



June 2, 2017

Via Electronic Submittal (eFile)

Kimberly D. Bose, Secretary
FEDERAL ENERGY REGULATORY COMMISSION
888 – 1st Street, N.E.
Washington, D.C. 20426-0001

**Subject: Yuba River Development Project
FERC Project No. 2246-042
Transmittal of Amended Final License Application**

Dear Secretary Bose:

This letter files with the Federal Energy Regulatory Commission (FERC or Commission) the attached Amended Application for a New License Major Project – Existing Dam – (Amended FLA) for YCWA’s Yuba River Development Project (Project), FERC Project No. 2246. YCWA filed with FERC an Application for a New License Major Project – Existing Dam – (FLA) for the Project on April 27, 2014.

YCWA is filing this Amended FLA because, subsequent to filing its FLA, YCWA, agencies and other stakeholders continued to meet and reached collaborative agreement on more than 30 protection, mitigation and enhancement (PM&E) measures, many of which include detailed implementation plans. These collaboratively agreed to PM&E measures and plans are included in this Amended FLA as YCWA’s proposed conditions (see Appendix E2 to Exhibit E).

For the convenience of the Commission and Relicensing Participants, YCWA has updated several of its application exhibits to reflect the new proposed conditions. Specifically, YCWA has updated: 1) the description of Project facilities in Exhibit A; 2) the description of Project operations in Exhibit B; 3) the description and schedule of proposed construction in Exhibit C; 4) Project costs in Exhibit D; 5) Project design drawings in Exhibit F; and 5) Project maps in Exhibit G. In addition, YCWA has: re-run the water balance/operations and water temperature models included in the FLA; revised the environmental analyses in Exhibit E; revised its Applicant-Prepared Draft Biological Assessment for Central Valley Spring-run Chinook Salmon, Central Valley Steelhead and North American Green Sturgeon (APDBA); and revised its Applicant-Prepared Draft Essential Fish Habitat Assessment (APDEFH Assessment).

The changes described above did not require YCWA to amend the Initial Statement, Exhibit F design drawings, or the single-line electrical diagram in YCWA’s April 2014 FLA. These materials are included in YCWA’s Amended FLA by reference.¹

¹ The Initial Statement is included in Volume I of YCWA’s April 2014 FLA. The single-line electrical diagram and design drawings, which are Critical Energy Infrastructure Information (CEII), are included in Volume VI of YCWA’s April 2014 FLA.

In addition, if YCWA previously filed with FERC material pertinent to the Amended FLA and the material has not changed, then the material is not refiled in the Amended FLA but is referenced, citing the date that YCWA filed the material and the accession number in FERC's eLibrary where the material can be accessed.

The Amended FLA contains four volumes,² each of which YCWA considers to contain Public information. The volumes are:

- **Volume I** Exhibit A Project Description
 Exhibit B Project Operations and Resource Utilization
 Exhibit C Construction History and Proposed Construction Schedule
 Exhibit D Statement of Project Costs and Financing
- **Volume II** Exhibit E Environmental Report
- **Volume III** Exhibit F Design Drawings (text only)
 Exhibit G Project Maps
 Exhibit H Miscellaneous Material
- **Volume IV** Applicant-Prepared Draft Biological Assessment for Central Valley
 Spring-run Chinook Salmon, Central Valley Steelhead and North
 American Green Sturgeon
 Applicant-Prepared Draft Essential Fish Habitat Assessment

YCWA will make the Amended FLA available to all federal, state and local agencies, Native American tribes, non-governmental organizations and members of the general public that have expressed an interest in the relicensing by:

- posting the volumes to YCWA's Project Relicensing website: <http://www.ycwa-relicensing.com/>
- making the Amended FLA available to the public during regular business hours (8:30 a.m.– 4:30 p.m., Monday through Friday) at YCWA's place of business, which is:

Yuba County Water Agency
1220 F Street
Marysville, CA 95901

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

² YCWA's April 2014 FLA contained six volumes. Volume V contains the Privileged *Historic Properties Management Plan* (HPMP). YCWA previously revised the HPMP and filed it with FERC, so Volume V is not included in the Amended FLA, and the revised HPMP is included in the Amended FLA by reference. Volume VI includes the CEII single-line electrical diagram and design drawings, which have not changed. Therefore, Volume VI is not refiled in the Amended FLA, but included by reference.

- Making the Amended FLA available at the following public library in the Project region:

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

YCWA's negotiations with the Forest Service resulted in agreement that YCWA will construct under the new license, if approved by FERC, a new campground (Kelly Ridge Campground) and a new recreation vehicle (RV) dump station. As conceived at this time, the facilities would be located on approximately 57 acres of National Forest System lands that, at this time, are outside the existing Project boundary. Since during the course of its relicensing studies YCWA did not perform studies where the new Kelly Ridge Campground and the new RV dump station would be located, YCWA will perform botanical and cultural studies in this area in 2017 and file with FERC the results of the studies when they are available. The additional cultural studies may require that YCWA amend its previously-filed HPMP (see footnote 2). If so, YCWA anticipates the amended HPMP would be filed by the end of December 2017, allowing time for agency and tribal review. These additional filings should not delay FERC's processing of YCWA's application.

YCWA, as the FERC's designated non-federal representative, prepared the APDBA to facilitate FERC's preparation of a Biological Assessment (BA) pursuant to Section 7(c)(1) of the Endangered Species Act (ESA) (16 U.S.C. § 1536(c)(1)) and the applicable regulation (50 C.F.R. § 402.12) for relicensing of the Project. The APDBA describes the relationships between the proposed relicensing of the Project and the Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit, California Central Valley steelhead (*O. mykiss*) Distinct Population Segment (DPS), and the Southern DPS of North American green sturgeon (*Acipenser medirostris*) in the vicinity of the Project, and it evaluates the potential effects of this Proposed Action on these species and their ESA-designated critical habitats. The APDBA provides the basis upon which formal consultation may be conducted between FERC and the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service pursuant to Section 7(a) of the ESA (16 U.S.C. § 1536(a)). The APDBA is a thorough, detailed analysis of the effects of the proposed relicensing, including YCWA's proposed PM&E measures, on listed fish species and their critical habitat, compared with current conditions.

Similarly, YCWA's APDEFH Assessment was prepared to facilitate FERC's preparation of an EFH assessment pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA Act) (16 U.S.C. §§ 1801-1891d). The EFH Assessment defines and evaluates the potential effects of the Proposed Action on lower Yuba River Chinook salmon that are federally managed under the MSA Act and on their designated EFH.

Relatedly, although not part of the Amended FLA or proposed to be included in YCWA's new license, in May 2016, YCWA, NMFS, the California Department of Fish and Wildlife, American Rivers, Trout Unlimited and California Sportfishing Protection Alliance approved a non-binding "Term Sheet" to create the "Yuba Salmon Partnership Initiative" (YSPI) and provide a framework for: 1) potential voluntary, collaborative salmonid reintroduction and

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restoration programs in the Yuba River watershed in support of Central Valley salmonid recovery; and 2) settling issues related to fish passage. The salmon reintroduction program, if implemented as envisioned in the Term Sheet, would return salmon to spawning habitat in the North Yuba River upstream of New Bullards Bar Dam using specially-designed collection facilities and trucks. This would allow adult fish to bypass the United States Army Corps of Engineers' Englebright Dam. The program would move juvenile salmon downstream in the winter and spring by gathering them in collection facilities upstream of New Bullards Bar Dam and trucking them downstream past Englebright Dam to resume their journeys to the Pacific Ocean. The reintroduction effort would focus first on spring-run Chinook salmon. If successful, a steelhead reintroduction could follow. Work on the settlement agreement and evaluation of the cost and feasibility of salmonid reintroduction and restoration programs and related issues have been ongoing, but have not resulted in completion or approval of a settlement agreement as of the date of this letter. YCWA will keep the Commission advised of further progress on the settlement agreement.

If you have any questions regarding the Amended FLA, please contact me.

Sincerely,



Curt Aikens
General Manager

Attachment: Amended Application for New License Major Project – Existing Dam for the Yuba River Development Project (Amended FLA), FERC Number 2246

cc w/out Attach: Alan Mitchnick, FERC Project Coordinator
FERC Project No. 2246 Relicensing Participants E-mail Contact List (via electronic mail)