

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON D.C. 20426  
May 31, 2018

OFFICE OF ENERGY PROJECTS

Project No. 2246-065-California  
Yuba River Development Project  
Yuba County Water Agency

Kaylee Allen, Project Leader  
San Francisco Bay Delta Fish and Wildlife Office  
U.S. Fish and Wildlife Service  
650 Capitol Mall  
Sacramento, CA 95814

**Reference: Request for concurrence with endangered species determinations under section 7 of the Endangered Species Act**

Dear Ms. Allen:

The Yuba River Development Project includes three developments located on the main stem of the Yuba River; Middle Yuba River; North Yuba River; and Oregon Creek, a tributary to the Middle Yuba River, in Yuba, Sierra, and Nevada Counties, California. We address the projects' effects on threatened or endangered in the draft Environmental Impact Statement (EIS).<sup>1</sup> The location of the endangered species information is provided in the attachment.

We conclude that relicensing of the Yuba River Development Project, as proposed with staff-recommended measures and mandatory conditions (the proposed action), "may affect but is not likely to adversely affect" the California red-legged frog and valley elderberry longhorn beetle. We also find that relicensing the project "may affect, but is not likely to adversely affect" designated critical habitat for the California red-legged frog. Therefore, we do not believe that formal consultation is required under either the Endangered Species Act.

Please tell us in writing within 30 days from the date of receipt of this letter if you do or do not agree with our assessment. Should you need to informally discuss concerns before making your determination, please contact Alan Mitchnick by telephone at (202)

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<sup>1</sup> The draft EIS for the project is available at the following link:  
<https://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=14932360>.

502-6074 to indicate your interest in initiating a teleconference with all parties on this issue.

The Commission strongly encourages electronic filing. Please file your response using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, D.C. 20426. The first page of any filing should include docket number P-2246-065.

If you have any questions, please Alan Mitchnick at (202) 502-6074 or by e-mail at [alan.mitchnick@ferc.gov](mailto:alan.mitchnick@ferc.gov).

Sincerely,

Timothy Konnert, Chief  
West Branch  
Division of Hydropower Licensing

**Attachment --Location of Information in the draft EIS needed to complete consultation on the Yuba River Development Project (P-2246-065).**

<p><b>Description of the Action</b></p>	<p>Information on the general project location and description of federal lands affected are found in the <i>Application</i> section (page 1-1) (see location map—figures 1-1 and 1-2, pages 1-2 and 1-3).</p> <p>The preferred action, described in the <i>Proposed Action and Alternatives</i> section (pages ), consists of the applicant's proposal (pages 2-19 to 2-32), as supplemented by mandatory conditions (pages 2-32 to 2-36), and additional measures recommended by staff (pages 2-36 to 2-40).</p>
<p><b>Description of Listed Species and Critical Habitat</b></p>	<p>In the <i>Affected Environment</i> subsection (pages 3-275 to 3-277 for the California red-legged frog and 3-277 for the valley elderberry longhorn beetle) of the Threatened and Endangered Species section, we summarize available background information on species biology, habitat requirements, abundance, and distribution within the project area and surrounding areas; and summarize the results of the surveys conducted by the applicant.</p>
<p><b>Description of Affected Area</b></p> <p><b>and</b></p> <p><b>Description of the Effects of the Project, including cumulative effects</b></p>	<p>In the <i>Environmental Impacts and Recommendations</i> subsection (pages 3-287 to 3-295 for the California red-legged frog and 3-295 to 3-296 for the valley elderberry longhorn beetle), we provide a description of the geographic area that may be affected by the proposed action; an evaluation of the potential direct, indirect, and cumulative effects on species and critical habitat of the proposed action and alternatives; an evaluation of measures proposed by the applicant and recommended by staff to reduce, avoid, minimize, or enhance endangered species; and a determination of effect associated with the preferred alternative for each species.</p> <p>Staff's conclusions relevant to protective measures for the California red-legged frog and valley elderberry longhorn beetle are discussed in the following subsections in section <i>5.0 Conclusions and Recommendations</i>:</p> <p><b>5.1.2 Additional Measures Recommended by Staff</b></p> <ul style="list-style-type: none"> <li>• Integrated Vegetation Management Plan (pages 5-23 to 5-26)</li> <li>• Decontamination to Prevent Spread of Chytrid (pages 5-26 to 5-27)</li> </ul> <p><b>5.1.3 Other Measures Not Recommended by Staff</b></p> <ul style="list-style-type: none"> <li>• Sensitive Amphibian Management Plan (pages 5-43 to 5-46)</li> </ul> <p>No cumulative effects were identified.</p> <p>No interrelated or interdependent actions were identified.</p> <p>No unavoidable adverse effects were identified.</p>
<p><b>Relevant Reports</b></p>	<p>A list of relevant reports and other relevant information on the action, listed species, or critical habitat that form the basis of our assessment of impacts to endangered species are included in the <i>Literature Cited</i> section (pages 6-1 to 6-18). Copies of the reports and plans prepared by the applicant, including studies and survey results, have already been filed with your office. These include the following:</p> <ul style="list-style-type: none"> <li>• Technical Memorandum 7-3--ESA-Listed Amphibians –California Red-legged Frog</li> <li>• Technical Memorandum 7-4--ESA-Listed Wildlife –Valley Elderberry Longhorn Beetle</li> </ul>

	<ul style="list-style-type: none"><li>• Integrated Vegetation Management Plan</li><li>• Aquatic Invasive Species Management Plan</li><li>• Our House and Log Cabin Diversion Dams and New Bullards Bar Reservoir Woody Material Management Plan</li><li>• Erosion and Sediment Control Plan</li><li>• Hazardous Materials Management Plan</li><li>• Transportation System Management Plan</li></ul>
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