



File Code: 2770
Date: SEP 24 2018

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D. C. 20426

Via Electronic Filing

**Subject: Forest Service FINAL TERMS AND CONDITIONS, AND RECOMMENDATIONS
Yuba River Development Project, FERC no. 2246-065 Yuba County Water Agency**

Dear Ms. Bose:

The Yuba River Development Project (YRDP) Federal Energy Regulatory Commission (FERC) Project No. 2246, licensed to Yuba County Water Agency (YCWA, Licensee), is located on the Tahoe and Plumas National Forests, managed by the USDA Forest Service. The purpose of this letter and enclosures is to submit Final Terms and Conditions, and Recommendations pursuant to Sections 4(e) and 10(a) of the Federal Power Act (FPA).

On behalf of the Forest Service, the United States Department of Agriculture, Office of General Counsel filed, with FERC, a Notice of Intervention with regard to YCWA's license application, on July 18, 2017. On August 25, 2017, the Forest Service filed FPA Preliminary Terms and Conditions, a Rationale Report, comments, and other supporting documents. The Federal Energy Regulatory Commission (FERC) Office of Energy Products staff issued a Draft Environmental Impact Statement (DEIS) for relicensing of YRDP on May 30, 2018. The Forest Service commented on the DEIS on July 27, 2018.

The enclosures in this filing contain the FPA Final Section 4(e) Terms and Conditions (Enclosure 1), and Final FPA Section 10(a) Recommendations (Enclosure 2) necessary for the protection and utilization of the National Forest System (NFS) lands. Enclosure 3 provides rationale for one new Condition. These Conditions and Recommendations are based on Forest Service review of the license application, extensive coordination with Federal and State agencies and others, public comments, and consultation with the Licensee. These Conditions and Recommendations are consistent with the goals, objectives, standards, and guidelines of the Tahoe and Plumas National Forest Land and Resource Management Plans and their amendments.

The most significant change between Forest Service FPA Preliminary Terms, Conditions, and Recommendations, and Final Terms, Conditions, and Recommendations (hereafter, "Section 4(e) Conditions" and "Section 10(a) Recommendations"), is the addition of Condition No. 54, which requires development of a Drought Management Plan. Other minor changes are summarized below:

- Three management plans have been revised based on discussions among the Forest Service, YCWA, and other relicensing participants. These Plans were refiled with FERC (by YCWA), and our Final Section 4(e) Conditions reference the revised plans on the FERC eLibrary and include the new date and accession number:



- Condition No. 37 – Our House and Log Cabin Diversion Dams Sediment Management Plan
- Condition No. 38 - Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Woody Material Management Plan
- Condition No. 46 – Recreation Facilities Plan

- For consistency with other standard Forest Service 4(e) Conditions, we have updated the following language in Section 4(e) Conditions that reference management or monitoring plans to “...for locations on, or directly affecting, NFS lands”.

- For consistency with 4(e) Conditions, we have added five 10(a) Recommendations for implementation of management plans that may affect areas on non-NFS lands:
 - Recommendation No. 22 – Our House and Log Cabin Diversion Dams Sediment Management Plan
 - Recommendation No. 23 – Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Woody Material Management Plan
 - Recommendation No. 24 – Visual Resource Management Plan
 - Recommendation No. 25 – Erosion and Sediment Control Plan
 - Recommendation No. 26 – Fire Prevention and Response Plan

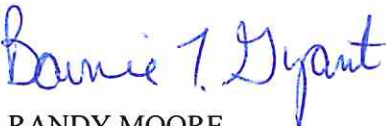
In August 2017, the Forest Service filed the following documents:

- A Rationale Report for Section 4(e) Conditions and 10(a) Recommendations
- Supporting information used to develop Section 4(e) Conditions and Section 10(a) Recommendations

We provide rationale for the new Condition No. 54 – Drought Management Plan, in Enclosure 3 with this filing. Because the other Section 4(e) conditions have not changed substantially, the Forest Service is not re-submitting the previous rationale and supporting documents.

Please contact Amy Lind (Tahoe and Plumas National Forests, Hydroelectric Coordinator) at (530)-478-6298 or alind@fs.fed.us, if you have questions concerning this submittal.

Sincerely,


for RANDY MOORE
Regional Forester Pacific Southwest Region

Enclosures

cc: Greg Smith, Victor Engel, Joshua Rider, Eli Ilano, Daniel Lovato, Jim Bacon, Vicki Davis, FERC Service List for P-2246

Enclosure 1

**Forest Service
Final Terms and Conditions Provided Under Section 4(e)
of the Federal Power Act**

**In Connection with the Application for
Relicensing of the Yuba River Development Project
(FERC No. 2246-065)**

20 September 2018

Table of Contents

INTRODUCTION 4

PART I: ADMINISTRATIVE CONDITIONS 5

Condition No. 1 – Consultation 5

Condition No. 2 - Organize Ecological Group and Host Meetings..... 6

Condition No. 3 - Forest Service Approval of Final Design 8

Condition No. 4 - Approval of Changes 8

Condition No. 5 - Maintenance of Improvements on or Affecting National Forest System Lands 9

Condition No. 6 - Existing Claims..... 9

Condition No. 7 - Compliance with Regulations..... 9

Condition No. 8 - Surrender of License or Transfer of Ownership..... 9

Condition No. 9 - Protection of United States Property 9

Condition No. 10 – Indemnification 10

Condition No. 11 - Damage to Land, Property, and Interests of the United States 10

Condition No. 12 - Risks and Hazards on National Forest System Lands... 10

Condition No. 13 – Access 11

Condition No. 14 – Crossings..... 11

Condition No. 15 - Surveys, Land Corners 11

Condition No. 16 – Signs..... 11

Condition No. 17 – Ground Disturbing Activities..... 11

Condition No. 18 – Use of National Forest System Roads for Project Access11

Condition No. 19 - Access by the United States 12

Condition No. 20 - Road Use..... 12

Condition No. 21 - Hazardous Materials Management Plan..... 13

Condition No. 22 - Pesticide-Use Restrictions on National Forest System Lands
..... 13

Condition No. 23 - Construction Inspections 14

Condition No. 24 - Unattended Construction Equipment 14

Condition No. 25 – Review of Improvements on National Forest System Lands
..... 14

Condition No. 26 - Modifications of 4(e) Conditions after Biological Opinion or
Water Quality Certification..... 15

Condition No. 27 - Modifications of 4(e) Conditions in the Event of Anadromous
Fish Re-introduction 15

PART II: RESOURCE CONDITIONS 16

Condition No. 28 – Environmental Awareness Training to Employees 16

Condition No. 29 – Special-Status Species 16

Condition No. 30 - Annual Review of Special-Status Species Lists and Assessment
of New Species on Federal Land 17

Condition No. 31 - Water Year Types for the Middle Yuba River and Oregon
Creek 18

Condition No. 32 - Minimum Streamflows for the Middle Yuba River and Oregon
Creek 18

Condition No. 33 - Control Project Spills at Our House Diversion Dam 20

Condition No. 34 - Control Project Spills at Log Cabin Diversion Dam..... 23

Condition No. 35 - Periodically Close Lohman Ridge Diversion Tunnel ... 26

Condition No. 36 – Streamflow and Reservoir Level Compliance Monitoring Plan
..... 27

Condition No. 37 – Our House and Log Cabin Diversion Dams Sediment Management Plan..... 27

Condition No. 38 – Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Woody Material Management Plan..... 28

Condition No. 39 – Aquatic Invasive Species Management Plan 28

Condition No. 40 – Integrated Vegetation Management Plan..... 28

Condition No. 41 - Bald Eagle and American Peregrine Falcon Management Plan 28

Condition No. 42 - Bat Management Plan..... 28

Condition No. 43 – Upper Yuba River Aquatic Monitoring Plan..... 28

Condition No. 44 – Water Temperature Monitoring Plan 28

Condition No. 45 – Water Quality Monitoring Plan 29

Condition No. 46 – Recreation Facilities Plan 29

Condition No. 47 – Recreation Flow Information..... 29

Condition No. 48 – Whitewater Boating Below Our House Diversion Dam29

Condition No. 49 – Visual Resource Management Plan 31

Condition No. 50 – Historic Properties Management Plan 31

Condition No. 51 – Transportation System Management Plan 31

Condition No. 52 – Erosion and Sediment Control Plan..... 31

Condition No. 53 – Fire Prevention and Response Plan 31

Condition No. 54 – Drought Management Plan 32

INTRODUCTION

The USDA Forest Service (Forest Service) provides the following Final Terms and Conditions for the Yuba River Development Project, Federal Energy Regulatory Commission (hereafter, FERC or Commission) Project No. 2246, in accordance with Section 4(e) of the Federal Power Act and 18 CFR 5.25(d). Section 4(e) of the FPA states the Commission may issue a license for a project within a reservation only if it finds that the License will not interfere or be inconsistent with the purpose for which such reservation was created or acquired. This is an independent threshold determination made by the FERC, with the purpose of the reservation defined by the authorizing legislation or proclamation (see *Rainsong v. FERC*, 106 F.3d 269 (9th Cir. 1977)). Forest Service, for its protection and utilization determination under Section 4(e) of the FPA, may rely on broader purposes than those contained in the original authorizing statutes and proclamations in prescribing conditions (see *Southern California Edison v. FERC*, 116F.3d 507 [D.C. Cir. 1997]).

The following terms and conditions are based on those resource and management requirements enumerated in the Organic Administration Act of 1897 (30 Stat. 11), the Multiple-Use Sustained Yield Act of 1960 (74 Stat. 215), the National Forest Management Act of 1976 (90 Stat. 2949), and any other law specifically establishing a unit of the National Forest System or prescribing the management thereof (such as the Wild and Scenic Rivers Act), as such laws may be amended from time to time, and as implemented by regulations and approved by Land and Resource Management Plans prepared in accordance with the National Forest Management Act. Specifically, the 4(e) conditions in this document are based on the Land and Resource Management Plans (as amended) for the Tahoe and Plumas National Forests, as approved by the Regional Forester of the Pacific Southwest Region.

Pursuant to Section 4(e) of the Federal Power Act, the Secretary of Agriculture, acting by and through Forest Service, considers the following conditions necessary for the adequate protection and utilization of the land and resources of the Tahoe and Plumas National Forests. License articles contained in the Commission's Standard Form L-1 (revised October 1975) issued by Order No. 540, dated October 31, 1975, cover general requirements.

Part I of this document includes administrative conditions deemed necessary for the administration of National Forest System (NFS) lands. Part II of this document includes specific resource requirements for protection and utilization of NFS lands. This filing includes one additional resource condition (Condition No. 54 – Drought Management Plan) that was not included in Forest Service Preliminary Terms and Conditions (previously filed with FERC on August 25, 2017). Three management plans (Condition No. 37 – Our House and Log Cabin Diversion Dams Sediment Management Plan, Condition No. 38 - Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Woody Material Management Plan, Condition No. 46 – Recreation Facilities Plan) were collaboratively revised, and refiled with FERC by the Licensee. Our Final Terms and Conditions reference these revised plans on the FERC eLibrary, and include the new date and accession number. Documents (i.e., management and monitoring plans) referenced as previously filed with the Commission, on the FERC eLibrary, can be found at the following website: <https://www.ferc.gov/docs-filing/elibrary.asp>.

PART I: ADMINISTRATIVE CONDITIONS

Condition No. 1 – Consultation

Licensee shall annually consult with the United States Department of Agriculture, Forest Service. The date of the consultation meeting will be mutually agreed to by Licensee and Forest Service but in general should be held by April 15. At least 30 days in advance of the meeting, Licensee shall notify other interested stakeholders, confirming the meeting location, time and agenda. At the same time, Licensee shall also provide notice to United States Army Corps of Engineers (USACE), United States Department of Interior (USDI) Bureau of Land Management (BLM), USDI Fish and Wildlife Service (USFWS), and USDI National Park Service, California Department of Fish and Wildlife (CDFW), California State Water Resources Control Board (SWRCB), United States Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fishery Service (NMFS), who may choose to participate in the meeting. Licensee shall attempt to coordinate the meeting so interested agencies and other stakeholders may attend.

Licensee shall make available to Forest Service, at least 2 weeks prior to the meeting, an operations and maintenance plan for the year in which the meeting occurs. In addition, Licensee shall present results from current year monitoring of noxious weeds and special-status species as well as any additional information that has been compiled for the Project area, including progress reports on other resource measures. The goals of this meeting are to share information, mutually agree upon planned maintenance activities, identify concerns that may have regarding activities and their potential effects on sensitive resources, and any measures required to avoid or mitigate potential effects. In addition, the goal of the meeting shall be to review and discuss the results of implementing the streamflow and reservoir-related conditions, results of monitoring, and other issues related to preserving and protecting ecological values affected by the Project.

Consultation shall include, but not be limited to:

- A written status report detailing compliance with the Project's Final 4(e) Conditions and any 10(a) Recommendations included in the license. The report shall include a summary of each of the Forest Service conditions and a statement indicating how the licensee met the condition during the previous year.
- Results of any monitoring studies performed over the previous year in formats agreed to by Forest Service and Licensee during development of implementation plans.
- Review of any non-routine maintenance.
- Discussion of any foreseeable changes to Project facilities or features.
- Discussion of any necessary revisions or modifications to implementation plans approved as part of this license.
- Discussion of needed protection measures for species newly listed as threatened, endangered, or sensitive, or changes to existing management plans that may no longer be warranted due to delisting of species or, to incorporate new knowledge about a species requiring protection.
- Discussion of any climate change effects on Project operations, and implications for NFS lands and resources.

- Discussion of needed protection measures for newly discovered cultural resource sites.
- Discussion of elements of current year maintenance plans, e.g. road and trail maintenance.
- Discussion of any planned pesticide use.

A record of the meeting shall be kept by Licensee and shall include any recommendations made by Forest Service for the protection of NFS lands and resources. Licensee shall file the meeting record, if requested, with the Commission no later than 60 days following the meeting.

Copies of other reports related to Project safety and non-compliance shall be submitted to Forest Service, and other interested agencies and stakeholders concurrently with submittal to the Commission. These include, but are not limited to: any non-compliance report filed by Licensee, geologic or seismic reports, and structural safety reports for facilities located on or affecting NFS lands.

A copy of the record for the previous water year regarding streamflow, study reports, and other pertinent records shall be provided to Forest Service, and other interested agencies and stakeholders by Licensee at least 60 days prior to the meeting date, unless otherwise agreed.

Copies of other reports related to monitoring, Project safety, and non-compliance on NFS lands shall be submitted to Forest Service concurrently with submittal to the Commission, with the goal of providing the material to Forest Service no later than 90 days in advance of the Annual Meeting. These include, but are not limited to: any non-compliance report filed by Licensee, geologic or seismic reports, and structural safety reports for facilities.

During the first several years of license implementation, it is likely that more consultation than just one Annual Meeting will be required, given the complexity of these projects.

Forest Service reserves the right, after notice and opportunity for comment, to require changes in the Project and its operation through revision of the Section 4(e) conditions to accomplish protection and utilization of NFS lands and resources.

Condition No. 2 - Organize Ecological Group and Host Meetings

Licensee shall, within 60 days of license issuance, establish an Ecological Group that includes, but is not limited to, Licensee, Forest Service, USACE, NMFS, USFWS, CDFW, BLM, and SWRCB. Ecological Group meetings shall be open to any organization or individual, who may fully participate in the meeting. Licensee will coordinate meeting agendas with interested agencies. Licensee shall maintain an Ecological Group e-mail contact list consisting of e-mail addresses (one primary and one alternate) provided to Licensee by the Forest Service, USACE, NMFS, USFWS, CDFW, BLM, and SWRCB agencies, and provided to Licensee by organizations or individuals that notified Licensee in writing of their interest in participating in the Ecological Group meetings.

Thereafter, Licensee shall organize and host Ecological Group meetings, and unless otherwise agreed to by the Ecological Group, meetings shall be held at Licensee's office in Marysville, CA.

Licensee shall organize and host at least one Ecological Group meeting each year on the second Tuesday in April, unless otherwise agreed to by the Ecological Group. Licensee shall organize and host additional Ecological Group meetings if agreed to by the Ecological Group. The April meeting shall begin at 9:00 AM, and the agenda for the April meeting shall include, unless otherwise modified by the Ecological Group, the following:

1. Introductions
2. Public comments
3. Licensee's report of any deviations from the conditions in the license since the previous meeting required under this condition
4. Discussion of Licensee's ecological-related FERC filings in the previous calendar year (e.g., reports required by measures or implementation plans)
5. Review of monitoring data and reports - Review and discuss the results of Upper and Lower Yuba River Aquatic and Water Temperature monitoring plans. In particular, the discussion will include the results of fish population monitoring data collected in the previous calendar year (and other prior years, as appropriate), in light of preserving and protecting ecological values affected by the Project
6. Discussion of Licensee's planned license-required ecological-related monitoring in the current calendar year
7. Discussion of any license-required agency ecological-related consultation in the current calendar year, and Licensee's proposal to complete the consultation, if needed
8. Discussion of any Licensee-anticipated proposals that have ecological consequences in the calendar year regarding: 1) changes or additions to facilities or features in the license; 2) variances to conditions in the license; or 3) amendments to the license
9. Licensee's follow-up on action items from the last meeting required by this condition
10. Identification of Licensee's follow-up action items from this meeting, if any
11. Adjourn

At least 30 days in advance of the April meeting, Licensee shall make available to the Ecological Group the following material:

- Reports and other information from the previous calendar year required by license conditions or implementation plans in the FERC license

Licensee shall prepare for each Ecological Group meeting held under this condition a letter summary that shall include the date and location of the meeting, attendees, subjects discussed, and Licensee's action items agreed to by Licensee at the meeting. The summary is not intended to be a transcript of the meeting or formal comments on the license by Licensee or participants in the meeting. Licensee shall file each meeting summary with the Commission no later than 30 days following the meeting.

If Licensee, Forest Service and the Ecological Group agree in advance, the April Ecological Group meeting may be coordinated with the annual meeting required in the Condition No. 1 (i.e., the two meetings may be held as one meeting or may be held as separate meetings on the same day at the same location). If the two meetings are held as one meeting, at a minimum, Licensee shall assure the agenda items for the April Ecological Group meeting are discussed at the joint meeting and Licensee shall file with the Commission within 30 days of the meeting a summary for the agenda item for the Ecological Group portion of the meeting (i.e., summary will not cover agenda items for the Condition No. 1). Agenda items for Condition No. 1 shall be summarized and reported to the Commission as required in that condition.

Licensee is only required to take actions recommended in writing by the Ecological Group if a term or condition of the license expressly provides that the Ecological Group may direct the Licensee to take such action.

Condition No. 3 - Forest Service Approval of Final Design

Before any new construction of the Project occurs on National Forest System lands, Licensee shall obtain prior written approval of Forest Service for all final design plans for Project components, which Forest Service deems as affecting or potentially affecting National Forest System resources. Licensee shall follow the schedules and procedures for design review and approval specified in the conditions herein. As part of such written approval, Forest Service may require adjustments to the final plans and facility locations to preclude or mitigate impacts and to insure that the Project is either compatible with on-the-ground conditions or approved by Forest Service based on agreed upon compensation or mitigation measures to address compatibility issues. Should such necessary adjustments be deemed necessary by Forest Service, the Commission, or Licensee to be a substantial change, Licensee shall follow the procedures of FERC Standard Article 2 of the license. Any changes to the license made for any reason pursuant to FERC Standard Article 2 or Article 3 shall be made subject to any new terms and conditions of the Secretary of Agriculture made pursuant to Section 4(e) of the Federal Power Act.

Condition No. 4 - Approval of Changes

Notwithstanding any license authorization to make changes to the Project, when such changes directly affect NFS lands, Licensee shall obtain written approval from Forest Service prior to making any changes in any constructed Project features or facilities, or in the uses of Project lands and waters or any departure from the requirements of any approved exhibits filed with the Commission. Following receipt of such approval from Forest Service, and a minimum of 60 days prior to initiating any such changes, Licensee shall file a report with the Commission describing the changes, the reasons for the changes, and showing the approval of Forest Service for such changes. Licensee shall file an exact copy of this report with Forest Service at the same time it is filed with the Commission. This condition does not relieve Licensee from the amendment or other requirements of Article 2 or Article 3 of this license.

Condition No. 5 - Maintenance of Improvements on or Affecting National Forest System Lands

Licensee shall maintain all its improvements and premises on NFS lands to standards of repair, orderliness, neatness, sanitation, and safety acceptable to Forest Service. Disposal of all materials will be at an approved existing location, except as otherwise agreed by Forest Service.

Condition No. 6 - Existing Claims

Licensee shall be subject to all valid claims and existing rights of third parties. The United States is not liable to Licensee for the exercise of any such right or claim.

Condition No. 7 - Compliance with Regulations

Licensee shall comply with the regulations of the Department of Agriculture for activities on National Forest System lands, and all applicable Federal, State, county, and municipal laws, ordinances, or regulations in regards to the area or operations on or directly affecting National Forest System lands, to the extent those laws, ordinances or regulations are not preempted by federal law.

Condition No. 8 - Surrender of License or Transfer of Ownership

Prior to any surrender of this license, Licensee shall provide assurance acceptable to Forest Service that Licensee shall restore any project area directly affecting National Forest System lands to a condition satisfactory to Forest Service upon or after surrender of the license, as appropriate. To the extent restoration is required, Licensee shall prepare a restoration plan which shall identify the measures to be taken to restore such National Forest System lands and shall include adequate financial mechanisms to ensure performance of the restoration measures.

In the event of any transfer of the license or sale of the project, Licensee shall assure that, in a manner satisfactory to Forest Service, Licensee or transferee will provide for the costs of surrender and restoration. If deemed necessary by Forest Service to assist it in evaluating Licensee's proposal, Licensee shall conduct an analysis, using experts approved by Forest Service, to estimate the potential costs associated with surrender and restoration of any project area directly affecting National Forest System lands to Forest Service specifications. In addition, Forest Service may require Licensee to pay for an independent audit of the transferee to assist Forest Service in determining whether the transferee has the financial ability to fund the surrender and restoration work specified in the analysis.

Condition No. 9 - Protection of United States Property

Licensee, including any agents or employees of Licensee acting within the scope of their employment, shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this license.

Condition No. 10 – Indemnification

Licensee shall indemnify, defend, and hold the United States harmless for:

- any violations incurred under any laws and regulations applicable to, or
- judgments, claims, penalties, fees, or demands assessed against the United States caused by, or
- costs, damages, and expenses incurred by the United States caused by, or
- the releases or threatened release of any solid waste, hazardous substances, pollutant, contaminant, or oil in any form in the environment related to the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license.

Licensee's indemnification of the United States shall include any loss by personal injury, loss of life or damage to property caused by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third party claims and judgments; and all administrative, interest, and other legal costs. Upon surrender, transfer, or termination of the license, Licensee's obligation to indemnify and hold harmless the United States shall survive for all valid claims for actions that occurred prior to such surrender, transfer or termination.

Condition No. 11 - Damage to Land, Property, and Interests of the United States

Licensee has an affirmative duty to protect the land, property, and interests of the United States from damage arising from Licensee's construction, maintenance, or operation of the project works or the works appurtenant or accessory thereto under the license. Licensee's liability for fire and other damages to National Forest System lands shall be determined in accordance with the Federal Power Act and standard Form L-1 Articles 22 and 24.

Condition No. 12 - Risks and Hazards on National Forest System Lands

As part of the occupancy and use of the project area, Licensee has a continuing responsibility to reasonably identify and report all known or observed hazardous conditions on or directly affecting National Forest System lands within the project boundary that would affect the improvements, resources, or pose a risk of injury to individuals. Licensee will abate those conditions, except those caused by third parties or not related to the occupancy and use authorized by the License. Any non-emergency actions to abate such hazards on National Forest System lands shall be performed after consultation with Forest Service. In emergency situations, Licensee shall notify Forest Service of its actions as soon as possible, but not more than 48 hours, after such actions have been taken. Whether or not Forest Service is notified or provides consultation; Licensee shall remain solely responsible for all abatement measures performed. Other hazards should be reported to the appropriate agency as soon as possible.

Condition No. 13 – Access

Subject to the limitations set forth under the heading of “Access by the United States” in Condition No. 19 hereof, Forest Service reserves the right to use or permit others to use any part of the licensed area on NFS lands for any purpose, provided such use does not interfere with the rights and privileges authorized by this license or the Federal Power Act.

Condition No. 14 – Crossings

Licensee shall maintain suitable crossings as required by Forest Service for all roads and trails that intersect the right-of-way occupied by linear Project facilities (powerline, penstock, ditch, and pipeline).

Condition No. 15 - Surveys, Land Corners

Licensee shall avoid disturbance to all public land survey monuments, private property corners, and forest boundary markers. In the event that any such land markers or monuments on National Forest System lands are destroyed by an act or omission of Licensee, in connection with the use and/or occupancy authorized by this license, depending on the type of monument destroyed, Licensee shall reestablish or reference same in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the County Surveyor, or (3) the specifications of FS. Further, Licensee shall ensure that any such official survey records affected are amended as provided by law.

Condition No. 16 – Signs

Licensee shall consult with Forest Service prior to erecting signs related to safety issues on NFS lands covered by the license. Prior to Licensee erecting any other signs or advertising devices on NFS lands covered by the license, Licensee must obtain the approval of Forest Service as to location, design, size, color, and message. Licensee shall be responsible for maintaining all Licensee-erected signs to neat and presentable standards.

Condition No. 17 – Ground Disturbing Activities

If Licensee proposes ground-disturbing activities on or directly affecting NFS lands that were not specifically addressed in the Commission’s NEPA processes, Licensee, in consultation with Forest Service, shall determine the scope of work and potential for Project-related effects, and whether additional information is required to proceed with the planned activity. Upon Forest Service request, Licensee shall enter into an agreement with Forest Service under which Licensee shall fund a reasonable portion of Forest Service staff time and expenses for staff activities related to the proposed activities.

Condition No. 18 – Use of National Forest System Roads for Project Access

Licensee shall obtain suitable authorization for all project access roads and NFS roads needed for Project access. The authorization shall require road maintenance and cost sharing in reconstruction commensurate with Licensee’s use and project-related use. The authorization shall specify road maintenance and management standards that provide for traffic safety,

minimize erosion, and damage to natural resources and that are acceptable to Forest Service as appropriate.

Licensee shall pay Forest Service for its share of maintenance cost or perform maintenance or other agreed to services, as determined by Forest Service for all use of roads related to project operations, project-related public recreation, or related activities. The maintenance obligation of Licensee shall be proportionate to total use and commensurate with its use. Any maintenance to be performed by Licensee shall be authorized by and shall be performed in accordance with an approved maintenance plan and applicable Best Management Practices (BMPs). In the event a road requires maintenance, restoration, or reconstruction work to accommodate Licensee's needs, Licensee shall perform such work at its own expense after securing Forest Service authorization.

Licensee shall complete a condition survey and a proposed maintenance plan subject to Forest Service review and approval as appropriate once each year. The plan may take the format of a road maintenance agreement provided all the above conditions are met as well as the conditions set forth in the proposed agreement.

In addition, all NFS roads used as Project Access roads (PAR) and Right-of-Way access roads (ROW) shall have:

- Current condition survey.
- Be mapped at a scale to allow identification of specific routes or segments.
- Forest Service assigned road numbers are used for reference on the maps, tables, and in the field.
- GIS compatible files of GPS alignments of all roads used for Project access are provided to Forest Service.
- Adequate signage is installed and maintained by Licensee at each road or route, identifying the road by Forest Service road number.

Condition No. 19 - Access by the United States

The United States shall have unrestricted use of any road over which Licensee has control within the project area for all purposes deemed necessary and desirable in connection with the protection, administration, management, and utilization of Federal lands or resources. When needed for the protection, administration, and management of Federal lands or resources the United States shall have the right to extend rights and privileges for use of the right-of-way and road thereon to States and local subdivisions thereof, as well as to other users. The United States shall control such use so as not to unreasonably interfere with the safety or security uses, or cause Licensee to bear a share of costs disproportionate to Licensee's use in comparison to the use of the road by others.

Condition No. 20 - Road Use

Licensee shall confine all vehicles being used for project purposes, including but not limited to administrative and transportation vehicles and construction and inspection equipment, to roads or specifically designed access routes, as identified in the Transportation System Management Plan (refer to Condition No. 51). Forest Service reserves the right to close any and all such routes

where damage is occurring to the soil or vegetation, or, if requested by Licensee, to require reconstruction/construction by Licensee to the extent needed to accommodate Licensee's use. Forest Service agrees to provide notice to Licensee and the Commission prior to road closures, except in an emergency, in which case notice will be provided as soon as practicable.

Condition No. 21 - Hazardous Materials Management Plan

Upon Commission approval, Licensee shall implement the Hazardous Materials Management Plan, filed separately with the Commission, by Yuba County Water Agency, on June 5, 2017 (FERC eLibrary Accession No. 20170605-5050), for locations on, or directly affecting, NFS lands.

Condition No. 22 - Pesticide-Use Restrictions on National Forest System Lands

Pesticides may not be used on NFS lands or in areas affecting NFS lands to control undesirable woody and herbaceous vegetation, aquatic plants, insects, rodents, non-native fish, etc., without the prior written approval of Forest Service. During the Annual Meeting described in Condition No. 1, Licensee shall submit a request for approval of planned uses of pesticides for the upcoming year. Licensee shall provide at a minimum the following information essential for review:

- Whether pesticide applications are essential for use on NFS lands;
- Specific locations of use;
- Specific herbicides proposed for use;
- Application rates;
- Dose and exposure rates; and
- Safety risk and timeframes for application.

Exceptions to this schedule may be allowed only when unexpected outbreaks of pests require control measures that were not anticipated at the time the report was submitted. In such an instance, an emergency request and approval may be made.

Any pesticide use that is deemed necessary to use on NFS lands within 500 feet of known locations of Western Pond Turtles, Sierra Nevada Yellow-Legged Frog, Foothill Yellow Legged Frog, or known locations of Forest Service special-status or culturally significant plant populations will be designed to avoid adverse effects to individuals and their habitats. Application of pesticides must be consistent with Forest Service riparian conservation objectives.

On NFS lands, Licensee shall only use those materials registered by the U.S. Environmental Protection Agency and consistent with those applied by Forest Service and approved through Forest Service review for the specific purpose planned. Licensee must strictly follow label instructions in the preparation and application of pesticides and disposal of excess materials and containers. Licensee may also submit Pesticide Use Proposal(s) with accompanying risk assessment and other Forest Service required documents to use pesticides on a regular basis for the term of the license as addressed further in Condition No. 40, Integrated Vegetation

Management Plan. Submission of this plan will not relieve Licensee of the responsibility of annual notification and review.

Condition No. 23 - Construction Inspections

Within 60 days of planned ground-disturbing activity on or affecting NFS lands, Licensee shall file with the Commission a 'Safety During Construction Plan' that identifies potential hazard areas and measures necessary to address public safety. Areas to consider include construction activities near public roads, trails, and recreation areas and facilities.

Licensee shall perform daily (or on a schedule otherwise agreed to by Forest Service in writing) inspections of Licensee's construction operations on NFS lands and Licensee adjoining property while construction is in progress. Licensee shall document these inspections (informal writing sufficient) and shall deliver such documentation to Forest Service on a schedule agreed to by Forest Service. The inspections must specifically include fire plan compliance, public safety, and environmental protection. Licensee shall act immediately to correct any items found to need correction.

A registered professional engineer or other qualified employee of the appropriate specialty shall regularly conduct construction inspections of structural improvements on a schedule approved by Forest Service.

Condition No. 24 - Unattended Construction Equipment

Licensee shall not place construction equipment on NFS lands prior to actual use or allow it to remain on NFS lands subsequent to actual use, except for a reasonable mobilization and demobilization period agreed to by Forest Service.

Condition No. 25 – Review of Improvements on National Forest System Lands

If during the term of the License the Commission determines that the project involves the use of any additional National Forest System (NFS) lands, outside the current project boundary, Licensee shall obtain a special use authorization from Forest Service for the occupancy and use of such additional NFS lands. Licensee shall obtain the executed authorization before beginning any ground-disturbing activities on NFS lands outside the FERC boundary covered by the special use authorization, and shall file that authorization with the Commission if the activity is related to the Project. Licensee shall be responsible for the costs of collecting all information directly related to the evaluation of the effects of the proposed occupancy and use that Forest Service needs in order to make a decision concerning issuance of a special use authorization. If, during the term of the License, Licensee proposes to perform any project construction work, Licensee shall obtain a construction temporary special use authorization from Forest Service before beginning any ground-disturbing activities on NFS lands outside the FERC boundary. The special use authorization will include appropriate vegetation management and erosion control measures as needed to protect NFS lands and resources. Licensee shall be responsible for the costs of collecting all information directly related to the evaluation of the effects of the proposed construction that Forest Service needs in order to make a decision concerning issuance of a construction temporary special use authorization. Licensee may commence ground-disturbing

activities authorized by the License and construction temporary special use authorization no sooner than 60 days following the date Licensee files Forest Service temporary special use authorization with the Commission, if the temporary special use authorization is related to Project activity, unless the Commission prescribes a different commencement schedule. In the event there is a conflict between any provisions of the License and Forest Service special use authorization, the special use authorization shall prevail to the extent that Forest Service, in consultation with the Commission, deems necessary to protect and utilize NFS resources.

Condition No. 26 - Modifications of 4(e) Conditions after Biological Opinion or Water Quality Certification

Forest Service reserves the right to modify these conditions, if necessary, to respond to any Final Biological Opinion issued for this Project by the National Marine Fisheries Service, United States Fish and Wildlife Service; or any Certification issued for this Project by the State Water Resources Control Board.

Condition No. 27 - Modifications of 4(e) Conditions in the Event of Anadromous Fish Re-introduction

Forest Service reserves the right to modify these conditions to respond to any reintroduction of Chinook salmon or steelhead, listed under the Endangered Species Act, to stream reaches that are on or may have effects on NFS lands within the Project area for this Commission-licensed facility.

PART II: RESOURCE CONDITIONS

Condition No. 28 – Environmental Awareness Training to Employees

Licensee shall, beginning in the first full calendar year of the new license term, annually perform employee environmental awareness training for hydro operation and maintenance staff, and shall also perform such training for new hydro operation and maintenance staff within 1 month of when a staff member is first assigned to the Project. The training shall include:

- providing and reviewing maps showing the locations of federal land and environmentally sensitive areas (e.g., locations of special-status species populations, areas with Limited Operating Procedures, cultural resources and protected habitats) known to occur within the FERC Project Boundary;
- describing the general contents of the license, including plans, as they pertain to operations and maintenance and the protection of environmental resources;
- providing guides for the identification of special-status species, non-native invasive plants (NNIP) and aquatic invasive species (AIS) that are known or suspected by Licensee to occur within the FERC Project Boundary;
- describing reporting procedures to Licensee's management if hydro operation and maintenance staff incidentally, during the performance of their work, observe new populations of special-status species, NNIP or AIS, or if they observe dangerous, injured, or dead wildlife.

The goal of the training shall be to familiarize Licensee's hydro operation and maintenance staff with special-status species, NNIP and AIS and sensitive areas known or suspected by Licensee to occur within the FERC Project Boundary, and procedures to avoid adverse effects. It is not the intent of this condition that Licensee's hydro operation and maintenance staff perform surveys or become experts (i.e., have more than a common knowledge) in the identification of special-status species, NNIP, AIS or historic properties.

Licensee shall direct its hydro operation maintenance staff to avoid disturbance to sensitive areas shown on the maps, and to advise all Licensee contractors to avoid these sensitive areas. If Licensee determines that disturbance of a sensitive area shown on the maps is unavoidable, Licensee shall consult with the appropriate agencies to minimize adverse effects to the sensitive area. Licensee shall update the employee environmental awareness training material as needed.

Condition No. 29 – Special-Status Species

Before taking actions to construct new project features on NFS lands that may affect Forest Service special-status species or their critical habitat on NFS lands, Licensee shall prepare and submit a biological evaluation (BE) for Forest Service approval. The BE shall evaluate the potential impact of the action on the species or its habitat. Forest Service may require mitigation measures for the protection of the affected species on NFS lands.

The BE shall:

- Include procedures to minimize or avoid adverse effects to special-status species.
- Ensure project-related activities shall meet restrictions included in site management plans for special-status species.
- Develop implementation and effectiveness monitoring of measures taken or employed to reduce effects to special-status species.

Condition No. 30 - Annual Review of Special-Status Species Lists and Assessment of New Species on Federal Land

Licensee shall, beginning the first full calendar year after license issuance, in consultation with Forest Service annually review the current lists of all special-status species (species that are Federally Endangered or Threatened, Proposed Threatened or Endangered, Forest Service Sensitive, Forest Service Species of Conservation Concern, or Tahoe and Plumas National Forest Watch Lists, State Threatened or Endangered, State Species of Special Concern, and CDFW Fully Protected) that might occur on National Forest System lands, as appropriate, in the Project area that may be directly affected by Project operations. When a species is added to one or more of the lists, Forest Service, in consultation with Licensee shall determine if the species or un-surveyed suitable habitat for the species is likely to occur on such NFS lands, as appropriate. For such newly added species, if Forest Service determines that the species is likely to occur on such NFS lands, Licensee shall develop and implement a study plan in consultation with Forest Service to reasonably assess the effects of the project on the species. Licensee shall prepare a report on the study including objectives, methods, results, recommended resource measures where appropriate, and a schedule of implementation, and shall provide a draft of the final report to Forest Service for review and approval. Licensee shall file the report, including evidence of consultation, with the Commission and shall implement those resource management measures required by the Commission.

If new occurrences of Forest Service special-status plant or wildlife species as defined above are detected prior to or during ongoing construction, operation, or maintenance of the Project or during Project operations, Licensee shall immediately notify Forest Service. If Forest Service determines that the Project-related activities are adversely affecting Forest Service Sensitive, Forest Service Species of Conservation Concern or watch list species, Licensee shall, in consultation with Forest Service, develop and implement appropriate protection measures

If new occurrences of state or federally listed or proposed threatened or endangered species are detected prior to or during ongoing construction, operation, or maintenance of the Project or during Project operations, Licensee shall immediately notify Forest Service and the relevant Service Agency (United States Fish and Wildlife Service or National Marine Fisheries Service or CDFW) for consultation or conference in accordance with the Endangered Species Act. If state listed or fully protected species are affected, CDFW shall be notified.

Condition No. 31 - Water Year Types for the Middle Yuba River and Oregon Creek

Beginning within the first 90 days of the new license term, Licensee shall in each year in each of the months of February, March, April, May and October determine the applicable water year type described in Table 1 of this condition. Licensee shall use this determination to implement articles and conditions of the license that are dependent on water year type and that concern flows in the Middle Yuba River downstream of Our House Diversion Dam and in Oregon Creek downstream of Log Cabin Diversion Dam. Water year types for these articles and conditions shall be defined as listed in Table 1 of this condition.

Table 1. Water Year types for the Yuba River Development Project in the Middle Yuba River downstream of Our House Diversion Dam and in Oregon Creek downstream of Log Cabin Diversion Dam.

Water Year Type	DWR Forecast of Total Unimpaired Runoff in the Yuba River at Smartsville in Thousand Acre-Feet or DWR Full Natural Flow Near Smartsville for the Water Year in Thousand Acre-Feet ¹
Wet	Greater than 3,240
Above Normal	2,191 to 3,240
Below Normal	1,461 to 2,190
Dry	901 to 1,460
Critically Dry	Equal to or Less than 900

¹ DWR rounds the Bulletin 120 forecast, which this condition relies on to establish water year types in February, March, April and May, to the nearest 1,000 acre-feet. DWR rounds its Full Natural Flow calculation, which this condition relies on to establish water year types in October, to the nearest acre-foot, and Licensee will round DWR's Full Natural Flow to the nearest 1,000 acre-feet.

In each of the months of February, March, April and May, the water year type shall be based on California Department of Water Resources (DWR) water year forecast of unimpaired runoff in the Yuba River at Smartsville as set forth in DWR's Bulletin 120 entitled "Water Year Conditions in California." DWR's forecast published in February, March and April shall apply from the 16th day of that month through the 15th day of the next month. From May 16 through October 15, the water year type shall be based on DWR's forecast published in May.

From October 16 through February 15 of the following year, the water year type shall be based on the sum of DWR's monthly (i.e., not daily) full natural flow for the full water year for the Yuba River near Smartsville, as made available by DWR on the California Data Exchange Center (CDEC) in the folder named "FNF Sum." Currently these data are available at: <http://cdec.water.ca.gov/cgi-progs/stages/FNFSUM>. If DWR does not make the full natural flow for the full water year available until after October 15 but prior to or on October 31, from 3 days after the date the full natural flow is made available until February 15 of the following year, the water year type shall be based on the sum of DWR's monthly full natural flow for the full water year as made available. If DWR does not make available the final full natural flow by October 31, the water year type from November 1 through February 15 of the following year shall be based on DWR's May Bulletin 120.

Condition No. 32 - Minimum Streamflows for the Middle Yuba River and Oregon Creek

Licensee shall meet the minimum streamflow requirements for the Middle Yuba River downstream of Our House Diversion Dam and for Oregon Creek downstream of Log Cabin Diversion Dam that are shown in Table 1 of this condition. Licensee shall record streamflow at

all of the gages listed in this table, as required by USGS (Article 8 of FERC's Form L-5, Standard Articles).

Minimum streamflows shall be measured in cubic feet per second (cfs) once every 15 minutes at the compliance gage, and these 15-minute measurements averaged into hourly measurements that will be recorded and reported to USGS and FERC.

Minimum streamflows may be temporarily modified as follows:

- For short periods and upon consultation with and approval by the Forest Service, USFWS, CDFW and SWRCB. Licensee shall provide notification to the Commission prior to implementing such modifications.
- Due to an emergency. An emergency is defined as an outage due to an event that is reasonably out of the control of Licensee and requires Licensee to take immediate action, either unilaterally or under instruction of law enforcement, emergency services, California ISO or other regulatory agency staff, including actions to prevent the imminent loss of human life or damage to property. An emergency may include, but is not limited to: natural events such as landslides, storms, or wildfires; vandalism; malfunction or failure of transmission lines or Project works; or other public safety incidents. If Licensee temporarily modifies the requirements of this condition, Licensee shall make all reasonable efforts to promptly resume performance of the requirements, and shall notify the Forest Service, USFWS, CDFW and the SWRCB within 48 hours of the start of the modification. Licensee shall provide notification to the Commission as soon as possible but no later than 10 days after such incident.
- For one 4-hour period each calendar year at each dam to perform required testing of the low-level outlet (i.e., sluiceway) gates. Testing shall be performed when the dam is spilling and include rapidly fully opening and then fully closing the gate. To the extent practicable, Licensee shall coordinate the low-level outlet gate testing with other openings of the low-level outlet gate that may occur for Licensee's compliance with other conditions of the license. Licensee may forego testing of the valves in years when hydraulic conditions (e.g., sufficient spills) are not present.

Except as otherwise provided, Licensee shall implement the minimum streamflows shown in Table 1 of this condition beginning in the first 90 days of the new license term unless a facility modification or construction is necessary. Changes between minimum streamflow values may be made with one adjustment to the controlling valve (i.e., ramping from one minimum flow to another minimum flow is not required).

Where a facility must be modified or constructed to allow compliance with required minimum streamflows, including flow measurement facilities, then, except as otherwise provided, Licensee shall submit applications for permits to modify or construct the facility as soon as reasonably practicable but no later than within the first 2 years of the new license term, and Licensee will complete the work as soon as reasonably practicable but no later than within 2 years after receiving all required permits and approvals for the work. During the period before facility modifications or construction are completed, and within the first 90 days of the new license term,

Licensee shall make a good faith effort to provide the specified minimum streamflows within the reasonable capabilities of the existing facilities.

Table 1. Minimum streamflows in cubic feet per second (cfs) in the Middle Yuba River downstream of Our House Diversion Dam and in Oregon Creek downstream of Log Cabin Diversion Dam by month and Water Year Type [see Condition No. 31].

Month	Wet Water Year	Above Normal Water Year	Below Normal Water Year	Dry Water Year	Critically Dry Water Year
MIDDLE YUBA RIVER - BELOW OUR HOUSE DIVERSION DAM (COMPLIANCE POINT: USGS STREAMFLOW GAGE 11408880)					
October 1 - 30	60*	60*	55*	50*	40*
November 1-30	60*	60*	55*	50*	40*
December 1 - 31	70*	60*	55*	50*	40*
January 1 - 31	90*	75*	70*	50*	40*
February 1- 29	90*	75*	70*	50*	40*
March 1 - 31	100*	90*	80*	55*	45*
April 1 - 30	120*	100*	90*	70*	60*
May 1- 31	120*	100*	90*	70*	60*
June 1 - 30	120*	100*	90*	70*	60*
July 1 - 31	100*	80*	70*	60*	45*
August 1 - 31	80*	70*	60*	50*	45*
September 1- 30	70*	60*	55*	50*	45*
OREGON CREEK - BELOW LOG CABIN DIVERSION DAM (COMPLIANCE POINT: USGS STREAMFLOW GAGE 11409400)					
October 1 - 30	8*	8*	6*	6*	6*
November 1-30	17*	15*	15*	10*	6*
December 1 - 31	17*	15*	15*	10*	6*
January 1 - 31	17*	15*	15*	10*	6*
February 1- 29	24*	19*	18*	12*	12*
March 1 - 31	30*	30*	18*	12*	12*
April 1 - 30	43*	43*	27*	18*	18*
May 1- 31	43*	43*	27*	18*	18*
June 1 - 30	43*	43*	27*	18*	18*
July 1 - 31	25*	20*	15*	10*	6*
August 1 - 31	13*	10*	8*	6*	6*
September 1- 30	13*	10*	8*	6*	6*

* Or stream inflow into the impoundment if stream inflow is less.

Condition No. 33 - Control Project Spills at Our House Diversion Dam

In non-tunnel closure years as described in Condition No. 35, Licensee shall, from April 1 through July 31 in Below Normal, Dry, and Critically Dry water years (WY) and from May 1 through July 31 in Wet and Above Normal WYs, as described in Condition No. 31, implement the spill reduction schedule described in this condition at Our House Diversion Dam. The spill reduction shall be performed by adjusting the opening of the Our House Diversion Dam low-level (5-foot diameter) outlet valve. "Spill flow" for the purpose of this condition shall be determined based on flow measurements at USGS streamflow gage 11408880 minus the required minimum streamflow at that time, described in Condition No. 32. Specifically, Licensee shall follow these spill reduction steps:

Reductions from Spills greater than 600 cfs

- Step 1. When the previous day's mean daily flow below Our House Diversion Dam is greater than 600 cfs plus the required minimum streamflow and the mean hourly flow below the dam is less than 600 cfs plus the required minimum streamflow,

by approximately noon Licensee shall fully open Our House Diversion Dam's low-level outlet valve.

- Step 2. After a minimum of 48 hours with the low-level outlet valve fully open, Licensee shall reduce flows at a target rate of 100 cfs, but no less than 90 cfs and no greater than 110 cfs, every 48 hours using the low-level outlet valve until a mean daily flow of about 300 cfs plus the required minimum streamflow is achieved. Flow reductions shall be made relative to the mean hourly flow during the preceding hour at the time of the valve adjustment.
- Step 3. After flow through the low-level outlet valve has been reduced below a mean daily flow of 300 cfs plus the required minimum streamflow, Licensee shall reduce flows at a target rate of 100 cfs, but no less than 90 cfs and no greater than 110 cfs, every 72 hours using the low-level outlet valve until a mean daily flow of less than 200 cfs plus the required minimum streamflow is achieved. Flow reductions shall be made relative to the mean hourly flow during the preceding hour at the time of the valve adjustment.
- Step 4. After flow through the low-level outlet valve has been reduced below a mean daily flow of 200 cfs plus the required minimum streamflow, Licensee shall reduce flows at a target rate of 50 cfs, but no less than 45 cfs and no greater than 55 cfs, every 72 hours using the low-level outlet valve until the low-level outlet valve is fully closed. Flow reductions shall be made relative to the mean hourly flow during the preceding hour at the time of the valve adjustment.

Table 1 summarizes the spill reductions in Steps 1 through 4.

Table 1. Summary of Our House Diversion Dam spill reductions from approximately 600 cfs plus the required minimum streamflow.

Mean Daily Flow Measurement at USGS Gage 11408880	Frequency of Adjusting Low-Level Outlet Valve	Target Flow Reduction
600 - 300 cfs plus Required Minimum Streamflow	48 hours	100 cfs, but no less than 90 cfs and no greater than 110 cfs
299 - 200 cfs plus Required Minimum Streamflow	72 hours	100 cfs, but no less than 90 cfs and no greater than 110 cfs
199 - 0 cfs plus Required Minimum Streamflow	72 hours	50 cfs, but no less than 45 cfs and no greater than 55 cfs

Reductions from Spills of between 599 and 200 cfs

- When Licensee has not implemented Table 1 of this condition, and mean daily flows below the dam are less than 600 cfs plus the required minimum streamflow but greater than 200 cfs plus the required minimum streamflow and the flow appears to be receding, the next day Licensee shall open the low-level outlet valve to the point where water is no longer spilling over the dam or a target rate of 100 cfs, but no less than 90 cfs and no greater than 110 cfs, less than the previous day's spill, whichever is greater. Subsequent low-level outlet valve adjustments shall occur at the frequency and magnitude shown in Table 1 of this condition. Flow reductions shall be made relative to the mean hourly flow during the preceding hour at the time of the valve adjustment.

The Dam Pool Elevation is Less than the Lohman Ridge Diversion Tunnel Invert Elevation

- If, during the time Licensee is implementing Table 1 of this condition, the dam pool elevation is below the invert elevation of the Lohman Ridge Tunnel (2,015 ft), Licensee shall adjust the low-level outlet valve opening a minimum of once daily so that the combined outflow of the low-level outlet valve plus the required minimum streamflow matches Our House Diversion Dam impoundment inflow. Any time that the fish valve can be used to release the total inflow to the impoundment, the Licensee shall close the low-level outlet and make all releases through the fish valve. If the pool inflow increases such that the water level increases above the elevation of the invert, the Licensee shall follow the flow reduction steps specified in Table 1. Spill cessation shall be considered complete once outflows below Our Diversion Dam are less than or equal to the required minimum instream flow.

Inflow Increases and Spill Re-initiates

- If, during the time Licensee is implementing Table 1 of this condition, inflow into the impoundment increases such that mean daily flow below the dam is more than 600 cfs plus the required minimum streamflow, Licensee shall fully close the low-level outlet valve until such time as Table 1 of this condition can commence again.
- If, during the time Licensee is implementing Table 1 of this condition inflow into the impoundment re-initiates spill over the dam of less than 600 cfs mean daily flow, Licensee shall open the low-level outlet valve to eliminate spill at the dam. Once inflow to the impoundment is receding, subsequent changes to the low-level outlet valve opening shall occur at a frequency and magnitude commensurate with Table 1 of this condition, and the procedure of stepwise closing of the valve as described above for “Reductions from Spills of between 599 and 200 cfs” shall commence.

Inflow Increases and Spill Does Not Re-initiate

- If, during the time Licensee is implementing Table 1 of this condition, inflow into the impoundment increases and does not cause spill over the dam, Licensee shall maintain the current opening of the low-level outlet valve until flows either cause spill or decrease to a level approximately equal to that occurring when the flow increase began. Once inflow to the impoundment is receding, subsequent changes to the low-level outlet valve opening shall occur at a frequency and magnitude commensurate with Table 1 of this condition, and the procedure of stepwise closing of the valve as described above for “Reductions from Spills of between 599 and 200 cfs” shall commence.

The Our House Diversion Dam fish release valve and the Lohman Ridge Diversion Tunnel may remain open throughout the above procedures.

Compliance and Reporting

For the purposes of this condition: 1) compliance for this condition shall be adjustments to the low-level outlet opening to achieve the target flow reductions within the specified range described above and specified in Table 1; 2) opening and closing low-level outlet valve between the valve settings described above may be made in one valve adjustment (i.e., ramping between settings is not required); and 3) the low-level outlet valve adjustments described in Table 1 of

this condition shall be made by approximately noon each day, providing there is safe access to the site.

This condition is subject to temporary modification if required for repairs to the dam or associated equipment, by equipment malfunction, as directed by law enforcement authorities, or in emergencies. An emergency is defined as an outage due to an event that is reasonably out of the control of Licensee and requires Licensee to take immediate action, either unilaterally or under instruction of law enforcement, emergency services, or other regulatory agency staff, including actions to prevent or reduce the imminent loss of human life or damage to property. An emergency may include, but is not limited to: natural events such as landslides, storms, or wildfires; vandalism; malfunction or failure of Project works; or other public safety incidents. If Licensee temporarily modifies the requirements of this condition, Licensee shall make all reasonable efforts to promptly resume performance of the requirements and shall notify the Forest Service, SWRCB, and CDFW within 48 hours of the modification. Licensee shall provide notification to the Commission as soon as possible but no later than 10 days after such incident.

Licensee shall commence the dam spill reduction schedules in this condition within the first 90 days of the new license term unless facility modifications or construction is required. Where facilities must be modified or constructed to allow compliance with the required spill reduction schedule, including flow measurement facilities, except as otherwise provided, Licensee shall submit applications for permits to modify or construct the facilities as soon as reasonably practicable but no later than within the first 2 years of the new license term, and will complete the work as soon as reasonably practicable but no later than 2 years after receiving all required permits and approvals for the work. During the period before facility modifications or construction activities are completed, and starting within the first 90 days of the new license term, Licensee shall make a good faith effort to provide the specified spill reduction schedules within the reasonable capabilities of the existing facilities.

If Licensee makes a valve adjustment in compliance with this condition in the previous calendar year, prior to the Ecological Group's April meeting described in Condition No. 2, in the next calendar year, Licensee shall file with FERC and make available to the Forest Service, SWRCB and CDFW: 1) a plot showing for each valve adjustment period during the previous calendar year the mean daily flow into the Our House Diversion Dam impoundment (i.e., sum of USGS gage 11408870 [Lohman Ridge tunnel flow] and USGS gage 11408880 [flow downstream of Our House Dam]) and the mean daily flow downstream of Our House Diversion Dam (i.e., USGS gage 11408880); and 2) for each valve adjustment during the previous calendar year, the date and time the valve adjustment was made and the flow at USGS gage 11408880 immediately prior to and immediately after the valve adjustment.

Condition No. 34 - Control Project Spills at Log Cabin Diversion Dam

Licensee shall, from April 1 through July 31 of each year implement the spill reduction schedule described in this condition at Log Cabin Diversion Dam. The spill reduction shall be performed by adjusting the opening of the Log Cabin Diversion Dam low-level (5-foot diameter) outlet valve. "Spill Flow" for the purpose of this condition shall be determined based on flow measurements at USGS streamflow gage 11409400 (flow in Oregon Creek below Log Cabin

Dam) minus the required minimum streamflow at that time, described in Condition No. 32. The purpose of this condition is to reduce spills from approximately 100 cfs to the minimum flow requirement. Specifically, Licensee shall follow the spill reduction steps:

Reductions from Spills between Approximately 100 cfs and 50 cfs

- Step 1. Licensee will implement Step 1 of the schedule when daily flows appear to be receding and the Licensee anticipates that a Spill Flow on the first day of the reduction schedule will be between 100 cfs and 50 cfs. Licensee shall open Log Cabin Diversion Dam's low-level outlet valve until spill over the dam is eliminated.
- Step 2. After a minimum of 96 hours, Licensee shall reduce flows at a rate of approximately 20 cfs every 96 hours using the low-level outlet valve until flows below the dam are equal to the required minimum flow. Flow reductions shall be made relative to the mean hourly flow during the preceding hour at the time of the valve adjustment.

Table 1 summarizes the spill reductions in Steps 1 and 2.

Table 1. Summary of Log Cabin Diversion Dam spill reductions from approximately 100 cfs plus the required minimum streamflow.

Mean Daily Flow Measurement at USGS Gage 11409400	Frequency of Adjusting Low-Level Outlet Valve	Target Mean Daily flow Reduction
100 – 0 cfs plus Required Minimum Streamflow	96 hours	20 cfs

The Dam Pool Elevation is Less than the Camptonville Diversion Tunnel Invert Elevation

- If, during the time Licensee is implementing Table 1 of this condition, the dam pool elevation is below the invert elevation of the Camptonville Tunnel (1,952 ft), Licensee shall adjust the low-level outlet valve opening a minimum of once daily so that the combined outflow of the low-level outlet valve plus the required minimum streamflow approximately matches Log Cabin Diversion Dam impoundment inflow. If required outflows are less than or equal to the capacity of the minimum streamflow valve, the low level outlet valve may be closed and all releases made through the minimum streamflow valve. Spill cessation shall be considered complete once outflows below Log Cabin Diversion Dam are less than or equal to the required minimum instream flow.

Inflow Increases and Spill Re-initiates

- If, during the time Licensee is implementing Table 1 of this condition, inflow into the impoundment increases such that mean hourly flow below the dam is more than 100 cfs plus the required minimum streamflow during the preceding hour, and water is spilling over the dam, Licensee shall fully close the low-level outlet valve until such time as Table 1 of this condition can commence again.
- If, during the time Licensee is implementing Table 1 of this condition, inflow into the impoundment increases such that mean hourly flow below the dam is less than 100 cfs plus the required minimum streamflow during the preceding hour, and water is spilling over the dam, Licensee shall open the low-level outlet valve to eliminate spill at the dam. Subsequent changes to the low-level outlet valve opening shall occur at a frequency and magnitude commensurate with Table 1 of this condition. If flows

through the low-level outlet value are increased by more than 20 cfs from the previous day, the count-of-hours within the 96-hour adjustment period is reset; otherwise the count-of-hours within the 96-hour adjustment period is maintained.

Inflow Increases and Spill Does Not Re-initiate

- If, during the time Licensee is implementing Table 1 of this condition, a 20 cfs step down in flow would cause additional spill below the diversion dam, the Licensee shall maintain the current low-level outlet valve setting until a 20 cfs step down in flow would not cause additional spill below the dam.

The Log Cabin Diversion Dam fish release valve, the Lohman Ridge Diversion Tunnel and Camptonville Diversion Tunnel may remain open throughout the above procedures.

Compliance and Reporting

For the purposes of this condition: 1) compliance for this condition shall be adjustments to the low-level outlet opening to achieve the target flow reductions within the specified range described above and specified in Table 1; 2) opening and closing low-level outlet valve between the valve settings described above may be made in one valve adjustment (i.e., ramping between settings is not required); and 3) the low-level outlet valve adjustments described in Table 1 of this condition shall be made by approximately noon each day, provided there is safe access to the site.

This condition is subject to temporary modification if required for repairs to the dam or associated equipment, by equipment malfunction, as directed by law enforcement authorities, or in emergencies. An emergency is defined as an outage due to an event that is reasonably out of the control of Licensee and requires Licensee to take immediate action, either unilaterally or under instruction of law enforcement, emergency services, or other regulatory agency staff, including actions to prevent or reduce the imminent loss of human life or damage to property. An emergency may include, but is not limited to: natural events such as landslides, storms, or wildfires; vandalism; malfunction or failure of Project works; or other public safety incidents. If Licensee temporarily modifies the requirements of this condition, Licensee shall make all reasonable efforts to promptly resume performance of the requirements and shall notify the Forest Service, SWRCB, and CDFW within 48 hours of the modification. Licensee shall provide notification to the Commission as soon as possible but no later than 10 days after such incident.

Licensee shall commence the dam spill reduction schedules in this condition within the first 90 days of the new license term unless facility modifications or construction is required. Where facilities must be modified or constructed to allow compliance with the required spill reduction schedule, including flow measurement facilities, except as otherwise provided, Licensee shall submit applications for permits to modify or construct the facilities as soon as reasonably practicable but no later than within the first 2 years of the new license term, and will complete the work as soon as reasonably practicable but no later than 2 years after receiving all required permits and approvals for the work. During the period before facility modifications or construction activities are completed, and starting within the first 90 days of the new license

term, Licensee shall make a good faith effort to provide the specified spill reduction schedules within the reasonable capabilities of the existing facilities.

If Licensee makes a valve adjustment in compliance with this condition in the previous calendar year, prior to the Ecological Group's April meeting described in Condition No. 2, in the next calendar year, Licensee shall file with FERC and make available to the Forest Service, SWRCB and CDFW: 1) a plot showing for each valve adjustment period during the previous calendar year the mean daily flow into the Log Cabin Diversion Dam (i.e., sum of USGS gage 11409350 [Camptonville Diversion tunnel flows] plus USGS gage 11409400 [flow in Oregon Creek below Log Cabin Dam] minus USGS gage 11408870 [Lohman Ridge tunnel flow]) and the mean daily flow at USGS gage 11409400 (flow in Oregon Creek below Log Cabin Dam); and 2) for each valve adjustment during the previous calendar year, the date and time the valve adjustment was made and the flow at USGS gage 11409400 (flow in Oregon Creek below Log Cabin Dam) immediately prior to and immediately after the valve adjustment.

Condition No. 35 - Periodically Close Lohman Ridge Diversion Tunnel

Licensee shall, beginning in the first full calendar year after license issuance, fully close the Lohman Ridge Diversion Tunnel as described in this condition.

Spring and Summer Tunnel Closures

If the end-of-March New Bullards Bar Reservoir storage is 775,000 acre-feet or greater and the subsequent April is a Wet Water Year, as defined in Condition No. 31, Licensee shall close the Lohman Ridge Diversion Tunnel within 2 business days of when the California Department of Water Resources publishes that April Bulletin 120. The Lohman Ridge Diversion Tunnel shall remain fully closed through September 30 of that calendar year. Concurrent with the Lohman Ridge Diversion Tunnel closure, Licensee shall open the low-level outlet and fish release valve at Log Cabin Diversion Dam, but Licensee may leave the Camptonville Diversion Tunnel fully open.

Fall Tunnel Closures

If May is a Wet, Above Normal or Below Normal water year, as defined in Condition No. 31, and the subsequent end-of-September New Bullards Bar Reservoir storage is 600,000 acre-feet or greater, Licensee shall fully close the Lohman Ridge Diversion Tunnel from October 1 through December 31 of that calendar year.

This condition is subject to temporary modification if required for repairs to the dam or associated equipment, by equipment malfunction, as directed by law enforcement authorities, or in emergencies. An emergency is defined as an outage due to an event that is reasonably out of the control of Licensee and requires Licensee to take immediate action, either unilaterally or under instruction of law enforcement, emergency services, or other regulatory agency staff, including actions to prevent or reduce the imminent loss of human life or damage to property. An emergency may include, but is not limited to: natural events such as landslides, storms, or wildfires; vandalism; malfunction or failure of Project works; or other public safety incidents. If Licensee temporarily modifies the requirements of this condition, Licensee shall make all reasonable efforts to promptly resume performance of the requirements and shall notify the Forest Service, SWRCB, and CDFW within 48 hours of the modification.

For fall tunnel closures, Licensee shall make a good faith effort to notify the Forest Service and SWRCB at least 5 business days prior to any anticipated tunnel closure. For spring tunnel closures, Licensee shall make a good faith effort to notify the Forest Service and SWRCB at least 1 business day prior (5 days prior, if tunnel closure appears likely based on the March California Department of Water Resources Bulletin 120 forecast and New Bullards Bar Reservoir elevation) to any anticipated tunnel closure. Coincident with these notifications, Licensee shall post a notice at Our House Diversion Dam and New Colgate Powerhouse public river access points, describing potential flow increases, and coordinate with the Forest Service to post the same notice at other recreation facilities and public river access points downstream of Our House Diversion Dam on the Middle Yuba River. Licensee shall provide notification to the Commission as soon as possible but no later than 10 days after such tunnel closures.

Where facilities must be modified or constructed to allow compliance with the required tunnel closures, except as otherwise provided, Licensee shall submit applications for permits to modify or construct the facilities as soon as reasonably practicable but no later than within the first 2 years of the new license term, and will complete the work as soon as reasonably practicable but no later than 2 years after receiving all required permits and approvals for the work. During the period before facility modifications or construction activities are completed, Licensee shall make a good faith effort to provide the specified tunnel closures in this condition within the reasonable capabilities of the existing facilities.

Licensee shall notify the Commission within 30 days of closing the Lohman Ridge Diversion Tunnel in compliance with this condition. The notification will include the date and time the tunnel was closed, and Licensee shall make the notice available to Forest Service and SWRCB.

Condition No. 36 – Streamflow and Reservoir Level Compliance Monitoring Plan

Upon Commission approval, Licensee shall implement the Streamflow and Reservoir Level Compliance Monitoring Plan, filed separately with the Commission, by Yuba County Water Agency, on June 5, 2017 (FERC eLibrary Accession No. 20170605-5050), for stream flow gages on NFS lands.

Condition No. 37 – Our House and Log Cabin Diversion Dams Sediment Management Plan

Upon Commission approval, Licensee shall implement the Our House and Log Cabin Diversion Dams Sediment Management Plan, filed separately with the Commission, by Yuba County Water Agency, on July 27, 2018 (FERC eLibrary Accession No. 20180727-5007 for locations, on, or directly affecting, NFS lands.

Condition No. 38 – Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Woody Material Management Plan

Upon Commission approval, Licensee shall implement the Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Management Plan, filed separately with the Commission, by Yuba County Water Agency, on April 12, 2018 (FERC eLibrary Accession No. 20180412-5129) for locations, on or directly affecting, NFS lands.

Condition No. 39 – Aquatic Invasive Species Management Plan

Upon Commission approval, Licensee shall implement the Aquatic Invasive Species Management Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on, or directly affecting, NFS lands.

Condition No. 40 – Integrated Vegetation Management Plan

Upon the Commission approval, Licensee shall implement the Integrated Vegetation Management Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on, or directly affecting, NFS lands.

Condition No. 41 - Bald Eagle and American Peregrine Falcon Management Plan

Upon Commission approval, Licensee shall implement the Bald Eagle and American Peregrine Falcon Management Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on, or directly affecting, NFS lands.

Condition No. 42 - Bat Management Plan

Upon Commission approval, Licensee shall implement the Bat Management Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on, or directly affecting, NFS lands.

Condition No. 43 – Upper Yuba River Aquatic Monitoring Plan

Upon Commission approval, Licensee shall implement the Upper Yuba River Aquatic Monitoring Plan, filed separately with the Commission, by Yuba County Water Agency, on June 5, 2017 (FERC eLibrary Accession No. 20170605-5050), for locations on, or directly affecting, NFS lands.

Condition No. 44 – Water Temperature Monitoring Plan

Upon Commission approval, Licensee shall implement the Water Temperature Monitoring Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on, or directly affecting, NFS lands.

Condition No. 45 – Water Quality Monitoring Plan

Upon Commission approval, Licensee shall implement the Water Quality Monitoring Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on, or directly affecting, NFS lands.

Condition No. 46 – Recreation Facilities Plan

Upon Commission approval, Licensee shall implement the Recreation Facilities Plan, filed separately with the Commission, by Yuba County Water Agency, on September 19, 2018 (FERC eLibrary Accession No. 20180919-5141), for locations on, or directly affecting, NFS lands.

Condition No. 47 – Recreation Flow Information

Licensee shall, beginning as soon as reasonably feasible but not later than one year after license issuance, make the stream flow and reservoir elevation information identified in Table 1 of this condition available to the public.

Table 1. Stream flow and reservoir elevation information that the Licensee shall make available to the public.

Stream/Location	Information to be Provided	Current Gage Identification ¹	
		USGS	CDEC
North Yuba River Upstream of New Bullards Bar Reservoir	Streamflow	11413100	NYS
North Yuba River New Bullards Bar Reservoir	Reservoir Level	11413515	BUL
Middle Yuba River Lohman Ridge Diversion Tunnel	Tunnel Flow	11408870	To be Assigned
Middle Yuba River Downstream of Our House Diversion Dam ²	Streamflow	11408880	OHR
Oregon Creek Downstream of Log Cabin Diversion Dam ²	Streamflow	11409400	LCB

¹ Refer to Condition No. 36 for a description of each gage.

² Gage required to document compliance with license flow requirements.

If the gage is required to document compliance with license flow requirements and is not USGS rated above the license compliance flow, Licensee shall make a good faith effort to estimate the flow above the USGS rating. If the gage is not required to document compliance with the license conditions, Licensee shall provide the information up to the rating of the gage described in Condition No. 36, and make a good faith effort to estimate the flow above the USGS rating. The flow information shall be made available to the public on a real-time basis via the Internet; the publication of the information may be accomplished through a third party, such as USGS or the California Data Exchange Center (CDEC). The preference is that data shall be reported in 15-minute intervals; however, data that are reported no less than in hourly intervals is acceptable. It is understood this information will be provisional and subject to change because it will not have undergone a quality assurance or quality control review before it is made available to the public.

Condition No. 48 – Whitewater Boating Below Our House Diversion Dam

Licensee shall, beginning in the first full calendar year after license issuance and each year thereafter, provide on weekends between October 1 and March 31 a whitewater boating flow from at least 10:00 AM to 5:00 PM (Pacific Time Zone) of between 600 cfs and 2,000 cfs, as

measured at the USGS Streamflow Gage 11408880, on the schedule identified in Table 1 of this condition.

Table 1. Whitewater boating flows Licensee shall provide.

Water Year Type [see Condition No. 31]			Number of Weekend Whitewater Boating Days from October 1 through March 31
DWR's Full Natural Flow at Smartsville for the Full Water Year that Ended on September 30	DWR's Bulletin 120 February Forecast	DWR's Bulletin 120 March Forecast	
Wet, Above Normal, Below Normal or Dry	Any Water Year Type	Wet	8
Wet, Above Normal, Below Normal or Dry	Any Water Year Type	Above Normal	6
Wet, Above Normal, Below Normal or Dry	Any Water Year Type	Below Normal, Dry, or Critically Dry	4
Critically Dry	Wet or Above Normal	Any Water Year Type	2
Critically Dry	Below Normal, Dry, or Critically Dry	Any Water Year Type	0

If the conditions in the first three columns in the above table are met, then the number of weekend whitewater boating flow days to be provided by Licensee shall be the number shown in the last column, to the extent that inflow conditions to Our House Reservoir provide the Licensee the ability to meet the listed number of days (i.e. inflow is between 600 cfs and 2,000 cfs from 10 AM to 5 PM [Pacific Time Zone], on weekend days). The whitewater boating flow may occur due to natural conditions or manipulation of Project facilities by Licensee.

The selection of which weekend days to provide the whitewater boating flow shall be at Licensee's sole discretion. However, if Licensee intends to manipulate Project facilities (e.g., partially close the Lohman Ridge Diversion Tunnel) for the purpose of providing a required whitewater boating flow day, prior to 5:00 PM (Pacific Time Zone) on the previous day Licensee shall post to a publically-available website and notify the Forest Service of Licensee's intention to provide a whitewater boating flow on the next day.

For the purpose of compliance with this condition, a whitewater boating flow day will be any weekend day when mean hourly flow as measured at the USGS Streamflow Gage 11408880 is between 600 cfs and 2,000 cfs from 10:00 AM to 5:00 PM (Pacific Time Zone).

By May 1 of each year, Licensee will file with the Commission a letter that documents Licensee's compliance with this condition for the previous October through March period. The letter will state: 1) the number of whitewater boating flow days required by this condition during the previous October through March period; 2) the dates on which the required whitewater boating flow days occurred; and 3) the mean hourly flows as measured at USGS Streamflow Gage 11408880 from 10:00 AM through 5:00 PM (Pacific Time Zone), on each of the dates.

If the Lohman Ridge Diversion Tunnel intake or other Project facilities must be modified to reasonably provide the whitewater boating flow, then, except as otherwise provided, Licensee shall submit applications for permits to modify the facility(ies) as soon as reasonably practicable but no later than within the first 2 years of the new license term, and Licensee will complete the work as soon as reasonably practicable but no later than within 2 years after receiving all required permits and approvals for the work. During the period before facility(ies) modification is complete, and beginning within the first 90 days of the new license term, Licensee shall make

a good faith effort to provide the specified whitewater boating flow days within the capabilities of the existing facility(ies).

The condition is subject to temporary modification if required by equipment malfunction, as directed by law enforcement authorities, or in emergencies. An emergency is defined as an outage due to an event that is reasonably out of the control of Licensee and requires Licensee to take immediate action, either unilaterally or under instruction of law enforcement, emergency services, or other regulatory agency staff, including actions to prevent the imminent loss of human life or damage to property. An emergency may include, but is not limited to: natural events such as landslides, storms, or wildfires; vandalism; malfunction or failure of project works; or other public safety incidents. If Licensee temporarily modifies the requirements of this condition, Licensee shall make all reasonable efforts to promptly resume performance of the requirements, and shall notify the Forest Service, CDFW and the SWRCB within 48 hours of the start of the modification. Licensee shall provide notification to the Commission as soon as possible but no later than 10 days after such incident.

Condition No. 49 – Visual Resource Management Plan

Upon Commission approval, Licensee shall implement the Visual Resource Management Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175) for locations on, or directly affecting, NFS lands.

Condition No. 50 – Historic Properties Management Plan

Upon Commission approval, Licensee shall implement the Historic Properties Management Plan, filed separately with the Commission, by Yuba County Water Agency, on July 5, 2016 (FERC eLibrary Accession No. 20160705-5039) for locations on, or directly affecting, NFS lands.

Condition No. 51 – Transportation System Management Plan

Upon Commission approval, Licensee shall implement the Transportation System Management Plan, filed separately with the Commission, by Yuba County Water Agency, on June 5, 2017 (FERC eLibrary Accession No. 20170605-5050), for locations on, or directly affecting, NFS lands.

Condition No. 52 – Erosion and Sediment Control Plan

Upon Commission approval, Licensee shall implement the Erosion and Sediment Control Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175) for locations on, or directly affecting, NFS lands.

Condition No. 53 – Fire Prevention and Response Plan

Upon Commission approval, Licensee shall implement the Fire Prevention and Response Plan, filed separately with the Commission, by Yuba County Water Agency, on June 5, 2017 (FERC eLibrary Accession No. 20170605-5050) for locations on, or directly affecting, NFS lands.

Condition No. 54 – Drought Management Plan

For the protection of Forest Service resources, within 1 year of License issuance, the Licensee shall file with the Commission, a Drought Management Plan developed in consultation with the Forest Service, SWRCB, other Government Agencies, and other interested parties, and approved by Forest Service. Upon Commission approval, Licensee shall implement the Plan.

The Plan shall include, at a minimum, but may not be limited to, the components below, unless otherwise agreed to by the Forest Service during Plan finalization:

- **Appropriate Definition of Drought** – definition of drought conditions based on available data specific to the Yuba River Development Project, including current storage in New Bullards Bar Reservoir, watershed snowpack and soil moisture conditions, current and projected operating requirements for instream flows and water supply deliveries, weather forecasts, and other Project operation limitations.
- **Notification of Drought Concern** – description of Licensee’s process for early notification to the Forest Service, SWRCB, and other interested agencies, if a drought is anticipated that may result in the need for temporary variances from License conditions, under this Plan.
- **Proposed Drought Response Measures** – description of License conditions for which a variance may be requested by the Licensee, under this Plan.
- **Potential Impacts to Resources** - description of anticipated or potential impacts to fish and wildlife species, water quality, vegetation, recreation, and other Forest Service resources, as a result of License variances, under this Plan.
- **Monitoring** - description of monitoring that would be conducted by Licensee to identify the impacts of any License variance (requested under this Plan) on fish and wildlife species, water quality, vegetation, recreation, and other Forest Service resources, and requirements for prompt reporting to the Forest Service, SWRCB, and other Agencies, if impacts are greater than anticipated.
- **Return to Regular Operations** - description of how and when the License variance would expire (e.g., when drought conditions cease, or when local conditions improve such that the variances are no longer needed).
- **Process for Engaging Agencies and the Public** – description of Licensee’s process for discussing drought conditions, potential License variances, and related drought response measures, with the Forest Service, SWRCB, USFWS, CDFW, and other interested parties (e.g., through the Ecological Group defined in Condition No. 2).
- **Mandatory Conditioning Agency Approval** – description of a process (as defined by the Forest Service) by which the Licensee shall obtain approval from the Tahoe and Plumas National Forest, Forest Supervisors, or another Forest Service official designated by the Forest Service, for any variances from Forest Service FPA Section 4(e) Conditions in this License.
- **Reporting and Revision of the Plan** – description of Licensee’s processes for: (1) regular reporting to the Forest Service, SWRCB, and other interested Agencies, during any drought that has resulted in the need for License variances, (2) developing a summary report once the drought has ceased, and (3) revising this Plan, as needed, throughout the new License term.

Enclosure 2

**Forest Service Final Recommendations
Provided Under Section 10(a) of the Federal Power Act**

**In Connection with the Application for Relicensing for the
Yuba River Development Project
(FERC No. 2246-065)**

20 September 2018

Table of Contents

Introduction	3
Recommendation No. 1 - Water Year Types for the North Yuba River	3
Recommendation No. 2 - Minimum Streamflows for the North Yuba River	4
Recommendation No. 3 – Control Project Spills at New Bullards Bar Dam.	5
Recommendation No. 4 – Streamflow and Reservoir Level Compliance Monitoring Plan	6
Recommendation No. 5 - Large Woody Material and Sediment Enhancement and Management Plan for the North Yuba River	6
Recommendation No. 6 – Recovery of Special-Status Aquatic Species in the Lower Yuba River.....	10
Recommendation No. 7 - Hazardous Materials Management Plan.....	10
Recommendation No. 8 – Aquatic Invasive Species Management Plan.....	10
Recommendation No. 9 – Integrated Vegetation Management Plan	10
Recommendation No. 10 - Bald Eagle and American Peregrine Falcon Management Plan.....	10
Recommendation No. 11 - Bat Management Plan	10
Recommendation No. 12 - Ringtail Management Plan	10
Recommendation No. 13 – Upper Yuba River Aquatic Monitoring Plan ...	11
Recommendation No. 14 – Water Temperature Monitoring Plan.....	11
Recommendation No. 15 – Water Quality Monitoring Plan	11
Recommendation No. 16 - Recreation Facilities Plan.....	11
Recommendation No. 17 - River Access to the North Fork Yuba River	11
Recommendation No. 18 - Recreation Flow Information	11
Recommendation No. 19 - Reservoir Fish Stocking	12

Recommendation No. 20 - Historic Properties Management Plan..... 12

Recommendation No. 21 - Transportation System Management Plan 12

Recommendation No. 22 – Our House and Log Cabin Diversion Dams Sediment Management Plan..... 12

Recommendation No. 23 – Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Woody Material Management Plan 13

Recommendation No. 24 – Visual Resource Management Plan..... 13

Recommendation No. 25 – Erosion and Sediment Control Plan 13

Recommendation No. 26 – Fire Prevention and Response Plan 13

Introduction

The following are Forest Service, Federal Power Act (FPA) Section 10(a) Final Recommendations for the Yuba River Development Project, Federal Energy Regulatory Commission (hereafter, FERC or Commission) Project No. 2246. Section 10(a) requires “Equal Consideration to Non-Power Values”. In the 1986 amendments to the FPA, Congress also broadened the scope of the Federal Energy Regulatory Commission’s duties, requiring the Commission to “give equal consideration to the purposes of energy conservation, the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects of environmental quality.” 16 U.S.C. § 801(a)(1) (Section 10(a)(1)). Thus, the FPA obligates FERC to give equal consideration to non-power values.

While Section 4(e) of the Federal Power Act (FPA) provides for the conditions necessary for the adequate protection and utilization of the National Forest System (NFS) lands and resources, Section 10(a) Recommendations apply to non-NFS lands. For consistency between FPA Section 4(e) Conditions and 10(a) Recommendations in relation to management plans, we have added five plans to these Final Recommendations that were not included in the Preliminary Recommendations (previously filed with FERC on August 25, 2017). For any management plans that were collaboratively revised and refiled by the Licensee subsequent to the filing of Preliminary Recommendations, our Final Recommendations reference these revised plans on the FERC eLibrary, and include the new date and accession number. Documents (i.e., management and monitoring plans) referenced as previously filed with the Commission, on the FERC eLibrary, can be found at the following website: <https://www.ferc.gov/docs-filing/elibrary.asp>.

Recommendation No. 1 - Water Year Types for the North Yuba River

Beginning within the first 90 days of the new license term, Licensee should, in each year in each of the months of February, March, April, May and October determine the applicable water year type described in Table 1 of this condition. Licensee should use this determination to implement articles and conditions of the license that are dependent on water year type and that concern flows in the North Yuba River downstream of New Bullards Bar Dam. Water year types for these articles and conditions should be defined as listed in Table 1 of this condition.

Table 1. Water Year types for the Yuba River Development Project in the North Yuba River downstream of New Bullards Bar Dam.

Water Year Type	DWR Forecast of Total Unimpaired Runoff in the Yuba River at Smartsville in Thousand Acre-Feet or DWR Full Natural Flow Near Smartsville for the Water Year in Thousand Acre-Feet¹
Wet	Greater than 3,240
Above Normal	2,191 to 3,240
Below Normal	1,461 to 2,190
Dry	901 to 1,460
Critically Dry	Equal to or Less than 900

¹ DWR rounds the Bulletin 120 forecast, which this condition relies on to establish water year types in February, March, April and May, to the nearest 1,000 acre-feet. DWR rounds its Full Natural Flow calculation, which this condition relies on to establish water year types in October, to the nearest acre-foot, and Licensee will round DWR’s Full Natural Flow to the nearest 1,000 acre-feet.

In each of the months of February, March, April and May, the water year type should be based on California Department of Water Resources (DWR) water year forecast of unimpaired runoff in the Yuba River at Smartsville as set forth in DWR's Bulletin 120 entitled "Water Year Conditions in California." DWR's forecast published in February, March and April should apply from the 16th day of that month through the 15th day of the next month. From May 16 through October 15, the water year type should be based on DWR's forecast published in May. From October 16 through February 15 of the following year, the water year type should be based on the sum of DWR's monthly (i.e., not daily) full natural flow for the full water year for the Yuba River near Smartsville, as made available by DWR on the California Data Exchange Center (CDEC) in the folder named "FNF Sum." Currently these data are available at: <http://cdec.water.ca.gov/cgi-progs/stages/FNFSUM>. If DWR does not make the full natural flow for the full water year available until after October 15 but prior to or on October 31, from 3 days after the date the full natural flow is made available until February 15 of the following year, the water year type should be based on the sum of DWR's monthly full natural flow for the full water year as made available. If DWR does not make available the final full natural flow by October 31, the water year type from November 1 through February 15 of the following year should be based on DWR's May Bulletin 120.

Recommendation No. 2 - Minimum Streamflows for the North Yuba River

Licensee should meet the minimum streamflow requirements for the North Yuba River downstream of New Bullards Bar Dam that are shown in Table 1 of this condition. Licensee should record streamflow at all of the gages listed in this table, as required by USGS (Article 8 of FERC's Form L-5, Standard Articles).

Minimum streamflows should be measured in cubic feet per second (cfs) once every 15-minute at the compliance gage, and these 15-minute measurements averaged into hourly measurements that will be recorded and reported to USGS and the FERC.

Minimum streamflows may be temporarily modified as follows:

- For short periods and upon consultation with and approval by the Forest Service, USFWS, Cal Fish and Wildlife and SWRCB. Licensee should provide notification to the Commission prior to implementing such modifications.
- Due to an emergency. An emergency is defined as an outage due to an event that is reasonably out of the control of Licensee and requires Licensee to take immediate action, either unilaterally or under instruction of law enforcement, emergency services, California ISO or other regulatory agency staff, including actions to prevent the imminent loss of human life or damage to property. An emergency may include, but is not limited to: natural events such as landslides, storms, or wildfires; vandalism; malfunction or failure of PG&E Transmission lines or Project works; or other public safety incidents. If Licensee temporarily modifies the requirements of this condition, Licensee should make all reasonable efforts to promptly resume performance of the requirements, and should notify the Forest Service, USFWS, Cal Fish and Wildlife and the SWRCB within 48 hours of the start of the modification. Licensee should provide notification to the Commission as soon as possible but no later than 10 days after such incident.

Except as otherwise provided, Licensee should implement the minimum streamflows shown in Tables 1 of this condition beginning in the first 90 days of the new license term unless a facility modification or construction is necessary. Changes between minimum streamflow values may be made with one adjustment to the controlling valve (i.e., ramping from one minimum flow to another minimum flow is not required).

Where a facility must be modified or constructed to allow compliance with required minimum streamflows, including flow measurement facilities, then, except as otherwise provided, Licensee should submit applications for permits to modify or construct the facility as soon as reasonably practicable but no later than within the first 2 years of the new license term, and Licensee will complete the work as soon as reasonably practicable but no later than within 2 years after receiving all required permits and approvals for the work. During the period before facility modifications or construction are completed, and within the first 90 days of the new license term, Licensee should make a good faith effort to provide the specified minimum streamflows within the reasonable capabilities of the existing facilities.

Table 1. Minimum streamflows in cubic feet per second (cfs) in the North Yuba River downstream of New Bullards Bar Dam by month and Water Year Type [Recommendation No. 1].

Month	Wet Water Year	Above Normal Water Year	Below Normal Water Year	Dry Water Year	Critically Dry Water Year
NORTH YUBA RIVER - BELOW NEW BULLARDS BAR DAM (COMPLIANCE POINT: USGS STREAMFLOW GAGE 11413517)					
October 1 - 30	30	30	30	30	30
November 1-30	30	30	30	30	30
December 1 - 31	30	30	30	30	30
January 1 - 31	30	30	30	30	30
February 1- 29	30	30	30	30	30
March 1 - 31	30	30	30	30	30
April 1 - 30	60	60	60	60	60
May 1- 31	60	60	60	60	60
June 1 - 30	60	60	60	60	60
July 1 - 31	40	40	40	40	40
August 1 - 31	40	40	40	40	40
September 1- 30	30	30	30	30	30

Recommendation No. 3 – Control Project Spills at New Bullards Bar Dam

Licensee should, beginning in the first full calendar year after license issuance, reduce flows through the New Bullards Bar Dam spillway in the following manner after any spill releases that occur between May 1 and July 31 after water is no longer stored in the Flood Reservation Space. For spill events greater than approximately 2,000 cfs, when the spill has receded to approximately 2,000, Licensee should reduce the spill at a target rate of approximately 250 cfs per day until the spill has ceased (i.e., releases from New Bullards Dam are equal to the minimum flow requirement at that time). If a spill of less than approximately 2,000 cfs occurs, Licensee should reduce the peak spill at a target rate of approximately 250 cfs per day or a slower rate until the spill has ceased and releases from New Bullards Bar Dam are being made to provide flows within 20 percent of the minimum flow requirement downstream of New Bullards Bar Dam. The flows will be determined as described in Forest Service 4(e) Condition No. 36, Streamflow and Reservoir Level Compliance Monitoring Plan.

Licensee may make these spill cessation releases by either: 1) adjustments to the New Bullards Bar Dam spillway gate openings; or 2) adjustments to the New Bullards Bar Dam low level outlet valve openings; or both. When the spill cessations are made by adjustments to the New Bullards Bar Dam spillway gate openings, compliance with this measure will be made by a once daily adjustment to New Bullards Bar Dam spillway gate opening to meet the approximately 250 cfs per day cessation rate, as determined by Licensee's calculation of spillway gate release. When the spill cessations are made by adjustments to the New Bullards Bar Dam low level outlet valve openings, compliance with this measure will be made by a once daily adjustment to New Bullards Bar Dam low level outlet valve opening to meet the approximately 250 cfs per day cessation rate, as determined by Licensee's calculation of the low level outlet release.

This condition is subject to temporary modification if required for repairs to the dam or associated equipment, by equipment malfunction, as directed by law enforcement authorities, or in emergencies. An emergency is defined as an outage due to an event that is reasonably out of the control of Licensee and requires Licensee to take immediate action, either unilaterally or under instruction of law enforcement, emergency services, or other regulatory agency staff, including actions to prevent or reduce the imminent loss of human life or damage to property. An emergency may include, but is not limited to: natural events such as landslides, storms, or wildfires; vandalism; malfunction or failure of Project works; or other public safety incidents. If Licensee temporarily modifies the requirements of this condition, Licensee should make all reasonable efforts to promptly resume performance of the requirements and should notify the Forest Service, SWRCB, and Cal Fish and Wildlife within 48 hours of the modification. Licensee should provide notification to the Commission as soon as possible but no later than 10 days after such incident.

Recommendation No. 4 – Streamflow and Reservoir Level Compliance Monitoring Plan

Upon Commission approval, Licensee should implement the Streamflow and Reservoir Level Compliance Monitoring Plan, filed separately with the Commission, by Yuba County Water Agency, on June 5, 2017 (FERC eLibrary Accession No. 20170605-5050), for locations on non-NFS lands.

Recommendation No. 5 - Large Woody Material and Sediment Enhancement and Management Plan for the North Yuba River

Licensee should, within the first full calendar year of the new license term, develop a North Yuba River Large Woody Material and Sediment Enhancement Plan in consultation with the Forest Service, USFWS, CDFW, and SWRCB. The Plan should include large woody material (LWM) and sediment (gravel/cobble) placement and monitoring within the 2.4-mile reach of the North Yuba River from immediately below New Bullards Bar Dam spillway to the confluence with the Middle Yuba River (NBB Reach), as described below.

Large Woody Material

Placement

Licensee should, within the first five years of the new license term in the months of August and September, place below New Bullards Bar Reservoir spillway, a minimum of 143 pieces of LWM. Licensee should implement LWM placement and anchoring/burial as follows:

- (1) All pieces of LWM should be a minimum of 25 feet in length (not including the rootwad in the measurement) and a minimum of 12 inches in diameter.
- (2) Place a minimum of 129 pieces in one or more piles, without anchors or attachments in the lower water channel and floodplain surfaces, downstream of the spillway channel, as widely dispersed as feasible.
- (3) At two sites on the North Yuba River below New Bullards Bar Dam, anchor or bury a minimum of 14 pieces of LWM using the largest size class available. Site selection and anchoring/burying techniques should be determined in consultation with the Ecological Group described in Forest Service 4(e) Condition No. 2, and American Whitewater.
- (4) Provide LWM for placement and anchor/bury by collection at New Bullards Bar Reservoir, or other sources agreed to by the Ecological Group. Priority of LWM selected should include the largest pieces of wood available and those with rootwads attached.
- (5) Transport LWM to the placement area by truck, helicopter, or other means deemed safe and feasible by Licensee. Appropriate measures should be implemented during LWM collection, transport, and placement to prevent the potential introduction and/or spread of invasive species and to minimize impacts to special-status species, water quality, and other sensitive resources.
- (6) Establish permanent photo points for the LWM placement area and the two anchored/buried sites and document the location with a GPS. Take photos of the LWM pile(s) and LWM at each anchored/buried site immediately after initial installation.

Baseline Monitoring

Licensee should conduct baseline monitoring no more than one year prior to LWM placement and anchor/burial. Baseline monitoring should occur between spring runoff and November and include a count and characterization of all LWM pieces within the NBB Reach utilizing the same field methods and data analysis for LWM described in the Upper Yuba River Aquatic Monitoring Plan described in Forest Service 4(e) Condition No. 43. All LWM pieces should be documented with photos.

Monitoring Following LWM Placement and Anchoring/Burial

Following placement and anchoring/burial of LWM, monitoring should occur up to three times in each 10-year period, of the new license, as triggered by a flow event of 8,000 cfs or more. If less than two of these events occurs within the 10-year period, then monitoring would occur during year 10 regardless of the magnitude of a flow event. Licensee should monitor LWM in the NBB Reach during each monitoring event as specified below.

- (1) Monitoring should occur as soon as feasibly possible and safely accessible following each flow event.
- (2) Count the number of LWM remaining in the pile(s) and take photographs of the LWM pile(s) from the permanent photo points.

- (3) Document changes to each anchored/buried site, including: number of LWM pieces displaced, additional LWM recruited, depth of associated scour pools, estimate of gravel retained, and vegetation recruitment. Take photographs of each anchored/buried site from the permanent photo points.
- (4) Count and characterize the number of stable LWM throughout the NBB Reach utilizing the same field methods and data analysis for LWM described in the Upper Yuba River Aquatic Monitoring Plan described in Forest Service 4(e) Condition No. 43. Photograph each piece with a stadia rod for reference and document the location with a GPS.

Replenishment

Following each monitoring event, Licensee should replenish the LWM pile(s) to a total of 129 pieces, minus the number of stable LWM pieces found in the NBB Reach during monitoring. Licensee should replace any of the 14 originally anchored/buried LWM pieces that are no longer in place every ten years.

Gravel/Cobble Placement

Licensee should, within the first five years of the new license term between the months of August and September, place in a pile immediately downstream of New Bullards Bar Reservoir spillway, 5,000 tons of mixed gravel/cobble 0.25 to 6 inches in diameter. Licensee should implement gravel/cobble placement as follows:

- (1) Gravel/cobble should be transported and placed in the river by truck, helicopter, or other means deemed safe and feasible by Licensee. Gravel/cobble should be obtained from a clean source and appropriate measures should be implemented during collection, transport, and placement to prevent the potential introduction and/or spread of invasive species and to minimize impacts to special-status species, water quality, and other sensitive resources.
- (2) Take photos and describe the spatial area of the gravel/cobble pile and document the location with a GPS immediately following placement.
- (3) Establish permanent transects and photo points for gravel/cobble monitoring within the NBB Reach at the two sites where anchored/buried LWM will be installed. Document the location of transects with a GPS.

Baseline Monitoring

Licensee should conduct baseline monitoring no more than one year prior to gravel/cobble placement. Baseline monitoring should occur between spring runoff and November and include facies mapping and quantification, including determination of particle distribution and fine sediment content of rainbow trout spawning gravels within the NBB Reach at the two sites where anchored/buried LWM will be installed utilizing the same field methods and data analysis for Stream Channel Morphology described in the Upper Yuba River Aquatic Monitoring Plan described in Forest Service 4(e) Condition No. 43. Photos should be taken at each transect.

Monitoring Following Gravel/Cobble Placement

Following placement of gravel/cobble, monitoring should occur up to three times in each 10-year period of the new license, as triggered by a flow event of 8,000 cfs or more. If less than two of these events occurs within the 10-year period, then monitoring would occur during year 10.

Licensee should monitor the distribution of gravel/cobble in the NBB Reach during each monitoring event as specified below.

- (1) Monitoring should occur as soon as feasible possible and safely accessible following each flow event.
- (2) Document changes to the size of the gravel pile and estimate the remaining volume, and take photos of the pile.
- (3) At each transect, conduct facies mapping and quantification, including a determination of particle distribution and fine sediment content of rainbow trout spawning gravels utilizing the same field methods and data analysis for Stream Channel Morphology described in the Upper Yuba River Aquatic Monitoring Plan described in Forest Service 4(e) Condition No. 43. Take photos at each transect.
- (4) Describe observed habitat changes in the vicinity of each transect, such as bar formation and riparian vegetation recruitment. Take photos of habitat changes and document the locations with a GPS.

Replenishment

Following each monitoring event, Licensee should replenish the gravel/cobble pile to approximately 5,000 tons.

Reporting

Licensee should file with FERC, and provide to the Forest Service, USFWS, CDFW, and SWRCB, a report describing the implementation of LWM and gravel/cobble placement and the results of baseline monitoring by March 15 of the year following initial LWM and gravel/cobble placement. Additionally, Licensee should file with FERC, and provide to the Forest Service, USFWS, CDFW, and SWRCB, reports describing the results of LWM and gravel/cobble monitoring post-placement, by March 15 of every year following a monitoring event. Monitoring reports should also include information regarding LWM and gravel/cobble replenishment. Licensee should provide the results of LWM and gravel/cobble monitoring to the Ecological Group at the meeting described in Forest Service 4(e) Condition No. 2 during years in which reports are due.

Consultation and Plan Revisions

At the annual Ecological Group meeting described in Forest Service 4(e) Condition No. 2 of the year following completion of the each 10-year monitoring period, Licensee should present an evaluation of the LWM and gravel/cobble enhancement effort, including a summary of the results of the 10-year monitoring period. At the meeting, Licensee and/or members of the Ecological Group should present any proposed changes to the Plan, including, but not limited to: the amount of LWM and gravel replenished, monitoring triggers and frequency, monitoring methods, and/or discontinuing the replenishment of LWM and/or gravel/cobble. Any changes to the plan should be collectively agreed to by Licensee, Forest Service, USFWS, CDFW, and SWRCB prior to Licensee filing a revised Plan with FERC for approval.

Recommendation No. 6 – Recovery of Special-Status Aquatic Species in the Lower Yuba River

Licensee should provide all necessary and required support for the recovery of special-status species in the Yuba River downstream of Englebright Dam. Forest Service reserves the right to modify Section 10(a) Federal Power Act recommendations dependent on the protection measures formally recommended by State and Federal Fish and Wildlife agencies in the relicensing of this Project and/or to respond to changes in the status, distribution, and management of special-status species in the lower Yuba River that may result in affects to NFS lands and resources.

Recommendation No. 7 - Hazardous Materials Management Plan

Upon Commission approval, Licensee should implement the Hazardous Materials Management Plan, filed separately with the Commission, by Yuba County Water Agency, on June 5, 2017 (FERC eLibrary Accession No. 20170605-5050), for locations on non-NFS lands.

Recommendation No. 8 – Aquatic Invasive Species Management Plan

Upon Commission approval, Licensee should implement the Aquatic Invasive Species Management Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on non-NFS lands.

Recommendation No. 9 – Integrated Vegetation Management Plan

Upon the Commission approval, Licensee should implement the Integrated Vegetation Management Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on non-NFS lands.

Recommendation No. 10 - Bald Eagle and American Peregrine Falcon Management Plan

Upon Commission approval, Licensee should implement the Bald Eagle and American Peregrine Falcon Management Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on non-NFS lands.

Recommendation No. 11 - Bat Management Plan

Upon Commission approval, Licensee should implement the Bat Management Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on non-NFS lands.

Recommendation No. 12 - Ringtail Management Plan

Upon Commission approval, Licensee should implement the Ringtail Management Plan, filed separately with the Commission, by Yuba County Water Agency, on December 2, 2016 (FERC eLibrary Accession No. 20161201-5304).

Recommendation No. 13 – Upper Yuba River Aquatic Monitoring Plan

Upon Commission approval, Licensee should implement the Upper Yuba River Aquatic Monitoring Plan, filed separately with the Commission, by Yuba County Water Agency, on June 5, 2017 (FERC eLibrary Accession No. 20170605-5050), for locations on non-NFS lands.

Recommendation No. 14 – Water Temperature Monitoring Plan

Upon Commission approval, Licensee should implement the Water Temperature Monitoring Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on non-NFS lands.

Recommendation No. 15 – Water Quality Monitoring Plan

Upon Commission approval, Licensee should implement the Water Quality Monitoring Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175), for locations on non-NFS lands.

Recommendation No. 16 - Recreation Facilities Plan

Upon Commission approval, Licensee should implement the Recreation Facilities Plan, filed separately with the Commission, by Yuba County Water Agency, on September 19, 2018 (FERC eLibrary Accession No. 20180919-5141), for locations on non-NFS lands.

Recommendation No. 17 - River Access to the North Fork Yuba River

Licensee should provide public access to the North Fork Yuba River downstream of New Bullards Bar Dam. This access should be provided by allowing vehicle access on the existing road to the gaging station downstream of New Bullards Bar Dam [currently USGS gage 11413517] or by building alternative roaded access to this area. Licensee should provide an area sufficient to park up to five vehicles. If deemed necessary by the licensee, the road from the parking area to the base of the dam may be gated and fenced in order to provide for security of Project facilities. Licensee should construct a trail that is suitable for pedestrian access from the parking/pullout area down to the road leading to the gaging station downstream of New Bullards Bar Dam.

Recommendation No. 18 - Recreation Flow Information

Licensee should, beginning as soon as reasonably feasible but not later than one year after license issuance, make the stream flow and reservoir elevation information identified in Table 1 of this condition available to the public.

Table 1. Stream flow and reservoir elevation information the Licensee should make available to the public.

Stream/Location	Information to be Provided	Current Gage Identification ¹	
		USGS	CDEC
North Yuba River Downstream of New Bullards Bar Dam and Spillway ²	Streamflow	New Gage for reporting (sum of dam releases and spill)	
Yuba River At Smartsville ²	Streamflow	11418000	YRS
Yuba River At Marysville ²	Streamflow	11421000	MRY

¹ Refer to Forest Service 4(e) Condition No. 36 for a description of each gage.

² Gage required to document compliance with license flow requirements.

If the gage is required to document compliance with license flow requirements and is not USGS rated above the license compliance flow, Licensee should make a good faith effort to estimate the flow above the USGS rating. If the gage is not required to document compliance with the license conditions, Licensee should provide the information up to the rating of the gage described in Forest Service 4(e) Condition No. 36, and make a good faith effort to estimate the flow above the USGS rating. The flow information should be made available to the public on a real-time basis via the Internet; the publication of the information may be accomplished through a third party, such as USGS or the California Data Exchange Center (CDEC). The preference is that data should be reported in 15-minute intervals; however, data that are reported no less than in hourly intervals is acceptable. It is understood this information will be provisional and subject to change because it will not have undergone a quality assurance or quality control review before it is made available to the public.

Recommendation No. 19 - Reservoir Fish Stocking

Upon Commission approval, Licensee should implement the New Bullards Bar Reservoir Fish Stocking Plan, filed separately with the Commission, by Yuba County Water Agency, on December 2, 2016 (FERC eLibrary Accession No. 20161201-5304).

Recommendation No. 20 - Historic Properties Management Plan

Upon Commission approval, Licensee shall implement the Historic Properties Management Plan, filed separately with the Commission, by Yuba County Water Agency on July 5, 2016 (FERC eLibrary Accession No. 20160705-5039), for locations on non-NFS lands.

Recommendation No. 21 - Transportation System Management Plan

Upon Commission approval, Licensee should implement the Transportation System Management Plan, filed separately with the Commission, by Yuba County Water Agency, on June 5, 2017 (FERC eLibrary Accession No. 20170605-5050), for locations on non-NFS lands.

Recommendation No. 22 – Our House and Log Cabin Diversion Dams Sediment Management Plan

Upon Commission approval, Licensee should implement the Our House and Log Cabin Diversion Dams Sediment Management Plan, filed separately with the Commission, by Yuba County Water Agency, on July 27, 2018 (FERC eLibrary Accession No. 20180727-5007) for locations on non-NFS lands.

Recommendation No. 23 – Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Woody Material Management Plan

Upon Commission approval, Licensee should implement the Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Management Plan, filed separately with the Commission, by Yuba County Water Agency, on April 12, 2018 (FERC eLibrary Accession No. 20180412-5129) for locations on non-NFS lands.

Recommendation No. 24 – Visual Resource Management Plan

Upon Commission approval, Licensee shall implement the Visual Resource Management Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175) for locations on non-NFS lands.

Recommendation No. 25 – Erosion and Sediment Control Plan

Upon Commission approval, Licensee shall implement the Erosion and Sediment Control Plan, filed separately with the Commission, by Yuba County Water Agency, on October 27, 2016 (FERC eLibrary Accession No. 20161027-5175) for locations on non-NFS lands.

Recommendation No. 26 – Fire Prevention and Response Plan

Upon Commission approval, Licensee shall implement the Fire Prevention and Response Plan, filed separately with the Commission, by Yuba County Water Agency, on June 5, 2017 (FERC eLibrary Accession No. 20170605-5050) for locations on non-NFS lands.

Enclosure 3

**Rationale for Forest Service FPA Section 4(e)
*Condition No. 54 - Drought Management Plan***

**In Connection with the Application for
Relicensing of the Yuba River Development Project
(FERC No. 2246-065)**

20 September 2018

Rationale for Drought Management Plan (Condition No. 54)

Yuba County Water Agency (YCWA) proposed a *Drought Management Plan* (Plan) in their amended Final License Application (filed with the Federal Energy Regulatory Commission [FERC] on June 5, 2017), which outlined their approach to addressing drought conditions during the term of their new license. In other recent California relicensing projects, both the FERC and the State Water Resources Control Board have required licensees to develop drought plans.

The Forest Service does not agree with significant components of YCWA's proposed Plan. Forest Service Federal Power Act (FPA) Section 4(e) Condition No. 54 defines the components of a revised *Drought Management Plan* that are needed to protect National Forest System lands and Forest Service resources. While there is an existing process for licensees to occasionally receive license variances from mandatory conditioning agencies, under drought conditions, a different approach is needed. Such an approach is expected to provide adequate protection of Forest Service resources while also including clear procedures for the Licensee to: define and make notifications of drought conditions; identify and monitor affected resources; communicate regularly with the Forest Service, other government agencies, and the public; and request variances from the Forest Service and other mandatory conditioning agencies.

The revised Plan must include an appropriate definition of drought. For National Forest System lands, "typical" year to year variation in water year types, including the operational changes and potential resource effects during periodic dry and critically dry years, were addressed during relicensing discussions. Collaborative agreements on License Conditions for "definition of water year types", "minimum instream flows", "tunnel closures", "spill management", and "whitewater boating flows", included variation in required flows or flow timing, depending on water year types. Development of additional drought measures should only be triggered during extended droughts, based on conditions in the Yuba River Watershed. During the recent California drought (2012-2016), which was one of the driest periods in the historic record, YCWA did not need to request any flow variances from the Forest Service, or enter into a "conference year" situation under the Yuba Accord (lower Yuba River); further emphasizing the need for a definition of drought that is locally specific, and one that encompasses extreme drought conditions.

In the revised Plan, the Licensee will be required to anticipate and monitor potential impacts of drought measures on fish, wildlife, water quality, vegetation, recreation, and other Forest Service resources. This information is needed by the Forest Service to evaluate the magnitude and duration of any requested variances from Forest Service License Conditions. The Forest Service is concerned that the measures required during critically dry water years may fail to protect resources during extended drought periods. Moreover, if Licensee's variance requests are for minimum instream flows that are lower than the instream flows required during critically dry water years, this could lead to resource impacts not addressed within the current License Conditions.

The revised Plan will describe a process for engaging State and Federal Agencies and the public in development of specific drought measures. This may be accomplished through the "Ecological Group" which will be established per FPA Final Section 4(e) Condition No. 2.

Engaging this group will: facilitate a common understanding of drought impacts to YCWA's operations, allow for early identification of potential remedies, and potentially expedite variance approvals. The Ecological Group also affords an opportunity for broader public engagement during highly stressful drought periods - i.e., Condition No. 2 states: "*Ecological Group meetings shall be open to any organization or individual, who may fully participate in the meeting.*"

The revised Plan must also fully acknowledge the need for approval by mandatory conditioning agencies; YCWA's proposed Plan does not fully acknowledge this requirement. YCWA's Plan includes wording such as "*YCWA will make a good faith effort to obtain comments on its proposed variances from the Forest Service...*" and "*If the Forest Service.... agrees with....*". The revised Plan will clearly describe the process that Licenses will follow to request a variance from Forest Service Section 4(e) Conditions, and clarify that these requests must be approved by the appropriate Forest Service official.

Forest Service
FINAL TERMS AND CONDITIONS AND
RECOMMENDATIONS
Yuba River Development Project, FERC no. 2246-065

Certificate of Service

I hereby certify that I will serve the concurrently filed documents upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Nevada City, California, this 27th day of September, 2018.

/s/ Amy J. Lind

Amy J. Lind, Hydroelectric Coordinator
Tahoe and Plumas National Forests

Service List downloaded from FERC Online, e-Service (<https://www.ferc.gov/docs-filing/eservice.asp>), on September 21, 2018.

Service List for P-2246-000 Yuba County Water Agency

Contacts marked ** must be postal served

Party	Primary Person or Counsel of Record to be Served	Other Contact to be Served
Browns Valley Irrigation District		**Browns Valley Irrigation District 9370 Browns Valley School Road Post Office Box 6 Browns Valley, CALIFORNIA 95918
Kyle Self		**Kyle Self Chairperson Greenville Rancheria of Maidu Indians P.O. Box 279 Greenville, CALIFORNIA 95947
Jim Edwards		**Jim Edwards 5 Tyme Way Oroville, CALIFORNIA 959669115 Butte
American Whitewater		Dave Steindorf California Stewardship Dir. American Whitewater 4 Baroni Drive Chico, CALIFORNIA 95928-4314 dave@amwhitewater.org
California Department of Fish and Wildlife	Tina Bartlett Regional Manager California Department of Fish and Wildlife 1701 Nimbus Rd Rancho Cordova, CALIFORNIA 95670 UNITED STATES Tina.Bartlett@wildlife.ca.gov	Elizabeth Lawson California Department of Fish and Wildlife 1701 Nimbus Road Rancho Cordova, CALIFORNIA 95670 beth.lawson@wildlife.ca.gov
CALIFORNIA WATER QUALITY CONTROL BOARD	Philip Choy 1001 I street 14th floor sacramento, CALIFORNIA 95812 UNITED STATES philip.choy@waterboards.ca.gov	
Department of the Interior	Kerry O'Hara Assistant Regional Solicitor 2800 Cottage Way, Rm. E-1712 Sacramento, CALIFORNIA 95825 UNITED STATES SOL-FERC@sol.doi.gov	
Department of the Interior	Kerry O'Hara Assistant Regional Solicitor 2800 Cottage Way, Rm. E-1712 Sacramento, CALIFORNIA 95825 UNITED STATES SOL-FERC@sol.doi.gov	

Foothills Water Network	Traci Sheehan Coordinator Foothills Water Network PO Box 713 Coloma, CALIFORNIA 95651-0713 UNITED STATES traci@foothillswaternetwork.org	
Friends of the River	Eric Wesselman Executive Director Friends of the River 1418 20th Street, Suite 100 Sacramento, CALIFORNIA 95811 UNITED STATES eric@friendsoftheriver.org	
USDA Office of the General Counsel	Amy Lind Hydropower Coordinator - Tahoe USDA Forest Service - Tahoe NF 631 Coyote St. Nevada City, CALIFORNIA 95959 UNITED STATES alind@fs.fed.us	
Yuba County Water Agency	Curt Aikens General Manager Yuba County Water Agency 1220 F Street Marysville, CALIFORNIA 95901 UNITED STATES caikens@ycwa.com	Michael A Swiger Partner Van Ness Feldman LLP 1050 Thomas Jefferson Street, NW 7th Floor Washington, DISTRICT OF COLUMBIA 20007 mas@vnf.com
Yuba County Water Agency	Curt Aikens General Manager Yuba County Water Agency 1220 F Street Marysville, CALIFORNIA 95901 UNITED STATES caikens@ycwa.com	Michael G Kline Power Systems Manager Yuba County Water Agency Yuba County Water Agency 1220 F Street Marysville, CALIFORNIA 95901 mkline@ycwa.com

Document Content(s)

Forest Service cover letter YRDP_2246 24sept2018.PDF.....1-2

Encl_1 Forest Service Final 4e YRDP_2246 sept2018.PDF.....3-35

Encl_2 Forest Service Final 10aYRDP_2246 sept2018.PDF.....36-49

Encl_3 Forest Service 4e rationale YRDP_2246 sept2018.PDF.....50-52

FS Final 4e Cert. Service YRDP_2246 sept2018.PDF.....53-55