

Nevada Irrigation District

June 7, 2021

Via Electronic Submittal (eFile)

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 – 1st Street, N.E.
Washington, D.C. 20426-0001

Subject: Yuba-Bear Hydroelectric Project, FERC Project No. 2266-102 – California Response to Items 1, 2 and 3 in FERC’s March 8th, 2021, Additional Information Request

Dear Secretary Bose:

This letter provides to the Federal Energy Regulatory Commission (FERC or Commission) Nevada Irrigation District’s (NID) response to Items 1 and 2 and to Item 3, to the extent that Item 3 requests information upstream of the Yuba County Water Agency’s Our House Dam impoundment on the Middle Yuba River and upstream of Englebright Reservoir on the South Yuba River, in FERC’s March 8, 2021, Additional Information Request (AIR).

BACKGROUND

FERC’s AIR identifies four informational items associated with NID’s Yuba-Bear Hydroelectric Project, FERC Project No. 2266 (Project) needed by FERC to support its preparation of a supplemental environmental impact statement and revised biological assessment to complete FERC’s Endangered Species Act Section 7 consultation with the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS). FERC’s letter requests the information be filed with FERC within 90 days of the date of its letter (i.e., by June 7, 2021).

Item 1 pertains to 2020 Project economic information. Item 2 focuses on the effects to Project generation and costs and NID’s water deliveries if the Commission includes in the new Project license Condition 1(D) in the State Water Resources Control Board’s (Water Board) August 14, 2020, Clean Water Act (CWA) Section 401 purported¹ Water Quality Certification (WQC) for the Project and includes in new licenses for Pacific Gas and

¹ On April 16, 2020, the Commission issued an order finding that the Water Board had waived its authority to issue a WQC for the relicensing of the Yuba-Bear Hydroelectric Project. The Water Board and certain non-governmental intervenors have appealed the Commission’s waiver order to the U.S. Court of Appeals for the Ninth Circuit.

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Electric Company's (PG&E) Upper Drum-Spaulding Hydroelectric Project, FERC Project No. 2310, and Lower Drum Hydroelectric Project, FERC Project No. 14531, Condition 1(D) in the Water Board's February 3, 2021, WQC for those projects. Item 3 requests an assessment of the environmental effects of including the Water Board's Conditions 1(D) in the new licenses. Item 4 directs NID to consult with the PG&E and YWCA to develop an *"agreed-upon analysis of the amount of additional water from either storage or transfers necessary in dry and/or critically dry years (or combination of dry type years) to maintain cooler water in the Yuba River from July through November."* In addition, Item 4 requires that, assuming that such an analysis is agreed upon by NID, PG&E and YCWA and after the analysis is complete, NID *"conduct informal consultation with NMFS along with PG&E and NID [sic, should be YCWA], to determine that the potential operational actions at each project considered in the evaluation would be protective of ESA-listed fish species and their designated critical habitat in the Yuba River downstream of Englebright dam."*

As approved by FERC's letter dated June 1, 2021, NID will file with FERC by November 7, 2021, a schedule for providing responses to the parts of Item 3 that pertain to downstream of the Our House Dam impoundment on the Middle Yuba River and Englebright Dam on the South Yuba River, and to Item 4.

INFORMATION PROVIDED

Attachment 1 to this letter provides to FERC the information requested in Items 1 and 2 and in Item 3, as Item 3 pertains to the Middle Yuba River upstream of Our House Dam impoundment and to the South Yuba River upstream of Englebright Reservoir. All model runs NID made and data NID used in support of this filing are appended to Attachment 1.

If you have any questions regarding this letter, please contact me at hansonj@nidwater.com or (530) 273-6185.

Sincerely,

DocuSigned by:

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Jennifer Hanson
General Manager, Nevada Irrigation District

Attachments:

1. Nevada Irrigation District's Response to Items 1 and 2 and Portions of Item 3 in Schedule A of FERC's Additional Information Request

cc: Jim Hastreiter, FERC Project Coordinator
Janet Walther, PG&E Relicensing Project Coordinator

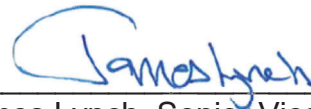
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Willie Whittlesey, YCWA General Manager
Andy Fecko, PCWA General Manager
Parties on FERC's Official Service List for the Yuba-Bear Hydroelectric Project
(FERC Project No. 2266-102)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary of the Federal Energy Regulatory Commission in this proceeding (Nevada Irrigation District, FERC Project No. 2266-102).

Dated in Sacramento, CA this 7th day of June 2021.



James Lynch, Senior Vice President
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