X		
GEN6	--	<i>Review of Improvements on NFS Lands</i>	X				X		
GEOLOGY AND SOILS									
GS1 ^{4, 6}	GS1	<i>Implement Erosion and Sediment Control Plan</i>	X		X		X		
GS2 ⁶	GS2	<i>Implement Our House and Log Cabin Diversion Dams Sediment Management Plan</i>	X	X	X		X		
GS3 ⁶	GS3 & GS4	<i>Implement Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Woody Material Management Plan</i>	X	X	X		X		
WATER RESOURCES									
WR1 ^{4, 6}	WR1	<i>Implement Hazardous Materials Management Plan</i>	X		X		X		
WR2	WR2	<i>Determine Water Year Types for Conditions Pertaining to Our House Diversion Dam, Log Cabin Diversion Dam and New Bullards Bar Dam</i>	X	X	X		X		
WR3	WR3	<i>Determine Water Year Types for Conditions Pertaining to Narrows 2 Powerhouse and Narrows 2 Full Bypass</i>							

Table 1.4-5. (continued)

YCWA's Proposed Condition			YCWA's Understanding of Relicensing Participants That Agree With YCWA's Proposed Condition ²						
Designation in This Amended FLA	Replaces YCWA Proposed Condition with This Designation in YCWA's 2014 FLA ³	Name	FS	FWS	CDFW	SYRCL	FWN	AW	SC
WATER RESOURCES (cont'd)									
WR4 ⁶	WR4	Implement Streamflow and Reservoir Level Compliance Monitoring Plan	X	X	X		X		
WR5	WR5	Maintain New Bullards Bar Reservoir Minimum Pool							
WR6	WR6	Operate New Bullards Bar Reservoir for Flood Control							
WR7 ⁶	TE1	Implement Water Temperature Monitoring Plan	X	X	X		X	X	
WR8 ⁶	--	Implement Water Quality Monitoring Plan	X	X	X		X	X	
WR9 ⁶	--	Implement Drought Management Plan							
AQUATIC RESOURCES									
AR1	AR1, in part	Maintain Minimum Streamflows Below Our House Diversion Dam and Log Cabin Diversion Dam	X		X		X		
AR2	AR2	Control Project Spills at Our House Diversion Dam	X	X	X	X	X	X	
AR3	AR3	Maintain Minimum Streamflows at Narrows 2 Powerhouse and Narrows 2 Full Bypass							
AR4	AR4	Control Project Spills at New Bullards Bar Dam	X		X		X		
AR5 ⁶	AR5	Implement Aquatic Invasive Species Management Plan	X	X	X		X		
AR6 ⁶	AR6	Implement New Bullards Bar Reservoir Fish Stocking Plan	X		X		X		
AR7 ⁶	AR7	Implement Upper Yuba River Aquatic Monitoring Plan	X				X		
AR8 ⁶	TE2	Implement Lower Yuba River Aquatic Monitoring Plan	X	X	X		X		
AR9	TE4	Control Project Ramping and Flow Fluctuations Downstream of Englebright Dam							
AR10	AR1, in part	Maintain Minimum Streamflow Below New Bullards Bar Dam							
AR11	--	Periodically Close Lohman Ridge Diversion Tunnel	X				X		
AR12	--	Control Project Spills at Log Cabin Diversion Dam	X	X	X	X	X	X	
TERRESTRIAL RESOURCES									
TR1 ⁶	TR1	Implement Integrated Vegetation Management Plan	X		X		X		
TR2 ³	TR2	Implement Bald Eagle and American Peregrine Falcon Management Plan	X	X	X		X		
TR3 ⁶	TR3	Implement Ringtail Management Plan	X	X	X		X		
TR4 ⁶	TR4	Implement Bat Management Plan	X	X	X		X		
RECREATIONAL RESOURCES									
RR1 ⁶	RR1	Implement Recreation Facilities Plan	X						
RR2	RR2	Provide Recreation Flow Information	X		X		X	X	
RR3	--	Provide Whitewater Boating Below Our House Diversion Dam	X	X	X		X		X

Table 1.4-5. (continued)

YCWA's Proposed Condition			YCWA's Understanding of Relicensing Participants That Agree With YCWA's Proposed Condition ¹						
Designation in This Amended FLA	Replaces YCWA Proposed Condition with This Designation in YCWA's 2014 FLA ²	Name	FS	FWS	CDFW	SYRCL	FWN	AW	SC
LAND USE									
LU1 ⁶	LU1	Implement Transportation System Management Plan	X	X	X		X		
LU2 ⁶	LU2	Implement Fire Prevention and Response Plan	X		X		X		
CULTURAL RESOURCES									
CR1 ⁶	CR1	Implement Historic Properties Management Plan	X				X		
AESTHETIC RESOURCES									
VR1 ^{4, 6}	VR1	Implement Visual Resource Management Plan	X	X	X		X		
<i>Subtotal by Relicensing Participant</i>			34	19	27	2	33	6	1
<i>Subtotal of Tentatively Agreed to FPA § 4(e) Potential Conditions</i>			29 (17 with an implementation plan)						
<i>Subtotal of Tentatively Agreed to FPA § 10(j) Potential Recommendations</i>			5 (3 with an implementation plan)						
<i>Other YCWA Proposed Conditions</i>			7 (1 with an implementation plan)						
Total			41 (21 with an implementation plan)						

- ¹ YCWA's inclusion of these conditions in its Amended FLA should not be construed as the Forest Service's filing of its FPA § 4(e) terms and conditions or the USFWS' and Cal Fish and Wildlife's filing if their FPA § 10(j) recommendations. YCWA understands that the Forest Service will file its FPA § 4(e) terms and conditions and USFWS and Cal Fish and Wildlife will file their FPA § 10(j) recommendations at the appropriate time in the proceeding.
- ² An "X" indicates those parties that YCWA understands agree with YCWA's proposed Conditions in this Amended FLA. One should not infer that if an "X" is not in the cell, the Relicensing Participant disagrees with the condition.
- ³ The designation corresponds to the designation of a similar condition proposed by YCWA in its April 2014 FLA, which is replaced by the YCWA proposed condition in this Amended FLA.
- ⁴ YCWA understands the Forest Service will use this FPA § 4(e) potential condition instead of the Forest Service's corresponding FPA § 4(e) "standard" administrative condition.
- ⁵ A double dash indicates a YCWA proposed Condition in this Amended FLA that does not have a corresponding YCWA proposed condition in YCWA's April 2014 FLA.
- ⁶ This proposed Condition includes a detailed implementation plan.

1.4.5 Comments on the Draft License Application

On December 3, 2013, YCWA filed with FERC and made available to Relicensing Participants a draft of its Application for New License (DLA).

Eight letters, which provided comments on YCWA's DLA, were filed with the FERC by the filing date deadline of March 3, 2014. FERC filed a comment letter on March 4, 2014. Table 1.4-6 lists each commenter and the date of its comment letter.

Table 1.4-6. Comment letters filed with FERC regarding YCWA's Yuba River Development Project's Draft License Application.

Commenter	Date of Comment Letter	Date Letter Filed with FERC
United States Department of Interior, National Park Service	February 28, 2014	February 25, 2014
State Water Resources Control Board	February 28, 2014	February 28, 2014
United States Department of Agriculture, Forest Service	February 28, 2014	February 28, 2014
United States Department of Interior, Fish and Wildlife Service	March 3, 2014	March 3, 2014
United States Department of Interior, Bureau of Land Management (BLM)	March 3, 2014	March 3, 2014
United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service	March 3, 2014	March 3, 2014

Table 1.4-6. (continued)

Commenter	Date of Comment Letter	Date Letter Filed with FERC
California Department of Fish and Wildlife	March 3, 2014	March 3, 2014
Foothills Water Network ¹	March 3, 2014	March 3, 2014
Federal Energy Regulatory Commission	March 4, 2014	March 4, 2014
Total		9

¹ Representatives of multiple NGOs that signed FWN’s March 3, 2014 letter were from FWN, CSPA, TU, AW, AR, SYRCL, Sierra Club (Mother Lode Chapter), FFF, SARSAS, Friends of the River (FOR), and Dry Creek Conservancy.

Section 5.18(b)(5)(ii)(C) of 18 C.F.R, requires that “*If an applicant does not adopt a preliminary environmental measure proposed by a resource agency, Indian tribe, or member of the public, it must include its reasons, based on project-specific information.*” Therefore, YCWA carefully reviewed each comment letter listed in Table 1.4-5 to identify specific, proposed preliminary environmental measures. If YCWA did not adopt in this FLA a specific, proposed preliminary environmental measure, YCWA included in this Exhibit E under the appropriate resource area: 1) a description of the specific, proposed preliminary environmental measure, including the party that proposed it; and 2) the reason YCWA did not adopt the proposed preliminary environmental measure.

This Exhibit E does not include detailed responses to other comments in the letters, except regarding FERC’s March 4, 2014 letter. A detailed response to each comment in FERC’s letter is provided in Appendix E1. However, YCWA carefully reviewed each comment letter and incorporated relevant comments in this Exhibit E.

1.4.6 Comments on the Amended FLA

YCWA expects that FERC will solicit and compile comments on the Amended FLA after it is filed.

1.4.7 Comments on the Draft Environmental Assessment

FERC will solicit, compile and respond to comments received on the draft EA, or draft EIS if FERC chooses to prepare an EIS instead of an EA, in the final environmental document.