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**File Code:** 2770  
**Date:** JAN 27 2020

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

*Via Electronic Filing*

**Subject: FOREST SERVICE REVISION OF FOUR FINAL FPA SECTION 4(e) CONDITIONS AND ONE FINAL 10(a) RECOMMENDATION  
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 United States Department of Agriculture (USDA) Forest Service (Forest Service), and is currently in relicensing. The purpose of this letter is to submit revisions to four Final Conditions and one Recommendation previously submitted by the Forest Service, pursuant to Sections 4(e) and 10(a) of the Federal Power Act (FPA). The Conditions being revised require the implementation of management plans that were collaboratively developed, with YCWA and stakeholders, over the past several years.

Background

On behalf of the Forest Service, the USDA Office of General Counsel filed, with the FERC, a Notice of Intervention with regard to YCWA's license application, on July 18, 2017. On September 27, 2018, the Forest Service filed Final FPA Terms and Conditions and Recommendations. The FERC Office of Energy Projects and U.S. Army Corps of Engineers jointly issued a Final Environmental Impact Statement (FEIS) for the relicensing of YRDP on January 2, 2019.

Subsequent to the issuance of the FEIS, the Forest Service has been working with YCWA, federal and state agencies, and other stakeholders to address FERC staff's recommended revisions in the FEIS relative to five management plans (Plans): (1) Hazardous Materials Management Plan, (2) Aquatic Invasive Species Management Plan, (3) Integrated Vegetation Management Plan, (4) Bald Eagle and American Peregrine Falcon Management Plan, and (5) New Bullards Bar Reservoir Fish Stocking Plan. YCWA, the Forest Service, and other participants reached collaborative agreement in late October 2019, and YCWA filed the revised



Plans with the FERC on November 8, 2019. YCWA's letter also provides background on the specific revisions proposed by FERC staff.

#### Revised FPA Section 4(e) Conditions and 10(a) Recommendation

Of the five plans that were revised, the New Bullards Bar Reservoir Fish Stocking Plan was previously included by reference in Forest Service Final FPA Section 10(a) Recommendations, and the other four Plans were previously included by reference in Forest Service Final FPA Section 4(e) Conditions. To avoid confusion and facilitate implementation of the new license when it is issued, the Forest Service hereby submits the following revised FPA Section 4(e) Conditions and Section 10(a) Recommendation. The Conditions and Recommendation below completely replace the previously filed Conditions and Recommendation of the same name/number; the only aspects that have changed from the previous filing are the date each Plan was filed with FERC, and the accession number in the FERC eLibrary.

#### **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 November 8, 2019 (FERC eLibrary Accession No. 20191108-5166), 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 November 8, 2019 (FERC eLibrary Accession No. 20191108-5166), 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 November 8, 2019 (FERC eLibrary Accession No. 20191108-5166), 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 November 8, 2019 (FERC eLibrary Accession No. 20191108-5166), for locations on, or directly affecting, NFS lands.

**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 November 8, 2019 (FERC eLibrary Accession No. 20191108-5166).

**All other Forest Service Section 4(e) Conditions and Section 10(a) Recommendations submitted to the FERC on September 27, 2018 remain in place.** We appreciate the collaborative approach of YCWA and other stakeholders on these Plan revisions. Please contact Amy Lind, Pacific Southwest Region Hydroelectric Coordinator at (530) 478-6298 or [amy.lind@usda.gov](mailto:amy.lind@usda.gov) if you have questions concerning this submittal.

Sincerely,

 Randy Moore

RANDY MOORE  
Regional Forester Pacific Southwest Region

cc: Dawn Alvarez, Amy Lind, Eli Ilano, Temoc Rios, Chris Carlton, Emily Moghaddas

**USDA Forest Service**  
***REVISION OF FOUR FINAL FPA SECTION 4(e) CONDITIONS***  
***AND ONE FINAL 10(a) RECOMMENDATION***  
**Yuba River Development Project**  
**FERC No. 2246-065**

Certificate of Service

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

Dated at Nevada City, California, this 30th day of January, 2020.

*/s/ Amy J. Lind*

Amy J. Lind, Hydroelectric Coordinator  
USDA Forest Service, Pacific Southwest Region