NEVADA IRRIGATION DISTRICT NOTICE OF INTENT TO RELY ON FERC FINAL ENVIRONMENTAL IMPACT STATEMENT, WITH MANDATORY CONDITIONS, IN COMBINATION WITH A SUPPLEMENTAL ANALYSIS, TO SATISFY CEQA FOR THE YUBA-BEAR HYDROELECTRIC PROJECT RELICENSING

Date: June 26, 2024

To: Governor's Office of Planning and Research/State Clearinghouse Unit, Native American Tribes, Responsible Agencies, Trustee Agencies, and Interested Parties

From: Nevada Irrigation District

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Project Title: Yuba-Bear Hydroelectric Project FERC Relicensing,
State Clearinghouse Number XXXXXXXXXX

Subject: June 26 to July 25, 2024, public review period for Notice of Intent (NOI) to prepare a Supplemental Analysis pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15221 (California Public Resources Code Section 21083.5 and 21083.7); NOI to rely on the Federal Energy Regulatory Commission (FERC) Final Environmental Impact Statement (FEIS), in combination with the Supplemental Analysis, to satisfy CEQA for the Yuba-Bear Hydroelectric Project FERC Relicensing.

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SECTION 1.0 - INTRODUCTION AND CEQA COMPLIANCE PLAN

The Nevada Irrigation District (NID) owns and operates the Yuba-Bear Hydroelectric Project. NID operates and maintains the project pursuant to the license issued by the Federal Energy Regulatory Commission (FERC or Commission) (FERC Project No. 2266) under the Federal Power Act (FPA). This multi-purpose project provides flood control in the Middle Yuba, South Yuba, and Bear rivers; helps to meet NID and Placer County Water Agency (PCWA) water demands; improves recreation and enhance environmental resources in the Middle Yuba, South Yuba, and Bear rivers; and provides clean, renewable energy to California.

To continue operation and maintenance of the project, NID must obtain a new federal license from FERC. NID has applied to FERC for a license with a 50-year term, and FERC has issued, in compliance with the National Environmental Policy Act (NEPA), a final environmental impact statement (FEIS) that contains FERC staff's recommendation with mandatory conditions for terms to be included in the new license. Once FERC issues the new license, NID may operate and maintain the project consistent with the terms and conditions in the new license, contest the new license by seeking rehearing before FERC, or reject the license.

NID is a local government agency and subject to the requirements of the California Environmental Quality Act (CEQA). NID is the CEQA lead agency for acceptance of the new license because it will carry out and implement the terms and conditions in the new license (CEQA Guidelines Section 15051). This Notice of Intent (NOI) informs Native American Tribes, CEQA responsible and trustee agencies, and other interested parties about NID's CEQA compliance plan for relicensing of the project and its intention to prepare a CEQA Supplemental Analysis to FERC's FEIS, which will follow the general CEQA Initial Study format (i.e., Appendix G of the CEQA Guidelines).

1.1 Relicensing Background and Related Consultation

The initial license for the Yuba-Bear Hydroelectric Project, issued by the Federal Power Commission (FERC's predecessor) to NID on June 24, 1963, was effective on May 1, 1963, for a term ending April 30, 2013. Since its expiration in 2013, NID has operated the Yuba-Bear Hydroelectric Project under annual licenses issued by FERC under the same terms as the initial license.

This section provides a general timeline of the extensive public outreach, which included over 200 meetings, conducted by NID over the past 15 years to develop its application for a new Yuba-Bear Hydroelectric Project license and FERC's process to satisfy NEPA requirements. Documentation of the consultation record is available on FERC's eLibrary.

To facilitate public outreach and involvement, NID coordinated the relicensing of its Yuba-Bear Hydroelectric Project with Pacific Gas and Electric Company's (PG&E) relicensing of its Drum-Spaulding Hydroelectric Project because the projects are hydraulically and operationally interrelated and generally have the same physical features located in common watersheds, and because the existing licenses for the projects had the same license expiration date. In this way,

NID and PG&E facilitated the two relicensings for FERC and stakeholders. The coordination included jointly developing integrated hydrologic and water temperature models, coordinating studies and documents, and holding joint meetings with stakeholders regarding the collaborative development of measures.

On April 11, 2008, NID filed a Pre-Application Document (PAD) and NOI to seek a new license for the Yuba-Bear Hydroelectric Project following FERC's Integrated Licensing Process (ILP). Based on over 20 collaborative meetings with stakeholders prior to submitting the PAD, NID included 19 detailed study proposals with the PAD that had reached a "can live with it" threshold by NID and stakeholders. With the NOI, NID requested pursuant to 36 CFR § 800.2(c)(4) that FERC authorize NID to initiate consultation, as described in Section 106 of the National Historic Preservation Act (NHPA), with the California State Historic Preservation Officer (SHPO), tribes, the United States Department of Agriculture Forest Service (Forest Service), United States Department of Interior Bureau of Land Management (BLM), and others regarding relicensing of the Yuba-Bear Hydroelectric Project. NID also requested in the NOI that FERC designate NID as FERC's non-federal representative for purposes of consultation under Section 7 of the Endangered Species Act (ESA) as provided for in 18 CFR § 5.5(e), and the joint agency regulations thereunder at 50 CFR Part 402, Section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and the implementing regulations at 50 CFR § 600.920.

On May 22, 2008, FERC issued a NEPA Scoping Document 1 (SD1) soliciting comments, recommendations, and information on the Yuba-Bear Hydroelectric Project. In the notice, FERC designated NID as the non-federal representative for ESA Section 7 informal consultation with the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS), and United States Department of the Interior, Fish and Wildlife Service (USFWS), and for NHPA Section 106 consultation with the SHPO, Native American tribes, and other Section 106 consulting parties.

In the afternoon and evening on June 24, 2008, FERC held NEPA scoping meetings in Auburn, California. The meetings were recorded, and transcripts are available on FERC's eLibrary.

FERC, with interested agencies, tribal representatives, and NID, toured the Yuba-Bear Hydroelectric Project in mid-June 2008, and again in early July 2008.

By August 2008, written scoping comments were filed with FERC from: 1) Forest Service; 2) BLM; 3) United States Department of Interior, National Park Service (NPS); 4) NMFS; 5) California State Water Resources Control Board (SWRCB); 6) California Department of Fish and Wildlife (CDFW); 7) PCWA; 8) Colfax-Todds Valley Consolidated Tribe; 9) Social Alliance Network; 10) Foothills Water Network (FWN); and 11) PG&E.

On September 25, 2008, FERC issued Scoping Document 2 (SD2) based on written comments on SD1 and comments at the scoping meetings.

On September 25, 2008, after holding six collaborative meetings with stakeholders regarding studies, NID filed with FERC a Proposed Study Plan (PSP).

From October 1 through December 9, 2008, NID held 22 meetings with stakeholders to resolve differences regarding study plans.

By December 14, 2008, the following parties filed with FERC comments on NID's PSP: 1) Forest Service; 2) BLM; 3) NPS; 4) NMFS; 5) SWRCB; 6) CDFW; 7) Colfax-Todd's Valley Consolidated Tribe; 8) FWN; and 9) other NGOs and members of the public.

On January 23, 2009, after holding additional meetings with stakeholders to resolve differences, NID filed with FERC a Revised Study Plan (RSP).

On February 19, 2009, NID filed with FERC a letter modifying its RSP based on February 8, 2009, written comments.

On February 23, 2009, FERC issued its Study Plan Determination (SPD).

On March 16, 2009, the Forest Service and BLM filed with FERC a Notice of Study Dispute (NSD). Subsequently, disputes were resolved.

On September 17, 2009, NID filed with FERC its first Bi-Annual Study Report.

On March 17, 2010, NID filed an Initial Study Report (ISR) (i.e., second Bi-Annual Study Report).

On April 14, 2010, NID held a public meeting to receive comments on its ISR.

By May 17, 2010, comments on NID's ISR were filed by the Forest Service, BLM, NPS, SWRCB, CDFW, Colfax-Todds Valley Consolidated Tribe, FWN, and others.

On June 14, 2010, NID filed reply comments on the ISR.

On July 23, 2010, FERC issued a modification to its SPD based on the ISR process.

On September 17, 2010, NID filed with FERC its third Bi-Annual Study Report.

On November 3, 2010, NID filed with FERC and distributed for 90-day review and comment its draft final license application (FLA).

On November 9, 2010, United Auburn Indian Community submitted to NID comments on its draft HPMP.

By January 10, 2011, comments on NID's draft FLA were filed by FERC, Forest Service, BLM, NPS, NMFS, SWRCB, CDFW, Placer County, PCWA, Yuba County Water Authority (YCWA), FWN, and others.

On March 17, 2011, NID filed an Updated Study Report (USR) (i.e., forth Bi-Annual Study Report).

On April 15, 2011, NID filed with FERC its FLA for the Yuba-Bear Hydroelectric Project. NID's application included measures that were collaboratively developed with and agreed to by many stakeholders and requested a new license term of 50 years. In addition, the FLA included a draft HPMP that NID developed with the Forest Service, BLM, SHPO, and interested Native American representatives.

On April 17, 2011, NID held a public meeting to receive comments on its ISR.

On April 26, 2011, FERC issued a Notice of Application Tendered for Filing with the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments.

On May 27, 2011, on behalf of itself and stakeholders, NID filed a letter requesting FERC extend the target dates for the notice of acceptance/notice of ready for environmental analysis (REA Notice) stating the additional time is needed to complete studies and reach agreement on measures.

By May 17, 2011, comments on NID's USR were filed by FWN.

On June 14, 2011, NID filed reply comments on the USR.

On July 5, 2011, NID filed a response to procedural and regulatory issues raised in comments by NMFS on NID's draft FLA.

On July 14, 2011, FERC issued a denial to FWN's requested study modifications.

On August 26, 2011, NID filed an update to its request extending the target date for the REA Notice.

On September 27, 2011, NID filed an amendment to its FLA.

In late 2011, NID filed various supplements and updates of relicensing technical memoranda as studies were completed.

On January 19, 2012, FERC issued a notice that NID had filed an application to relicense the Yuba-Bear Hydroelectric Project and solicited protests and notices of intervention. Intervention requests were filed by 1) Forest Service; 2) BLM 3) NPS 4) USFWS; 5) NMFS; 6) SWRCB; 7) CDFW; 8) PCWA; 9) YCWA; 10) Placer County; 11) PG&E; and 12) various NGO groups and members of the public.

In addition, on January 19, 2012, FERC issued a notice stating the FLA was ready for environmental analysis and requested conditions and recommendations.

On February 17, 2012, on behalf of itself and stakeholders, NID filed a letter requesting FERC extend the deadline for filing proposed measures in response to FERC's REA Notice to allow parties to reach agreement on measures.

On February 24, 2012, FERC granted NID's request to extend the deadline for filing proposed measures in response to the REA Notice.

On June 18, 2012, NID filed an amendment to its FLA.

By August 1, 2012, written comments on NID's FLA, as amended, were filed by: Forest Service; USDOI on behalf of BLM, NPS, and USFWS; NMFS; SWRCB; CDFW; United Indian Auburn Community (UIAC); PCWA; YCWA; Placer County; PG&E; NID; and various NGO groups and members of the public. The comments included Forest Service and BLM FPA Section 4(e) preliminary terms and conditions and NMFS and USFWS each filed a preliminary reservation of their FPA Section 18 authority to prescribe fishways for the Yuba-Bear Hydroelectric Project.

On August 23, 2012, Forest Service filed revised FPA Section 4(e) preliminary terms and conditions.

On August 27, 2012, BLM filed revised FPA Section 4(e) preliminary terms and conditions.

On September 14, 2012, NID filed replies to REA comments.

On November 15, 2012, NID filed its final HPMP.

On February 14, 2013, NID filed additional information regarding water temperature and operations modeling results.

On May 1, 2013, the Yuba-Bear Hydroelectric Project license expired. NID continues to operate under an annual license.

On May 17, 2013, FERC issued a NEPA joint draft environmental impact statement (DEIS) analyzing the effects of NID's Yuba-Bear Hydroelectric Project and PG&E's Drum-Spaulding Hydroelectric Project and solicited comments and final mandatory conditions.

On June 26, 2013, FERC provided a draft programmatic agreement and associated HPMP for the Yuba-Bear Hydroelectric Project to NHPA Section 106 consulting parties for review.

On August 14, 2013, FERC held afternoon and evening meetings in Auburn, California, to receive oral comments on the DEIS. The meetings were transcribed, and the transcripts are available on FERC's eLibrary.

Written comments on the DEIS were filed by: Forest Service; USDOI on behalf of BLM, NPS, and USFWS; NMFS; SWRCB; CDFW; PCWA; YCWA; Placer County; NID; and various NGO groups and members of the public. The comments included Forest Service FPA Section 4(e) final terms and conditions and BLM FPA Section 4(e) final terms and conditions. In addition, the comments included FPA Section 10(j) recommendations from NMFS and CDFW.

On October 2, 2013, NID filed responses to comments on the DEIS.

On November 12, 2013, FERC held a FPA Section 10(j) meeting with NMFS and CDFW in an effort to resolve differences regarding the recommendations that were not adopted by FERC in the DEIS.

On April 10, 2014, Forest Service submitted its Final Section 4(e) Conditions for the Yuba-Bear Hydroelectric Project in accordance with 18 CFR 4.34(b)(1)(i). The BLM filed its final Section 4(e) Conditions for the Yuba-Bear Hydroelectric Project on April 14, 2014. Section 4(e) of the FPA, which states the Commission may issue a license for a project within a reservation only if it finds that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired. This is an independent threshold determination made by the Commission, with the purpose of the reservation defined by the authorizing legislation or proclamation (see Rainsong v. FERC, 106 F.3d 269 (9th Cir. 1977). Forest Service and/or BLM, for its protection and utilization determination under Section 4(e) of the FPA, may rely on broader purposes than those contained in the original authorizing statutes and proclamations in prescribing conditions (see Southern California Edison v. FERC, 116F.3d 507 [D.C. Cir. 1997]).

On December 19, 2014, FERC issued a NEPA joint FEIS analyzing the effects of NID's Yuba-Bear Hydroelectric Project and PG&E's Drum-Spaulding Hydroelectric Project. The FEIS included various alternatives including a no action alternative and a FERC Staff Alternative with Mandatory Conditions.

On February 6, 2015, FERC provided to SHPO and ACHP a programmatic agreement for execution.

By February 26, 2015, NID and other stakeholders filed comments on FERC's FEIS.

On July 1, 2015, FERC provided to the ACHP a final signed programmatic agreement to conclude the NHPA Section 106 process for the relicensing.

On July 9, 2015, FERC requested FWS concurrence with FERC's finding that the Yuba-Bear Hydroelectric Project, as proposed with FERC staff recommendations and mandatory conditions, may affect, but is not likely to adversely affect, California red-legged frog (*Rana aurora draytonii*), Sierra Nevada yellow-legged frog (*Rana sierrae*), and their critical habitats.

On October 2, 2015, NID filed an analysis of the Yuba Bear Project's potential effects on ESA-listed species in the lower Yuba River and requested FERC proceed without delay in consulting with NMFS under ESA Section 7.

On May 31, 2017, FERC requested FWS respond to its July 9, 2015, requested FWS concurrence with FERC's determination regarding Yuba-Bear Hydroelectric Project effects on ESA-listed species under FWS jurisdiction.

On July 20, 2017, FWS responded to FERC's May 31, 2017, letter stating FWS's Sacramento Fish and Wildlife office would be the lead for ESA consultation regarding the Yuba-Bear Hydroelectric Project.

On January 1, 2019, after consultation with FWS, NID filed an amendment to its FLA to address FWS' concerns regarding potential effects to ESA-listed species and their critical habitats under FWS's jurisdiction.

On February 11, 2019, based on the FEIS and NID's January 1, 2019, FLA amendment, and Supplemental BA attached to its letter, FERC requested FWS concurrence with FERC's finding that the Yuba-Bear Hydroelectric Project may affect, but is not likely to adversely affect Stebbins's morning glory (*Calystegia stebbinsii*), Layne's butterweed (*Packera layneae*), California red-legged frog, and Sierra Nevada yellow-legged frog and their critical habitats.

On April 1, 2019, FWS concurred with FERC's determination in its February 11, 2019, letter.

On September 18, 2020, FERC issued to NMFS a request for formal consultation and a request for concurrence. FERC's letter included a joint BA for NID's Yuba-Bear Hydroelectric Project, PG&E's Upper Drum-Spaulding, Lower Drum, and Deer Creek projects[1], and YCWA's Yuba River Development Project. FERC requested NMFS' concurrence with FERC's determination that the combined projects may affect and are likely to adversely affect California Central Valley steelhead (*Oncorhynchus mykiss*) Distinct Population Segment (DPS) and Central Valley spring-run Chinook salmon (*O. tshawytscha*) Evolutional Significant Unit (ESU) in the Yuba River downstream of Englebright Dam. In addition, FERC determined the Yuba-Bear Hydroelectric Project may affect, but is not likely to adversely affect: 1) CV spring-run Chinook salmon ESU in the Bear River; 2) designated critical habitat for CV spring-run Chinook salmon ESU in the Yuba

[1] As part of its relicensing, PG&E requested its Drum-Spaulding Hydroelectric Project be split into three projects. Subsequently, PG&E sold the Deer Creek Project to NID who took full ownership in 2023.

River downstream of Englebright Dam, the Bear River downstream of Camp Far West Dam, and areas downstream of these systems; 3) CV steelhead DPS in the Bear River; 4) designated critical habitat for CV steelhead DPS in the Yuba River downstream of Englebright Dam, the Bear River downstream of Camp Far West Dam, and areas downstream of these systems; and 5) NA green sturgeon Southern DPS in the Yuba River and designated critical habitat for NA green sturgeon Southern DPS in the Yuba River downstream of Daguerre Point Dam and areas downstream of these systems. FERC also determined the Yuba-Bear Hydroelectric Project would not adversely affect Essential Fish Habitat in the Bear River, Yuba River, Sacramento River, or Bay-Delta.

On October 16, 2020, NMFS responded to FERC's September 18, 2020, letter stating that FERC's BA did not provide all the information needed to initiate formal consultation.

On December 2, 2020, NMFS filed a Notice of Consultation Close Out Due to Inactivity of Formal Consultation.

On March 8, 2021, FERC issued to NID an additional information request (AIR), which FERC stated was needed by FERC to support its preparation of a supplemental environmental impact statement and a revised BA to facilitate ESA Section 7 consultation with NMFS.

On June 7, 2021, NID filed with FERC the information requested in Item 1 (i.e., 2020 economic information) and Item 2 (i.e., effects on Yuba-Bear Hydroelectric Project generation and costs and NID's water deliveries if FERC includes in the new license Condition 1[D] in the SWRCB's August 14, 2020, Water Quality Certification [WQC] for the Yuba-Bear Hydroelectric Project). NID also filed on Item 3 (i.e., an assessment of the environmental and recreational effects, including flows, average daily water temperatures and seven-day average daily maximum [7DADM] water temperatures under four scenarios: unimpaired scenario, base case [i.e., FEIS no-action alternative] scenario, a scenario reflecting the FERC Staff Alternative with Mandatory Conditions described in the FEIS, and a scenario reflecting FERC Staff Alternative with Mandatory Conditions combined with condition 1[D] of the SWRCB's WQCs) as it pertains to the Middle Yuba and South Yuba rivers upstream of Englebright Reservoir.

On December 7, 2021, NID filed with FERC the information requested in Item 3 of FERC's March 8, 2021, letter as it pertains to the lower Yuba River and the Feather River, Sacramento River, and the Sacramento-San Joaquin Delta.

On May 17, 2022, FERC issued a letter to NID requesting supplemental information regarding NID's December 7, 2021, response to Item 3 and modifying Item 4 in FERC's March 8, 2021, letter.

On June 6, 2022, NID filed with FERC additional information requested in FERC's May 17, 2022, letter and the Item 3 supplemental information requested in FERC's May 17, 2022, letter.

On October 31, 2022, NID filed with FERC the information required in Item 4, as modified (i.e., NID's proposal to maintain cooler water in the lower Yuba River in dry and/or critically dry years, or a combination of dry type years, from July through November for the protection of ESA-listed fishes and their designated critical habitat in the Yuba River).

On November 18, 2022, NID objected to and commented on YCWA's October 31, 2022, purported Offer of Settlement.

On December 19, 2022, NMFS commented on NID's response to YCWA's October 31, 2022, Offer of Settlement.

On December 20, 2022, CDFW commented on NID's responses to FERC's March 8, 2021, AIR.

On February 15, 2023, USFWS commented on NID's response to YCWA's October 31, 2022, Offer of Settlement.

On March 15, 2023, NID filed supplemental information to NID's response to Item 4 in FERC's March 8, 2021, AIR.

On April 12, 2023, FERC requested NID file additional information.

On May 11, 2023, NID filed the information requested in FERC's April 12, 2023, letter.

At this time, before FERC can issue a new license to NID for the Yuba-Bear Hydroelectric Project, NID must provide to FERC a valid WQC or waiver of WQC and FERC must complete ESA Section 7 consultation with NMFS. Note that in its October 16, 2020, letter, NMFS stated that "*The terms and conditions of the SWRCB's final CWA Section 401 water quality certifications are mandatory and will be incorporated into the final FERC licenses and therefore must be included as a part of the proposed action. Without the SWRCB's final CWA Section 401 water quality certification terms and conditions, there is significant uncertainty in the proposed action and the effects of the proposed action to listed species and critical habitat*."

1.2 CEQA Compliance Plan and Objective of Supplemental Analysis

The California Supreme Court ruled that a California government agency licensee generally must comply with CEQA in connection with FERC licensing or relicensing of a project in the state (*County of Butte v. Department of Water Resources*, 13 Cal.5th 612(2022). The court explained that the CEQA document serves as an informational source for the California agency's own decision-making regarding relicensing. It informs the decision about whether to accept the particular license and its terms and conditions, whether to request FERC to incorporate other terms into the license or seek reconsideration by FERC, and potential mitigation measures that may fall outside of FERC's jurisdiction. CEQA review also aids the assessment of options going forward.

However, because FERC is a federal agency implementing a federal law (FPA), the *County of Butte* court also concluded that CEQA is preempted by federal law to the extent that a CEQA requirement or action interferes or is inconsistent with the FERC license, FERC relicensing process under federal law, or FERC's exclusive jurisdiction over the FERC-licensed project. For example, NID may be barred from incorporating mitigation measures under CEQA that would conflict with a term of the FERC license.

For the Yuba-Bear Hydroelectric Project, NID must decide whether to accept the new FERC license. In accepting the new license, NID would:

- Continue to operate, maintain, and manage the existing Yuba-Bear Hydroelectric Project facilities.
- Remove from licensed facilities a segment of Chicago Park Forebay Road and the unnamed recreation road that provides access to the Jackson Meadows administrative site.
- Construct a new proposed powerhouse (the Rollins upgrade) that would be within the existing FERC Project Boundary on NID-owned land adjacent to the existing Rollins Powerhouse.
- Construct and rehabilitate existing facilities at the following recreation areas: Jackson Meadows reservoir, Milton diversion impoundment, Bowman Lake, Sawmill Lake, Canyon Creek, Dutch Flat No. 2 forebay, and Dutch Flat afterbay.
- Make minor modifications to the existing FERC Project Boundary.
- Implement the other terms and conditions in the new license.

Acceptance and implementation of the new FERC license and continued operation and maintenance of the Yuba-Bear Hydroelectric Project pursuant to the new license, as described above, are collectively referred to in this notice as the "Proposed Project."

The FEIS evaluated four alternatives: 1) NID's (applicant's) proposal; 2) NID's proposal with certain FERC staff modifications (the FERC Staff Alternative); 3) FERC Staff Alternative with all mandatory conditions; and 4) no action, meaning that NID would continue to operate the project with no changes.

In the FEIS's conclusion, FERC staff selected the FERC Staff Alternative with all mandatory conditions as the preferred alternative. FERC staff also recognized that the FERC license must include: 1) any mandatory conditions submitted by Forest Service and BLM pursuant to FPA Section 4(e) that meet the FPA requirements; and 2) any conditions included in a final, valid, and timely WQC issued by the SWRCB under CWA Section 401.

The Proposed Project is a discretionary action directly undertaken by NID and has the potential to have physical effects on the environment. As such, NID's Proposed Project approval is subject to CEQA, Cal. Pub. Res. Code §§ 21000–21178. NID, as the Proposed Project's proponent, is the lead agency under CEQA and has the principal responsibility for approving and carrying out the Project.

CEQA requires that when a project requires both CEQA compliance and an environmental impact statement (EIS) prepared under NEPA, the lead agency shall, whenever possible, use the EIS in place of the project Environmental Impact Report (EIR) or Mitigated Negative Declaration (MND; CEQA Guidelines Section 15225). CEQA Guidelines Section 15221 implements this requirement and provides that when a project will require compliance with both CEQA and NEPA, a California local agency should use the federal EIS rather than preparing a separate environmental report under CEQA if: 1) an EIS or Finding of No Significant Impact (FONSI) is prepared before an EIR or MND was completed; and 2) the EIS complies with the CEQA Guidelines. (See also Cal. Pub. Res. Code §§ 21083.5, 21083.7.)

Where the federal agency circulated the EIS in a way that satisfies California requirements for notice and public comment, the CEQA lead agency may use the EIS without additional EIS recirculation. Before using the EIS in this situation, the lead agency must give notice that it will use the EIS in place of an EIR or MND and that it believes the federal document meets the requirements of CEQA. The notice shall be given in the same manner as a notice of the public availability of a draft EIR. (CEQA Guidelines § 15225.)

Because NEPA does not require a separate discussion of some issues required by CEQA, such as growth-inducing impacts, those points of analysis, if missing from the EIS, must be added or supplemented before the EIS can be used to satisfy CEQA (CEQA Guidelines Section 15221(b)). Therefore, Section 15221 authorizes a California local government agency to prepare a CEQA supplement to add and supplement points of analysis before the EIS will be used for CEQA compliance.

NID staff and environmental consultants have reviewed the FERC FEIS to determine whether it meets the requirements of CEQA, for use as NID's CEQA document for relicensing. Following that review, NID determined that the FEIS complies with the CEQA requirements, except for the information to be included in the CEQA Supplemental Analysis, which will follow an Initial Study/MND format and will be prepared pursuant to publication of this NOI.

NID, therefore, intends to use and rely on the FEIS to satisfy CEQA review requirements for the Yuba-Bear Hydroelectric Project relicensing. The FERC FEIS is available on FERC's eLibrary (https://elibrary.ferc.gov/eLibrary/search) under Yuba-Bear Hydroelectric Project Docket No. P-2266 at accession No. 20120914-5152, on the project website at https://www.nidwater.com/yuba-bear-project, and physical copies are available at NID's place of business at 1036 W Main St, Grass Valley, California, 95945. NID's NOI to Rely on FERC's Final Environmental Impact Statement, in Combination with a Supplemental Analysis, to Satisfy CEQA for the Yuba-Bear Hydroelectric Project Relicensing, is available at those same electronic and physical locations.

Consequently, NID intends to prepare a CEQA Supplemental Analysis pursuant to Section 15221(b) to add and supplement, among other things, the following CEQA considerations that were not addressed or fully covered in the FEIS: 1) air quality effects; 2) noise effects; 3) climate change; 4) a program for monitoring or reporting on mitigation measures; 5) Native American tribe consultation, including outreach requirements required by Public Resources Code Section 21080.3.1 (adopted by Assembly Bill 52); 6) growth-inducing impacts of the Proposed Project; and 7) assessing and incorporating into the Proposed Project any revisions to USFWS conservation measures that have occurred post-FEIS, as well as Forest Service and BLM plan development measures that were defined post-FEIS. While preparing the Supplemental Analysis, NID may identify other CEQA considerations that will be included. The FERC Staff Alternative will be the Proposed Project in the CEQA Initial Study process.

NID has prepared and is distributing this NOI to give notice to interested agencies and parties (Attachment A) and Native American Tribes (Attachment B) of its intent to rely on the FEIS for the NID relicensing, in combination with a supplemental analysis (in the format of an IS/MND, using Appendix G of the CEQA guidelines as a template) to be prepared by NID, to meet the requirements of CEQA in accordance with Public Resources Code Section 21083.7 and CEQA Guidelines Sections 15221 and 15225. NID is providing this NOI by: 1) uploading this NOI to the Governor's Office of Planning and Research, State Clearinghouse Unit, via CEQA Submit for

publication to CEQAnet; 2) mailing notices to Native American Tribes, responsible agencies, trustee agencies, and interested parties; 3) filing the notice with FERC through the FERC eLibrary, 4) posting the NOI at County Clerk offices for Sierra, Nevada, and Placer counties, and (4) posting the NOI on the NID website for public access.

At release of the CEQA Supplemental Study, NID will be providing notice by: 1) uploading filing documentation and CEQA Supplemental Study to the Governor's Office of Planning and Research, State Clearinghouse Unit, via CEQA Submit for publication to CEQAnet; (2) posting a Notice of Availability (NOA) at County Clerk offices for Sierra, Nevada, and Placer counties, (3) mailing notices to Native American Tribes, responsible agencies, trustee agencies, and interested parties; (4) posting the study and NOA on the NID website, and (5) publishing the NOA in county newspapers of general circulation in the area affected by the Proposed Project.

1.3 NEPA Scoping Process

Section 1.1 describes the NEPA scoping and extensive public process undertaken by FERC to prepare the FEIS. Prior to the preparation of the draft EIS, FERC conducted scoping to determine what issues and alternatives should be addressed. On March 22, 2008, FERC distributed a scoping document to interested parties, soliciting comments, recommendations, and information on the project. FERC held two public scoping meetings on June 24, 2008, in Auburn, California, and Grass Valley, California, to request oral comments on the project. On September 25, 2008, FERC distributed a revised scoping document. On January 19, 2011, FERC issued notice that the application was ready for environmental analysis and requested conditions and recommendations. On February 29, 2012, the deadline for filing conditions and recommendations was extended until July 31, 2012.

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SECTION 2.0 - PROJECT LOCATION

The Yuba-Bear Hydroelectric Project is in northern California in Sierra, Nevada, and Placer counties along the western slope of the Sierra Nevada geomorphic provinces. A portion of the Yuba-Bear Hydroelectric Project is on United States land managed by the United States Department of Agriculture (USDA), Forest Service as part of the Tahoe National Forest (TNF), and a smaller portion on United States land administered by the BLM as part of the Sierra Resource Management Area.

The Yuba-Bear Hydroelectric Project ranges in elevation from French Lake at elevation 6,665 feet (ft) to Rollins Reservoir at elevation 2,171 ft. The Yuba-Bear Hydroelectric Project is located within three major river basins, the Middle Yuba River, South Yuba River, and Bear River (Figure 2-1). The Yuba-Bear Hydroelectric Project consists of four developments: (1) Bowman; (2) Dutch Flat; (3) Chicago Park; and (4) Rollins. These four developments include the following: 13 main dams, 4 water conduits, 4 powerhouses and associated switchyards; 1 transmission line; 17 campgrounds and associated boat launches, trails, and recreation facilities; and other appurtenant facilities and structures. The Yuba-Bear Hydroelectric Project generates an average of approximately 354 GWh of energy annually.

Figure 2-1 shows the existing Yuba-Bear Hydroelectric Project in relation to other water bodies. Refer to the FEIS for additional information regarding the setting for the Yuba-Bear Hydroelectric Project.

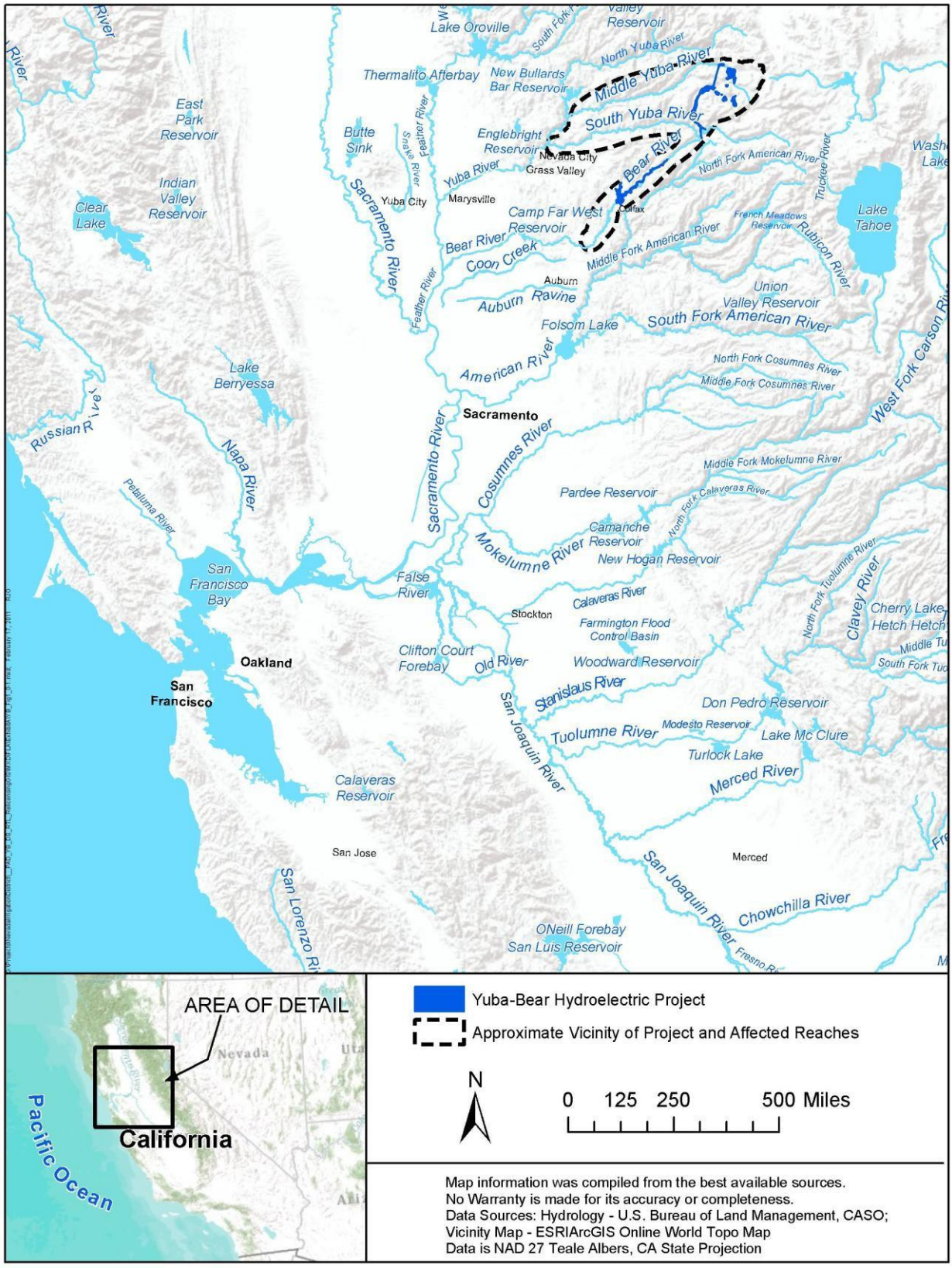

Figure 2-1. Location of the Yuba-Bear Hydroelectric Project.

SECTION 3.0 - PROJECT DESCRIPTION

3.1 Project Objectives

NID's fundamental objective in the Proposed Project is to obtain a new FERC license of maximum term for the Yuba-Bear Hydroelectric Project at minimum cost, both initially and ongoing, that protects and enhances the Yuba-Bear Hydroelectric Project's water supply and flood control benefits, while maximizing economic benefits from the production of electrical power and protecting and enhancing environmental, recreational, and other non-power interests and needs.

3.2 Proposed Project

The Proposed Project is the acceptance of the expected new FERC license, continuance of Yuba-Bear Hydroelectric Project operations and maintenance under the terms of the new license, and implementation of the license conditions, including modifications to some facilities, project boundaries, and operations and maintenance. The principal existing Yuba-Bear Hydroelectric Project facilities are described in Section 3.2.1, and planned modifications to these facilities, based on the FEIS and anticipated FERC license terms and conditions, are described in Section 3.2.2. The existing FERC Project Boundary is discussed in Section 3.2.3, while proposed modifications to the FERC Project Boundary are discussed in Section 3.2.4. Existing operations and maintenance terms are discussed in Section 3.2.5, and proposed projects operations are discussed in Section 3.2.6; terms and conditions for operations and maintenance that are expected to be included in the new Yuba-Bear Hydroelectric Project license are described in the FEIS and discussed in Section 3.2.7 below.

When FERC issues the new license, NID may do one of the following:

- Accept the new license, which would require NID to continue to operate and maintain the Yuba-Bear Hydroelectric Project in accordance with the new license and comply with and implement all terms and conditions included in the new license (i.e., NID may not accept only some of the terms and conditions);
- Reject the new license, in which case FERC would require NID to surrender the licensed facilities, under conditions that are uncertain at this time; or
- Contest the new license by seeking rehearing before FERC and requesting FERC to incorporate different terms into the license. If NID does not contest the new license within the 30-day statutory rehearing period under the FPA, FERC will deem NID to have accepted the license.

The analysis within the CEQA Supplemental Study Proposed Project assumes the first scenario above, where NID accepts the new license issued by FERC. If NID chooses to reject the new license issued by FERC (either upon its issuance or after NID unsuccessfully challenges some of the license terms), NID would likely retain the existing Yuba-Bear dams and reservoirs but would surrender the hydropower facilities. Resulting conditions under this scenario would be speculative at this time and, if pursued, would be subject to further analysis in accordance with CEQA requirements.

3.2.1 Existing Project Facilities

The Yuba-Bear Hydroelectric Project's developments include Bowman (3.6-MW installed capacity), Dutch Flat No. 2 (24.6-MW installed capacity), Chicago Park (39.0 MW installed capacity), and Rollins (12.2-MW installed capacity). Among these four developments, there are 13 main dams; 11 reservoirs or impoundments; four major water conduits; four powerhouses with associated switchyards with a combined authorized installed capacity of 79.32 MW; one 9-mile-long, 60-kilovolt transmission line; and appurtenant facilities and structures, including recreation facilities. The FERC-jurisdictional facilities that comprise each of the developments are shown on Figure 2-2 and are described in more detail in Section 3.2.1.1 through 3.2.1.4 below.

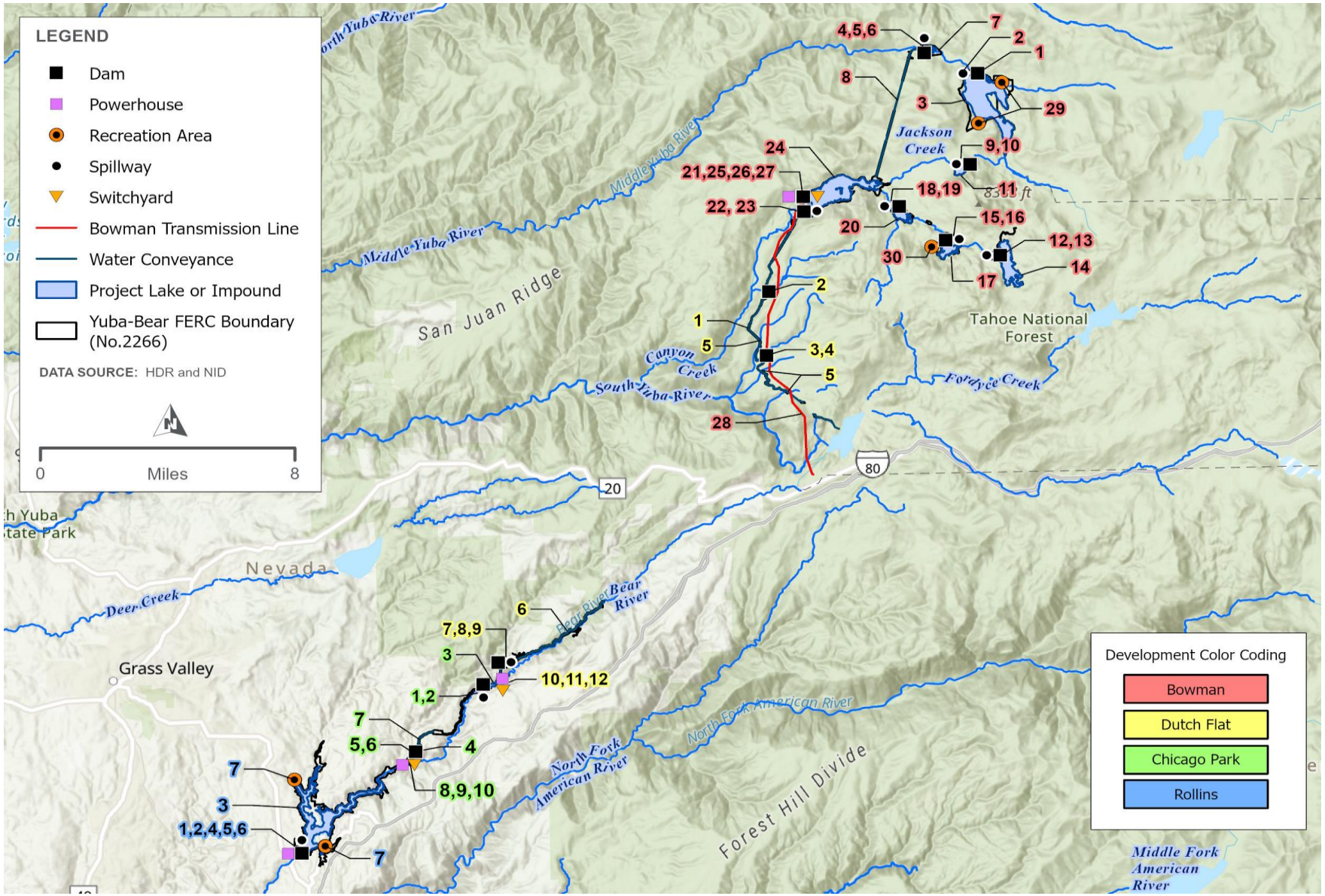

Figure 3-1. Yuba-Bear Hydroelectric Project Facilities.

3.2.1.1 Bowman Development

The Bowman Development is composed of Jackson Meadows reservoir, dam, and spillway; Milton Main dam and spillway, Milton South dam, and Milton reservoir; Milton-Bowman diversion conduit; Wilson Creek diversion dam; Jackson Lake, dam and spillway; French Lake, and French dam and spillway; Faucherie Lake, dam, and spillway; Sawmill Lake, dam, and spillway; Bowman Lake; Bowman North dam; Bowman South dam and spillway; Bowman penstock; Bowman powerhouse; and Bowman transmission line. The locations of the facilities within the Bowman Development are shown on Figure 2-2, which correspond to the numbered descriptions below.

(1) Jackson Meadows Dam, a zoned embankment structure with a core, filter zones, and rockfill shells located on the Middle Yuba River (MYR) 45.6 miles upstream of its confluence with the North Yuba River (NYR). The dam is 195 feet high with a crest length of 1,530 feet and a crest elevation of 6,044.5 feet[2], and a drainage area of 37.40 square miles. The dam includes two low-level outlets (El. 5,933.0 ft) with a combined maximum design capacity of about 760 cubic feet per second (cfs) at full pool;

(2) Jackson Meadows Dam Spillway, a 3-bay, gated spillway composed of reinforced concrete. The ogee crest elevation of the spillway is 6,021 feet. A reinforced concrete chute carries spillway flow about 200 feet past the gates and discharges into a rock-lined channel. The maximum design capacity of the spillway is 40,000 cfs at zero freeboard;

(3) Jackson Meadows Reservoir, a constructed storage reservoir on the MYR formed by Jackson Meadows Dam. At normal maximum water surface elevation (6,036.0 ft), Jackson Meadows Reservoir extends about 2.9 miles upstream, has an estimated usable storage capacity of 69,205 acre-feet (ac-ft), a surface area of 1,054 acres, and a shoreline of about 9.9 miles;

(4) Milton Main (Diversion) Dam, a concrete arch dam located on the MYR about 42.2 miles upstream of its confluence with the North Yuba River (NYR). The dam is 37 feet high with a crest elevation of 5,690.0 feet, and a drainage area of 39.77 square miles. The dam includes one low-level outlet (El. 5,663.0 ft) with a maximum design capacity of about 113 cfs at full pool and one 8-inch valve for minimum instream releases with a capacity of 5 cfs.

(5) Milton South (Diversion) Dam, a concrete arch dam located on the MYR about 42.2 miles upstream of its confluence with the NYR. The dam is 30 feet high with a crest elevation of 5,696.0 feet;

(6) Milton Diversion Dam Spillway, the main concrete arch dam acts as an ungated, uncontrolled spillway with a maximum design capacity of 40,000 cfs;

(7) Milton Diversion Impoundment, a constructed impoundment on the MYR formed by Milton Diversion Dam. At normal maximum water surface elevation (5,690.0 ft), Milton Reservoir extends 0.5-mile upstream, has a usable storage capacity of 295 ac-ft, a surface area of 103 acres, and a shoreline of about 1.3 miles;

[2] All elevation data throughout this Pre-Application Document are in National Geodetic Vertical Datum of 1929 (NGVD 29).

(8) Milton-Bowman Diversion Conduit, composed of both pipeline (a 3,315 ft-long, 84 inch-diameter, concrete pipeline) and tunnel (22,623 feet-long, 7.5 foot by 9.5 foot tunnel) sections carrying water from Milton Reservoir to Bowman Reservoir;

(9) Jackson Dam, a homogeneous, compacted earth fill dam located on Jackson Creek, about 2.9 miles upstream of Bowman Lake on Jackson Creek. The dam is 28 feet high with a crest length of 772 feet and a crest elevation of 6,596.0 feet, and a drainage area of 0.65 square mile. The dam includes one low-level outlet (El. 6,570.0 ft) with a maximum design capacity of about 59 cfs at full pool;

(10) Jackson Dam Spillway, a 50-foot-long, uncontrolled, sharp-crested weir with rubble masonry training walls at a crest elevation of approximately 6,592 feet. The maximum design capacity of the spillway is 1,200 cfs;

(11) Jackson Lake, a constructed storage reservoir formed by Jackson Dam on Jackson Creek. At normal maximum water surface elevation (6,592 ft), Jackson Lake extends 0.3-mile upstream, has a usable storage capacity of 1,330 ac-ft, a surface area of 58 acres, and a shoreline of about 1.1 miles;

(12) French Dam, a rockfill dam with reinforced gunite and shotcrete on Canyon Creek, 1.3 miles upstream of Faucherie Lake. The dam is 70 feet high with a crest length of approximately 200 feet and a crest elevation of 6,665.5 feet, and a drainage area of 4.6 square miles. The dam includes one low-level outlet (El. 6,598.5 ft) with a maximum design capacity of about 657 cfs at full pool;

(13) French Dam Spillway, an uncontrolled weir wall constructed of reinforced concrete. The crest of the spillway is 6,660 feet. A 100-foot-long unlined rock channel carries spillway flow into the river channel. The maximum design capacity of the spillway is 4,300 cfs;

(14) French Lake, a constructed storage reservoir on Canyon Creek formed by French Dam. At normal maximum water surface elevation (6,660.00 ft), French Lake Reservoir extends 1.3 miles upstream, has a usable storage capacity of 13,940 ac-ft, a surface area of 356 acres, and a shoreline of about 5.3 miles;

(15) Faucherie Dam, a zoned embankment dam on Canyon Creek with sloping core and filter zones and riprap reinforcement, 1.5 miles upstream of Sawmill Lake. The dam is 65 feet high with a crest length of approximately 665 feet and a crest elevation of 6,131.0 feet, and a drainage area of 8.97 square miles. The dam includes two low-level outlets (El. 6,082.3 ft) with a combined maximum design capacity of about 289 cfs at full pool;

(16) Faucherie Dam Spillway, an uncontrolled, 3 foot high sharp-crested concrete weir directing spillway discharge into an unlined rock channel that returns discharge to the creek downstream. The spillway is 150 feet long with a crest elevation of approximately 6,123 feet. The maximum design capacity of the spillway is 10,000 cfs;

(17) Faucherie Lake, a constructed storage reservoir on Canyon Creek formed by Faucherie Dam. At normal maximum water surface elevation (6,123.0 ft), Faucherie Lake extends 0.4-mile upstream, has a usable storage capacity of 3,980 ac-ft, a surface area of approximately 143 acres, and a shoreline of about 2.4 miles;

(18) Sawmill Dam, a rockfill dam on Canyon Creek, 0.8-mile upstream of Bowman Lake. The dam is 60 feet high with a crest length of approximately 384 feet and a crest elevation of 5,865.0 feet, and a drainage area of 16.4 square miles. The dam includes one low-level outlet with a maximum design capacity of about 160 cfs at full pool;

(19) Sawmill Dam Spillway, an uncontrolled, flat slab and buttress that direct spillway discharge into an unlined rock channel that returns discharge to the creek downstream. The spillway is 230 feet long with a crest elevation of approximately 5,860.0 feet. The maximum design capacity of the spillway is 14,500 cfs at zero freeboard;

(20) Sawmill Lake, a constructed storage reservoir on Canyon Creek formed by Sawmill Dam. At normal maximum water surface elevation (5,860.0 ft), Sawmill Lake extends 0.7-mile upstream, has a usable storage capacity of 3,030 ac-ft, a surface area of approximately 79.4 acres, and a shoreline of about 2.6 miles;

(21) Bowman North Dam, a concrete-faced rockfill dam located on Canyon Creek, 10.3 miles upstream of its confluence with the SYR. The dam is 175 feet high with a crest length of approximately 700 feet and a crest elevation of 5,567.0 feet, and a drainage area of 27.1 square miles. The dam includes three low-level outlets (El. 5,400 ft) with a combined maximum design capacity of about 1,077 cfs at full pool;

(22) Bowman South Dam, a constant radius arch dam constructed in nine monoliths, located on Canyon Creek. The dam is 135 feet high with a crest length of approximately 400 feet and a crest elevation of 5,563.6 feet;

(23) Bowman South Dam Spillway, a reinforced concrete flat slab and buttress structure with 12 bays, 5 of which permit uncontrolled overflow and 7 of which are fitted with radial gates. The spillway is 175 feet long with a crest elevation of 5,563.6 feet for the 5 uncontrolled bays (85 feet in length) and 5,557.17 feet for the seven bays (90 feet in length) controlled by radial gates (144" wide by 70" high). The maximum design capacity of the combined spillway structures is 4,000 cfs at elevation 5,563 feet. In addition, the Bowman South Dam acts as an ungated, uncontrolled spillway with a maximum design capacity of 20,000 cfs;

(24) Bowman Lake, a constructed storage reservoir on Canyon Creek formed by Bowman North and South dams. At normal maximum water surface elevation (5,562.0 ft), Bowman Lake extends 2.5 miles upstream, has a usable storage capacity of 68,510 ac-ft, a surface area of approximately 820 acres, and a shoreline of about 7.6 miles;

(25) Bowman Penstock, a submerged, concrete encased, 60 inch-diameter penstock that diverts a maximum of 350 cfs to Bowman Powerhouse;

(26) Bowman Powerhouse, an above-ground, indoor powerhouse constructed of reinforced concrete located near the base of Bowman North Dam, adjacent to Canyon Creek. The powerhouse consists of one horizontal Francis turbine with a nameplate rated capacity of 3.6 MW at a head of 135 feet and a flow of 313 cfs;

(27) Bowman Switchyard, located adjacent to Bowman Powerhouse;

(28) Bowman Transmission Line, an above-ground, 9.0-mile-long, 60 kV transmission line that connects the Bowman Powerhouse Switchyard to PG&E's Drum-Spaulding 60 kV line approximately 1.5 miles west of PG&E's Spaulding No. 1 Powerhouse, which is part of PG&E's Drum-Spaulding Project (FERC Project No. 2310);

(29) Jackson Meadows Reservoir Recreation Area, a recreation area that includes Findley Campground with 14 campsites, East Meadows Campground with 46 campsites, Fir Top Campground with 12 campsites Pass Creek Campground with 30 campsites, Woodcamp Campground with 20 campsites, Aspen Group Campground with a capacity for 100 people at one time (PAOT), Silvertip Group Campground with a capacity for 50 people at one time (PAOT), and Jackson Point boat in campground with 10 sites.

(30) Faucherie Lake Recreation Area, a recreation area that includes Faucherie Group Campground with a capacity of 25 people at one time (PAOT), and a day use area; and

(31) all appurtenant facilities and features.

3.2.1.2 Dutch Flat Development

The Dutch Flat Development is composed of Bowman-Spaulding conduit diversion dam; Bowman-Spaulding conduit; Texas Creek diversion dam; Fall Creek diversion dam and flume; Clear Creek, Trap Creek, and Rucker Creek diversions; Dutch Flat No. 2 conduit; Dutch Flat dam, spillway, and forebay; and Dutch Flat No. 2 powerhouse and penstock. The locations of the facilities within the Dutch Flat Development are shown on Figure 2-2, which correspond to the numbered descriptions below.

(1) Bowman-Spaulding Conduit which diverts flows from Canyon Creek below Bowman Lake to Fuller Lake and Lake Spaulding (part of PG&E's Drum-Spaulding Project No. 2310) via 40,501 feet of canals and flumes and 16,192 feet of tunnels. Flow is diverted by the Bowman Spaulding Diversion Dam through a 12' wide radial head gate into the conduit. The diversion dam has a 30-inch-diameter corrugated iron pipe controlled by a 30 inch-diameter slide gate used as a low-level outlet. Maximum design capacity of the conduit at the head gate is 300 cfs but increases to 325 cfs at its terminus into Fuller Lake;

(2) Texas Creek Diversion Dam, a concrete reinforced diversion dam on Texas Creek, 0.6-mile upstream of its confluence with Canyon Creek, which diverts a portion of flow into the Bowman-Spaulding Conduit. The dam has a drainage area of 4.6 square miles, is 10 feet tall with a crest length of 50 feet and a crest elevation of 5,385.75 feet.;

(3) Fall Creek Diversion Dam, a concrete reinforced diversion dam on Fall Creek, 1.2 miles downstream of its confluence with Lake Creek, which diverts a portion of flow into the Bowman-Spaulding Conduit. The dam has a drainage area of 5.81 square miles, is 5.5 feet tall with a crest length of 74.5 feet and a crest elevation of 5,368.68 feet;

(4) Fall Creek Diversion Flume, a 98-foot-long, 6-foot-4 inch-diameter steel flume that diverts water from Fall Creek Diversion Dam to the Bowman-Spaulding Conduit. Maximum design capacity of the flume is 100 cfs;

(5) Other Bowman-Spaulding Conduit Diversions, including (in descending order) Clear Creek, Trap Creek, and Rucker Creek Diversions, each of which divert their entire streamflow. These diversions take place as each creek flows over the upstream wall or section into the Bowman-Spaulding Conduit. Dump gates (style and dimensions vary by diversion) are located in the downstream wall opposite the diversion which can carry flow into the downstream channel;

(6) Dutch Flat No. 2 Conduit, a 24,728-foot-long combination of tunnel, flume, siphon, and canal that diverts water from Drum Afterbay (part of PG&E's Drum-Spaulding Project No. 2310) to Dutch Flat No. 2 Forebay at a maximum design capacity of 610 cfs;

(7) Dutch Flat Forebay Dam, a zoned earthfill embankment dam located off-stream, adjacent to the Bear River, 0.4 mile north of Dutch Flat Afterbay. The dam is 77 feet high with a crest length of 440 feet and a crest elevation of 3,336.0 feet, and a drainage area of 0.1 square mile;

(8) Dutch Flat Forebay Dam Spillway, an uncontrolled, concrete spillway 250 feet in length and a crest elevation of 3,331.75 feet. Discharge is routed through two 60 inch-diameter metal pipes down to a tributary of the Bear River. The maximum design capacity of the spillway is 5,000 cfs;

(9) Dutch Flat Forebay, an off-stream, constructed, re-regulating reservoir adjacent the Bear River formed by Dutch Flat Forebay Dam. At normal maximum water surface elevation (3,331.6 feet), Dutch Flat Forebay has a usable storage capacity of 185 ac-ft, a surface area of 8 acres, and a shoreline of about 0.5-mile;

(10) Dutch Flat No. 2 Powerhouse Penstock, a 2,100 foot-long, 8 foot-diameter, steel penstock that diverts water, at a maximum design capacity of approximately 610 cfs, from Dutch Flat Forebay to Dutch Flat No. 2 Powerhouse;

(11) Dutch Flat No. 2 Powerhouse, an above-ground, outdoor powerhouse constructed of reinforced concrete and located adjacent to Dutch Flat Afterbay, part of the Bear River. The powerhouse consists of one vertical axis Francis turbine with a nameplate rated capacity of 24.57 MW at a head of 581 feet and a flow of 600 cfs;

(12) Dutch Flat No. 2 Powerhouse Switchyard, located adjacent to the Dutch Flat No. 2 Powerhouse; and

(13) all appurtenant facilities and features.

3.2.1.3 Chicago Park Development

The Chicago Park Development is composed of Dutch Flat afterbay dam, spillway, and afterbay and Chicago Park conduit, forebay dam, spillway, forebay, penstock, and powerhouse. The locations of the facilities within the Chicago Park Development are shown on Figure 2-2, which correspond to the numbered descriptions below.

(1) Dutch Flat Afterbay Dam, a zoned embankment dam with rockfill shells located on the Bear River 6 miles upstream of its confluence with Rollins Reservoir. The dam is 165 feet high with a crest length of 495 feet and a crest elevation of 2,755.0 feet, and a drainage area of 21.5 square miles;

(2) Dutch Flat Afterbay Dam Spillway, an uncontrolled, concrete-lined spillway 100 feet in length with a crest elevation of 2,741 feet. Discharge goes over an ogee crest and down a 405-foot-long concrete chute that discharges into the Bear River. The maximum design capacity of the spillway is 20,000 cfs;

(3) Dutch Flat Afterbay, a constructed re-regulating reservoir located on the Bear River formed by Dutch Flat Afterbay Dam. At normal maximum water surface elevation (2,741.0 ft), Dutch Flat Afterbay Reservoir extends about 0.9-mile upstream, has a usable storage capacity of 2,037 ac-ft, a surface area of 140 acres, and a shoreline of about 1.9 miles. The dam includes two low-level outlets (El. 2,640.0 ft) with a combined maximum design capacity of about 760 cfs at full pool;

(4) Chicago Park Conduit, which diverts water from Dutch Flat Afterbay Dam to Chicago Park Forebay via 21,700 feet of concrete flume (18 feet wide by 10 feet deep) and gunite-lined ditch (14-38 feet wide and 10 feet deep). Maximum design capacity of the conduit is 1,100 cfs;

(5) Chicago Park Forebay Dam, an earthfill dam with gunite face located off-stream, adjacent to the Bear River approximately 0.3-mile east of the confluence of the Bear River and Steephollow Creek. The dam is 35 feet high with a crest length of 200 feet and a crest elevation of 2,720.0 feet, and no associated drainage area;

(6) Chicago Park Forebay Dam Spillway, an uncontrolled side channel spillway 63 feet in length, with a crest elevation of 2,717.4 feet, located on the Chicago Park Conduit 0.5-mile above the Chicago Park Powerhouse Penstock intake Structure. The maximum design capacity of the spillway is 1,100 cfs;

(7) Chicago Park Forebay, a constructed re-regulating reservoir located adjacent to the Bear River formed by Chicago Park Forebay Dam. At normal maximum water surface elevation (2,717.3 ft), Chicago Park Forebay Reservoir has a usable storage capacity of 117 ac-ft, a surface area of 7 acres, and a shoreline of about 0.7-mile;

(8) Chicago Park Powerhouse Penstock, an approximately 2,250-foot-long, 9.2-10.0 foot-diameter steel penstock that diverts water, at a maximum design capacity of approximately 1,070 cfs, from Chicago Park Forebay to Chicago Park Powerhouse;

(9) Chicago Park Powerhouse, an above-ground, indoor powerhouse constructed of concrete and located adjacent the Bear River, approximately 800 feet southeast of the confluence of the Bear River and Steephollow Creek. The powerhouse consists of one vertical axis Francis turbine with a nameplate rated capacity of 39 MW at a head of 480 feet and a maximum flow of 1,100 cfs;

(10) Chicago Park Switchyard, located adjacent to Chicago Park Powerhouse; and

(11) all appurtenant facilities and features.

3.2.1.4 Rollins Development

The Rollins Development is composed of Rollins dam, spillway, reservoir, penstock, and powerhouse. The locations of the facilities within the Rollins Development facilities are shown on Figure 2-2, which correspond to the numbered descriptions below.

(1) Rollins Dam, a zoned embankment dam located on the Bear River approximately 12.1 river miles upstream of Combie Dam (non-project). The dam is 252.5 feet high with a crest length of 1,260 feet and a crest elevation of 2,187.5 feet, and a drainage area of 104 square miles. The dam includes one low-level outlet (El. 1,970.0 ft) with a maximum design capacity of about 2,008 cfs at full pool;

(2) Rollins Dam Spillway, an uncontrolled concrete ogee crest spillway 620 feet in length, with a crest elevation of 2,171.0 feet and a maximum design capacity of 85,000 cfs;

(3) Rollins Reservoir, a constructed storage reservoir located on the Bear River formed by Rollins Dam. At normal maximum water surface elevation (2,171.0 ft), Rollins Reservoir extends about 4.1 miles upstream, has a usable storage capacity of 65,988 ac-ft, a surface area of 825 acres, and a shoreline of about 19 miles;

(4) Rollins Powerhouse Penstock, an approximately 484 foot-long, 8.5 foot-diameter, steel penstock partially encased in concrete that diverts water, at a maximum design capacity of approximately 866 cfs, from Rollins Dam to Rollins Powerhouse;

(5) Rollins Powerhouse, an above-ground, outdoor powerhouse constructed of reinforced concrete and located at the toe of the dam. The powerhouse consists of one vertical axis Francis turbine with a nameplate rated capacity of 12.15 MW at a head of 208 feet and a maximum flow of 840 cfs;

(6) Rollins Switchyard, located adjacent to the Rollins Powerhouse; and

(7) Four Project recreation facilities at Rollins Reservoir, which includes Peninsula Campground with 67 sites; Greenhorn Campground with 79 sites; Long Ravine Campground with 85 sites; and Orchard Springs Campground with 101 sites (each facility includes a boat launch); and

(8) all appurtenant facilities and features.

3.2.2 Proposed Project Facilities

NID's Proposed Project would expand the existing Rollins Development through the addition of Rollins No. 2 Powerhouse; add five new streamflow gages; and replace, upgrade, or install new recreation facilities.

Generation Facilities

NID's only proposed generation expansion to the Yuba-Bear Hydroelectric Project is to construct a new powerhouse associated with the Rollins Development. NID anticipates that the new generating facility (Rollins No. 2 Powerhouse) would more effectively capture the combined

releases from Rollins reservoir. The existing powerhouse consists of one vertical axis, Francis turbine with a rated capacity of 12.15 MW at a head of 208 feet and maximum flow of 840 cfs. NID also anticipates that the new powerhouse would be constructed entirely on NID-owned land adjacent to the existing powerhouse location in a laydown area just below the existing parking lot on the right bank of the river. NID indicates that the existing powerhouse would be unaltered and remain in full operation.

Streamflow Gages

NID proposes to add five new streamflow gages for monitoring compliance with minimum flow releases. The new gages would be located on the downstream face of the diversion facilities at Texas, Clear, Fall, Trap, and Rucker Creeks. The gages would be named YB-317, YB-318, YB-319, YB-320, and YB-321, respectively. In addition, existing USGS gages 11414410 (Canyon Creek below French Lake), 11414500 (Canyon Creek below Faucherie Lake), and 11414470 (Canyon Creek below Sawmill Lake), which are currently rated to measure up to 3 cfs, would be improved to monitor compliance with NID's proposed minimum streamflows. Existing USGS gage 11421790 (Bear River below Dutch Flat afterbay dam) would be improved for rating.

Primary Project Access Roads

NID proposes to remove a segment of Chicago Park Forebay Road from the set of primary project access roads. This road segment is presently closed by an active landslide. NID also proposes to remove the unnamed recreation road that provides access to the Jackson Meadows administrative site. NID has never used this site, nor has it used the recreation road that provides access to it and does not plan to use it in the future. NID proposes to decommission these roads as they are not necessary for continued project operation and maintenance.

Recreation Facilities

NID's Proposed Project includes a Recreation Facilities Plan. The plan contains many components, including replacement and upgrade of existing recreation facilities and evaluation for new recreation facilities over the term of the new license. The plan includes the addition of the following specific new facilities:

- Jackson Meadows Reservoir: install animal-resistant food lockers at campsites that do not have such lockers; construct a pedestrian, single-track trail from the first loop of East Meadow campground to Pass Creek; install a one-unit vault restroom at Pass Creek overflow campground; construct an accessible trail on the shoreline from the Pass Creek boat launch parking area to the shoreline at Aspen picnic area; construct a pedestrian, single-track trail from Aspen group campground to the parking area at Aspen picnic area; develop road access and a loading/unloading area at Woodcamp picnic area with accessible parking spaces and access to the shoreline restroom and picnic sites; construct pedestrian, single-track connector trails between the project recreation facilities within the Woodcamp Complex (Fir Top, Findley, Woodcamp, and Silvertip group campgrounds and Woodcamp picnic area) and a connector trail from these connector trails to the non-project Woodcamp interpretive trailhead; replace the existing Woodcamp boat launch facility to California Department of Boating and Waterways (California Boating) standards.

- Milton Diversion Impoundment: develop a shoreline day-use area including a gravel parking area for up to five vehicles with barriers and a single-lane hand launch designed to accessible standards; develop up to six primitive campsites, each with a designated parking spur/space setback from the shoreline, steel fire ring, and site marker.

- Bowman Lake: develop a day-use parking area for up to 10 vehicles on NID land with vehicle barriers and an informational board (two-panel) at Jackson Creek inflow along the north shoreline/Bowman Lake Road; designate up to 10 primitive campsites along the shoreline on NID land each with a picnic table, steel fire ring, animal-resistant food locker, parking spur/space with barriers, site marker, and resource protection signage.

- Sawmill Lake: develop a rustic, 10-unit family campground on NID land with a native surface circulation road, two-unit vault restroom, entrance station, and campsites each with a table, fire ring, animal-resistant food locker, site marker, and vehicle spur with barriers; develop a rustic group campground on Forest Service land to accessible standards, as feasible, consisting of a single group campsite for 25 PAOT, native surface parking area for 10 vehicles with barriers, one-unit vault restroom, and hand launch.
- Canyon Creek: install animal-resistant food lockers at campsites without animal-resistant lockers.

- Dutch Flat No. 2 Forebay: install an information kiosk.

- Dutch Flat Afterbay: make a good faith effort to purchase at fair market value a parcel of land from private landowner or obtain a long-term lease or easement for use of such property or make a good faith effort to work out an agreement with the licensee of the Drum-Spaulding Project (PG&E), to develop a day-use area that would include parking for six vehicles, six picnic tables, restroom, and a kiosk sign.

3.2.3 Existing FERC Project Boundary

The existing FERC Project Boundary, consisting of lands necessary for the safe operation and maintenance of the Yuba-Bear Hydroelectric Project and other purposes, such as recreation, shoreline control, and protection of environmental resources, encompasses 6,252.6 acres of land in Nevada, Placer, and Sierra counties, California. The majority of land in the boundary is owned by NID (4,056.3 acres). There are 1,749.3 acres of federal land, of which 1,540.8 acres are managed by the Forest Service as part of the Tahoe National Forest, 208.5 acres are managed by BLM as part of the Sierra Resource Management Area, and 447.0 acres are privately owned land.

3.2.4 Proposed Project Boundary

The expected FERC license would require or authorize the modification of the FERC Project Boundary for the Yuba-Bear Hydroelectric Project. NID proposes the following changes to the existing FERC Project Boundary:

- Use of contours derived from the USGS National Elevation Dataset 1/3 arc second digital elevation model as a partial replacement to survey metes and bounds that are used in the existing license to define the FERC Project Boundary around Jackson Meadows reservoir, Bowman reservoir, French Lake, Jackson Lake, Sawmill Lake, Faucherie Lake, Dutch Flat forebay, and Dutch Flat afterbay. Where the derived contour lines exceeded 200 horizontal feet from a project reservoir's normal maximum water surface, 200-foot horizontal buffers of the reservoir's maximum water surface were used to define the FERC Project Boundary.

- Removal of the area that incorporates the mineral survey area south of Dutch Flat afterbay.

- Removal of the area that incorporates the administrative site at Jackson Meadows reservoir and the recreation road that provides access to it.

- Modification of the boundary to more accurately contain and encompass the following recreation sites: East Meadow campground, Fir Top campground, Bowman Lake campground, and Canyon Creek area campground.

- Addition of the area that incorporates the primary project portion of the following roads, including a right-of-way of 20 feet on-road centerline: French Lake Dam Road (Forest Service Road 843-20), Milton Pipeline Access Road, Wilson Creek Diversion Access Road, Bunkhouse Road, Texas Creek Diversion Access Road, Bowman-Spaulding Canal Berm Road, Bowman- Spaulding Canal Access Road, Stump Canyon Siphon Intake Access Road, Canyon Siphon Low Level Valve Access Road, "B" Alarm Road, Chicago Park Forebay Road, and Chicago Park Powerhouse Access Road.

All but two of the Proposed Project recreation facilities would be within the FERC Project Boundary. These two facilities include: (1) the primitive campsites at the "Tree Camp" located along the north shoreline of Bowman Lake on Forest Service land; and (2) the walk-in campground at Sawmill Lake on NID land. Given the uncertainty of the final footprint for these two facilities, NID asked that the Commission expand the FERC Project Boundary to include each facility after its final design is complete and before construction.

3.2.5 Existing Project Operations

The Yuba-Bear Hydroelectric Project has a combined gross water storage capacity of about 207,865 acre-feet of water, generated an annual average of 354.3 gigawatts per hour (GWh) from 1972 through 2007 (periods for Rollins and Bowman powerhouses are shorter as they came online in 1981 and 1986, respectively), and has a historical dependable capacity of 44.2 megawatts (MW). The Yuba-Bear Hydroelectric Project's existing average annual energy is 266 GWh with a total dependable capacity of 47 MW.

3.2.6 Proposed Project Operations

Proposed operation of the Yuba-Bear Hydroelectric Project would be generally consistent with existing operations. Significant changes in future operations, however, are related to new and

increased minimum flow releases and modified ramping rates. NID also proposes the following: (1) re-operation between PG&E's Dutch Flat No. 1 and NID's Dutch Flat No. 2 powerhouses based on water rights rather than operational or efficiency considerations; and (2) use of modified winter/spring operations implemented since 1997.

3.2.7 Proposed Conditions in New FERC License

In the FEIS, FERC staff recommended a license based on the Yuba-Bear Hydroelectric Project and modifications and additions recommended by FERC staff, as described in the FEIS. The FEIS describes those modifications and additions in its Section 5.5.2.2. In addition to FERC staff's modifications and additions, the final FERC license will be subject to mandatory conditions submitted by Forest Service and BLM under FPA Section 4(e). The FEIS discusses these 4(e) conditions in its Section 5.5.4. For purposes of the Proposed Project and the Supplemental CEQA Analysis, NID assumes that the Proposed Project would include the modifications and additions to the existing license recommended by FERC staff, as well as Forest Service and BLM's FPA Section 4(e) conditions.

Attachment A

Responsible Agencies, Trustee Agencies, and Other Interested Parties Distribution List

Notice of Intent Responsible Agencies, Trustee Agencies, and Other Interested Parties Distribution List

Name	Affiliation
John Fowler	Advisory Council on Historic Preservation, Federal Agency Director
Joshua Horowitz	Amador Water Agency; Yuba County Water Agency
Dr. Ann Willis	American Rivers, CA Regional Director
Theresa Lorejo-Simsiman	American Whitewater
Dave Steindorf	American Whitewater, CA Stewardship Director
Kevin Richard Colburn	American Whitewater, National Stewardship Director
Sarah Christie	CA Coastal Commission, Deputy Director of Legislation and Government Affairs
Lynn Sadler	CA Department of Boating and Waterways, Deputy Director
Michael Maher	CA Department of Fish and Wildlife, FERC Coordinator
R2 FERC Coordinator	CA Department of Fish and Wildlife, Region 2
Morgan Kilgour	CA Department of Fish and Wildlife, Region 2, Regional Manager
Briana Seapy	CA Department of Fish and Wildlife, Region 2, Water Rights Supervisor
Beth Lawson	CA Department of Fish and Wildlife, Sr Hydraulic Engineer
Brian Estes	CA Department of Forestry and Fire Protection, Northern Region, Unit Chief
Ross Chittenden	CA Department of Transportation (Caltrans), District 10, Director
Sharon Tapia	CA Department of Water Resources Division of Safety of Dams, Division Manager
Erik Ekdahl	CA Department of Water Resources, Deputy Director

Name	Affiliation
Department	CA Department of Water Resources, Division of Flood Management
Erin Ragazzi	CA State Water Resources Control Board, Assistant Deputy Director, Water Rights
David Rose	CA State Water Resources Control Board, Attorney
Adam Cohen	CA State Water Resources Control Board, Water Quality Certification Program, Senior Specialist
Garrett Long	CA State Water Resources Control Board, Water Quality Certification Program, Staff Specialist
Christopher Shutes	California Sportfishing Protection Alliance, FERC Projects Director
Curtis Knight	California Trout, Executive Director
Rebecca Fris	California Wildlife Conservation Board, Assistant Executive Director
Steven Lamb	Central Valley Flood Protection Board, Senior Engineer
Stephanie Tadlock	Central Valley Regional Water Quality Control Board, Senior Environmental Scientist and 401 WQC and Dredging Unit, Supervisor
County Clerk	County of Nevada
Brian Foss	County of Nevada, Planning Director
County Clerk	County of Placer
Crystal Jacobsen	County of Placer, Principal Planner
County Clerk	County of Yuba
Kevin Perkins	County of Yuba, Planning Director
Michael Lee	County of Yuba, Public Works Director

Name	Affiliation
Robert J. Fenton	Federal Emergency Management Agency, Region 9; Regional Administrator
Kelly Wolcott	Federal Energy Regulatory Commission, Project Manager
Traci Sheehan	Foothills Water Network, Policy Manager
Alicia Hamann	Friends of the Eel River, Executive Director
Eric Wesselman	Friends of the River, Executive Director
Keiko Mertz	Friends of the River, Policy Director
Ron Stork	Friends of the River, Senior Policy Advocate
Allan Gere	Gold Country Fly Fishers
Cindy Charles	Golden West Women Flyfishers, Conservation Chairperson
Stephan Volker	Law Offices of Stephan C. Volker
Bryan Kelly	Merced Irrigation District, Deputy General Manager of Water Resources
Jennifer Hanson	Nevada Irrigation District, General Manager
Clay Hash	Northern CA Council Federation of Flyfishers, President
Frank Rinella	Northern CA Federation of Fly Fishers; Gold Country Fly Fishers
Stephan Volker	Pacific Coast Federation of Fishermen's Associations
PG&E Law Dept FERC Cases	PG&E
Jennifer Hartman	PG&E, Project Manager
Kim Ognisty	PG&E, Senior Counsel

Name	Affiliation
Janet Walther	PG&E, Sr. Manager, Licensing & Compliance, Power Generation
Andrew Fecko	Placer County Water Agency, General Manager
Staci Heaton	Regional Council of Rural Communities, Senior Policy Advocate
John "JJ" Baum	Regional Water Quality Control Board, Central Valley Region; Assistant Executive Officer
Allan Gere	Sierra Club, Conservation Committee Chair
Eric Parfrey	Sierra Club, Mother Lode Chapter; Chapter Executive Committee Chair
Jenny Hatch	Sierra Nevada Alliance, Executive Director
Chris Dallas	Sierra Nevada Conservancy, Area Representative
Melinda Booth	South Yuba River Citizens League, Executive Director
Ashley Overhouse	South Yuba River Citizens League, River Policy Manager
Brian Johnson	Trout Unlimited, Director
Chandra Ferrari	Trout Unlimited, Water Policy Advisor and Staff Attorney
Brian Novosak	US Bureau of Land Management, Biologist
Alan Bittner	US Bureau of Land Management, Northern California District Manager
Elizabeth Meyer-Shields	US Bureau of Land Management, Resources Deputy State Director
Pam Taber	US Bureau of Reclamation, Resource Management, Branch Chief
Dan Teater	US Department of Agriculture, Forest Service (Region 5); Fisheries Biologist
Dawn Alvarez	US Department of Agriculture, Forest Service (Region 5); Natural Resource Specialist

Name	Affiliation
Kurt Sable	US Department of Agriculture, Forest Service (Region 5); Resource Manager
Hillary Santana	US Department of Agriculture, Forest Service (Region 5); Supervisory Biological Scientist
Matthew Jedra	US Department of Agriculture, Forest Service; Deputy Forest Supervisor
Steve Edmondson	US Department of Commerce, National Marine Fisheries Service, West Coast Regional Office, Branch Chief
Thomas Holley	US Department of Commerce, National Marine Fisheries Service, West Coast Regional Office, Hydrologist
Planning Division (CESPK-PD-R)	US Department of Defense, Army Corps of Engineers, Sacramento District
Randy Olsen	US Department of Defense, Army Corps of Engineers, Sacramento District HQ Office
Kerry O'Hara	US Department of the Interior, Assistant Regional Solicitor
Amy Dutschke	US Department of the Interior, Bureau of Indian Affairs, Area Director
Denis O'Halloran	US Department of the Interior, FERC Coordinator
Field Supervisor	US Department of the Interior, Fish and Wildlife Service
Paul Cadrett	US Department of the Interior, Fish and Wildlife Service, Anadromous Fish Restoration Program
Rick Kuyper	US Department of the Interior, Fish and Wildlife Service, Division Manager
Grace Tillotson	US Department of the Interior, Fish and Wildlife Service, Watershed Planning Division
Stephanie Milsap	US Department of the Interior, Fish and Wildlife Service, Watershed Planning Division
Susan Rosebough	US Department of the Interior, National Park Service, Project Manager
Janet Whitlock	US Department of the Interior, Regional Environmental Officer
John Busterud	US Environmental Protection Agency, Regional Director

Name	Affiliation
Wes Danskin	US Geological Survey, CA Water Science Center, Research Hydrologist
Tom Kimball	US Geological Survey, Research Manager
Richard Roos-Collins	Water and Power Law Group
John James	Yuba County Water Agency, Director of Resource Planning

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Attachment B

Native American Tribes Distribution List

Notice of Intent Native American Tribes Distribution List

Name	Affiliation
Richard Prout	Colfax-Todds Valley Consolidated Tribe, Chairperson
Pam Cubbler	Colfax-Todds Valley Consolidated Tribe, Treasurer
Steven Prout	Colfax-Todds Valley Consolidated Tribe, Vice-Chairman
Michelle Roper	Colfax-Todds Valley Miwok-Maidu Cultural Foundation, Board Member
Glenda Nelson	Enterprise Rancheria Estom Yumeka Maidu Tribe, Chairperson
Patty Allen	Greenville Rancheria Tribe of Maidu, Assist to Chairperson
Kyle Self	Greenville Rancheria Tribe of Maidu, Chairperson
Sara Dutschke	Ione Band of Miwok Indians, Chairperson
Dennis Ramirez	Mechoopda Indian Tribe of Chico Ranch, Chairperson
Kenny Clark	Mooretown Rancheria of Maidu Indians, Vice Chairperson
Benjamin Clark	Mooretown Rancheria of Maidu Indians, Chairperson
Guy Taylor	Mooretown Rancheria of Maidu Indians, Director, Environmental Protection Office
Richard Johnson	Nevada City Rancheria, Chairperson
Shelly Covert	Nevada City Rancheria, Secretary
Scott Dinsmore	Pakan’yani Maidu of Strawberry Valley Rancheria, Councilmember
Tina Goodwin	Pakan’yani Maidu of Strawberry Valley Rancheria, Chairperson
Regina Cueller	Shingle Springs Rancheria Band of Miwok Indians, Chairperson

Name	Affiliation
James Sarmento	Shingle Springs Rancheria Band of Miwok Indians, Executive Director
Don Ryberg	Tsi Akim Maidu, Chairperson
Rebecca Allen	United Auburn Indian Community of the Auburn Rancheria of California, Tribal Historic Preservation Director
Gene Whitehouse	United Auburn Indian Community of the Auburn Rancheria of California, Chairman
Darrell Cruz	Washoe Tribe of Nevada and California, Tribal Historic Preservation Officer
Serrell Smokey	Washoe Tribe of Nevada and California, Chairperson

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