



December 3, 2020

Mr. E. Joaquin Esquivel, Chair
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000

RE: Comments on the Limited Order for Yuba River Development Project

Dear Chair Esquivel:

On behalf of the Rural County Representatives of California (RCRC), we are writing to request that the State Water Resources Control Board (SWRCB) withdraw and vacate the Water Quality Certification (certification) issued in July of this year for the Yuba Water Agency's federal license for the Yuba River Development Project. RCRC is an association of thirty-seven rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from those member counties.

The SWRCB's certification presents serious social, economic and even environmental consequences for Yuba County and other communities throughout California, especially those who are economically challenged. The likely costs are extraordinary and infeasible. Yuba Water Agency estimates compliance costs to range from \$500 million to more than \$1 billion over the life of the Agency's new federal license. This represents an alarming financial burden imposed by a state agency on a county where nearly half of the population lives in a disadvantaged community.

Yuba Water Agency has completed an analysis of the 50 conditions included in the SWRCB certification. Their analysis, which includes a complete review of relevant SWRCB and California Department of Fish and Wildlife recommendations to the Federal Energy Regulatory Commission, concludes the certification would result in a series of significant and damaging impacts to their operations:

- Water-supply deliveries to Yuba County farmers would be reduced by an annual average of 20 percent (60,044 acre-feet per year), with reductions of 36 percent (109,198 acre-feet per year) in dry years and 49 percent (148,186 acre-feet) in critical years.

- Because Yuba Water Agency's deliveries to south Yuba County farmers enabled the groundwater basin in that area to recover from a previous overdraft, the above significant reductions in those deliveries would create a serious risk of future overdraft.
- Higher spring streamflow requirements would cause Yuba Water Agency's hydroelectric generation to shift significantly from the high-value summer months to low-value spring months, reducing the economic value of that generation by an annual average of \$2.8 million for a total of \$140 million over the anticipated 50-year term of the Certification.
- The seasonal shift in hydroelectric generation also would prevent Yuba Water Agency from being able to respond to requests from the California Independent System Operator to increase generation during summer heat emergencies, as Yuba Water Agency did in August 2020.
- Yuba Water Agency's storage in New Bullards Bar Reservoir would be significantly reduced, with September 30 carryover storage being reduced by approximately 100,000 to 200,000 acre-feet in the driest 50 percent of conditions, and storage being at or near the minimum pool of 230,000 acre-feet in approximately 10 percent of years, even with restrictions that attempt to maintain carryover storage for water supply and a cold water pool.
- As a result of the significantly reduced storage in New Bullards Bar Reservoir, water temperatures in the lower Yuba River would rise in the summer and fall during the federal ESA and State CESA-listed spring run Chinook salmon's adult holding and juvenile rearing lifestages, and would be particularly harmful during the spawning period.

The SWRCB certification also presents significant challenges to other rural communities. For example, Yuba Water Agency has been working collaboratively with conservation groups and local interests on forest health initiatives in the Sierra Nevada Mountains. Their ability to help cost-share these promising wildfire prevention and renewable energy measures would likely be compromised by the attendant loss of annual revenue caused by the certification.

This list of significant adverse impacts reveals the lack of balancing of competing water uses and consideration of economic and societal impacts that are legally-required but lacking in the staff-issued SWRCB certification.

RCRC recommends the SWRCB Members withdraw and vacate this certification and then initiate a collaborative, constructive dialogue with Yuba Water Agency where the relevant water quality considerations may be responsibly evaluated. Please do not hesitate to contact me at sheaton@rcrcnet.org if you have any questions or would like to discuss further.

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Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton", with a large, sweeping flourish at the end.

STACI HEATON
Senior Regulatory Affairs Advocate

cc: Members of the Yuba County Board of Supervisors
Members of the State Water Resources Control Board
Eileen Sobeck, Executive Director, State Water Resources Control Board