

**NOTICE OF PREPARATION
OF A DRAFT ENVIRONMENTAL IMPACT REPORT
AND NOTICE OF PUBLIC SCOPING MEETINGS FOR THE**

**Yuba River Development Project FERC Relicensing (FERC Project No. 2246)
and the
Narrows Hydroelectric Project FERC Relicensing (FERC Project No. 1403)**

Date: October 28, 2024

To: Agencies and Interested Parties

Subject: Notice of Preparation of a Draft Environmental Impact Report and Notice of Public Scoping Meetings for the Yuba River Development Project FERC Relicensing (Project No. 2246) and the Narrows Hydroelectric Project FERC Relicensing (Project No. 1403)

Review Period: November 1, 2024 through December 2, 2024

OVERVIEW

The Yuba County Water Agency (Yuba Water) owns and operates the Yuba River Development Project¹ (YRDP) and the Narrows Hydroelectric Project² (Narrows Project), which are hydroelectric projects that independently operate pursuant to licenses issued by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act (FPA). Yuba Water is seeking renewal of its FERC licenses to continue operation and maintenance of both projects and has applied for new licenses with a 50-year term. Yuba Water is the lead agency under the California Environmental Quality Act (CEQA) for consideration of acceptance of the FERC license renewals for both projects (“Relicensings”) (CEQA Guidelines section 15051). Acceptance and implementation of the new FERC licenses and continued operation and maintenance of the YRDP and Narrows Project pursuant to the new FERC licenses, respectively, are collectively referred to in this NOP as the “Relicensings” or the “Proposed Project”. This notice informs responsible and trustee agencies and other interested parties about Yuba Water’s CEQA compliance approach for the Relicensings and its intention to prepare a joint environmental impact report (EIR) and hold related scoping meetings for the Relicensings (CEQA Guidelines section 15165).

PURPOSE OF THIS NOTICE OF PREPARATION

In accordance with the CEQA Guidelines, Yuba Water has prepared this notice of preparation (NOP) to inform agencies and interested parties that an EIR will be prepared for the above-referenced Relicensings. The purpose of an NOP is to provide sufficient information about the proposed project and its potential environmental impacts to allow agencies, non-governmental

¹ FERC Project No. 2246

² FERC Project No. 1403

organizations (NGOs), and other interested parties the opportunity to provide a meaningful response regarding the scope and content of the EIR (CEQA Guidelines section 15082).

Yuba Water previously issued a Notice of Intent to rely on the 2019 FERC and USACE Final Environmental Impact Statement (FEIS), in combination with a Supplemental Analysis, to satisfy CEQA for the YRDP Relicensing (State Clearinghouse Number 2022110118) and held CEQA public scoping meetings during the NOI public comment period. FERC subsequently informed Yuba Water that it identified additional information required for the YRDP that was needed to support FERC's preparation of a supplemental EIS (SEIS) (see discussion below). To date, FERC has not issued a National Environmental Policy Act (NEPA) environmental compliance document for the Narrows Project or public noticing related to the preparation of a supplement to the 2019 FEIS for the YRDP. As a result, Yuba Water no longer intends to rely on the FEIS and a Supplemental Analysis for CEQA compliance for the YRDP Relicensing.

Because FERC is preparing a supplement to the 2019 FEIS for the YRDP and has not yet issued a NEPA environmental compliance document for the Narrows Project, Yuba Water has elected to prepare a new, standalone EIR for both the YRDP and the Narrows Project to comply with CEQA. The Draft EIR will evaluate the potential environmental impacts of the proposed renewal of Yuba Water's FERC licenses for both the YRDP and the Narrows Project, respectively.

BACKGROUND ON THE FERC RELICENSING PROCESS

YRDP

The YRDP FERC license expired in 2016. In anticipation of the expiration of the initial license, Yuba Water started the relicensing process by filing with FERC an Application for a New License Major Project – Existing Dam (FLA) for the YRDP in April 2014. In June 2017, Yuba Water filed with FERC an Amended Application for a New License for Major Project – Existing Dam (AFLA). In January 2019, FERC, along with the United States Army Corps of Engineers (USACE) as a cooperating agency, issued a “Final Environmental Impact Statement for Hydropower License, Yuba River Development Project, Project No. 2246-065 – California” (the FEIS) pursuant to NEPA.

On September 18, 2020, FERC issued a biological assessment (BA) for the YRDP under the federal Endangered Species Act (ESA) and requested initiation of formal ESA consultation with the U.S. Department of Commerce, National Marine Fisheries Service (NMFS). NMFS responded to FERC on October 16, 2020, and asserted that the BA did not provide all the information needed to initiate consultation.

In a letter to Yuba Water dated March 8, 2021, FERC announced its plans to prepare a SEIS and revised BA. FERC explained that the SEIS will address new information in the administrative record and may revise FERC staff's preferred project alternative. FERC's Additional Information Request (AIR) requested that Yuba Water evaluate options for the equitable allocation of water to provide cooler water temperatures in the lower Yuba River at times by consulting with the Pacific Gas & Electric Company (PG&E) (Upper Drum-Spaulding Hydroelectric Project (FERC Project No. 2310) and Lower Drum Hydroelectric Project (FERC Project No. 14530)) and Nevada Irrigation District (NID) (Yuba-Bear Hydroelectric Project (FERC Project No. 2266) and Deer Creek Hydroelectric Project (FERC Project No. 14531)) and developing an agreed-upon analysis of the amount of additional water from either storage or transfers necessary in Dry and/or Critically

Dry years (or combination of dry type years) to maintain cooler water in the lower Yuba River for federally listed species protection from July through November. Following completion of the SEIS and revised BA, FERC will re-request ESA consultation with NMFS, and NMFS then is expected to prepare an ESA biological opinion. Following ESA consultation, FERC is expected to issue a new YRDP license so that Yuba Water may continue to operate and maintain the YRDP subject to the terms and conditions as described in the final FERC license.

Section 401 of the federal Clean Water Act authorizes a state to issue a water quality certification with conditions (WQC) on a federal license for a hydroelectric project to ensure that the project complies with state water quality standards. The WQC-issuing agency in California is the State Water Resources Control Board (SWRCB). Federal law provides that if a state fails to act on a WQC application within a reasonable period of time (not to exceed one year), the WQC is considered waived with respect to the application.

As required by FERC's regulations (18 C.F.R. § 5.23(b)(1)), Yuba Water applied to the SWRCB for a WQC on August 24, 2017. At the SWRCB's request, Yuba Water withdrew and refiled its application for a WQC on August 3, 2018. On July 31, 2019, the SWRCB denied Yuba Water's application without prejudice. Yuba Water has not filed a new application for a WQC with the SWRCB. The SWRCB issued a WQC in July 2020 that was later set aside.³ In its notice to FERC and other interested parties regarding the order setting aside the WQC, the SWRCB noted that the California Supreme Court has recognized that a public agency's decision to accept a hydropower license containing specific terms is a discretionary decision that requires CEQA compliance. (*County of Butte v. Dep't of Water Res.*, 13 Cal. 5th 612, 623 (2022).) The CEQA document serves as an informational source for the California agency's own decision-making regarding relicensing.

On August 30, 2024, Yuba Water filed with FERC a proposed schedule for filing a new WQC application with the SWRCB by December 30, 2024. Yuba Water's August 30, 2024, letter also outlined its timeline for compliance with CEQA for YRDP relicensing, stating that it intends to release a draft CEQA document for public comment in early 2025, and intends to release a final CEQA document in spring 2025.

Narrows Project

The Federal Power Commission issued an original license for the Narrows Project to the Pacific Gas and Electric Company (PG&E) on August 1, 1941,⁴ and FERC issued a new license to PG&E on February 11, 1993, stating that the new license for the Narrows Project would be effective for the period from February 1, 1993, through January 31, 2023. On January 26, 2018, FERC approved PG&E's request to extend the license term to January 31, 2026. On May 2, 2019, FERC approved the transfer of the license from PG&E to Yuba Water.

On November 14, 2023, Yuba Water filed an application for a new license with FERC to continue to operate and maintain the Narrows Project (Docket No. P-1403). Yuba Water has requested a new license term (50 years) for the Narrows Project that would end concurrent with the term of

³ SWRCB Order WQ 2024-0083 adopted by the SWRCB on September 18, 2024, is available at https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/wqo24.html

⁴ 62 FERC ¶ 62,093 (1993). FERC's predecessor, the Federal Power Commission, issued an original license for the Narrows Project in 1941. 2 F.P.C. 892 (1941).

the new license that FERC issues for the YRDP. Yuba Water's request for a 50-year license term is in the public interest and is consistent with FERC's 2017 Policy Statement (82 FR 49501) on establishing license terms to relicense the Narrows Project and the YRDP at the same time in the future. The Narrows Project and the YRDP Narrows 2 Development⁵ are co-located at the USACE's Englebright Dam and have coordinated operations. Accordingly, Yuba Water determined that it would be most appropriate to address the environmental impacts of relicensing both the YRDP and the Narrows Project in the same CEQA document.

Pursuant to NEPA, FERC staff will prepare either an environmental assessment (EA) or an environmental impact statement (EIS) that will be used by FERC to determine whether, and under what conditions, to issue a new license for the Narrows Project. On June 7, 2024, FERC circulated a scoping document to provide information on the project and solicit comments and suggestions on its preliminary list of issues to be addressed in the NEPA document. FERC's comment period on the NEPA scoping document closed on August 6, 2024.

PURPOSE AND OBJECTIVES

YRDP

The project objectives for the YRDP Relicensing include:

- (1) Continue to support California's power requirements, particularly in the California/Mexico subregion, by providing renewable hydropower generation to meet resource diversity and capacity needs consistent with the Yuba County Water Agency Act⁶, California Energy Commission regulations and CAISO real-time energy markets.
- (2) Implement additional protections for lower Yuba River fisheries in a way that:
 - (a) improves Yuba River water temperatures to protect ESA-listed fish species and their designated critical habitat; and
 - (b) fairly allocates protective activities such that no entity is disproportionately burdened with a responsibility to mitigate watershed impacts caused by other entities.
- (3) Continue to meet regulatory flow requirements, consumptive demands, and flood control objectives.
- (4) Continue to provide the existing level of water supply reliability support throughout the state that is achieved from providing supplemental water for contractors of the Central Valley Project (CVP) and the State Water Project (SWP), and other potential transferees consistent with the Lower Yuba River Accord Water Purchase Agreement.
- (5) Continue to generate long-term, predictable revenue for Yuba Water's various projects and programs (e.g., fisheries and aquatic habitat enhancement projects on the lower Yuba

⁵ The Narrows 2 Development is a part of the YRDP that is located on the main stem of the lower Yuba River immediately downstream of USACE's Englebright Dam. The development includes the following features: (1) Narrows 2 Powerhouse Penstock; (2) Narrows 2 Full Bypass; (3) Narrows 2 Powerhouse and Switchyard; (4) Narrows 2 Partial Bypass; and (5) about 2.27 miles of existing project roads. The Narrows 2 Development does not include any recreation facilities or recreation roads.

⁶ Section 4.1 of the Yuba County Water Agency Act (West's California Water Code App. § 84-4.1) authorizes YCWA to develop hydroelectric power in connection with YCWA's projects. For additional information regarding YCWA, refer to YCWA's website at <https://www.yubawater.org/>

River, flood control improvements in Yuba County, and programs to replace aging wastewater infrastructure in Yuba County's Disadvantaged Communities).

- (6) Obtain stability and predictability in long-term YRDP operations to justify substantial up-front investments by Yuba Water for modifications to its generation facility, the addition of the flood control outlet, and implementing protection, mitigation, and enhancement measures (PM&Es), including constructing and refurbishing recreation facilities and access roads thereto during the next license term.

Narrows Project

The project objectives for the Narrows Project Relicensing include:

- (1) Continue to support California's power requirements, particularly in the California/Mexico subregion, by providing renewable hydropower generation to meet resource diversity and capacity needs consistent with the Yuba County Water Agency Act, California Energy Commission regulations and CAISO real-time energy markets.
- (2) Continue to support Yuba Water's coordinated operations with the YRDP's Narrows 2 Powerhouse and meet regulatory flow requirements.
- (3) Continue to generate long-term, predictable revenue for Yuba Water's various projects and programs (e.g., fisheries and aquatic habitat enhancement projects on the lower Yuba River, flood control improvements in Yuba County, and programs to replace aging wastewater infrastructure in Yuba County's Disadvantaged Communities).
- (4) Continue to provide stability and reliability in long-term YRDP and Narrows Project coordinated operations by obtaining a new FERC license for the Narrow Project that will run concurrently with the term of a new FERC license for the YRDP.

LOCATION

The YRDP and Narrows Project are both located in the Yuba River Watershed, which has a drainage area of approximately 1,108 square miles at Englebright Dam⁷ and 1,339 square miles at its confluence with the Feather River. **Figure 1** illustrates the general regional location of the Yuba River Watershed.

YRDP

The YRDP is located in the Yuba River Watershed on the mainstem Yuba River, the North Yuba River, and the Middle Yuba River, including Oregon Creek, a tributary to the Middle Yuba River, and the lower Yuba River. Given the dispersed nature of the YRDP facilities, the YRDP does not have a single physical address. YRDP facilities are located in Yuba, Nevada and Sierra counties, California. Most of the YRDP is located on lands owned by the United States. The federal lands include National Forest System (NFS) lands managed by the USFS as parts of the Tahoe National

⁷ The Harry L. Englebright Dam (Englebright Dam) and Reservoir, a federally owned facility administered and operated by the U.S. Army Corps of Engineers (USACE), is located upstream of the YRDP's and Narrows powerhouse facilities. Both the YRDP and the Narrows Project take advantage of water received from USACE's Englebright Reservoir. Englebright Dam, which is about 260 feet high and forms Englebright Reservoir, was constructed by the California Debris Commission in 1941. Englebright dam and the surrounding land are owned by the United States. When the California Debris Commission was decommissioned in 1986, administration of Englebright Dam and Reservoir passed to the USACE.

Forest and the Plumas National Forest, and federal lands administered by the USACE as part of Englebright Dam and Reservoir. All other lands on which YRDP facilities are located are owned by Yuba Water or on private land where Yuba Water holds an easement. **Figure 2** shows the principal YRDP facilities.

Narrows Project

The Narrows Project is located along the lower Yuba River in Nevada County, California, approximately 23 miles northeast of the City of Marysville. The Narrows Project works are located on the south bank of the lower Yuba River extending approximately 0.2-mile downstream of USACE’s Englebright Dam (**Figure 3**). The project occupies 0.55 acre of USACE lands.

DESCRIPTION OF PROPOSED PROJECT

Acceptance and implementation of the new FERC licenses and continued operation and maintenance of the YRDP and Narrows Project pursuant to the new FERC licenses, respectively, are collectively referred to in this NOP as the “Relicensings” or the “Proposed Project”. The Draft EIR will analyze the potential environmental impacts for both Relicensings.

YRDP

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 Development, 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.

As previously discussed, Yuba Water will need to decide whether to accept the new FERC license for the YRDP.⁸ The new FERC license for the YRDP would consist of: (1) modifications to existing YRDP facilities; (2) adjustment of the FERC Project boundary as described in the Yuba Water’s applications to FERC; (3) PM&E measures proposed by Yuba Water; (4) FERC Staff recommended modifications of Yuba Water’s proposal and additional measures; and (5) all mandatory terms and conditions. Mandatory terms and conditions are those required by the USFS and USACE under Section 4(e) of the FPA (USFS 2018; 2022). Together these components comprise the whole of the YRDP Project expected to be implemented under a new FERC license and reflect the license that Yuba Water is expected to be requested to review for adoption.

Specific activities that would be involved in accepting a new license for the YRDP would involve the following:

- Continue to operate, maintain, and manage the existing YRDP facilities, which include: (1) New Bullards Bar Dam and Reservoir; (2) Our House and Log Cabin diversion dams; (3) Lohman Ridge and Camptonville diversion tunnels; (4) New Colgate and Narrows 2 power tunnels and penstocks; (5) New Colgate, New Bullards Minimum Flow, and Narrows 2 powerhouses and associated switchyards; (6) Narrows 2 Powerhouse Full

⁸ For additional details on YCWA’s AFLA for the YRDP, see YCWA’s June 30, 2017 filing with FERC, which can be found on FERC’s eLibrary as referenced by the FERC accession number 20170605-5050.

Bypass (Full Bypass); (7) recreation facilities at New Bullards Bar Reservoir; and (8) appurtenant facilities and features (e.g., buildings, switchyards, roads, trails and gages) pursuant to the new license and its terms and conditions.

- Make the following modifications and improvements to existing YRDP facilities as would be approved by the new license: (1) addition of a tailwater depression system (TDS) at New Colgate Powerhouse;⁹ (2) addition of a new Auxiliary Flood Control Outlet (a.k.a. Atmospheric River Control (ARC) Spillway)¹⁰ at New Bullards Bar Reservoir; (3) modification to the Our House Diversion Dam fish release outlet; (4) modification to the Log Cabin Diversion Dam fish release outlet; (5) modification to the Lohman Ridge Diversion Tunnel Intake; (6) modifications to recreation facilities at New Bullards Bar Reservoir; and (7) modifications to YRDP Project roads.
- Implement the other terms and conditions in the new license.

Narrows Project

The Narrows Project consists of one development that includes: one tunnel, one penstock and standpipe, one powerhouse, and one powerhouse access tram. The Narrows Project works do not include any dams, intakes, reservoirs, open water conveyance facilities, switchyards or transmission lines, roads, recreation facilities, or active borrow or spoil areas. The Narrows Project is unique in that it operates in coordination with Yuba Water's YRDP and the YRDP Narrows 2 Development to provide flows to the lower Yuba River. Many factors contribute to how the YRDP and the Narrows Project are operated in tandem at any given time to meet the downstream water demands, instream flow requirements and power generation, including equipment outages, storm flows and reliability of continuous water supply conveyance. However, generally, the Narrows 1 Powerhouse is operated in conjunction with the YRDP's Narrows 2 Powerhouse and/or the Narrows 2 Full Bypass.

As previously discussed, Yuba Water will need to decide whether to accept the new FERC license for the Narrows Project. The new FERC license for the Narrows Project would consist of: (1) project-related changes proposed by Yuba Water; (2) PM&E measures proposed by Yuba Water; (3) FERC Staff recommended modifications of Yuba Water's proposal and additional measures (if any); and (4) mandatory terms and conditions (if any).¹¹

Specific activities that would be involved in accepting a new license for the Narrows Project would involve the following:

⁹ YCWA has not determined yet whether to implement the TDS if FERC were to authorize it. In order to ensure that YCWA analyzes the Proposed Project's full possible environmental impacts, the EIR will address potential environmental impacts of the TDS's implementation.

¹⁰ YCWA is finalizing a project-specific EIR for its planned ARC Spillway. The ARC Spillway Draft EIR was issued in June 2023 (<https://www.yubawater.org/DocumentCenter/View/5875/Notice-of-Availability-PDF>), evaluated the spillway as a separate, standalone project. YCWA plans to release the Final EIR in 2024. YCWA also plans to apply to FERC for an amendment to the existing FERC license that would allow spillway construction ahead of completion of the YRDP relicensing process.

¹¹ To date, no FERC-recommended modifications or additional measures to YCWA's proposal for the Narrows Project have been identified, and no Federal Power Act Section 4(e) Conditions have been recommended by the USFS or others.

- Yuba Water proposes to continue to operate the Narrows Project in substantial conformance with existing operations, with minor modifications.¹²
- Yuba Water proposes to include, with some updates, the following four articles in the current FERC license that replace Articles 402 and 411, 405, 403 and 410 and address:
 - Yuba Water’s Proposed Condition 1, Supplemental Flows. This condition will continue the requirements of Article 402 and 411 where the Licensee shall coordinate with the YRDP to develop a Water Release Plan to define how the two projects will coordinate operations and provide flows to the lower Yuba River.
 - Yuba Water’s Proposed Condition 2, Ramping Rates. This condition will continue the requirements of Article 405 where Licensee’s releases from the Narrows 1 Powerhouse shall not result in a rate of change in streamflow greater than flow fluctuation limits required at the Smartsville Gage in the license for the YRDP. When Englebright Dam is spilling, no ramping rate shall apply to releases from the Narrows 1 Powerhouse.
 - Yuba Water’s Proposed Condition 3, Fish Stocking. This condition will continue the requirement of Article 403 where Licensee shall provide annually up to 5,000 rainbow trout (half pound each) to be stocked in Englebright Reservoir. The number of fish to be stocked and timing and location of fish stocking shall be coordinated with CDFW.
 - Yuba Water’s Proposed Condition 4, Consult with SHPO and Affiliated Native American Tribes. This condition will continue the requirement in Article 410 where Licensee, before starting any land clearing, land-disturbing, or spoil-producing activities in areas in which Licensee has not previously conducted a cultural resources survey and consulted with SHPO and affiliated Native American Tribes, shall consult with SHPO and affiliated Native American Tribes and conduct a cultural resources survey of the affected areas.
- Yuba Water proposes to include three new measures that address:
 - Yuba Water’s Proposed Condition 5, Water Surface Elevation in Englebright Reservoir.¹³
 - Yuba Water’s Proposed Condition 6, Nesting Peregrine Falcon Protection.
 - Yuba Water’s Proposed Condition 7, Bat Management.
- Implement the other terms and conditions in the new license.

None of Yuba Water’s proposed conditions, if included in the new license, would materially alter Narrows Project operations that are fully described in Yuba Water’s (2023) Final License

¹² Specifically, YCWA proposes to develop a Water Release Plan to define how the YRDP and Narrows Project will coordinate operations to provide flows to the lower Yuba River. YCWA also proposes to modify existing license requirements to specify no ramping rates apply to releases from the Narrows 1 Powerhouse when Englebright Dam is spilling.

¹³ Operation of the Narrows Project should not cause Englebright Reservoir’s water surface elevation to be lower than an elevation of 514.0 ft unless necessary for the temporary protection of life, health, property or environmental resources.

Application.¹⁴ Refer to Appendix E2 in Exhibit E of the 2023 FLA for the complete text and rationale for each of the conditions Yuba Water proposes to include in the new license for the Narrows Project.

Under new FERC licenses for both the YRDP and the Narrows Project, Yuba Water would continue to market electrical energy output by scheduling the energy output of the YRDP and the Narrows Project into the California Independent System Operator (CAISO) energy markets.

PROPOSED PROJECT ALTERNATIVES

In addition to the Proposed Project and the No Project Alternative, Yuba Water plans to evaluate one action alternative for the YRDP in the Draft EIR, which is related to FERC's March 2021 Additional Information Request (AIR) to support FERC staff's analysis in a SEIS for the YRDP.

Yuba Water October 2022 Proposed Offer of Settlement

On March 8, 2021, FERC sent Yuba Water an AIR to inform FERC staff's analysis in a supplemental EIS and to prepare a revised biological assessment for Yuba Water's YRDP (FERC Project No. 2246). The AIR's Item 3 requested that Yuba Water evaluate options for the equitable allocation of water to provide cooler water temperatures in the lower Yuba River at times by consulting with the Pacific Gas & Electric Company (PG&E) (Upper Drum-Spaulding Hydroelectric Project (FERC Project No. 2310) and Lower Drum Hydroelectric Project (FERC Project No. 14530)) and Nevada Irrigation District (NID) (Yuba-Bear Hydroelectric Project (FERC Project No. 2266) and Deer Creek Hydroelectric Project (FERC Project No. 14531)) and developing an agreed-upon analysis of the amount of additional water from either storage or transfers necessary in Dry and/or Critically Dry years (or combination of dry type years) to maintain cooler water in the lower Yuba River for federally listed species protection from July through November.

In response to FERC's March 2021 AIR, Yuba Water developed and submitted its October 2022 Proposed Offer of Settlement (Yuba Water Offer of Settlement), which will be analyzed in the Draft EIR as Alternative 1¹⁵. The Proposed Offer of Settlement consists of the following integrated suite of non-flow and flow measures to be implemented by Yuba Water in coordination with the upstream projects.

- NBBD Dual Intake – Use of the New Bullards Bar Dam (NBBD) upper intake during spring (March, April, and May) and NBBD's lower intake the remainder of the year.
- Eglebright Variable WSE – Manage flows into and out of USACE's Eglebright Reservoir to increase the target water surface elevation from 519 feet above mean sea level (ft msl) to 525 ft msl from August 25 through September 10, maintaining the target elevation through October 15, and implementing an October 16 to 31 ramp-down.

¹⁴ For additional details on YCWA's FLA for the Narrows Project, see YCWA's November 14, 2023 filing with FERC, which can be found on FERC's eLibrary as referenced by the FERC accession number 20231114-5136.

¹⁵ For additional details on Alternative 1 (i.e., YCWA's October 2022 Proposed Offer of Settlement), see YCWA's October 31, 2022 FERC AIR Item 3 Response, which can be found on FERC's eLibrary as referenced by the FERC accession number 20221031-5390.

- 175 cfs Flow Action – Re-operate the collective flow contribution of 15,600 cubic feet per second (cfs) of water from the Yuba-Bear and Drum-Spaulding (YB/DS) projects¹⁶ during April and early May of Dry and Critically Dry years to provide increased flows of 175 cfs to the lower Yuba River from September 1 through October 15 during those year types.

Yuba Water’s Offer of Settlement is identified as a conditional alternative that is subject to FERC’s accepting and implementing all elements of the offer of settlement, including the license amendments proposed for the other FERC projects. In order for the Proposed Offer of Settlement to be most effective and beneficial, it would be necessary for all of the individual Yuba Water- and non-Yuba Water components to work together.

POTENTIAL ENVIRONMENTAL EFFECTS

As required by CEQA, the Draft EIR will describe existing conditions and evaluate the potential for significant environmental effects of the Proposed Project and appropriate alternatives, including the No Project Alternative. Potential environmental impact considerations associated with the YRDP and the Narrows Project Relicensings are discussed below.

YRDP

For the YRDP Relicensing, the Draft EIR will analyze the potential impacts of continued YRDP operation and maintenance activities, as well as the recommended conditions for any license that may be issued for the project. The YRDP impact analyses will focus on: (1) operations-related changes (e.g., hydrologic changes to reservoir storage, river flows and water temperatures); (2) construction-related impacts associated with proposed facility modifications and implementation of various PM&Es (e.g., resource-specific implementation plans); and (3) mandatory conditions under the FPA (e.g., USFS (2022) FPA Revised Final Terms and Conditions - Section 4(e) Conditions).

Potential environmental impacts of continued project operation and maintenance activities associated with the YRDP may affect the following environmental resource categories:

- | | |
|---|------------------------------|
| • Surface Water Resources | • Groundwater Resources |
| • Power Production and Energy Consumption | • Surface Water Quality |
| • Fisheries and Aquatic Resources | • Biological Resources |
| • Air Quality/Greenhouse Gas Emissions | • Transportation/Traffic |
| • Growth Inducement | • Noise |
| • Land Use and Aesthetic Resources | • Geology and Soil Resources |
| • Agriculture and Forest Resources | • Wildfire |
| • Cultural Resources | • Climate Change |

¹⁶ To support improvements in lower Yuba River water temperatures for ESA-listed species, and to enable YCWA to operate the YRDP to support water temperature improvements during the September 1 through October 15 period of Dry and Critically Dry years, the YCWA Offer of Settlement proposes that FERC apply a proposed license condition for the YB/DS Projects, which would involve those projects collectively providing an additional 15,600 acre-ft contribution above their 4(e) minimum flows during April and early May of Dry and Critically Dry Years, but not during Extreme Critically Dry Years.

- Tribal Cultural Resources
- Native American tribe consultation, including outreach requirements required by Public Resources Code section 21080.3.1 (adopted by Assembly Bill 52)

The Draft EIR will also include an evaluation of potential cumulative effects. During the course of preparing the Draft EIR, Yuba Water may identify other CEQA considerations for the YRDP that will also be addressed.

Narrows Project

For the Narrows Project Relicensing, the Draft EIR will analyze the potential effects of continued Narrows Project operation and maintenance activities, as well as the effects of recommended conditions for any license that may be issued for the project. The Narrows Project impact analyses will focus on operations-related changes (e.g., hydrologic changes to reservoir storage, river flows and water temperatures); and (2) mandatory conditions under the FPA (if any). Yuba Water does not propose any changes to existing Narrows Project facilities or plan new facilities that would require construction.

Potential environmental impacts of continued project operation and maintenance activities associated with the Narrows Project may affect the following environmental resource categories:

- | | |
|---|------------------------------|
| • Surface Water Resources | • Surface Water Quality |
| • Power Production and Energy Consumption | • Geology and Soil Resources |
| • Fisheries and Aquatic Resources | • Climate Change |
| • Biological Resources | • Recreational Resources |
| • Growth Inducement | • Noise |
| • Land Use and Aesthetic Resources | • Wildfire |
| • Cultural Resources | • Tribal Cultural Resources |
| • Native American tribe consultation, including outreach requirements required by Public Resources Code section 21080.3.1 (adopted by Assembly Bill 52) | |

The Draft EIR will also include an evaluation of potential cumulative effects. During the course of preparing the Draft EIR, Yuba Water may identify other CEQA considerations for the Narrows Project that will also be addressed.

SCOPING AND PUBLIC REVIEW PERIOD

This NOP is being circulated for agency and public review and comment for a period of 30 days from November 1, 2024 through December 2, 2024. Included with this NOP as Attachments A and B, respectively, are the Responsible Agencies, Trustee Agencies, and Other Interested Parties and Native American Tribal Distribution Lists. To supplement the extensive scoping that has occurred during the FERC relicensing process, Yuba Water will hold two CEQA public scoping meetings during the NOP public comment period to inform interested parties about the project and to provide agencies and the public with an opportunity to provide comments on the scope and content of the Draft EIR. The meeting times and locations are as follows:

November 13, 2024
2:00 – 4:00 p.m.
Yuba Water
1220 F Street, Marysville, CA 95901

November 14, 2024
5:00 – 7:00 p.m.
Goldminers Inn
121 Bank Street, Grass Valley, CA 95945

The public scoping meetings will have an open house format and will allow agencies and individuals an opportunity to submit written comments to Yuba Water officials, which will be included in the administrative record. There will be no formal agenda nor formal presentation; alternatively, posterboards presenting proposed project features will be available for public review. Yuba Water and their consultants will be available during the open house to discuss the physical footprint and features, proposed operations, and the CEQA process for the Proposed Project. Participants of the open house will be requested to document comments or questions on the Proposed Project and submit during the scoping meeting, or via mail or email by the end of the public scoping period to the addresses noted below.

If you plan on attending one of these meetings and need a translator or for additional accessibility preferences, please contact John James at jjames@yubawater.org.

DOCUMENT AVAILABILITY

Copies of the NOP may be reviewed during normal business hours at Yuba County Water Agency, 1220 F Street, Marysville, CA 95901-4740; or online at:

<https://www.yubawater.org/217/Yuba-River-Development-Project-Relicensi>

<https://www.yubawater.org/357/Narrows-Relicensing>

PROVIDING COMMENTS

Written and/or email comments on the NOP should be provided at the earliest possible date but must be received by no later than 5:00 p.m. on December 2, 2024. To be considered, all comments on the NOP must be written and received by Yuba Water’s designated contact person for the YRDP and the Narrows Project Relicensings, at the mailing or e-mail address listed below.

John James
Yuba County Water Agency
1220 F Street
Marysville, CA 95901-4740
jjames@yubawater.org

Comments provided by email should include the name and mailing address of the commenter in the body of the email. If the commenter is a California state or local government agency that will need to consider the EIR when deciding whether to issue permits or other approvals for the project, comments should address: (1) whether the agency will be a Responsible Agency or a Trustee Agency, as those terms are used in CEQA, for the Proposed Project; and (2) if the agency is a Responsible Agency, the significant environmental issues and reasonable alternatives and mitigation measures which the Responsible Agency will need to have explored in the EIR.



Figure 1. Yuba River Watershed in Relation to the Feather River and other tributaries to the Sacramento River.

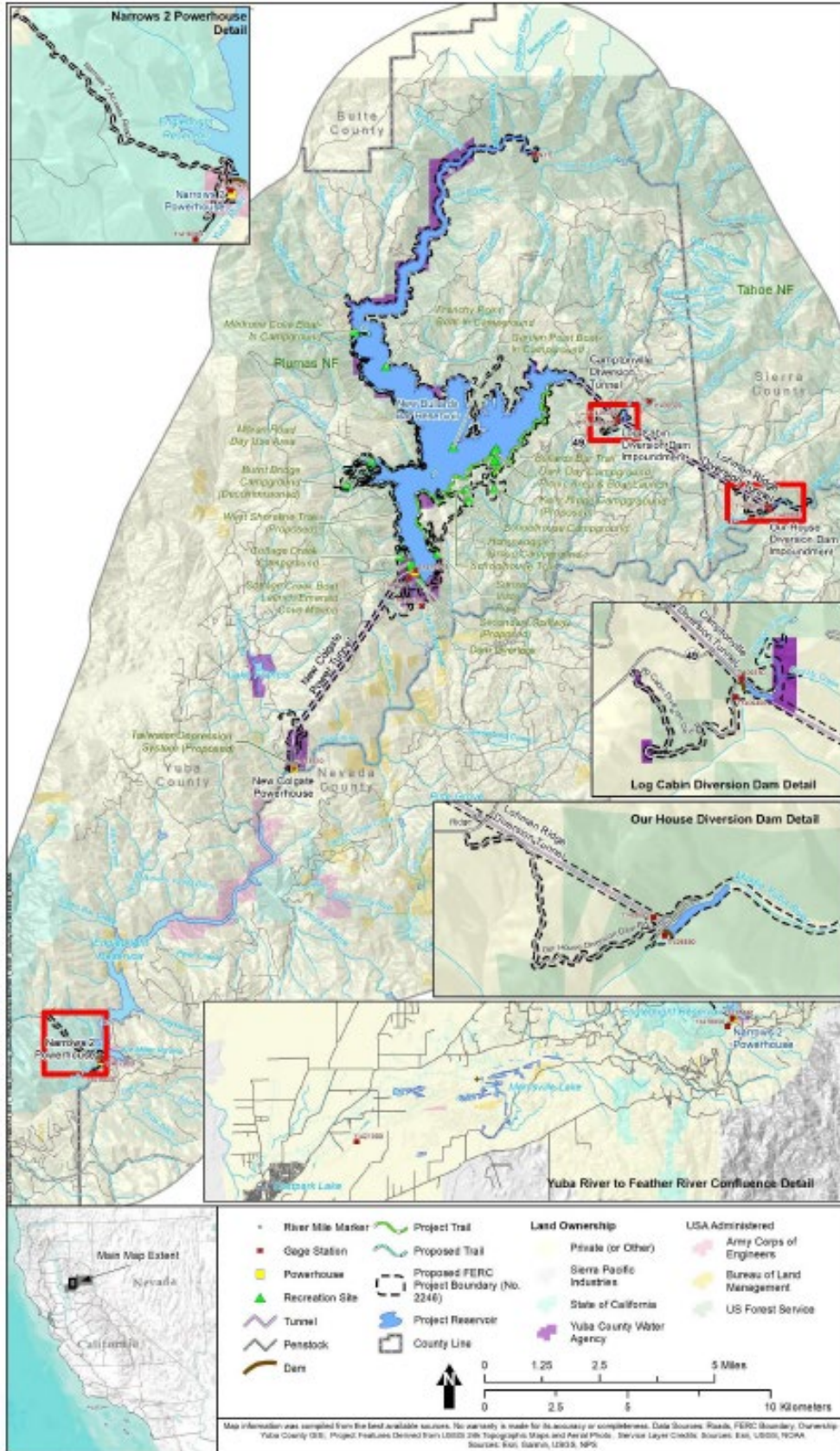


Figure 2. Yuba County Water Agency's Yuba River Development Project and vicinity.

Attachment A
Agency, Jurisdiction, and Other Public Distribution List

Name	Affiliation
Federal	
Amy Dutschke	Bureau of Indian Affairs
Beth Lawson	California Department of Fish and Wildlife
Briana Seapy	California Department of Fish and Wildlife
Michael Maher	California Department of Fish and Wildlife
David Passey	Federal Emergency Management Administration
Robert Fenton	Federal Emergency Management Administration
Benjamin Mann	Federal Energy Regulatory Commission
Rebecca Kipp	Federal Energy Regulatory Commission
Frank Blackett	Federal Energy Regulatory Commission
Nicholas Jayjack	Federal Energy Regulatory Commission
Cathy Marcinkevage	National Oceanic and Atmospheric Administration
Steve Edmondson	National Oceanic and Atmospheric Administration
Tom Holley	National Oceanic and Atmospheric Administration
William Foster	National Oceanic and Atmospheric Administration
Steve Bowes	National Parks Service
Randy Olsen	US Army Corps of Engineers
Todd Goodwalt	US Army Corps of Engineers
Zachary Fancher	US Army Corps of Engineers
Brian Novosak	US Bureau of Land Management
Elizabeth Meyer-Shields	US Bureau of Land Management
Adam Nickels	US Bureau of Reclamation
Drew Lessard	US Bureau of Reclamation
Elizabeth Dyer	US Bureau of Reclamation
Kristin White	US Bureau of Reclamation
Melissa Vignau	US Bureau of Reclamation
Russell Callejo	US Bureau of Reclamation
Dawn Alvarez	US Department of Agriculture

Name	Affiliation
Kellie Whitton	US Department of Agriculture
Patrick Redmond	US Department of Agriculture
RaeAnn Dubay	US Department of Agriculture
Chris Watson	US Department of Interior
Janet Whitlock	US Department of Interior
Kerry Ohara	US Department of Interior
Brittany Reaves	US Fish and Wildlife Service
Dan Welsh	US Fish and Wildlife Service
Donald Ratcliff	US Fish and Wildlife Service
Field Supervisor	US Fish and Wildlife Service
Paul Cadrett	US Fish and Wildlife Service
Stephanie Millsap	US Fish and Wildlife Service
US Fish and Wildlife Service	US Fish and Wildlife Service
Wesley Danskin	US Geological Survey
State	
Sarah Christies	California Coastal Commission
Alexander Funk	California Department of Fish and Wildlife
Kevin Thomas	California Department of Fish and Wildlife
R2 FERC Coordinator	California Department of Fish and Wildlife
Tanya Sheya	California Department of Fish and Wildlife
Brian Estes	California Department of Forestry and Fire Protection
Public Affairs	California Department of Transportation
Andy Chu	California Department of Water Resources
Anna Fock	California Department of Water Resources
Cindy Messer	California Department of Water Resources
Eric Soderland	California Department of Water Resources
John Leahigh	California Department of Water Resources
Megan Sheely	California Department of Water Resources
Morgan O'Brien	California Department of Water Resources
Patrick Pulupa	California Department of Water Resources

Name	Affiliation
Sharon Tapia	California Department of Water Resources
Stephanie Tadlock	California Department of Water Resources
Ted Frink	California Department of Water Resources
Priscilla Torres - Fuentes	California Native American Heritage Commission
California Public Utilities Commission	California Public Utilities Commission
Harvey Y. Morris	California Public Utilities Commission
Ramona Fernandez	California State Parks
David Boggs	Caltrans D3
State Clearing House	State Clearing House
Adam Cohen	State Water Resources Control Board
Bob Baiocchi	State Water Resources Control Board
David Rose	State Water Resources Control Board
Diane Riddle	State Water Resources Control Board
Eric Oppenheimer	State Water Resources Control Board
Erik Ekdahl	State Water Resources Control Board
Jeffrey Parks	State Water Resources Control Board
John Baum	State Water Resources Control Board
Jordan Smith	State Water Resources Control Board
Kristen Gangle	State Water Resources Control Board
Philip Meyer	State Water Resources Control Board
Samuel Boland-Brien	State Water Resources Control Board
Local	
Kelly McNally	Browns Valley Irrigation District
Mark Sayers	Browns Valley Irrigation District
Dan Breedon	Butte County
Brandi Dudeck	Camptonville CSD
Erik Klinkner	City of Pasadena
City of Redding	City of Redding
John Benoit	Colusa LAFCO
Lucinda Shih	Contra Costa Water District

Name	Affiliation
Charlie Mathews Jr.	Cordua Irrigation District
County Clerk	County of Yuba
Kevin Perkins	County of Yuba
Michael Lee	County of Yuba
Anthea Hansen	Del Puerto Water District
Mike Butler, Fire Chief	Dobbins Oregon House Fire Protection District
Joe Conant	Dry Creek Mutual Water Company
Hasan Abdullah	East Bay Municipal Utility District
Michael Tognolini	East Bay Municipal Utility District
Sondra Spaethe	Feather River Air Quality Management District
Ric Ortega	Grassland Water District
Mark Chandles	Hallwood Irrigation Company
Michael Filice	Hallwood Irrigation Company
Tom McCarthy	Kern County Water Agency
Tsi- Akim Maidu	Maidu Summit Consortium
Jennifer Harriger	Metropolitan Water District of Southern California
Metropolitan Water District of Southern California	Metropolitan Water District of Southern California
Nina Hawk	Metropolitan Water District of Southern California
Board of Supervisors	Nevada County
Brian Foss, Planning Director	Nevada County
Jennifer Hanson	Nevada Irrigation District
Jan Nimick	Pacific Gas and Electric
Janet Walther	Pacific Gas and Electric
Jennifer Post	Pacific Gas and Electric
Kimberly Ognisty	Pacific Gas and Electric
Law FERC Cases	Pacific Gas and Electric
Neil Wong	Pacific Gas and Electric
Rhonda Beth Shiffman	Pacific Gas and Electric
Susan Kester	Pacific Gas and Electric
Patrick McGowan	Panoche Water District

Name	Affiliation
Crystal Jacobsen, Principal Planner	Placer County
General Manager	Placer County Water Agency
Tracey Ferguson, Planning Director	Plumas County
Paul Bartkiewicz	PMB Water
Charlie Engs	Ramirez Water District
Julia Scarpino Wood	Rock Creek Energy Group
Sharon White	Rock Creek Energy Group
San Benito County Water District	San Benito County Water District
San Lorenzo Valley Water District	San Lorenzo Valley Water District
Federico Barajas	San Luis and Delta-Mendota Water Authority
Pablo Arroyave	San Luis and Delta-Mendota Water Authority
Scott Petersen	San Luis and Delta-Mendota Water Authority
Crystal Dilworth	Shingle Springs Rancheria
Tim H. Beals	Sierra County
Michael Rue	South Yuba Water District
Kelly Henderson	Southern California Edison
Doug Libby, Principal Planner	Sutter County
Allison Febbo	Westlands Water District
Jose Gutierrez	Westlands Water District
Steve Waltz	Wheatland Water District
Deborah Byrne	Yuba County Fish and Game Commission
Adam Robin	Yuba County Water Agency
Andrew Ramos	Yuba County Water Agency
Ethan Koenigs	Yuba County Water Agency
Jacob Vander Meulen	Yuba County Water Agency
John James	Yuba County Water Agency
Keane Sommers	Yuba County Water Agency
Ryan McNally	Yuba County Water Agency
Tim Truong	Yuba County Water Agency
Willie Whittlesey	Yuba County Water Agency

Name	Affiliation
Yuba Water	Yuba County Water Agency
Other	
Reid Nelson	Advisory Council on Historic Preservation
American Rivers	American Rivers
Meghan Quinn	American Rivers
Mike Davis	American Rivers
Dave Steindorf	American Whitewater
Kevin Colburn	American Whitewater
Barbara Vlamis	AquAlliance
Jim Brobeck	AquAlliance
AT&T	AT&T
Baggett Farming	Baggett Farming
Joshua Horowitz	Bartkiewicz Kronick & Shanahan Attorneys at Law
Ryan Bezerra	Bartkiewicz Kronick & Shanahan Attorneys at Law
Bay Org	Bay Org
Gary Bobker	Bay Org
Scott Slater	Brownstein Hyatt Farber Schreck
Charlie Engs	California Outdoor Properties
Bill Jennings	California Sportfishing Protection Alliance
Chris Shutes	California Sportfishing Protection Alliance
Curtis Knight	California Trout
James Edwards	Delta Stewardship Council
Jeff Henderson	Delta Stewardship Council
Traci Sheehan	Foothills Water Network
Keiko Mertz	Friends of River
Ron Stork	Friends of the River
Norman Pedersen	Hanna and Morton LLP
Jarvis Caldwell	HDR, INC
Jeffrey Weaver	HDR, INC

Name	Affiliation
Lucky Acres	Lucky Acres
Andrew McClure	Minasian Law, LLP
Natural Heritage Institute	Natural Heritage Institute
Dr. Mark Rockwell, D.C.	Northern Calif. Council, Fly Fishers International
David Parreira	RPAC Almonds
Sackheim Consulting	Sackheim Consulting
Jack Sanchez	Save Auburn Ravine Salmon and Steelhead
Sean Wirth	Sierra Club - Mother Lode Chapter
Aaron Zettler-Mann	South Yuba River Citizens League
Giana Setoudeh	South Yuba River Citizens League
Latif Nurani	Spiegel and McDiarmid
Rebecca Baldwin	Spiegel and McDiarmid
Spiegel & McDiarmid LLP	Spiegel and McDiarmid
William Huang	Spiegel and McDiarmid
Kevin Johnston	Stakeholder
Chandra Chilmakuri	State Water Contractors
Jennifer Pierre	State Water Contractors
Stinson LLP Law Firm	Stinson LLP Law Firm
Brian Johnson	Trout Unlimited
Chandra Ferrari	Trout Unlimited
Rene Henery	Trout Unlimited
Dustin Flavell	UC Davis
Van Ness Feldman LLP	Van Ness Feldman LLP
Stephan Volker	Volker Law Group
Lon W. House, Ph.D.	Water and Energy Consulting
Richard Roos-Collins	Water And Power Law Group

Attachment B
Native American Tribal Distribution Lists

Table 1: List of AB52 Consultation contacts.

<p>Enterprise Rancheria of Maidu Indians of California – (Enterprise Rancheria Estom Yumeka Maidu) Chairwoman Glenda Nelson 2133 Monte Vista Ave Oroville, CA 95993 glendan@enterpriserancheria.org</p>	<p>Enterprise Rancheria of Maidu Indians of California – (Enterprise Rancheria Estom Yumeka Maidu) EPA Director Cindy Smith 2133 Monte Vista Ave Oroville, CA 95993 cindys@enterpriserancheria.org</p>
<p>Enterprise Rancheria of Maidu Indians of California – (Enterprise Rancheria Estom Yumeka Maidu) THPO Nelson Smith 2133 Monte Vista Ave Oroville, CA 95993 nelsons@enterpriserancheria.org</p>	-
<p>Shingle Springs Band of Miwok Indians Chairperson Regina Cuellar P.O. Box 1340 Shingle Springs, CA 95682 rcuellar@ssband.org</p>	<p>Shingle Springs Band of Miwok Indians Vice Chair Melissa Tayaba P.O. Box 1340 Shingle Springs, CA 95682 matayaba@ssband.org</p>
<p>Shingle Springs Band of Miwok Indians James Sarmento P.O. Box 1340 Shingle Springs, CA 95682 jsarmento@ssband.org</p>	<p>Shingle Springs Band of Miwok Indians Director of Site Protection Kara Perry P.O. Box 1340 Shingle Springs, CA 95682 kperry@ssband.org</p>
<p>Shingle Springs Band of Miwok Indians Site Protection Coordinator Mariah Mayberry P.O. Box 1340 Shingle Springs, CA 95682 mmayberry@ssband.org</p>	<p>Shingle Springs Band of Miwok Indians Krystal Moreno P.O. Box 1340 Shingle Springs, CA 95682 kmoreno@ssband.org</p>
<p>United Auburn Indian Community Cultural Regulatory Manager Anna Starkey 10720 Indian Hill Road Auburn, CA 95603 astarkey@auburnrancheria.com</p>	<p>United Auburn Indian Community THPO Josef Fore 10720 Indian Hill Road Auburn, CA 95603 jfore@auburnrancheria.com</p>

Table 2: Courtesy consultation distribution list.

<p>Colfax-Todds Valley Consolidated Tribe Chairperson Clyde Prout P. O. Box 4884 Auburn, CA 95604 cprout@colfaxrancheria.com</p>	<p>Colfax-Todds Valley Consolidated Tribe Treasurer Pam Cubbler P. O. Box 4884 Auburn, CA 95604 pcubbler@colfaxrancheria.com</p>
<p>Colfax-Todds Valley Consolidated Tribe Vice-Chairman Steven Prout P. O. Box 4884 Auburn, CA 95604 ColfaxRancheria@aol.com</p>	<p>Colfax-Todds Valley Miwok-Maidu Cultural Foundation Board Member Michelle Roper P. O. Box 4884 Auburn, CA 95604 fhwildflower@yahoo.com</p>
<p>Enterprise Rancheria of Maidu Indians of California – (Enterprise Rancheria Estom Yumeka Maidu) THPO Nelson Smith 2133 Monte Vista Ave Oroville, CA 95993 nelsons@enterpriserancheria.org</p>	<p>Greenville Rancheria Tribe of Maidu Chairperson Kyle Self P.O. Box 279 Greenville, CA 95947 kself@greenvillerancheria.com</p>
<p>Greenville Rancheria Tribe of Maidu Assist to Chairperson Patty Allen P.O. Box 279 Greenville, CA 95947 pallen@greenvillerancheria.com</p>	<p>Mechoopda Indian Tribe of Chico Ranch Chairperson Dennis Ramirez 125 Mission Ranch Blvd Chico, CA 95926 mit@mechoopda-nsn.gov</p>
<p>Mechoopda Indian Tribe of Chico Ranch Vice Chairperson Sandra Knight 125 Mission Ranch Blvd Chico, CA 95926 sknight@mechoopda-nsn.gov</p>	<p>Mechoopda Indian Tribe of Chico Ranch THPO Kyle McHenry 125 Mission Ranch Blvd Chico, CA 95926 kmchenry@mechoopda-nsn.gov</p>
<p>Mooretown Rancheria of Maidu Indians Chairperson Benjamin Clark #1 Alverda Drive Oroville, CA 95966 Benjamin.Clark@mooretown.org</p>	<p>Mooretown Rancheria of Maidu Indians Vice Chairperson Kenny Clark #1 Alverda Drive Oroville, CA 95966 keclark@mooretown.org</p>
<p>Mooretown Rancheria of Maidu Indians Director, Environmental Protection Office Guy Taylor</p>	<p>Mooretown Rancheria of Maidu Indians THPO Matt Hatcher</p>

#1 Alverda Drive Oroville, CA 95966 grtaylor@mooretown.org	#1 Alverda Drive Oroville, CA 95966 matthew.hatcher@mooretown.org
Mooretown Rancheria of Maidu Indians Executive Secretary Laura Winner #1 Alverda Drive Oroville, CA 95966 lwinner@mooretown.org	Nevada City Rancheria Chairperson Richard Johnson c/o CHIRP P.O. Box 2624, Nevada City, CA 95959 Richard@nevadacityrancheria.org
Nevada City Rancheria Secretary Shelly Covert c/o CHIRP P.O. Box 2624, Nevada City, CA 95959 Shelly@nevadacityrancheria.org	Pakan'yani Maidu of Strawberry Valley Rancheria Chairperson Tina Goodwin PO Box 1151 Marysville, CA 95901 tinagoodwin@washoetanf.org
Pakan'yani Maidu of Strawberry Valley Rancheria Councilmember Scott Dinsmore PO Box 1151 Marysville, CA 95901 sdinsmore@strawberryvalleymaidu.org	Tsi Akim Maidu Chairperson Don Ryberg P. O. Box 510 Browns Valley, CA 95918 tsi-akim-maidu@att.net
Washoe Tribe of Nevada and California Chairperson Serrell Smokey 919 Highway 395 North Gardnerville, NV 89410 Serrell.Smokey@washoetribe.us	Washoe Tribe of Nevada and California Tribal Historic Preservation Officer, Darrell Cruz 919 Highway 395 North Gardnerville, NV 89410 Darrel.Cruz@washoetribe.us