



# CITY OF WHEATLAND

## CITY COUNCIL MEETING STAFF REPORT

August 8, 2017

**SUBJECT:** Authorize Mayor to Sign Letter of Support Regarding Federal Energy Regulatory Commission (FERC) Relicensing of the Yuba River Development Project

**PREPARED BY:** Greg Greeson, City Manager

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### Recommendation

Staff recommends Council Authorize Mayor to Sign Letter of Support Regarding Federal Energy Regulatory Commission (FERC) relicensing of the Yuba River Development Project.

### Background/Discussion

On July 24<sup>th</sup>, staff received the following request from Curt Aikens, General Manager of the Yuba County Water Agency:

*For years many of you have asked how you can help YCWA in the Federal Energy Regulatory Commission (FERC) relicensing of the Yuba River Development Project. We have kindly replied that we'll let you know when the time has arrived. Now is the time that you can help out.*

*YCWA is now in the part of the FERC relicensing process where FERC will receive letters regarding YCWA's amended license application. It is very important that a broad cross section of our community provide letters supporting YCWA's license application as the basis for FERC to issue a new license.*

*Support for this AFLA and license are important for YCWA, but even more important for our community because a favorable FERC license is the vehicle that plays the dominate role in maintaining and improving flood protection and water supply reliability. There are many interveners in the process that will be providing FERC with input adverse to our interests so your help is needed in balancing these out.*

### Attachments

1. Letter of Support Letter Regarding FERC relicensing of the Yuba River Development Project
2. Additional background information – YCWA FERC Relicensing Support Letters

August 3, 2017

The Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE,  
Washington, DC, 20426

RE: Support for YCWA's Amended Final License Application (Docket Number 2246-065)

Dear Secretary:

I am writing on behalf of the City of Wheatland to encourage the Federal Energy Regulatory Commission to approve the Yuba County Water Agency's Amended Final License Application (AFLA).

Incorporated in 1874, the City of Wheatland is the second largest city by population in Yuba County, and is home to nearly 4,000 residents. We provide basic municipal services to our residents including law enforcement, fire protection, water, sewer, wastewater treatment, street maintenance and more. YCWA's surface water delivery to farmers in our area has significantly improved the reliability the groundwater aquifer which is our sole source for water supply. Also, YCWA has financially assisted in flood protection projects in our community. YCWA also works hard to protect the fisheries and natural resources of the Yuba River. All of these benefits are incredibly important to the public health, safety and prosperity for the people of Wheatland

FERC's approval of YCWA's AFLA will enable YCWA to support our city's needs through the fulfillment of its mission. Since YCWA's establishment in 1959, the Agency has spent tens of millions of dollars, and leveraged several hundred million more in other local, state and federal funds, on public safety projects, including several which are in construction right now. YCWA's proposed license conditions and management plans will allow the Agency to continue to provide leadership, policy guidance and financial support for these critical flood management and public safety projects, which are essential to raising the standard of living in our city, and Yuba County. YCWA's AFLA includes a recommendation to construct a new \$160 million dollar auxiliary flood protection outlet at New Bullards Bar Dam. This new facility would significantly improve flood management in Yuba County.

I am familiar with YCWA's activities and encourage FERC to approve a new license based the proposed measures in the AFLA, so the Agency may fully realize the capability of the Yuba River Development Project for the benefit of the people of Wheatland, and Yuba County. Please contact me personally if you would like to know more about the City of Wheatland and our support for YCWA's application.

Sincerely,

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Rick West, Mayor

## YCWA FERC Relicensing Support Letters

For years many of you have asked how you can help YCWA in the Federal Energy Regulatory Commission (FERC) relicensing of the Yuba River Development Project. We have kindly replied that we'll let you know when the time has arrived. Now is the time that you can help out.

Here is a brief background. A FERC license is required for any nonfederal entity such as YCWA to operate a hydroelectric dam in the US. FERC's responsibility is to balance all of the beneficial uses related to a hydroelectric project. For YCWA some of the main beneficial uses include flood protection and water supply storage in New Bullards Bar Reservoir, recreation at New Bullards Bar Reservoir, environmental benefits such as minimum flows and cold water for fish in the lower Yuba River, flows for white water rafting and the list goes on and on.

The FERC relicensing process calls for YCWA to work with any person or entity that wants to be a stakeholder. We have spent about \$30 million over 6 years in this effort resulting in our submission of our Amended Final License Application, which we believe is a very balanced approach to all the issues. We have consensus in key areas such as recreation at New Bullards Bar and disagreement in other areas such as environmental flow requirements. FERC is now accepting letters on our license application.

Your letter of support for our license application is very important because it will show FERC that a well-balanced license is needed for YCWA to continue to provide the community benefits we have in the past, especially in the area of flood protection and a reliable water supply for the people of Yuba County. Implementation of YCWA's proposed license will cost about \$300 million over a 30 year license. Every additional dollar in license cost will be one less dollar YCWA can invest in our community. Key points for the letters are:

1. Send a letter, on your letterhead, to FERC by August 21, 2017 (must be received by FERC by August 25th) addressed to Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. In the subject line include Yuba River Development Project (FERC Project No. 2246-065)
2. Express support to FERC for issuing a new license based on YCWA's Amended Final License Application for the Yuba River Development Project (FERC Project No. 2246-042)
3. Identify yourself and the organization you represent. Tell the FERC why your opinion should matter. Explain briefly your relationship to YCWA (e.g., use water provided by the Project; benefit from flood control or other projects financially supported by YCWA; live, recreate or do business in Yuba County and want it to prosper; etc.)
4. State that YCWA has provided a balanced license application that provides balanced and comprehensive protection and enhancement of environmental and recreational resources, while enhancing flood control and protecting water supply at a reasonable cost
5. Encourage FERC to issue the new license based on YCWA's application without modification, and to issue YCWA a new 50-year license given the high cost of relicensing and the comprehensive PM&E package (50 years is the maximum license term possible)
6. Please send a pdf or hard copy of your letter to Terry Peterson at [tpeterson@ycwa.com](mailto:tpeterson@ycwa.com) or at YCWA, 1220 F Street Marysville, CA 95901

## FAQ About the AFLA, FERC and Relicensing

1. On June 5, 2017, YCWA filed an Amended Final License Application (AFLA) with FERC that includes over 30 proposed relicensing measures to enhance recreational opportunities, and fish and wildlife habitat conditions, in the Yuba River watershed.
2. The AFLA updates YCWA's earlier License Application filed on April 28, 2014. YCWA's original 50-year FERC license expired on April 30, 2016.
3. FERC has issued an Annual License, which automatically renews itself every year. The Annual License authorizes continued Project operation under the same conditions as the original License until a new License is issued.
4. The Federal Energy Regulatory Commission (FERC) is the federal lead agency in charge of relicensing. It does its own independent analysis, and determines the best adapted plan for the use of the waterway, balancing competing developmental and non-developmental (environmental) uses. It can issue a new license, if appropriate, for between 30 to 50 years, and will enforce the conditions of any new license throughout the license term.
5. After filing its earlier License Application, YCWA worked collaboratively with local, state and federal agencies, tribes, conservation and recreation groups and other stakeholders in the development of 30 mutually agreed upon proposed license conditions. These proposed conditions are the main reason for filing the AFLA, so the FERC can analyze an updated, current package.
6. YCWA did not reach collaborative agreement with resources agencies and NGOs (most of whom were signers of Yuba Accord agreements) on instream flows for the lower Yuba River. YCWA expects many of these relicensing participants to distance themselves from the Accord and to request much higher flows, which would negatively impact YCWA's ability to provide dependable surface water supplies, flood protection improvements, water transfers, sustainable groundwater management, and more.
7. YCWA's AFLA commits more than \$300 million over the term of the new license for public safety, recreation and environmental measures and programs, including a new auxiliary spillway to improve public protection from severe storm and flood events.
8. Relicensing takes a long time and a lot of money to complete and creates uncertainty. YCWA provides leadership, policy guidance and financial support for flood management projects, essential to raising the standard of living in this disadvantaged community. The County of Yuba is one of California's poorest counties, as measured by virtually every social and economic standard. A new 50-year license would help to ensure a reliable source of revenue to improve flood protection for the people of Yuba County.
9. Specific measures include a significant program of rebuilding, enlarging and improving recreation facilities around New Bullards Bar Dam and Reservoir, including the addition of two new public campgrounds. The measures also complement YCWA's award-winning Lower Yuba River Accord by enhancing and monitoring aquatic, terrestrial, botanical and cultural resources throughout the watershed.
10. The Yuba Accord is a science-based program to improve fish and wildlife conditions in the 24-mile lower Yuba River. Over the past decade, the Accord has provided optimum instream flow conditions nearly 70% of time, and has been closely monitored and evaluated by a River Management Team made up of local, state and federal agencies and conservation groups. This program also provides more than 100,000 acre-feet of critical water supplies every year for water-

deficient cities and farms throughout California.

11. The AFLA proposes continuation of the Yuba Accord flows, which represent functional flows for salmon and steelhead on the lower Yuba River. In 2006, biologists from California's Department of Fish and Wildlife, National Marine Fisheries Service, U.S. Fish and Wildlife Service and conservation groups developed these schedules. Following a two-year pilot program, and an environmental review in compliance with CEQA and NEPA, California's SWRCB approved the program. Since 2008, a River Management Team comprised of local, state and federal biologists and conservation groups has monitored and evaluated the instream flow requirements, at a cost of over six million dollars. Contemporary studies and evaluations conducted for the Yuba River Development Project relicensing process, together with Yuba Accord-derived data, comprise the best scientific information available on the lower Yuba River.
12. The Commission strongly encourages electronic filing. Please file motions to: <http://www.ferc.gov/docs-filing/ecomment.asp> or send via mail to the "Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. The first page of any filing should include docket number P-2246-065"