

January 28, 2021

Via Electronic Submittal (eFile)

Kimberly D. Bose, Secretary
FEDERAL ENERGY REGULATORY COMMISSION
888 – 1st Street, N.E.
Washington, D.C. 20426-0001

**Subject: Narrows Hydroelectric Project
FERC Project No. 1403 - California
Request for Authorization to Use the Traditional Licensing Process**

Dear Secretary Bose:

Pursuant to Sections (§§) 5.1(f)(1) and 5.3 of Title 18 of the Code of Federal Regulations (C.F.R.), the Yuba County Water Agency (YCWA or Licensee) requests the Federal Energy Regulatory Commission (FERC or Commission) to authorize YCWA to use the traditional licensing process (TLP), as described in Title 18 of the Code of Federal Regulations (C.F.R), Part 4, Subparts D-H and, as applicable, Part 16, to relicense YCWA's Narrows Hydroelectric Project, FERC Project Number (No.) 1403 (Project). The initial license was issued to the Pacific Gas and Electric Company (PG&E) on February 11, 1993, stating that the license 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, and on May 2, 2019, FERC approved the transfer of the license from PG&E to YCWA. YCWA began operating the Project on April 1, 2020. On January 28, 2021, YCWA filed with FERC a Notice of Intent (NOI) to file an Application by January 31, 2024, for a New License for the Project and an accompanying Pre-Application Document (PAD).¹

BACKGROUND

The Project is located on the main stem of the Yuba River in northern California in Nevada County, California, in the western foothills of the Sierra Nevada. The Project is composed of: 1) one 1,077-foot-long tunnel that connects a United States Department of Defense, Army Corps of Engineers' (USACE) tunnel to the Project's penstock; 2) a 266-foot-long steel pipe penstock that connects the Project tunnel to the Project's powerhouse and includes a surge pipe; 3) a 12 megawatt powerhouse; and 4) a powerhouse access tram. The FERC Project Boundary includes 2.92-acres: 2.37 acres of YCWA-owned lands, which includes all lands on which aboveground Project facilities and features are located, and 0.55 acre of federal lands, which are above the Narrows Tunnel (i.e., no surface facilities on federal lands) and are administered by the USACE. Project facilities, which range in elevation from 300 feet to 849 feet, are located on the south slope of the river bank approximately 0.2 miles downstream of Englebright Dam,

¹ FERC's decision regarding whether to grant YCWA's request to use the TLP has no effect on the contents of YCWA's NOI or PAD. YCWA developed the NOI and PAD so that they would apply regardless of which process is used.

a federally-owned dam administered by the USACE, and YCWA's Narrows 2 Powerhouse and Full Bypass, which are located on the north slope of the river bank at the base of Englebright Dam. Narrows 2 Powerhouse and Full Bypass are part of YCWA's Yuba River Development Project, FERC Project No. 2246. YCWA does not propose any changes to existing Project facilities or operations.

JUSTIFICATION FOR USE OF THE TLP

As required by 18 C.F.R. Section 5.3(c)(1), YCWA's justification to use the TLP is provided below.

Complexity of Resource Issues

With one exception, none of the anticipated resource issues associated with the relicensing is complex because the Project and its operation are not complex. The Project includes a single powerhouse on a steep slope adjacent to the Yuba River. The Project does not include any dams or reservoirs, open water conveyance facilities, switchyards, transmission lines, roads, streamflow gages, recreation facilities, or borrow or spoil areas. The FERC boundary includes less than 3 acres, and all aboveground facilities are on YCWA-owned lands. Within and adjacent to the boundary there are no tribal lands, special environmental areas (e.g., refuges, cores, or protected areas), residences or tribal land nor any USACE jurisdictional wetlands. The Yuba River downstream of the Project is not designated or proposed for inclusion in either the federal or California Wild and Scenic Rivers acts, and there are no wilderness areas, national or state parks or California recreation areas near the Project. Recent surveys of the entire Project boundary did not find any cultural resources or Endangered Species Act (ESA)-listed or special status species. YCWA proposes no changes to Project facilities or operations.

The Project has at least a minor cumulative effect in combination with other projects on downstream aquatic resources, including ESA-listed anadromous fishes. However, YCWA's ongoing relicensing of its Yuba River Development Project included a comprehensive assessment of downstream resources, and this information is available and familiar to all parties potentially interested in the Narrows Hydroelectric Project relicensing. In consideration of these potential cumulative effects on downstream ESA-listed fishes, YCWA requested in its NOI that FERC designate YCWA as FERC's non-federal representative for the purposes of consultation under Section 7 of the ESA.

YCWA sees no reason why the cumulative impacts analysis cannot be just as adequately addressed in the TLP as it can in the Integrated Licensing Process (ILP). Nor is there any reason why the Section 7 ESA consultation cannot occur just as effectively under the TLP as it could under the ILP.

Level of Anticipated Controversy

YCWA anticipates little controversy because, as described above: the Project's footprint is less than 3 acres and includes only a tunnel, penstock, powerhouse and tram; the Project does not include a dam, reservoir, recreation facilities, open water conduits, or transmission lines; and extensive existing information is readily available and familiar to all potentially interested parties. Disputed issues of downstream effects of YCWA's operations on aquatic resources are being examined in great detail in the separate Project No. 2246 relicensing.

Cost of Using the TLP as Compared to the Cost of Using the Integrated Licensing Process

YCWA's relicensing consultant, HDR, Inc., estimates, based on some gross assumptions, that the cost of relicensing the Project using the TLP would be about 60 percent of the cost to relicense the Project using the ILP. The main reason for the difference is process cost (e.g., the greater number of meetings, reports, and FERC filings required by the ILP). Using the TLP would result in very important cost savings to YCWA, and a cost and time savings to other relicensing participants, including the FERC.

Amount of Available Information and Potential for Significant Disputes over Studies

As mentioned above, given the less than 3 acre footprint of the Project, YCWA has already conducted botanical, wildlife, and cultural surveys within the Project boundary. No ESA-listed species, special-status species, or cultural resources were found. In addition, as mentioned above, YCWA's ongoing relicensing of its Yuba River Development Project included a comprehensive assessment of downstream resources, and this information is available and familiar to all parties potentially interested in the Narrows Hydroelectric Project relicensing. All of this information is presented in YCWA's Narrows Hydroelectric Project PAD.

YCWA does not expect significant disputes over studies. However, if any do occur, YCWA sees no reason why these differences cannot be just as adequately addressed in the TLP as they can in the ILP. YCWA notes that the FERC performed extensive scoping and a Formal Study Dispute process in determining the studies to be performed for the Yuba River Development Project relicensing, which examined most of the same resources as would potentially be affected by the Narrows Project. The information derived from these studies is current and applicable to the Narrows relicensing.

Likelihood of Timely License Issuance

For the reasons stated above, YCWA believes that FERC can issue a timely new license for the Project using the TLP. Further, regardless of whether the TLP or ILP is used, any ESA Section 7 consultation, if needed, between FERC and NMFS would occur after YCWA files its application. Similarly, the process of applying for a Section 401 water quality certification from the State occurs after filing of the FERC application and is not affected by use of the TLP or ILP.

Other Pertinent Factors

The Narrows Hydroelectric Project is a simple project and a simple relicensing – the Project is geographically constrained (less than 3 acres), does not include any dams, reservoirs, recreation areas, open water conduits or transmission lines. YCWA owns all land on which aboveground facilities are located, and YCWA is not proposing any substantive changes to Project facilities or operations. The Project overall has minor environmental impacts. YCWA feels that this straight-forward relicensing is a good example of the reason that FERC's regulations provide an applicant with the option to request the TLP, which would cost significantly less and would require less time and resources from other relicensing participants than the ILP.

*Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
January 28, 2021
Page 4*

YCWA believes the level of process effort that must be invested in an ILP by the applicant, FERC, resource agencies, and other interested parties is not warranted here.

REQUEST TO USE TLP

For the reasons stated in this letter, YCWA requests FERC's authorization for YCWA to use the TLP, as described in 18 C.F.R, Part 4, Subparts D-H and, as applicable, Part 16, to relicense the Narrows Hydroelectric Project.

AVAILABILITY OF YCWA'S REQUEST FOR PUBLIC COMMENT

As required by 18 C.F.R Section 5.3(d)(1), by copy of this letter, YCWA makes all affected resource agencies, Native American tribes and members of the public likely to be interested in the Narrows Hydroelectric Project relicensing aware of YCWA's request for FERC's authorization to use the TLP.

These parties are advised that comments regarding this request must be filed with the FERC within 30 days of the date that YCWA files its request with the FERC, and that comment letters filed with the FERC should reference the Narrows Hydroelectric Project, FERC Project No. 1403.

YCWA has filed a notification of this request, which includes the information required in 18 C.F.R Section 5.3(d)(2), in the following daily and weekly newspapers of general circulation in each county in which the Project is located: The Union (Nevada County) and Appeal-Democrat (Yuba County).

If you have any questions about this request, please contact me.

Sincerely,



Willie Whittlesey
General Manager

cc: Frank Blackett – Regional Engineer, FERC, San Francisco Regional Office
TLP Distribution List (via e-mail)

NARROWS HYDROELECTRIC PROJECT
FERC Project No. 1403
TLP DISTRIBUTION LIST

Distribution via E-mail	
Yuba County Resource Conservation District District Conservationist RaeAnn Dubay RaeAnn.Dubay@usda.gov	Nevada County Local Agency Formation Commission Executive Officer SR Jones SR.Jones@co.nevada.ca.us
Yuba County Local Agency Formation Commission Executive Officer John Benoit J.Benoit4@icloud.com	Browns Valley Irrigation District General Manager Joseph Maslan joseph@bvid.org
United Auburn Indian Community of the Auburn Rancheria Chairperson Gene Whitehouse bguth@auburnrancheria.com	Colfax-Todds Valley Consolidated Tribe Treasurer Pam Cubbler pcubbler@colfaxrancheria.com
Colfax-Todds Valley Consolidated Tribe Chairperson Richard Prout cprout@colfaxrancheria.com	U.S. Department of the Interior, Fish and Wildlife Service Habitat Restoration Coordinator Anadromous Fish Restoration Program Habitat Restoration Coordinator Paul Cadrett paul_cadrett@fws.gov
Tsi Akim Maidu Cultural Director Grayson Coney tsi-akim-maidu@att.net	U.S. Department of the Interior, Fish and Wildlife Service Watershed Planning Division Deputy Field Supervisor Daniel Welsh daniel_welsh@fws.gov
Advisory Council on Historic Preservation Federal Agency Director John M. Fowler jfowler@achp.gov	United States Department of the Interior, National Park Service Outdoor Recreation Planner Steve Bowes stephen_bowes@nps.gov
Federal Emergency Management Agency External Affairs Director Regional Office David Passey David.passey@fema.dhs.gov	U.S. Environmental Protection Agency Regional Director John Busterud Busterud.john@epa.gov
U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service Branch Chief Steve Edmondson steve.edmondson@noaa.gov	U.S. Geological Survey California Water Science Center Project Chief Wes Danskin wdanskin@usgs.gov

NARROWS HYDROELECTRIC PROJECT
FERC Project No. 1403
TLP DISTRIBUTION LIST

<p>U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service Assistant Regional Administrator Cathy Marcinkevage Cathy.Marcinkevage@noaa.gov</p>	<p>U.S. Department of Defense, Army Corps of Engineers Sacramento District HQ Office Randy Olsen randy.p.olsen@usace.army.mil</p>
<p>U.S. Department of the Interior, Bureau of Indian Affairs Area Director Regional Office Amy Dutschke amy.dutschke@bia.gov</p>	<p>California Department of Transportation Director – District 10 Dennis T. Agar district10publicaffairs@dot.ca.gov</p>
<p>California Department of Boating and Waterways Deputy Director Lynn Sadler lynn.sadler@parks.ca.gov</p>	<p>California Department of Water Resources Deputy Director Erik Ekdahl Erik.Ekdahl@waterboards.ca.gov</p>
<p>California Department of Fish and Wildlife Interim FERC Coordinators – Region 2 Briana Seapy briana.seapy@wildlife.ca.gov</p>	<p>Regional Water Quality Control Board Central Valley Region Assistant Executive Officer John "J.J." Baum John.baum@waterboards.ca.gov</p>
<p>California Department of Forestry and Fire Protection Region 2 – Cascade Unit Chief Nevada-Yuba-Placer Unit Brian Estes brian.estes@fire.ca.gov</p>	<p>State Water Resources Control Board Section 401 Coordinator AnnMarie Ore Annmarie.ore@waterboards.ca.gov</p>
<p>California Department of Parks and Recreation Office of Historic Preservation State Historic Preservation Office Officer Julianne Polanco Julianne@parks.ca.gov</p>	<p>California Coastal Commission Sarah Christie Sarah.Christie@coastal.ca.gov</p>
<p>Nevada County Department of Planning Planning Director Brian Foss bfoss@co.nevada.ca.us</p>	<p>Yuba County Planning Department Planning Director Kevin Perkins kperkins@co.yuba.ca.us</p>
<p>Enterprise Rancheria of Maidu Indians Chairperson Glenda Nelson info@enterpriserancheria.org</p>	<p>Mooretown Rancheria of Maidu Indians Chairperson Laura Winner lwinner@mooretown.org</p>

NARROWS HYDROELECTRIC PROJECT
FERC Project No. 1403
TLP DISTRIBUTION LIST

<p>American Rivers California Regional Director Mike Davis mdavis@americanrivers.org</p>	<p>Foothills Water Network Coordinator Traci Sheehan traci@foothillswaternetwork.org</p>
<p>American Whitewater California Stewardship Director Dave Steindorf dave@amwhitewater.org</p>	<p>Friends of the River Senior Policy Advocate Ron Stork rstork@friendsoftheriver.org</p>
<p>California Hydropower Reform Coalition Director Keith Nakatani knakatani@calhrc.org</p>	<p>Natural Heritage Institute President Gregory Thomas gat@n-h-i.org</p>
<p>California Sportfishing Protection Alliance Executive Director Bill Jennings, bjennings@calsport.org</p>	<p>California Trout Executive Director Curtis Knight cknight@caltrout.org</p>
<p>Sierra Nevada Alliance Executive Director Jenny Hatch jenny@sierranevadaalliance.org</p>	<p>Sierra Club, Mother Lode Chapter Chapter Executive Committee Chair Eric Parfrey parfrey@sbcglobal.net</p>
<p>Environmental Advocates, San Francisco Megan Anderson manderson@enviroadvocates.com</p>	<p>The Bay Institute of San Francisco bayinfo@bay.org</p>
<p>Environmental Defense Fund California Legislative Headquarters Minna Jung mjung@edf.org</p>	<p>Amador Water Agency Attorney Joshua Horowitz jmh@bkslawfirm.com</p>
<p>American Whitewater National Stewardship Director Kevin Richard Colburn kevin@amwhitewater.org</p>	<p>University of California Sierra Foothills Research and Extension Center SFREC Center Superintendent / Interim Director Dustin K. Flavell dkflavell@ucdavis.edu</p>
<p>California Sports Fishing Protection Alliance FERC Projects Director Christopher Robert Shutes blancapaloma@msn.com</p>	<p>California Sports Fishing Protection Alliance Friends of the Eel River Law Offices of Stephan C. Volker Stephan Volker svolker@volkerlaw.com</p>
<p>Yuba County Water Agency General Manager Willie Whittlesey wwhittlesey@yubawater.org</p>	<p>California Hydropower Reform Coalition Director, Legal Services Natural Heritage Institute Richard Roos-Collins rcollins@waterpowerlaw.com</p>

NARROWS HYDROELECTRIC PROJECT
FERC Project No. 1403
TLP DISTRIBUTION LIST

<p>California Public Utilities Commission CPUC Traci Bone tbo@cpuc.ca.gov</p>	<p>City of Pasadena Dept. of Water & Power Deputy General Manager Eric R Klinkner eklinkner@cityofpasadena.net</p>
<p>Department of the Interior Assistant Regional Solicitor Kerry O'Hara SOL-FERC@sol.doi.gov</p>	<p>Friends of the River P. ADVOCATE Jennifer Carville jcarville@friendsoftheriver.org</p>
<p>Van Ness Feldman, LLP Partner Michael Swiger mas@vnf.com</p>	<p>Los Angeles Department of Water and Power Hanna and Morton LLP Attorney Norman Pedersen npedersen@hanmor.com</p>
<p>Northern California Council Federation of Fly Fishers NCCFFF Director Frank Rinella sierraguide@sbcglobal.net</p>	<p>Pacific Gas and Electric Company Susan Kester s1kv@pge.com</p>
<p>Pacific Gas and Electric Company Sr. License Coordinator Rhonda Beth Shiffman rxsm@pge.com</p>	<p>Pacific Gas and Electric Company License Coordinator Neil Wong njw5@pge.com</p>
<p>Pacific Gas and Electric Company PG&E Law Dept FERC Cases lawferccases@pge.com</p>	<p>Regional Council of Rural Counties Lon W House lwhouse@innercite.com</p>
<p>South Yuba River Citizens League Executive Director Melinda Booth melinda@syrccl.org</p>	<p>Southern California Edison Company Attorney Kelly Henderson kelly.henderson@sce.com</p>
<p>Trout Unlimited California Water Policy Director Chandra A Ferrari cferrari@tu.org</p>	<p>U.S. Department of Interior Attorney-Advisor Chris Watson chriswatson.sol@gmail.com</p>
<p>U.S. Department of Interior FERC Coordinator Denis O'Halloran dohall@usgs.gov</p>	<p>NOAA Fisheries Service, West Coast Region Hydrologist Thomas Holley thomas.holley@noaa.gov</p>
<p>Yuba County Local Agency Formation Commission P. Hensley PHensley@co.yuba.ca.us</p>	<p>U.S. Department of the Interior, Fish and Wildlife Service Watershed Planning Division Stephanie Millsap stephanie_millsap@fws.gov</p>

NARROWS HYDROELECTRIC PROJECT
FERC Project No. 1403
TLP DISTRIBUTION LIST

California Department of Fish and Wildlife Associate Hydraulic Engineer - Region 2 Beth Lawson beth.lawson@wildlife.ca.gov	Mooretown Rancheria of Maidu Indians Gary Archuleta Guy Taylor frontdesk@mooretown.org
Distribution via U.S Mail	
U.S. Department of Interior Office of Regional Solicitor Erica Niebauer 2800 Cottage Way, W2605 Sacramento, California 95825	