

**YUBA COUNTY WATER AGENCY NOTICE OF AVAILABILITY OF  
NOTICE OF INTENT TO RELY ON FINAL ENVIRONMENTAL IMPACT STATEMENT,  
IN COMBINATION WITH A SUPPLEMENTAL ANALYSIS, TO SATISFY CEQA FOR  
THE YUBA RIVER DEVELOPMENT PROJECT RELICENSING AND  
NOTICE OF CEQA SCOPING MEETINGS**

The Yuba County Water Agency (YCWA) owns and operates the Yuba River Development Project (YRDP), which is a hydroelectric project that operates pursuant to a license issued by the Federal Energy Regulatory Commission (FERC; FERC Project No. 2246) under the Federal Power Act. YCWA is considering whether to accept an expected new YRDP license from FERC and has applied for a license with a 50-year term.

This Notice of Availability provides notice of the availability of YCWA's notice of intent (NOI) to rely on the 2019 Final Environmental Statement (FEIS) issued by FERC and the U.S. Army Corps of Engineers (USACE), as YCWA will supplement that FEIS, as YCWA's environmental analysis of the YRDP's relicensing by FERC, consistent with the California Environmental Quality Act. (Public Resources Code §§ 21000–21178 (CEQA) and CEQA Guidelines section 15221). The full NOI is available for public review as discussed below. YCWA's issuance of that NOI and this Notice of Availability starts the 45-calendar day review period identified below, provides notice of YCWA's related scoping meetings and informs responsible and trustee agencies and other interested parties about YCWA's CEQA compliance plan for the YRDP's relicensing.

**PUBLIC REVIEW & COMMENT PERIOD:**

November 7, 2022 through 5:00 p.m., December 22, 2022

**PROJECT AND PROCESS OVERVIEW**

The YRDP is a hydroelectric project with facilities in Yuba, Nevada and Sierra Counties, California. The YRDP's major facilities are as follows: (1) New Bullards Bar Dam and Reservoir, and associated recreational facilities, on the North Yuba River; (2) New Colgate Powerhouse, which releases water to the Yuba River downstream of the confluence of the North Yuba and Middle Yuba Rivers; (3) Our House Diversion Dam on the Middle Yuba River upstream of that confluence; (4) Log Cabin Diversion Dam on Oregon Creek in the Middle Yuba River watershed; and (5) Narrows 2 Powerhouse, located on the lower Yuba River just downstream of USACE's Englebright Dam and the confluence of the South Yuba River and the Yuba River. YCWA's proposed project (the Proposed Project) is the acceptance of a new license issued by FERC for the YRDP's operation. YCWA has applied to FERC for a new license with a 50-year term.

CEQA requires that, when a project requires both CEQA compliance and an environmental impact statement (EIS) prepared under the National Environmental Policy Act (NEPA), the California agency that is the CEQA lead agency shall, whenever possible, use the EIS as the project environmental impact report (EIR). (Public Resources Code § 21083.7.) CEQA Guidelines section 15221 implements this requirement and provides that when a project will require compliance with both CEQA and NEPA, the CEQA lead agency should use the EIS rather than preparing an EIR under CEQA if: (1) the EIS is prepared before an EIR was completed; and (2) the EIS complies with the CEQA Guidelines. (See also Public Resources Code §§ 21083.5, 21083.7.) Prior to using the EIS in this situation, the CEQA lead agency must give notice that it

will use the EIS in the place of an EIR and that it believes that the EIS meets the requirements of CEQA (CEQA Guidelines § 15221).

In this Notice of Availability and the NOI, YCWA is providing this notice as the lead agency for the Proposed Project.

Consistent with CEQA Guidelines section 15221, YCWA intends to supplement FERC's 2019 FEIS. That FEIS discusses potential environmental effects in the following categories: (1) geology and soils; (2) aquatic resources; (3) terrestrial resources; (4) threatened and endangered species; (5) recreation; (6) land use and aesthetics; and (7) cultural resources. The FEIS also discusses potential socioeconomic effects. YCWA intends to supplement the FEIS by considering, among other things, the following CEQA considerations that were not addressed or fully covered in the FEIS: (A) air quality effects; (B) noise effects; (C) climate change; (D) a program for monitoring or reporting on mitigation measures; (E) Native American tribe consultation, including outreach requirements required by Public Resources Code section 21080.3.1 (adopted by Assembly Bill 52); and (F) growth-inducing impacts. YCWA may identify other CEQA considerations that will be included. For example, YCWA's supplemental analysis may include an analysis of alternatives to implementing the Proposed Project as described in the FEIS.

The FERC FEIS is available on FERC's ELibrary (<https://elibrary.ferc.gov/eLibrary/search>) under YRDP Docket No. P-2246 at accession no. 20190102-3000, on the YCWA website at <https://www.yubawater.org/217/Yuba-River-Development-Project-Relicensi>, and physical copies are available at YCWA's place of business at 1220 F Street, Marysville, California. YCWA's Notice Of Intent To Rely On FERC/USACE Final Environmental Impact Statement, In Combination With A Supplemental Analysis, To Satisfy CEQA For The Yuba River Development Project Relicensing And Notice Of CEQA Scoping Meetings (NOI) is available in those same electronic and physical locations.

### **IN-PERSON SCOPING MEETINGS**

To supplement the extensive scoping that FERC has conducted for the YRDP's relicensing, YCWA will hold afternoon and evening CEQA public scoping meetings during the NOI 45-day public comment period at the following times and locations to discuss and receive input on the issues that are not addressed in FERC's FEIS, but will or should be addressed in YCWA's supplemental analysis under CEQA.

<b>Wednesday, November 16, 2022 (2-4pm)</b>	<b>Thursday, November 17, 2022 (5-7pm)</b>
YCWA Headquarters 1220 F Street Marysville, California 95901	Gold Miners Inn 121 Bank Street Grass Valley, California 95945

The CEQA public scoping meetings will have an open house format and will allow agencies and individuals an opportunity to submit oral or written comments to YCWA officials, which will be included in the administrative record. There will be no formal agenda or formal presentation; posterboards presenting information about the YRDP and the Proposed Project will be available for public review.

### **SUBMITTING COMMENTS**

YCWA will prepare and circulate a draft CEQA supplemental analysis for public review and comment in accordance with CEQA Guidelines section 15225. Because FERC undertook a thorough notice and public

comment process under NEPA in such a manner as to satisfy equivalent California requirements, the 2019 FEIS will not be re-circulated for review and comment. As discussed above, that FEIS is available from both YCWA and FERC.

YCWA is distributing the NOI to give notice to interested agencies and parties of its intent to rely on the FEIS, in combination with a CEQA supplemental analysis to be prepared by YCWA, to meet the requirements of CEQA. YCWA is providing the NOI by (1) uploading electronic documents to the Governor's Office of Planning and Research, State Clearinghouse Unit, via CEQA Submit for publication to CEQAnet, (2) mailing notices to responsible agencies, trustee agencies, and other interested parties as listed in the NOI, (3) filing the notice with FERC through the FERC eLibrary, (4) posting this Notice of Availability and NOI on the YCWA website for public access, (5) posting this Notice of Availability at County Clerk offices for Yuba, Nevada and Sierra Counties, (6) publishing this Notice of Availability in county newspapers of general circulation in the area affected by the proposed project, and (7) posting this Notice of Availability and the NOI at County libraries. The three newspapers where this Notice of Availability will be published are: the Appeal Democrat (Yuba/Sutter counties), The Union (Grass Valley/Nevada County), and the Downieville Mountain Messenger (Sierra County). Libraries where this Notice of Availability and the NOI will be posted are: the Yuba County Library in Marysville and Grass Valley Library in Grass Valley.

Written comments on the NOI can be submitted to YCWA within 45 days of its issuance, namely by 5:00 pm on December 18, 2022, via United States mail or e-mail. To be considered, all written comments on the NOI must be written and received by John James, YCWA's designated contact person for the Project, at Mr. James' mailing or e-mail address (1220 F Street, Marysville, CA 95901; [jjames@yubawater.org](mailto:jjames@yubawater.org)).

### **SPECIAL MEETING ACCOMMODATIONS**

If you plan on attending one of these meetings and need a translator or for additional accessibility preferences, please submit a message to [jjames@yubawater.org](mailto:jjames@yubawater.org).