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**NOTICE OF PREPARATION
OF A
DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED LOWER YUBA RIVER ACCORD
JUNE 20, 2005**

TO: Interested Parties

FROM: Yuba County Water Agency

PROJECT TITLE: Proposed Lower Yuba River Accord

LEAD AGENCIES: Pursuant to the California Environmental Quality Act (CEQA), the Yuba County Water Agency (YCWA) as the CEQA lead agency is preparing a Draft Environmental Impact Report (EIR) on the Proposed Lower Yuba River Accord (Yuba Accord). The document will be a joint EIR/Environmental Impact Statement (EIS) with the Bureau of Reclamation (Reclamation) as the federal lead agency under the National Environmental Policy Act (NEPA). An Initial Study will not be prepared for this project.

YCWA is interested in the views of federal, state and local public agencies, non-governmental organizations (NGOs) and the general public as to the scope and content of the environmental information for the Draft EIR/EIS. Public agency responses to this Notice of Preparation (NOP) should be limited to information related to the agency's area of statutory responsibility in connection with the proposed project. NGOs and the public also are invited to submit responses to this NOP.

Please provide your response at the earliest possible date and in compliance with the state-mandated time limit of not later than 30 days after receipt of this notice.

Please send your response to:

Carol Brown
Surface Water Resources, Inc.
2031 Howe Avenue, Suite 110
Sacramento, CA 95825
ATTN: Proposed Yuba Accord NOP

PROJECT PROPONENT: Yuba County Water Agency

Date: 6-14-05

Signature: Curt Aikens

Name: Curt Aikens
Title: General Manager
Telephone: (530) 741-6278

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PROJECT BACKGROUND

In February 1988, a coalition of fishery groups (United Groups) filed a complaint with the State Water Resources Control Board (SWRCB) alleging that the instream flow requirements that were specified in Yuba County Water Agency's (YCWA) permits did not provide adequate protection for fish. The complaint also alleged that the fish screening facilities that were present in the lower Yuba River at that time were inadequate. In March 1991, the California Department of Fish and Game (CDFG) released a "Lower Yuba River Fisheries Management Plan," which contained specific recommendations for restoration, maintenance, and protection of fishery resources in the lower 24-mile section of the Yuba River. The plan recommended higher minimum flow requirements, maximum water temperature requirements and improved fish screens. CDFG requested that the SWRCB consider modifying YCWA's water rights permits to implement the recommendations contained in the CDFG plan. In response to CDFG's request, and to address various allegations raised by the United Groups concerning several other water agencies, the SWRCB initiated a proceeding to consider fishery protection and water rights issues on the lower Yuba River in late 1991.

The SWRCB conducted two sets of hearings in 1992 and 2000 that led to the adoption of Water Rights Decision 1644 (Decision-1644 or D-1644) on March 1, 2001. In D-1644, the SWRCB: (a) increased the minimum instream flow requirements specified in YCWA's water right permits; (b) directed YCWA and other water districts diverting water from the lower Yuba River at two major diversion facilities to consult with CDFG and federal fishery agencies and prepare a plan to reduce loss of fish at those diversions; (c) addressed several other issues regarding the extent of various parties' water rights on the Yuba River; (d) required YCWA to take action to address potential concerns regarding water temperatures for Chinook salmon and steelhead; and (e) required studies and consultation on various other issues.

YCWA, several local water districts in Yuba County, and a coalition of conservation NGOs all initiated legal actions challenging D-1644 on a variety of issues. After considering some new evidence, the court remanded D-1644 to the SWRCB for reconsideration in light of the new evidence. Following a two day hearing, the SWRCB issued Revised Water Rights Decision 1644 (RD-1644), which contains minor changes from D-1644. The parties that had challenged D-1644 then initiated new legal proceedings challenging RD-1644 on most of the same issues.

Since RD-1644 was issued, YCWA has been engaged in a set of separate but related negotiations with the parties to the litigation, state and federal fisheries agencies, water supply agencies, and other parties in order to try to resolve flow and other fisheries issues on the lower Yuba River. These collaborative, interest-based initiatives led to the development of three interrelated proposed agreements: (1) "Principles of Agreement for Lower Yuba River Fisheries Agreement" (Fisheries Agreement); (2) "Outline of Proposed Principles of Agreements with YCWA Member Units in Connection with Proposed Settlement of SWRCB D-1644" (Conjunctive Use

Agreements); and (3) "Agreement for the Long-term Purchase of Water from Yuba County Water Agency by the Department of Water Resources and the Bureau of Reclamation" (Water Purchase Agreement), and related actions. These agreements collectively are known as the Proposed Lower Yuba River Accord (Yuba Accord). Implementation of the Proposed Yuba Accord requires that these three proposed agreements be approved and implemented by the appropriate parties. The Proposed Yuba Accord is intended to resolve issues associated with operation of the YCWA Yuba River Development Project (Yuba Project) in a way that would protect and enhance lower Yuba River fisheries, protect local water supply reliability, provide revenues for local flood-control and water-supply projects, provide water for protection and restoration of Sacramento-San Joaquin Delta (Delta) fisheries, and improve State Water Project/Central Valley Project (SWP/CVP) water supply management and reliability for state and federal water contractors.

Prior to approval of the final Proposed Yuba Accord agreements, YCWA and Reclamation are preparing an EIR/EIS to analyze the environmental effects of the Proposed Yuba Accord. YCWA and the other parties to the agreements will consider the EIR/EIS and project impacts, alternatives and mitigation measures prior to making their individual final decisions on whether to approve and implement the relevant agreements of the Proposed Yuba Accord. The EIR/EIS will also provide information to regulatory agencies that have jurisdiction over water diversions and resources affected by the Proposed Yuba Accord.

LEAD AGENCY DETERMINATION

YCWA has determined that it will be the lead agency for CEQA compliance. Pursuant to CEQA, where a project is to be carried out or approved by more than one public agency, only one agency, referred to as the lead agency, shall be responsible for preparation of the EIR for the project (15 CCR § 15050). According to CEQA criteria for identifying the lead agency, YCWA is the appropriate lead agency for the Proposed Yuba Accord because: (1) YCWA initiated development of the Proposed Yuba Accord; (2) YCWA will be primarily responsible for implementing the Proposed Yuba Accord elements; (3) YCWA will have the greatest responsibility for supervising or approving the proposed project as a whole; (4) the Proposed Yuba Accord involves the transfer and management of water stored under YCWA water rights in YCWA owned and managed facilities; (5) YCWA principally controls the release of water and flows in the Yuba River; (6) YCWA is the only state or local public agency that would be a party to all of the Proposed Yuba Accord agreements; and (7) it is anticipated that YCWA will be the public agency to act first on the project in question (14 CCR § 15051). YCWA has consulted with the California Department of Water Resources (DWR) and CDFG (two state agency parties to the Proposed Yuba Accord agreements) and each agency concurs with the determination that YCWA is the appropriate CEQA lead agency.

PROJECT PARTICIPANTS AND STAKEHOLDERS

Lead Agencies

- YCWA is the CEQA lead agency.
- Reclamation is the NEPA lead agency.

CEQA Responsible and Trustee Agencies

- DWR is a CEQA responsible agency involved in the Water Purchase Agreement process.
- SWRCB is a CEQA responsible agency involved in making water rights decisions related to diversion and use of water and implementation of the Proposed Yuba Accord.
- CDFG is a CEQA responsible agency and trustee agency involved in the Fisheries Agreement process.
- YCWA Member Units: Brophy Water District, Browns Valley Irrigation District, Ramirez Water District, South Yuba Water District and Wheatland Water District are CEQA responsible agencies involved in the Conjunctive Use Agreements processes.

NEPA Cooperating Agencies (Tentative)

- The U.S. Fish and Wildlife Service (USFWS) may participate as a NEPA federal cooperating agency related to the Water Purchase Agreement and Fisheries Agreement processes.
- The National Marine Fisheries Service (NMFS) may participate as a NEPA federal cooperating agency related to the Water Purchase Agreement and Fisheries Agreement processes.

Other Participating Entities

- State and Federal Water Project Contractors (SWP/CVP)
- Non-Governmental Organizations
 - South Yuba River Citizens League, Friends of the River, Trout Unlimited and The Bay Institute are participants in the Fisheries Agreement process.
- YCWA Member Units (Private Companies)
 - Dry Creek Mutual Water Company and Hallwood Irrigation Company are participants in the Conjunctive Use Agreements processes.
- Native American or Tribal Interests

PROJECT OBJECTIVES – PURPOSE AND NEED

In 1991, CDFG released a fisheries management plan which proposed to increase minimum instream flow requirements in the lower Yuba River to provide desirable fisheries habitat conditions. Following extensive hearings and litigation, the SWRCB adopted RD-1644 on July 16, 2003. During the subsequent lawsuits challenging RD-1644, the litigants identified the need to attempt to find an alternative resolution, which resulted in the separate but parallel negotiations of the three agreements that comprise the Proposed Yuba Accord.

The purpose of the Proposed Yuba Accord is to implement a new set of collaboratively developed, science-based instream flow requirements for use in the operation of the Yuba Project in a way that meets the overall project objectives of YCWA, DWR and Reclamation within Yuba

County and the SWP/CVP system, meets or exceeds requirements to protect and enhance lower Yuba River fisheries, local water supply reliability, and protects and enhances Delta fisheries and water supply reliability.

The specific objectives of the Proposed Yuba Accord include:

Yuba County and Lower Yuba River (Local Study Area)

- Resolve fifteen years of controversy and settle litigation over Yuba River instream flow issues associated with operation of the Yuba Project;
- Implement a level of protection for lower Yuba River fisheries equivalent to or greater than requirements in RD-1644;
- Improve Yuba County water supply management and reliability;
- Implement a comprehensive conjunctive use program managing surface water and groundwater supplies to improve water use efficiency;
- Maintain the ability to deliver water to meet current and future local service area needs;
- Provide revenues to fund Proposed Yuba Accord actions (e.g., conjunctive use and River Management Team [RMT] and Yuba County flood control improvements, water supply and other YCWA projects, including but not limited to constructing a new fish screen at the South Canal Diversion); and
- Implement a lower Yuba River long-term fisheries monitoring, studies and enhancement program.

SWP/CVP System (Regional Study Area)

- Provide water for use in the protection and restoration of Delta fisheries, including the CALFED Environmental Water Account (EWA) Program; and
- Improve SWP and CVP water supply management and reliability.

PROJECT LOCATION

The project area is depicted on **Figure 1** located at the end of this document. The local study area encompasses the lower Yuba River basin, including storage and hydropower facilities located in the basin, the riparian corridor along the North Yuba River downstream of New Bullards Bar Reservoir, the lower Yuba River downstream of Englebright Reservoir to the confluence with the Feather River, the YCWA water service area, and the local groundwater basin utilized by YCWA Member Units. The local project area is located within the USGS 7.5' quadrangles of American House, Forbestown, Clipper Mills, Strawberry Valley, Rackerby, Challenge, Comptonville, Honcut, Loma Rica, Oregon House, French Corral, Yuba City, Browns Valley, Smartville, Olive Hurst, Wheatland, Camp Far West, Nicolaus and Sheridan.

The regional study area includes all surface water reservoirs, river systems and components of the SWP/CVP that may be affected by integrated operation of the SWP/CVP system under the Proposed Yuba Accord and/or cumulative conditions. Preliminarily, these facilities include but

are not limited to: Shasta Reservoir, the Sacramento River from below Shasta Dam to the Delta; Oroville Reservoir; the Feather River below the Oroville Facilities to the confluence with the Sacramento River; Folsom Reservoir and the American River below Folsom Dam to the confluence with the Sacramento River; and the Delta region.

DESCRIPTION OF THE PROPOSED LOWER YUBA RIVER ACCORD

YCWA is a public agency created and existing pursuant to the provisions of the Yuba County Water Agency Act of 1959. YCWA owns and operates the Yuba Project in accordance with a Federal Energy Regulatory Commission (FERC) License, flood control rules promulgated by the U.S. Army Corps of Engineers, a Power Purchase Contract with the Pacific Gas and Electric Company, and SWRCB water rights permits.

The Proposed Yuba Accord includes the proposed Fisheries Agreement, the proposed Water Purchase Agreement and the proposed Conjunctive Use Agreements that, in order to become effective, must be fully approved and executed by the individual parties to each agreement. Additionally, implementation of the Proposed Yuba Accord would require SWRCB amendment of YCWA's water rights permits and RD-1644 as appropriate to implement the Proposed Yuba Accord. The key provisions of the Proposed Yuba Accord preliminary agreements and related actions are outlined below. The individual executed preliminary agreement documentation may be viewed at YCWA offices (see *Proposed Yuba Accord Documentation* for contact information) or found on the Internet at www.ycwa.com.

Principles of Agreement for Lower Yuba River Fisheries Agreement (Fisheries Agreement)

The signatory parties to the proposed Fisheries Agreement would be YCWA, CDFG, South Yuba River Citizens League, Friends of the River, Trout Unlimited and The Bay Institute. NMFS and USFWS, although not signatories to the Fisheries Agreement, have signed the "Statement of Support for Proposed Lower Yuba River Fisheries Agreement" and have provided critical input into the development of the Fisheries Agreement. The term of the Fisheries Agreement would be anticipated to extend until FERC issues a new Long-term License for the Yuba Project (approximately 2016), and would be consistent with the terms of the Conjunctive Use Agreement and Water Purchase Agreement.

Key elements of the Fisheries Agreement include: (1) proposed changes to lower Yuba River instream flow requirements; (2) formation of a RMT (a collaborative decision-making body made up of the signatories to the "Statement of Support for Proposed Lower Yuba River Fisheries Agreement") and a River Management Fund (RMF); (3) proposed supplemental water transfers; and (4) proposed changes to YCWA water rights permits. These elements are described below.

Lower Yuba River Instream Flow Requirement

YCWA would petition the SWRCB to amend YCWA's water right permits to authorize YCWA to operate the Yuba Project and manage lower Yuba River instream flows according to proposed revised instream flow requirements according to specific flow schedules, numbered 1 through 6,

based upon water availability as presented in **Table 1** (Schedules 1 – 6) and **Table 2** (Schedules A – B). The specific flow schedule or schedules that would be implemented at any time would be determined by the value of a new North Yuba Index (which is a proposed refinement of the Yuba River Index addressed in RD-1644) and the rules described in the Fisheries Agreement. The regional study area includes all surface water reservoirs, river systems and components of the SWP/CVP that may be affected by integrated operation of the SWP/CVP system under the Proposed Yuba Accord and/or cumulative conditions. Preliminarily, these facilities include but are not limited to: Shasta Reservoir, the Sacramento River from below Shasta Dam to the Delta; Oroville Reservoir; the Feather River below the Oroville Facilities to the confluence with the Sacramento River; Folsom Reservoir and the American River below Folsom Dam to the confluence with the Sacramento River; and the Delta region.

The North Yuba Index is an indicator of the amount of water available in the North Yuba River at New Bullards Bar Reservoir that can be utilized to achieve flows on the lower Yuba River through operations of New Bullards Reservoir.

Table 1. Proposed Yuba Accord - Lower Yuba River Instream Flow Requirements, Marysville Gage (cfs), Schedules 1 - 6

	Schedule	Oct 1-31	Nov 1-30	Dec 1-31	Jan 1-31	Feb 1-29	Mar 1-31	Apr 1-15 16-30	May 1-15 16-31	Jun 1-15 16-30	Jul 1-31	Aug 1-31	Sep 1-30	Total Annual Volume (AF)
<div style="display: flex; align-items: center;"> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">WET</div> <div style="margin: 0 10px;">↓</div> <div style="writing-mode: vertical-rl; transform: rotate(180deg);">DRY</div> </div>	1	500	500	500	500	500	700	1,000 1,000	2,000 2,000	1,500 1,500	700	600	500	574,200
	2	500	500	500	500	500	700	700 800	1,000 1,000	800 500	500	500	500	429,066
	3	500	500	500	500	500	500	700 700	900 900	500 500	500	500	500	398,722
	4	400	500	500	500	500	500	600 900	900 600	400 400	400	400	400	361,944
	5	400	500	500	500	500	500	500 600	600 400	400 400	400	400	400	334,818
	6	350	350	350	350	350	350	350 500	500 400	300 150	150	150	350	232,155

Indicated flows represent average volumes for the specified time period. Actual flows may vary from the indicated flows according to established criteria. Indicated Schedule 6 flows do not include an additional 30,000 acre-feet available from groundwater substitution to be allocated according to the criteria established in the Fisheries Agreement.
cfs = cubic feet per second

Table 2. Proposed Yuba Accord – Lower Yuba River Instream Flow Requirements, Smartville Gage (cfs), Schedules A - B

Schedule	Oct 1-31	Nov 1-30	Dec 1-31	Jan 1-31	Feb 1-29	Mar 1-31	Apr 1-15 16-30	May 1-15 16-31	Jun 1-15 16-30	Jul 1-31	Aug 1-31	Sep 1-30	Total Annual Volume (AF)
A	700	700	700	700	700	700	700 **	** **	** **	** **	** **	700	**
B	600	600	550	550	550	550	600 **	** **	** **	** **	** **	500	**

Schedule A flows are to be used concurrently with Schedules 1,2,3 and 4 at Marysville.
Schedule B flows are to be used concurrently with Schedules 5 and 6 at Marysville.
** During the summer months, flow requirements at the downstream Marysville gage will always control, so no Schedule A or Schedule B flows were developed by May-August. Flows at the Smartville Gage will equal or exceed flows at Marysville.

Table 1 presents the instream flow requirements as measured at the Marysville Gage pursuant to Schedules 1 through 6. Table 2 presents the instream flow requirements at the Smartville Gage, where appropriate, pursuant to Schedules A and B. Schedules A and B of the Smartville Gage instream flow requirements would be effective concurrently with the Marysville Gage instream flow requirements during Schedules 1 through 4 and Schedules 5 and 6, respectively. For example, during November of a Schedule 1 year, the instream flow requirement at the Smartville

Gage would be 700 cfs and the instream flow requirement at the Marysville Gage would be 500 cfs.

The instream flow requirements in the Proposed Yuba Accord schedules would be measured by a five-day running average of the mean daily stream flows with instantaneous flows never less than 90 percent of the applicable flow requirements specified in the schedules. Instantaneous flows would not be less than the applicable flow requirements specified in the schedules for more than 48 consecutive hours unless CDFG concurs to a longer period of time, which may not exceed 5 days.

During the parts of September of Schedule A water years when the Narrows II Powerhouse is shut down for normal maintenance, the Smartville Gage requirements would be 700 cfs or the full release capacity of the Narrows I Powerhouse at the Englebright Reservoir level that occurs at that time, whichever is less.

In Schedule 6 water years, an additional 30,000 acre-feet of water would be made available through groundwater substitution practices during the portions of such water years when this water would be transferable under provisions of the Water Purchase Agreement. This groundwater component would be managed by the RMT to achieve maximum fisheries resource benefits during the transfer period.

Additionally, pursuant to specific rules, minor modifications to the applicable instream flow requirements in Schedules 1 through 6 may be agreed to by the RMT.

Conference Years

The Fisheries Agreement also would include provisions for conference years. Conference years are defined as water years for which the North Yuba Index is less than 500,000 acre-feet. It is anticipated that conference years would occur at a frequency of one percent or less. During such years, YCWA would operate the Yuba Project so that flows in the lower Yuba River would comply with the instream flow requirements in YCWA's FERC License, exclusive of the flow reductions authorized by that license. In general, the minimum instream flow requirements below Daguerre Point Dam specified in the 1965 YCWA/CDFG agreement were set at 245 cfs from January 1 through June 30, 70 cfs from July 1 through September 30, and 400 cfs from October 1 through December 31. In conference years, the total diversions at Daguerre Point Dam would not exceed 250,000 acre-feet per year. Additionally, the RMT may determine and agree to additional instream flows for the purposes of fisheries resources benefit.

In conference years, YCWA would meet with the parties to the Fisheries, Conjunctive Use and the Water Purchase agreements, to develop a strategic management plan to balance water supply and lower Yuba River instream flow needs for that year. The strategic management plan would state affirmative steps that YCWA and the Member Units would undertake to ensure total water diversions do not exceed 250,000 acre-feet per year. YCWA would ensure implementation and enforcement of the strategic management plan's requirements through its contracts with the participating Member Units.

River Management Team and River Management Fund

The Fisheries Agreement would include the formation of a RMT, which would have various planning and decision responsibilities, including:

- Modifying flow schedules, when necessary, according to the terms of the Fisheries Agreement;
- Scheduling additional instream flows during conference years;
- Scheduling water made available for supplemental instream flows in connection with any supplemental water transfer(s); and
- Overseeing various environmental actions for the lower Yuba River, including operation of water temperature devices, and planning and execution of fisheries monitoring and studies and habitat enhancement measures.

YCWA would utilize revenues generated by implementation of the Water Purchase Agreement to provide annual funding to the River Management Fund (RMF), in amounts and subject to the rules outlined in the Fisheries Agreement. Additionally, both YCWA and CDFG would make in-kind contributions of services and equipment to the RMF on an annual basis. The RMF would be used for various fisheries monitoring and evaluation studies and habitat enhancement measures, as described in the Fisheries Agreement.

Supplemental Water Transfers

Additional water, above the Table 1 and Table 2 flow schedules, may be made available from either surface or groundwater sources for transfer, subject to specific rules for the releases, and specific notice, planning and implementation requirements as would be included in the Fisheries Agreement.

Other Changes to YCWA Water Rights Permits

YCWA would petition the SWRCB to amend RD-1644's flow requirements and delete the water temperature and flow fluctuation provisions of RD-1644. YCWA proposes that water temperatures in the lower Yuba River instead would be addressed through the new instream flow requirements and the operations of water temperature devices. Flow fluctuations would be addressed in YCWA's FERC license, which is in the process of being amended to include new ramping rate criteria.

Outline of Proposed Principles of Agreements with YCWA Member Units in Connection with Proposed Settlement of SWRCB D-1644 (Conjunctive Use Agreements)

YCWA would enter into individual Conjunctive Use Agreements with each of the participating Member Units: Brophy Water District, Browns Valley Irrigation District, Dry Creek Mutual Water Company, Hallwood Irrigation Company, Ramirez Water District, South Yuba Water District and Wheatland Water District. The term of the Conjunctive Use Agreements between YCWA and each participating Member Unit would be anticipated to extend until FERC issues a

new Long-term License for the Yuba Project (approximately 2016), and would be consistent with the terms of the Fisheries Agreement and Water Purchase Agreement.

Groundwater Pumping - Schedule 6 Water Years

In Schedule 6 water years (about 4 percent of the years of hydrologic record), each participating Member Unit would pump a specified percentage of 30,000 acre-feet of groundwater to allow for reduced use of surface water for irrigation. The reduced use of surface water for irrigation will result in additional stored water being available to supplement the minimum instream flow requirements specified in Schedule 6. The ability of a Member Unit to participate in the conjunctive use program would depend on the extent to which each Member Unit can make arrangements with landowners within its service area to provide the groundwater pumping capacity required for the conjunctive use program. The proposed groundwater pumping allocations to be set forth in the Conjunctive Use Agreements would be adjusted to reflect the ability of the individual Member Units to provide this pumping capacity.

Participation in Groundwater Substitution Water Transfer Program

YCWA anticipates that the Water Purchase Agreement with Reclamation and DWR would include the purchase of groundwater substitution transfer water when it is made available in dry and critical water years. Participating Member Units would have the first priority over non-participating Member Units to participate in YCWA groundwater substitution water transfers.

YCWA would seek agreement with state and federal fishery agencies and other RMT members on measures to mitigate instream impacts from groundwater substitution water transfers as follows:

- In Schedule 2 and 3 years, 10 percent of the groundwater substitution water would be dedicated to mitigating instream impacts.
- In Schedule 4 and 5 years, 20 percent of the groundwater substitution water would be dedicated to mitigating instream impacts.

Conference Years

In conference years, YCWA would meet with the Member Units, and the parties to the Fisheries Agreement and the Water Purchase Agreement, to develop a strategic management plan to balance water supply and lower Yuba River instream flow needs for that year.

Conjunctive Use Program

YCWA would implement a conjunctive use program including monitoring of groundwater pumping to avoid long-term impacts to the safe yield of the aquifer and impacts to domestic and municipal wells. The maximum annual amount of groundwater pumping for the Schedule 6 water year commitments, for YCWA's Sacramento Valley Water Management Program (Phase 8) settlement commitments, to mitigate for deficiencies in supplemental water supplies, and for groundwater substitution transfers would not exceed approximately 120,000 acre-feet per year.

YCWA would coordinate with the Member Units in developing a program for efficiently providing the groundwater needed to implement the conjunctive use program. YCWA also would coordinate with Member Units in the development and implementation of a program to convert certain diesel groundwater pumps to electric pumps to avoid air quality impacts associated with groundwater pumping operations.

Reasonable and Beneficial Uses of Water Supplies

In accordance with the terms of the water supply contract between YCWA and the Member Units, water deliveries to the Member Units would be limited to amounts that could be put to reasonable and beneficial use within the Member Units service areas. The Member Units would pursue water use efficiency actions to help maintain the water supply reliability.

Agreement for the Long-term Purchase of Water From Yuba County Water Agency by the Department of Water Resources and the Bureau of Reclamation (Water Purchase Agreement)

The parties to the proposed Water Purchase Agreement would be YCWA, Reclamation and DWR. This agreement provides for the purchase and delivery of water to Reclamation and DWR in quantities described below. The term of the Water Purchase Agreement would be anticipated to extend until FERC issues a new Long-term License for the Yuba Project (approximately 2016), and would be consistent with the terms of the Fisheries Agreement and Conjunctive Use Agreements. Additionally, the Water Purchase Agreement would include provisions for the continued YCWA delivery of water and DWR and Reclamation purchase of such water until December 31, 2025, based upon certain conditions to be specified in the agreement. Related to implementation of the Water Purchase Agreement and use of the transfer water, Reclamation and DWR would enter into an agreement regarding sharing of the water and related integrated operations of the SWP/CVP system (Tier 2 Agreement). Additionally, Reclamation and DWR would each enter into separate agreements with the federal and state water contractors, respectively, regarding allocation of the transfer water supply (Tier 3 Agreement).

Key elements of the Water Purchase Agreement include: (1) definition of water supply components and related pricing structures; (2) description of potential water supplies available to third parties; (3) implementation of a water accounting mechanism; (4) explanation of conference year principles; (5) definition of the proposed place of use of the water; (6) implementation of a Groundwater Monitoring and Reporting Program; and (7) specification of quantities of and pricing provisions for water during a FERC Annual License and during the FERC Long-term License. These elements are described below.

Water Supply Components

The Water Purchase Agreement identifies four water supply components (1 – 4) that would be provided based upon certain water availability conditions and subject to various pricing structures.

Component 1 Water

YCWA would make Component 1 water available to DWR and Reclamation during the first nine accounting years of the Water Purchase Agreement (January 1, 2007 through December 31,

2015). In each of these nine years, Reclamation and DWR would acquire a total of up to 60,000 acre-feet of water for use in the CALFED EWA Program to be shared according to separate agreement terms between Reclamation and DWR (Tier 2 Agreement). Over the course of the first nine accounting years, YCWA would make available and deliver a total of up to 540,000 acre-feet of Component 1 water. Payment for the Component 1 water would include: (1) an initial payment of \$32,700,000; and (2) an additional payment of \$2,550,000.

Component 2 Water

Implementation of the Component 2 water provisions (dry and critical water years) would involve YCWA total deliveries to Reclamation and DWR of: 15,000 acre-feet of Component 2 water during dry water years and 30,000 acre-feet of Component 2 water during critical water years. The pricing structure for Component 2 water would be \$50.00 per acre-foot in dry water years and \$62.50 per acre-foot in critical water years.

Component 3 Water

Component 3 water could be obtained in above normal, below normal, dry or critical water years. Delivery of the Component 3 water would be based upon projected CVP and SWP water contractor water allocations to be determined by April 21 of each water accounting year. YCWA would make available for delivery 40,000 acre-feet of Component 3 water for purchase by DWR and Reclamation for SWP contractors when water allocations are at or below 40 percent of SWP contractors water supply contract (Table A) amounts and for CVP contractors when water allocations are at or below 35 percent of CVP South of Delta agricultural contractors entitlements as of April 21. Alternatively, when allocations for SWP contractors water supply contract (Table A) amounts are at or below 60 percent and above 40 percent, and water allocations for CVP South of Delta agricultural contractors are at or below 45 percent and above 35 percent, DWR and Reclamation may request to purchase up to 40,000 acre-feet and YCWA would make available the amount of water requested for delivery.

DWR and Reclamation would pay for 40,000 acre-feet of Component 3 water reduced by an amount that reflects any reduction in the amount of groundwater pumping availability between April 21 and May 21 if the allocations as of April 21 for CVP South of Delta agricultural contractors are at or below 35 percent of their CVP contractual entitlements and for the SWP contractors are at or below 40 percent of their SWP water supply contract (Table A) amounts and they have opted to have less than 40,000 acre-feet of Component 3 water delivered.

If after April 21, but prior to May 21, water allocations to SWP contractors or CVP South of Delta agricultural contractors increase, then DWR and Reclamation may, on or before May 21, reduce their request for Component 3 water to the greater of zero or the quantity of water already delivered by YCWA plus the quantity of water already stored by YCWA through the substitution of groundwater for surface water in anticipation of Component 3 water deliveries originally requested by DWR and Reclamation.

The pricing structure for Component 3 water would vary according to water year type as follows: \$50 per acre-foot in above normal water years; \$75 per acre-foot in below normal water years; \$100 per acre-foot in dry water years; and \$125 per acre-foot in critical water years.

Component 4 Water

On or before April 10 of each year, YCWA would inform DWR and Reclamation regarding the quantity of Component 4 water available from surface and groundwater sources for that water accounting year. In return, by May 15, DWR and Reclamation would notify YCWA if they will take delivery of any or all of the offered Component 4 water. The pricing structure for Component 4 water would vary according to water year type as follows: \$25 per acre-foot in wet water years; \$50 per acre-foot in above normal water years; \$75 per acre-foot in below normal water years; \$100 per acre-foot in dry water years; and \$125 per acre-foot in critical water years.

Water Supplies Available to Third Parties

In those years when YCWA offers Component 3 or Component 4 water, but DWR and Reclamation decline to take all of the water offered, YCWA may elect to sell this water to a third party. The sale of this water to a third party would only be made provided that such sale would not impair YCWA's ability to meet its obligations to deliver Components 1 through 4 water in the current or any future water accounting year under the Proposed Yuba Accord.

YCWA may elect to sell to a third party any quantity of Components 1, 3 or 4 water released by YCWA that would have been accounted for as Proposed Yuba Accord Water Purchase Agreement water supply, except for the inability of DWR and Reclamation to take delivery of that water.

Water Accounting Mechanism

The proposed water accounting mechanism requires that YCWA, DWR and Reclamation collaborate on the determination of the delivery of Water Purchase Agreement water by certain dates of each year and pursuant to specified standards and procedures.

Conference Year Principles

YCWA would not be obligated to deliver Components 1 through 4 water in a conference year or refund any part of payment received for Component 1 water in such a year. However, YCWA would deliver, in a subsequent water accounting year, subject to a schedule acceptable to DWR and Reclamation, the Component 1 water that was not delivered in a conference year.

Place of Use of Water

Water made available under the Water Purchase Agreement would not be used outside of the place of use specified in a SWRCB order approving delivery of water from YCWA to DWR and Reclamation without the written consent of YCWA and authorization by the SWRCB.

Groundwater Monitoring and Reporting Program

YCWA would implement a Groundwater Monitoring and Reporting Program (Groundwater Program) within its service area to ensure that the water supply development pursuant to the Conjunctive Use Agreements avoids long-term effects upon the local groundwater aquifers.

Implementation of the Groundwater Program would apply to practices involving the conjunctive use of groundwater to enable delivery of water to DWR and Reclamation pursuant to the terms of the Water Purchase Agreement. The Groundwater Program would include the conversion of some diesel groundwater pumps to electric pumps to minimize potential air quality effects. DWR and Reclamation would pay YCWA for costs associated with implementation of certain elements of the Groundwater Program, including compensation for any annual increases in operations and maintenance costs above actual 2006 Groundwater Program expenses.

Provisions for Water After 2015

The Water Purchase Agreement would provide for the continued delivery by YCWA and purchase by DWR and Reclamation of Components 1 through 4 water during any water year beginning after September 30, 2015 through 2025, if YCWA can deliver these quantities of water consistent with the terms of a FERC Annual License or new FERC License. For water accounting years beginning after December 31, 2015, YCWA may adjust the quantities of water delivered (to no less than 20,000 acre-feet of water in each such water accounting year, other than a conference year). Additionally, the Water Purchase Agreement provides for the continuation of YCWA delivery and DWR and Reclamation purchase of Components 1 through 4 water based upon an agreement of the annual quantity of water among the agencies (no less than 20,000 acre-feet of water in each such water accounting year, other than a conference year) through December 31, 2025. Provisions for water after 2015 will not be used to limit FERC's licensing authority.

Implementation of the Proposed Yuba Accord requires implementation of the three agreements described above. YCWA's proposed operation of the Yuba Project to satisfy the instream flow requirements provisions of the Fisheries Agreement and to provide transfer water under the Water Purchase Agreement necessitates implementation of the proposed Conjunctive Use Agreements to ensure water supply reliability within Yuba County. YCWA's provision of higher instream flows, relative to the existing SWRCB requirements (RD-1644), would protect lower Yuba River Chinook salmon and steelhead habitat conditions as well as provide benefits in the Feather and Sacramento rivers and the Delta.

The purchase of transfer water by DWR and Reclamation under the Water Purchase Agreement with YCWA would provide assurances for water supply reliability and operational flexibility for the protection of fisheries resources within the Delta through the CALFED EWA Program and other venues as well as improve water supply reliability for SWP and CVP state and federal water contractors. The water transfer revenues derived from the Water Purchase Agreement would be used by YCWA to finance the conjunctive use program, local flood control projects, a long-term fisheries monitoring and study program, and other activities.

Additionally, the enhanced conservation and water use efficiency measures enabled by the conjunctive use program would contribute to economic security for local farmers and other landowners. Therefore, in order for the Proposed Yuba Accord to become effective as presently proposed, the three agreements must be fully approved and executed by the individual parties to each agreement and the SWRCB must approve YCWA's water rights petition without substantial modification. All three agreements and related actions are necessary for implementation of the Proposed Yuba Accord.

Authorization for a New YCWA Point of Diversion/Rediversion

In order to maintain no less than the proposed Yuba Accord instream flows down the lower Yuba River and past the existing YCWA point of diversion that serves south Yuba County after the expiration of the proposed Fisheries Agreement, YCWA may eventually propose to add another point of diversion/rediversion downstream from the existing points of diversion in order to meet future water service needs within south Yuba County. YCWA therefore will petition the SWRCB to amend YCWA's water rights permits to add an authorized point of diversion/rediversion on either the lower Yuba River near its confluence with the Feather River near Marysville or on the Feather River downstream of this confluence (within Yuba County), so that YCWA may divert and redivert water at this location to provide surface water for municipal, industrial and irrigation uses in South Yuba County. The full detailed design of the facilities at the new point of diversion would not be completed until YCWA determines a definitive need for such facility and no diversions or rediversions of water would be authorized to occur at this proposed facility before April 30, 2016. SWRCB approval of the requested authorized additional point of diversion/rediversion will not require YCWA to construct such diversion facilities or actually divert water there. The EIR/EIS will provide an evaluation related to YCWA's requested authorization of a new point of diversion/rediversion including an assessment of potential hydrologic effects of operating such a facility and a description of the total maximum amount of diversion. The EIR/EIS also will address potential construction-related effects based upon preliminary design considerations.

YCWA would petition the SWRCB to amend YCWA's water rights permits to add the SWP and CVP points of diversion/rediversion and places of use that are necessary to implement the Water Purchase Agreement during the term of the Water Purchase Agreement, subject to the specific reservation of SWRCB jurisdiction to revisit the additional points of diversion/rediversion and places of use and the requirement to review these changes before May 2016 or during the Clean Water Act section 401 process for the new FERC Long-Term License, whichever is earlier.

PARTICIPATING AGENCY DECISIONS

The lead, responsible, trustee, cooperating and other participating agencies will utilize the environmental analyses and conclusions presented in the EIR/EIS to make individual agency decisions regarding implementation of the Proposed Yuba Accord (i.e., execution and implementation of agreements). The following section identifies a preliminary but non-exhaustive list of agency decisions (e.g., contracts, permits, entitlements, changes in operations) associated with implementation of the Proposed Yuba Accord to be included and evaluated in the EIR/EIS.

Yuba County Water Agency – CEQA Lead Agency

Fisheries Agreement - Approval and implementation of the Fisheries Agreement, including:

- Change of YCWA Yuba Project operations to meet amended SWRCB instream flow requirements
- Creation of a Lower Yuba River Management Team and Fund

Conjunctive Use Agreements - Approval and implementation of the Conjunctive Use Agreements, including:

- Groundwater pumping and management in Yuba County as necessary to implement the Proposed Yuba Accord and as provided by the Conjunctive Use Agreements, including conversion of some diesel pumps to electric pumps.

Water Purchase Agreement - Approval and implementation of the Water Purchase Agreement, including:

- YCWA delivery of water to DWR and Reclamation pursuant to the terms of the Water Purchase Agreement, and related changes in Yuba Project operations and lower Yuba River flows to accommodate such deliveries.

Bureau of Reclamation – NEPA Lead Agency

Water Purchase Agreement - Approval and implementation of the Water Purchase Agreement, including:

- Reclamation purchase, diversion and use of water pursuant to the terms of the Water Purchase Agreement and associated changes in SWP and CVP operations.
- Execution of related agreement(s) with DWR and federal water contractors regarding use of the water and integrated operations of the SWP/CVP system.

California Department of Water Resources – CEQA Responsible Agency

Water Purchase Agreement - Approval and implementation of the Water Purchase Agreement, including:

- DWR purchase, diversion and use of water pursuant to the terms of the Water Purchase Agreement and associated changes in SWP and CVP operations.
- Execution of related agreement(s) with Reclamation and state water contractors regarding use of the water and integrated operations of the SWP/CVP system.

State Water Resources Control Board – CEQA Responsible Agency

- Approval of YCWA petitions to amend YCWA water rights and RD-1644 to:
 - Change the instream flow requirements and other provisions in accordance with the terms of the Fisheries Agreement;
 - Add an authorized point of diversion/diversion on the lower Yuba River or Feather River in accordance with the terms of the Fisheries Agreement; and
 - Add the SWP and CVP as new points of diversion/diversion and places of use as necessary to implement the Water Purchase Agreement in accordance with the terms of the Fisheries Agreement.

California Department of Fish and Game – CEQA Responsible and Trustee Agency

Fisheries Agreement - Approval and implementation of the Fisheries Agreement, including:

- Participation on the Lower Yuba River Management Team.

YCWA Member Units – CEQA Responsible Agencies

Brophy Water District
Browns Valley Irrigation District
Ramirez Water District
South Yuba Water District
Wheatland Water District

Conjunctive Use Agreements - Approval and implementation of the Conjunctive Use Agreements, including:

- Groundwater pumping and management in Yuba County as necessary to implement the Proposed Yuba Accord and as provided by the Conjunctive Use Agreements, including conversion of some diesel pumps to electric pumps.

National Marine Fisheries Service and U.S. Fish and Wildlife Service – NEPA Cooperating Agencies (Tentative)

Fisheries Agreement – Support approval and implementation of the Fisheries Agreement.

YCWA Member Units (Private Companies)

Dry Creek Mutual Water Company
Hallwood Irrigation Company

Conjunctive Use Agreements - Approval and implementation of the Conjunctive Use Agreements, including:

- Groundwater pumping and management in Yuba County as necessary to implement the Proposed Yuba Accord and as provided by the Conjunctive Use Agreements, including conversion of some diesel pumps to electric pumps.

Non-Governmental Organizations

South Yuba River Citizens League
Friends of the River
Trout Unlimited
The Bay Institute

Fisheries Agreement - Approval and support of implementation of the Fisheries Agreement.

Federal and State Endangered Species Acts

The Proposed Yuba Accord also is subject to review and evaluation of potential effects pursuant to the federal Endangered Species Act (ESA) and California ESA (CESA). Reclamation and YCWA will pursue coordination and consultation with the following agencies:

- USFWS – Federal ESA Consultation
- NMFS – Federal ESA Consultation
- CDFG – CESA Compliance

POTENTIAL ENVIRONMENTAL EFFECTS AND CONSIDERATIONS

The EIR/EIS scoping process is designed to elicit comments from CEQA responsible, trustee and commenting agencies, NEPA cooperating and commenting agencies, other interested organizations, and the public on the scope of the potential environmental effects and issues to be addressed in the Public Review Draft EIR/EIS. Comments on potential effects will be noted and addressed as appropriate in the Public Review Draft EIR/EIS.

The Public Review Draft EIR/EIS will analyze the beneficial and adverse effects of implementing the Proposed Yuba Accord and alternatives on surface water hydrology, groundwater hydrology, water supply, hydropower, flood control, water quality, fisheries, wildlife, vegetation, special-status species, recreation, visual, cultural and Indian Trust Assets, air quality, land use, socioeconomic, growth inducement, and environmental justice resources and conditions. Alternatives to be evaluated in the Public Review Draft EIR/EIS include the No Action Alternative, Proposed Project/Action Alternative, and others as appropriate. In addition, the Public Review Draft EIR/EIS will address the indirect effects and the cumulative effects of implementation of the Proposed Yuba Accord in conjunction with other past, present and reasonably foreseeable actions.

A brief initial list of potential effects and considerations that may be attributable to the Proposed Project/Action and its alternatives and/or the cumulative condition, which will be evaluated in the EIR/EIS, is presented below.

Water Supply

Local

- Effects on YCWA water supply management and reliability
- Effects on reliability of water supply to Member Units in the YCWA service area
- Effects on surface water/groundwater interconnectivity
- Effects on groundwater sustainability/safe yield

Regional

- Effects on SWP and CVP water supply management and reliability
- Assurance of long-term water supply for the CALFED EWA Program

- Changes in the rate and timing of river flows affecting water supply of SWP/CVP and non-SWP/CVP users

Water Quality

Local

- Anticipated changes in summer river flows and associated water temperature effects
- Verification of compliance with regulatory standards and requirements

Regional

- Effects of changes in the timing and magnitude of river flows and associated changes in water constituent concentrations
- Effects of changes in the rate and timing of Delta inflows and associated changes in Delta water constituent concentrations
- Verification of compliance with regulatory standards and requirements

Fisheries Resources

Local

- Investigation of flow and water temperature related effects on various life stages of anadromous salmonids and resident fisheries resources, and overall habitat quality and quantify for aquatic organisms, from alterations in the timing, duration and/or magnitude of river flows
- Effects of changes in flow and water temperature related effects on various life stages of anadromous salmonids and resident fisheries resources from the proposed new point of diversion/diversion

Regional

- Investigation of flow and water temperature related effects on various life stages of anadromous salmonids and resident fisheries resources, and overall habitat quality and quantify for aquatic organisms, from alterations in the timing, duration and/or magnitude of inflow and diversions
- Effects of changes in timing and magnitude of flows and associated changes in water constituent concentrations and bioavailability of heavy metals in the Feather River, Sacramento River, and the Delta
- Effects of changes in flow and other associated changes and operational changes in the Delta on various life stages of anadromous salmonids and resident fisheries resources, and overall habitat quality and quantify for aquatic organisms

Terrestrial Resources

Local

- Evaluation of groundwater/surface water hydraulic continuity between hyporheic zones, instream flows and wetland habitats

- Evaluation of potential effects on terrestrial habitat related to the proposed second point of diversion
- Effects of changes in timing and magnitude of river flows and associated changes in riparian vegetation/habitat

Regional

- Effects of changes in timing and magnitude of flows and associated changes in riparian vegetation/habitat associated with SWP/CVP system-wide reservoirs, river corridors, floodplains and the Delta

Recreation

Local

- Effects of changes in timing and magnitude of Yuba River flows, and New Bullards Bar and Englebright reservoir elevations, and associated changes on water-dependent and water-enhanced recreation opportunities

Regional

- Effects of changes in timing and magnitude of flows and reservoir elevations and associated changes in water-dependent and water-enhanced recreation opportunities within the SWP/CVP system

Air Quality

Local

- Evaluation of effects of conversion of groundwater pumps from diesel to electric

Land Use

Local

- Evaluation of potential effects on agricultural and residential land uses
- Evaluation of compliance with local and regional planning objectives

Regional

- Evaluation of potential non-Yuba Basin land use issues, effects and mitigation, tiering from relevant approved/certified environmental compliance documentation, as applicable

Socioeconomic

Local

- Improvement of water supply reliability effects upon local municipal and agricultural economy
- Revenue source for local water resources and flood control projects

Regional

- Improvement in reliability of SWP and CVP water supply contract allocations and EWA water supply source

Growth Inducement

Local

- Evaluation of the potential for the Proposed Yuba Accord related water supply availability as a growth-inducement mechanism (foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment)

Regional

- Evaluation of potential non-Yuba Basin growth-inducement issues, effects and mitigation, tiering from relevant approved/certified environmental compliance documentation, as applicable

OTHER INFORMATION TO BE PROVIDED IN THE EIR/EIS

Alternatives Analysis

Effects Found Not to Be Significant

Relationship of the Proposed Yuba Accord to Relevant Laws and Regulations

PROCESS FOR ENVIRONMENTAL REVIEW

EIR/EIS Scoping Process

YCWA and Reclamation will seek public input on topics, issues, and alternatives to be considered in the EIR/EIS during scoping meetings in July 2005.

Scoping is an open process of eliciting comment on the contents of the EIR/EIS from responsible, trustee, cooperating and reviewing agencies, and interested parties. The views of your agency, relative to the statutory responsibilities of your agency in connection with the proposed project, are being solicited in an effort to determine the scope and content of the environmental document. The Public Review Draft EIR/EIS is anticipated to be available for public review in March 2006.

Public Scoping Meetings

Dates and Locations: Four public scoping meetings will be held on the following dates and locations:

- City of Sacramento: July 19, 2005 - 1:00 p.m. and 6:30 p.m.
Double Tree Hotel
2001 Point West Way
Sacramento, CA 95815

- City of Marysville: July 20, 2005 - 1:00 p.m. and 6:30 p.m.
Yuba County Government Center
915 8th Street
Marysville, CA 95901

Special Assistance. If you require special assistance during public meetings, please contact Carol Brown at Surface Water Resources, Inc., (916) 563-6369 or by email: brown@swri.net. Please notify Ms. Brown as far in advance of the scoping meetings as possible to enable the provision of the needed services. If a request cannot be honored, the requestor will be notified.

Response to Notice of Preparation

Written comments on the scope and content of the environmental information to be addressed in the Public Review Draft EIR/EIS, should be sent to Carol Brown, Surface Water Resources, Inc. 2031 Howe Avenue, Suite 110, Sacramento, CA, 95825 by July 20, 2005. Written comments also may be sent by e-mail to ProposedYubaAccord@swri.net.

Disclosure of Public Comments

Our practice is to make comments, including names and addresses of respondents, available for public review. Individual respondents may request that we withhold their address from public disclosure, which we will honor to the extent allowable by law. There may be other circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make available for public disclosure all submissions, in their entirety, from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses.

Proposed Yuba Accord Documentation

Documents related to the Proposed Yuba Accord are available for public viewing at the Yuba County Water Agency (including its website <http://www.ycwa.com>) and the Yuba County Library. For additional information regarding viewing of related documentation contact: Jeanene Upton, Yuba County Water Agency, 1402 D Street, Marysville, CA – (530) 741-6278.

EIR/EIS Public Review

Public Review of the Draft EIR/EIS

The Public Review Draft EIR/EIS will be circulated for a 60-day public review period. Public hearings/meetings will be held during the public review period to receive comment on the Public Review Draft EIR/EIS.

Final EIR/EIS Approval Process

Approval of the Final EIR/EIS will involve a YCWA Board Meeting (to be held in Marysville, California) in which it is anticipated that the YCWA Board will certify the Final EIR, make a decision regarding the Proposed Project, adopt the Mitigation, Monitoring and Reporting Plan (MMRP) for the Proposed Project, and issue a Notice of Determination (NOD) for the CEQA process.

NEPA Compliance

Reclamation is the federal lead agency for the Proposed Yuba Accord and will be responsible for ensuring the joint EIR/EIS is prepared to satisfy the requirements of NEPA. Reclamation NEPA processes include public scoping, Public Review Draft EIR/EIS review and comment period, public meetings to receive comments on the Public Review Draft EIR/EIS, preparation of a Final EIR/EIS including responses to comments received on the Public Review Draft EIR/EIS and preparation of a Record of Decision (ROD).

This NOP has been distributed to responsible agencies, trustee agencies, involved federal agencies and other interested parties.

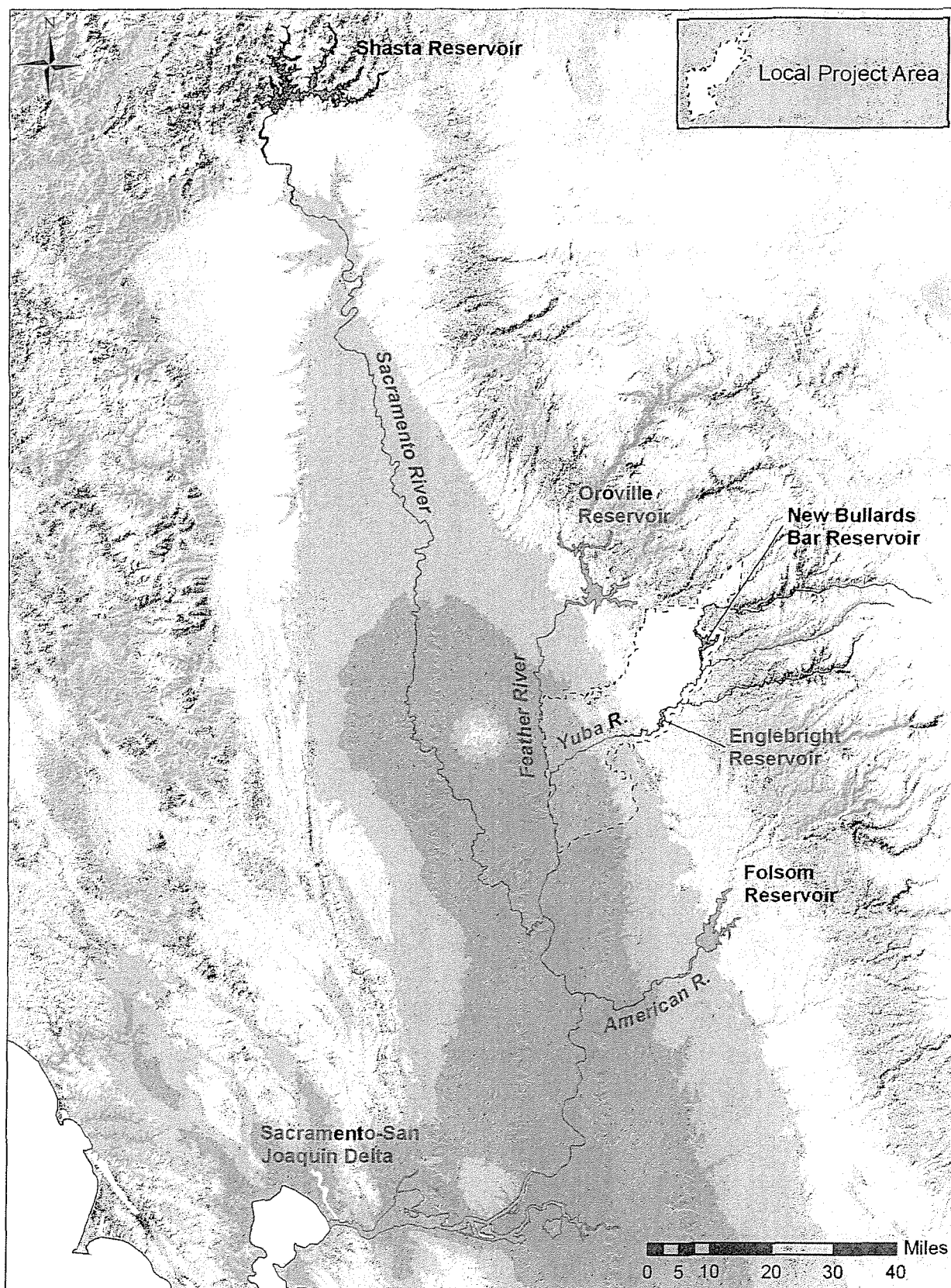


Figure 1. Proposed Yuba Accord project area.