

## **CHAPTER 2.0**

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### **OBJECTIVES, SCOPING AND SUPPORT FOR THE PROPOSED PROJECT**

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## **2.0 OBJECTIVES, SCOPING, AND SUPPORT FOR THE PROPOSED PROJECT**

### **2.1 OBJECTIVES OF THE PROPOSED PROJECT**

The objective of the Proposed Project is continued operation and maintenance of the Oroville Facilities for hydroelectric power generation, including implementation of any terms and conditions to be considered for inclusion in a new FERC hydroelectric license. The original license for the Oroville Facilities was issued by FERC on February 11, 1957 and expired on January 31, 2007. DWR is seeking a new federal license; therefore, the objective of the Proposed Project is to continue generating electric power while continuing to meet existing commitments and comply with regulations pertaining to water supply, flood management, the environment, and recreational opportunities.

The Oroville Facilities are currently operating under an annual license issued by FERC and effective February 1, 2007. If issuance of a new license does not take place on or before January 31, 2008, this annual license will be renewed automatically.

It is critical that any new license terms and conditions allow DWR to meet all of its commitments related to the Oroville Facilities. Power production, water supply, and flood management are discussed below. Environmental commitments and recreational provisions are identified in Chapter 3.

#### **2.1.1 Power**

The continued operation of the Oroville Facilities for hydroelectric power generation alleviates the need for new power resources that would otherwise be required to replace the 762 megawatts (MW) of capacity and roughly 2.4 million megawatt-hours (MWh) per year of energy generated by the three power plants. This power capacity and generation is vital to the State of California in that it provides a large portion of the electricity needed to pump water through the SWP at a lower cost than if the same capacity and energy had to be supplied by replacement power sources.

Not only would replacement power sources be more expensive and thus lead to higher costs for SWP users, but also there is much uncertainty surrounding the future availability of such power sources. The California Energy Commission (CEC), in its *2003 Integrated Energy Policy Report* (CEC 2003), indicated that currently (figures cited are from 2002) the state uses 265,000 gigawatt-hours of electricity per year, and consumption is growing 2 percent annually. Peak demand is growing at about 2.4 percent per year. It was determined that California only had adequate power supplies and planned transmission upgrades to meet projected demands through the year 2009, assuming that adverse scenarios do not occur. If adverse circumstances such as earlier-than-expected retirement of older generation plants or more frequent dry water years occur in the near term, predictions were that California's power plant reserve margins could reach unacceptable levels as early as 2006 (CEC 2003). The CEC studies showed that with a 2002 peak summer demand of 52,863 MW, the equivalent of

three new 500-MW power plants would need to be constructed in California each year to keep up with growing demands over the next decade. As stated in the *2003 Integrated Energy Policy Report*, “the state needs to ensure that its electrical generation system, including reserves, is sufficient to meet all current and future needs, and that this reliable and high quality electricity needs to come without over-reliance on a single fuel source and at reasonable prices” (CEC 2003).

Existing Oroville Facilities power generation is achieved very reliably and at a reasonable price. Continued operation of the Oroville Facilities for electric power generation is critical to the State of California, and is key to DWR achieving its mission of providing a reliable and affordable supply of water throughout the State.

Notwithstanding the importance of this vital energy resource, it should be noted that the power operation aspects of the Oroville Facilities are heavily constrained by SWP-related agreements and other commitments. Continued operation and maintenance of the power features of the Oroville Facilities must be consistent with the operational criteria dictated by the operation of the entire SWP.

Oroville Facilities operations are planned and scheduled in concert with other SWP and U.S. Bureau of Reclamation (USBR) Central Valley Project (CVP) water storage, pumping, and conveyance facilities. The primary operating function of the Oroville Facilities power plants is to provide electricity to SWP pumps that move water through the SWP system. Overall, the SWP uses more energy than it produces. Thus, any decrease in power generation at the Oroville Facilities would need to be offset by increased purchases of energy from other resources and/or by construction of new power generating facilities. In 2005, the SWP required 8,282,000 MWh of generation to meet pumping requirements and station service usage. In the same year, the Oroville Facilities generated roughly 1,833,000 MWh of that total, which amounts to nearly one-fourth of the system’s total requirements.

By generating hydroelectric power, the Oroville Facilities help reduce the amount of generation that is needed from fossil fuel power plants, thereby avoiding the emission of such pollutants as hydrocarbons, nitrogen oxides, carbon monoxide, and particulate matter. Hydroelectric generation at the project’s facilities possibly avoids the construction of new power plant facilities, thus avoiding other adverse environmental effects. Power from the Oroville Facilities contributes to a diversified generation mix and helps meet power needs within and beyond the region. Regional power benefits from the Oroville Facilities include those often referred to as ancillary system benefits, including spinning reserves, non-spinning reserves, regulation, peaking capacity, and grid stability.

In 2006, the California legislature passed Assembly Bill 32, establishing a State goal for reducing greenhouse gas (GHG) emissions to 1990 levels by 2020. Hydropower generation is extremely clean, producing very little GHG emissions when compared to other power generation. The limited data available suggests that GHG emissions from reservoirs in the western United States are lower than those from reservoirs in eastern and western Canada and South/Central America. Based on this limited information on

GHG emissions at Oroville (which may not reflect a number of factors, including temporal and area variation), the Oroville Facilities could produce about 19,170 tons of CO<sub>2</sub> emissions annually. Based on approximately 2,500,000 MWh of annual generation, this would equate to 0.0077 tons of CO<sub>2</sub> emitted per MWh generated or 15 lbs of CO<sub>2</sub>/MWh. By way of comparison, according to the USDOE, coal-fired generating plants produce an average of 2,117 lbs of CO<sub>2</sub> emissions per MWh generated. Similarly, natural gas and other petroleum-fired electrical generation ranges from 1,315-1,915 lbs of CO<sub>2</sub> emissions per MWh (USDOE, July 2000, Carbon Dioxide Emissions from the Generation of Electrical Power in the United States). Therefore, the Oroville Facilities are generating extremely clean electricity that reduces potential CO<sub>2</sub> GHG emissions by more than a ton (99.3% reduction) for every MWh produced compared to coal-fired electric generation which is the single largest source of electrical generation, or about 50% of all generation, in the U.S. today.

## **2.1.2 Water Supply**

### ***2.1.2.1 Overview of the State Water Project***

The SWP is a water storage and delivery system composed of reservoirs, aqueducts, power plants, and pumping plants. The main purpose of the SWP is to provide a reliable and affordable supplemental water supply to urban and agricultural water users throughout California. SWP deliveries ranged from 1.8 million acre-feet (maf) to 3.6 maf between 2001 and 2006. About 23 million of California's estimated 34 million residents directly benefit from SWP water. These supplies also irrigate nearly 600,000 acres of farmland, mainly in the San Joaquin Valley (DWR Bulletin 132, Water Contracts and Delivery Chapter).

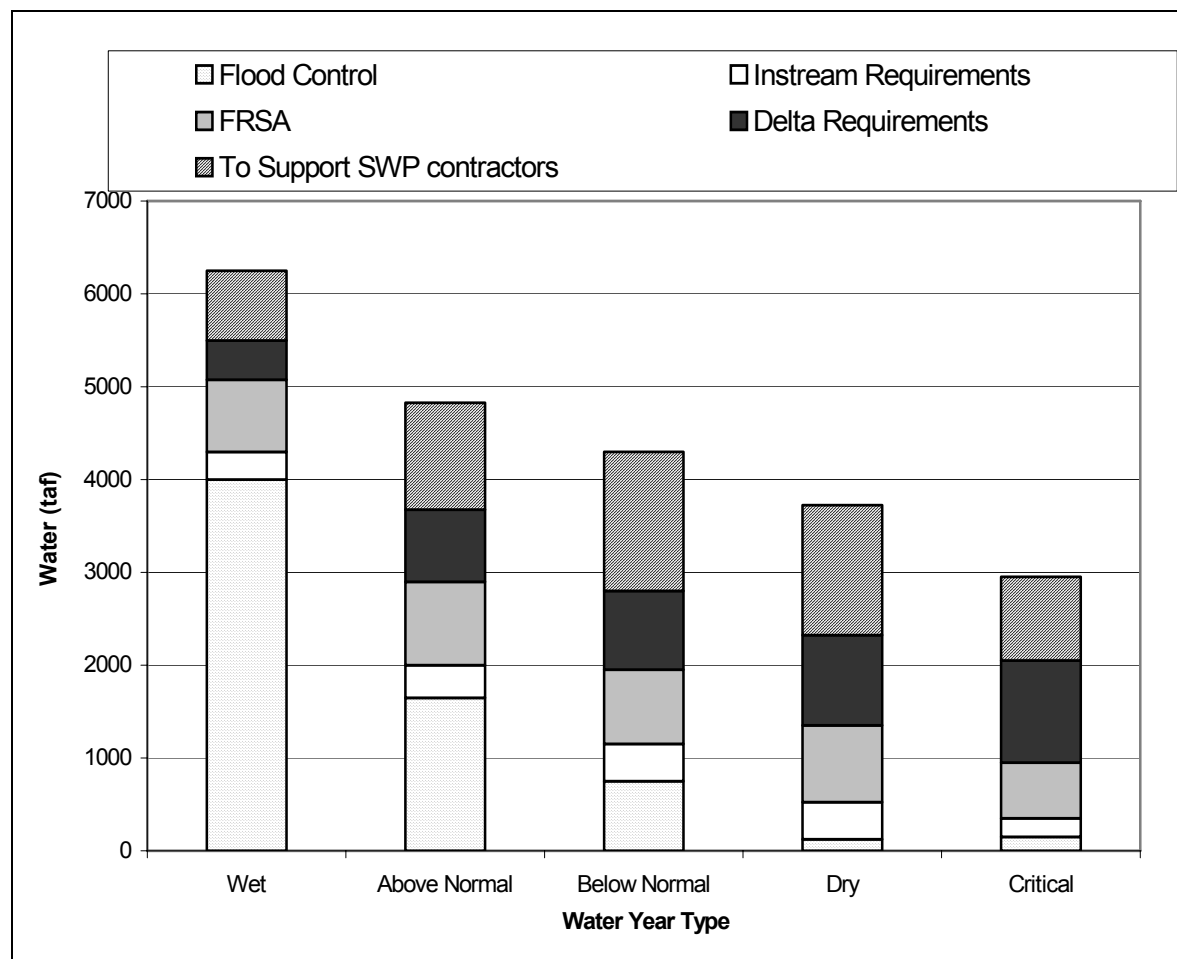
### ***2.1.2.2 Role of the Oroville Facilities within the State Water Project***

The Oroville Facilities were developed as a major part of the SWP. The Oroville Facilities are located at the foot of the Sierra Nevada in Northern California on the Feather River near Oroville. The Oroville Facilities have the capacity to store more than 3.5 maf of water, and account for a large portion of the SWP's water capture and storage each year. Water released from the Oroville Facilities into the Feather River flows downstream into the Sacramento River.

### ***2.1.2.3 Lake Oroville Water Releases***

As shown in Figure 2.1-1, water stored in Lake Oroville is released to meet a variety of contractual, flood management, and environmental commitments; the major commitments are highlighted below:

- Operate the project to meet flood control criteria outlined by USACE;



taf = thousand acre-feet

Source: Data provided by DWR

**Figure 2.1-1. Primary purposes of releases from Lake Oroville.**

- Ensure water supply of up to 936,000 acre-feet (af) per year to senior water right holders<sup>1</sup> along the Feather River from Lake Oroville to the confluence with the Sacramento River including the Feather River Service Area<sup>2</sup> (FRSA);

<sup>1</sup> The senior water right holders are the the Thermalito Irrigation District; the South Feather Water and Power Agency (formerly Oroville-Wyandotte Irrigation District); the Western Canal Water District; the Joint Water District Board (comprising the Richvale Irrigation District, the Biggs-West Gridley Water District, the Butte Water District, and the Sutter Extension Water District); the Tudor Mutual Water Company; the Oswald Water District; the Garden Highway Water Company; and the Plumas Mutual Water Company. The settlement of water rights for these entities is typically expressed in terms of acre-feet of annual entitlement, although some settlement agreements also stipulate specific rates of flow in cubic feet per second.

<sup>2</sup> The FRSA agencies are the Western Canal Water District and the Joint Water District Board (comprising the Richvale Irrigation District, the Biggs-West Gridley Water District, the Butte Water District, and the Sutter Extension Water District).

- Satisfy conditions in the 1983 agreement between DFG and DWR concerning the operation of the Oroville Facilities for management of fish and wildlife;
- Satisfy the conditions in the 1986 Coordinated Operations Agreement for CVP operation;
- Satisfy conditions in DWR's water right permits that were last amended in SWRCB Water Right Decision 1641 (D-1641). D-1641 requires the operations of the SWP and the CVP, owned and operated by USBR, to meet the water quality standards outlined in the *1995 Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary* (Bay-Delta Plan);
- Satisfy conditions in the biological opinions for the CVP and SWP long-term Operations Criteria and Plan issued by the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) in 2004 and 2005, respectively; and
- Allocate annual water supply of up to 4.1 maf to SWP water contractors.

Releases for these purposes vary significantly from year to year depending on hydrologic conditions. Figure 2.1-1 shows typical water release volumes for various water year types. As indicated, in wet years significant releases are made in compliance with USACE flood management directives. Conversely, in dry or critical water years there are minimal releases made for flood management. Both instream flow releases and FRSA releases are relatively consistent regardless of water year type, except for critical years. Water available for export to the SWP water contractors is dependent upon the amount of releases for all other purposes, and as indicated by the data plotted on the graph, can vary widely depending on hydrologic conditions.

The flood management, contractual, fishery, water quality, and other environmental obligations are defined in numerous operating agreements that specify timing, flow limits, storage amounts, and/or constraints on water releases. Contractual obligations are met through scheduled releases of water from various points within the Oroville Facilities, including:

- Lake Oroville (through the Hyatt Pumping-Generating Plant, River Valves, Spillway, and Palermo Outlet);
- Thermalito Diversion Dam (through the Thermalito Canal Headworks, the Feather River Fish Hatchery inlet, the River Release Outlet, the Spillway, and Thermalito Diversion Dam Power Plant);
- The Fish Barrier Dam through the Spillway;
- The Feather River Fish Hatchery (through the Feather River Fish Hatchery fish ladder and Feather River Fish Hatchery Outlet); and

- Thermalito Afterbay (through the Irrigation Outlet Structures and the Thermalito Afterbay Outlet).

The scheduling of water releases to meet all of these delivery obligations requires a tremendous amount of planning, forecasting, and interagency coordination between DWR and other agencies.

### **2.1.3 Flood Management**

Oroville Dam provided downstream flood protection even before it was completed. In 1964, while the dam was under construction, it prevented millions of dollars of property damage and saved lives by impounding floodwaters. Today, with flood storage space in Lake Oroville that varies from 375,000 to 750,000 af, flood management remains one of the major benefits of this dam. The Oroville Facilities are an integral component of the Sacramento River Flood Control Project, the flood management system for areas along the Feather and Sacramento Rivers downstream of Oroville Dam. They supply flood protection benefits to Oroville, Marysville, Yuba City, many smaller communities, and areas as far downstream as the Sacramento metropolitan area. The Oroville Facilities also protect about 283,000 acres of developed agricultural lands and a variety of transportation and other public utility infrastructure. The total value of structures and contents in the areas along the Feather River downstream of Oroville Dam is nearly \$3 billion (USACE 1999).

It also has been estimated that during the 30 years before the construction of the Oroville Facilities, property affected by flooding along the Feather and Sacramento Rivers experienced more than \$400 million in actual flood damages. Flood damages avoided during the 1997 single flood event were estimated to be more than \$1 billion (United States Society on Dams 2004). Project flood management operations, which are further described in Section 4.2 of this DEIR, also are critical to maintaining the structural integrity of the many levees found along the Feather River below Oroville Dam and along the Sacramento River below the confluence with the Feather River. USACE helped fund the construction of Oroville Dam and has jurisdiction over flood management operations. Under the terms of the existing FERC license, DWR collaborated with USACE in formulating the current program of operation for the project in the interest of flood management.

## **2.2 THE SCOPING PROCESS**

### **2.2.1 The License Application Scoping Process**

A summary of the scoping history of the collaborative process is provided in Table A-2 of Appendix A, Consultation and Compliance, of the PDEA for the Oroville Facilities.

The ALP initiated Collaborative Work Groups, Task Forces, and a Plenary Group including representatives from federal, State, and local governments; resource agencies; federally and non-federally recognized Indian Tribes; nongovernmental organizations; local special interest groups; and local residents. The five Collaborative Work Groups (Cultural; Environmental; Recreation and Socioeconomics; Engineering

and Operations; and Land Use, Land Management, and Aesthetics) spent the first half of 2001 identifying and refining issue statements for study plan development and inclusion in Scoping Document 1 (Draft SD1). In September 2001, DWR distributed Draft SD1 to interested parties, which initiated formal scoping for the relicensing process. SD1 supported the development of either two separate environmental documents or a single, joint NEPA/CEQA document. It also provided the CEQA notice of preparation.

On October 29 and 30, 2001, public scoping meetings were held in the cities of Oroville and Sacramento, respectively. The purpose of the meetings was to receive input from any parties interested in the Oroville Facilities Relicensing and to gather information and identify issues regarding specific aspects of the relicensing process. More than 100 people signed in at the meetings, and 21 individuals representing a variety of interested parties provided public statements in person. A court reporter recorded all comments and statements made at the scoping meetings; transcripts of the meetings are available on the relicensing website and have been made a part of the FERC public record for the project. Any person who was unable to attend a public scoping meeting or desired to provide further comment was encouraged to submit written comments and information to DWR by November 26, 2001. The entities listed in Table 2.2-1 provided written comments on Draft SD1 as well as in response to the scoping meetings.

Throughout 2001 and 2002, the Work Groups further developed issue sheets, identifying both available and needed information to inform the decision makers regarding potential effects of the Oroville Facilities. The issue sheets formed the basis for the development of study plans. Eventually, 71 study plans were developed and approved through the Collaborative process.

DWR issued Scoping Document 2 and CEQA Amended Notice of Preparation (SD2) on September 20, 2002. SD2 addressed comments received on SD1 and reflected the progress made since September 2001 in working collaboratively with resource agencies, non-governmental organizations (NGOs), and other interested parties in identifying issues and initiating study programs. SD2 also fulfilled requirements allowing DWR to prepare a PDEA that both complies with NEPA and is adequate in supporting the FERC decision-making process. These documents are available at the DWR Oroville Facilities Relicensing public website (<http://orovillereLICensing.water.ca.gov>).

## **2.2.2 License Application Development**

### ***2.2.2.1 Development and Completion of Technical Studies***

The five ALP Collaborative Work Groups used the resource issues, concerns, and comments gathered during the scoping process and issue statements they developed to cooperatively develop 71 study plans to provide supporting data and analysis for the relicensing effort. The results of these studies address issues identified during the formal scoping process and public meetings, and fulfill regulatory requirements

**Table 2.2-1. Commenters during scoping for the Oroville Facilities relicensing process.**

<b>Commenting Entities</b>
Feather River Diverters (Joint Water Districts and Western Canal Water Districts)
National Marine Fisheries Service
California Chamber of Commerce
Oroville Foundation of Flight
Southern California Water Committee
State of California Electricity Oversight Board
Association of California Water Agencies
Kern County Water Agency
Alameda County Flood Control & Water Conservation District
Castaic Lake Water Agency
Plumas National Forest
National Parks Service, California Hydro Program
Civil Engineering Services, F. D. Pursell
State Water Resources Control Board
California Department of Fish and Game
California Independent System Operator
Paleo Resource Consultants, F&F Geo Resources Associates, Inc.
Metropolitan Water District of Southern California
Santa Clara County Water District
State Water Contractors, Inc.
California Business Properties Association
Pacific Cherokee Tribal Council
Ron Davis
Catherine H. Hodges
Northern California Water Association
Butte County
County of Sutter, Board of Supervisors
California Department of Forestry and Fire Protection
U.S. Fish and Wildlife Service
The Baiocchi Family

associated with relicensing. In some cases, the study plans were designed to also address issues outside the FERC’s authority that were anticipated to be considered in a settlement agreement. The studies addressed issues related to five broad resource areas:

- Environmental (i.e., water quality, fisheries, terrestrial, geomorphology);
- Engineering and operations;
- Land use, land management, and aesthetics;
- Recreation and socioeconomics; and
- Cultural resources.

### **2.2.2.2 Development of Recommended PM&E Measures**

Proposed protection, mitigation, and enhancement (PM&E) measures were developed primarily through the ALP. Throughout 2002, the Work Groups and associated Task Forces worked cooperatively to review and refine many issues. This refinement included the identification of issues and questions, clarification of related resource interests, identification of existing and needed information to answer questions, agreement on the appropriate level of analysis required, regulatory standards, and other related issues. The stakeholders developed a common template to describe a proposed resource action, provide basic information considered necessary to begin analysis of potential resource actions related to the relicensing process, and identify the specific issue a potential action was designed to address.

Proposed resource actions were submitted by stakeholders to Work Groups or directly to DWR for distribution to the appropriate Work Group. In some cases, proposed actions were developed and refined by participants within the Work Groups themselves. Some proposed resource actions were transferred between Work Groups as stakeholders considered the most appropriate venue for discussion and further refinement.

The Work Groups spent many months developing and reviewing proposed actions, identifying and eliminating redundancies, and consolidating similar or synergistic actions as appropriate. Initial results from the numerous studies under way were used to inform the Work Groups and further refine proposed actions. Each Work Group then identified those proposed actions that could reasonably be expected to produce beneficial results and agreed by consensus to recommend the list of proposed resource actions for further analysis as potential PM&E measures for inclusion in an alternative. Supporting information for all PM&E measures that were received by DWR from the Work Groups and stakeholders and their disposition is described in the PDEA (DWR, 2005).

### **2.2.2.3 Evaluation of Proposed PM&E Measures for the PDEA**

DWR evaluated the recommended PM&E measures as part of the alternatives development process for the PDEA. As part of this process, each PM&E measure was evaluated for expected reliability and effectiveness. The evaluation process also analyzed whether the proposed PM&E measure would directly or indirectly conflict with other potential PM&E measures, cause direct or indirect effects on other environmental resources, or conflict with existing plans and policies. Recommended PM&E measures were also evaluated to determine potential effects on developmental aspects of the Oroville Facilities, including water supply, flood management, and power generation. Most PM&E measures could have either direct or indirect effects on other resources, could affect water supply and result in power generation losses, or could involve other costs to implement.

#### **2.2.2.4 Approach to Constructing the Alternatives for the PDEA**

A broad array of potential PM&E measures was evaluated to determine project nexus and whether the PM&E measure would help achieve resource interests. PM&E measures that passed the initial level of analysis were carried forward into a more detailed definition and evaluation phase. Some PM&E measures were adjusted based on study results, and some PM&E measures were created as necessary to address a project effect. At the same time, operational modeling, including “sensitivity analyses,” was conducted by DWR to help determine the feasibility of PM&E measures that would affect project operations. Technical study reports generated from the collaboratively developed study plans were used in the evaluation of potential PM&E measures and assisted in the development of the alternatives for the PDEA.

In addition to power and other developmental purposes derived from the continued operation of the Oroville Facilities, FERC must give equal consideration in any license issued to the purposes of energy conservation; the protection, mitigation of damage to, and enhancement of fish and wildlife (including related spawning grounds and habitat); the protection, mitigation, and enhancement of recreational opportunities; protection of important cultural resources; and the preservation of other aspects of environmental quality. The resulting three alternatives were developed for the PDEA with an awareness of these considerations, and included a “No-Action Alternative,” a “Proposed Action,” and an “Alternative 2.”

#### **2.2.2.5 Comments on the Draft License Application**

The Draft License Application, including the PDEA Progress Summary, was circulated for public review and comment on April 30, 2004. Table 2.2-2 lists the entities commenting on the Draft License Application.

**Table 2.2-2. Commenters on the Oroville Facilities  
Draft License Application.**

<b>Commenting Agencies and other Entities</b>
Friends of the River
Ronald Rogers
Randy Kennedy
Yuba-Feather Work Group
State Water Contractors, Inc.
California Department of Fish and Game
U.S. Department of the Interior
County of Sutter
The Baiocchi Family
Dennis Carty
Alex Henes
Gordon Banks

Comment letters received on the Draft License Application and PDEA Progress Summary can be viewed on DWR’s Oroville Facilities Relicensing website, <http://orovillerelicing.water.ca.gov>.

### **2.2.2.6 License Application and PDEA**

By letter dated January 19, 2005, and pursuant to FERC's regulations for a Major Project-Existing Dam, Title 18 of the Code of Federal Regulations (CFR), Section(s) 4.51 and 16.9, the Department of Water Resources of the State of California submitted an Application for New License for its Oroville Facilities (FERC Project No. 2100). DWR requested timely issuance of a new 50-year license to replace the 50-year license issued to DWR in 1957. In accordance with Section 4.32 of these regulations, DWR also submitted compact disc (CD) copies of the License Application to the entities marked on the Distribution List attached to the transmittal letter. These marked entities were the resource agencies, Indian Tribes, and members of the public that participated in the collaborative process under FERC's ALP. The remaining entities on the Distribution List were those entities that at one time may have expressed an interest in Project No. 2100 or were adjoining landowners to the FERC Project boundary, but were not otherwise active participants in the ALP. DWR sent a letter to these remaining entities informing them of the filing and availability of the License Application. Also pursuant to these regulations, a public notice was published in local newspapers, and the public portions of the License Application were made available at DWR's public reference file locations.

Included within this submittal were one original, two paper copies, and six CD copies of the License Application. Also enclosed with the License Application was a draft tendering notice for future publication by FERC in the Federal Register. Pursuant to new FERC regulations adopted on July 23, 2003, amending Title 18 CFR Part 4.41(h), the CD containing the FERC Project boundary (Exhibit G) also contained the required geo-referenced electronic format and a metadata file. For FERC's convenience, DWR forwarded under separate cover both paper and electronic copies of all study plan reports; these are located on DWR's Oroville Facilities relicensing public website (<http://orovillereicensing.water.ca.gov>).

The License Application was developed pursuant to FERC's ALP, which provides for an Applicant Prepared Environmental Assessment (APEA). DWR's request to use the ALP and prepare an APEA was approved by FERC on January 11, 2001. Consequently, Exhibit E of the License Application was replaced by a PDEA that was structured to facilitate meeting the requirements of NEPA.

The License Application consisted of seven volumes:

- Volume I contained the Initial Statement and Exhibits A, B, C, D and H;
- Volume II contained Exhibits F and G (Critical Energy Infrastructure Information (CEII)—for FERC only); and
- Volumes III through VII contained the PDEA and its appendices.

Volume I and Volumes III through VII are public documents. Volume II, which contained diagrams and maps, warranted special treatment as CEII, and DWR requested that

FERC designate it as such. Volume II included Exhibits F and G, and the Exhibit F Design Report which, pursuant to Order Nos. 630 and 630-A, and FERC's regulations at Title 18 CFR Part 388, qualify for special treatment as CEII.

## **2.2.3 Post-application Process**

### **2.2.3.1 Comments on the License Application and NEPA EIS Scoping**

A summary of the post-application collaborative process and the FERC NEPA EIS scoping process is provided in Table 2.2-3 below.

**Table 2.2-3. Summary of post-application scoping process.**

<b>Date/Time Frame</b>	<b>Oroville Facilities Relicensing—Post-Filing Activity</b>
January 19, 2005	In accordance with Title 18 CFR Section 4.32, DWR provided interested parties with a CD copy of the public portions of its Application for New License. The public portions were also available for viewing at the public reference files located at DWR's Headquarters offices and the Oroville Branch of the Butte County Library.
January 25, 2005	Potentially interested parties were informed that DWR had submitted to FERC its Application for New License, and that the public portions were available for viewing at the public reference files located at DWR's Headquarters offices, the Oroville Branch of the Butte County Library, and on the relicensing website.
January 26, 2005	DWR submitted to FERC its Application for New License, Applicant-Prepared Preliminary Draft Environmental Assessment, and Draft terrestrial Biological Assessment.
February 3, 2005	FERC issued its "Notice of Application and Applicant Prepared Environmental Assessment Tendered for Filing with the Commission, and Establishing Procedural Schedule for Relicensing and Deadline for Submission of Final Amendments." The notice also included a schedule of FERC's milestones.
February 2 and 8, 2005	A legal notice was placed in the <i>Chico-Enterprise Record</i> and the <i>Oroville Mercury Register</i> providing public notification that DWR had filed its Application for New License with FERC.
May 17, 2005	FERC issued a letter informing DWR its Application for New License failed to conform to the requirements of the Commission's regulations. The letter contained a list of deficiencies, clarification questions, and additional information requests.
May 26, 2005	FERC's "Notice of Site Visit" was issued informing interested parties that on June 29–30, 2005, FERC and DWR staff would be visiting the Oroville Facilities, and that the visit was open to the public and resource agencies. A tentative schedule for the site visit was included in the notice.
June 29-30, 2005	Individuals from FERC, DWR, resource agencies, and the public participated in FERC's NEPA site visit. In coordination with FERC staff, DWR provided a number of tour bus/vans for traveling to the various locations. The list of attendees was provided by FERC staff.
August 12, 2005	DWR submitted to FERC its response to deficiencies, clarifications, and additional information requests. DWR also submitted several updates to selected exhibits of its Application for New License.

**Table 2.2-3. Summary of post-application scoping process.**

<b>Date/Time Frame</b>	<b>Oroville Facilities Relicensing—Post-Filing Activity</b>
August 31, 2005	DWR submitted a letter to FERC requesting the Commission defer issuance of its public notice asking for agency terms and conditions until at least December 1, 2005, in order to allow DWR to attempt to achieve settlement on outstanding environmental issues.
September 9, 2005	FERC issued a letter to DWR granting its request to extend the time available to resource agencies to submit their final terms and conditions to January 30, 2006. The letter also included FERC's remaining milestones.
September 12, 2005	FERC issued its "Notice of Application and Applicant-Prepared EA Accepted for Filing, Soliciting Motions to Intervene and Protest, and Soliciting Comments, and Final Recommendations, Terms and Conditions, and Prescriptions." The deadline for filing motions to intervene and protests, comments, and final recommendations, terms and conditions, and prescriptions was January 30, 2006, and for reply comments was March 16, 2006.
October 4, 2005	DWR distributed copies of its revised draft Historic Properties Management Plan (HPMP), dated September 2005, to the federally recognized Indian tribes (Berry Creek Rancheria, Enterprise Rancheria, and Mooretown Rancheria) as well as to the Mechoopda Indian Tribe of Chico Rancheria for their review and comment.
October 26, 2005	DWR, by letter dated October 18, 2005, to the SWRCB, requested the water quality certification or waiver pursuant to Section 401(a)(1) of the Federal Clean Water Act. DWR's letter, received by SWRCB on October 26, 2005, initiated a 1-year time clock for the SWRCB to act on the request.
November 3, 2005	DWR submitted to FERC a date-stamped copy of its request for water quality certification with the SWRCB.
November 23, 2005	SWRCB replied to DWR's October 18, 2005, letter in which DWR requested water quality certification or waiver pursuant to Section 401(a)(1) of the Federal Clean Water Act.
January 5, 2006	DWR submitted a letter to FERC informing the Commission that an agreement in principle had been reached among DWR, DFG, the U.S Department of the Interior (including USFWS), NMFS, State Water Contractors, and American Rivers on environmental measures. DWR also requested a second extension of the deadline for comments, interventions, and resource agency terms and conditions.
January 13, 2006	FERC issued a letter approving DWR's request to extend the time available to the resources agencies to submit their final terms and conditions to March 31, 2006. FERC also provided their remaining relicensing milestones.
January 13, 2006	FERC issued a letter extending the filing date for comments and motions to intervene to March 31, 2006.
March 24, 2006	DWR submitted to FERC its Settlement Agreement for Licensing of the Oroville Facilities, replacing the PDEA Proposed Action.
March 28, 2006	DWR submitted to FERC its Settlement Agreement Recreation Management Plan.
April 28, 2006	DWR submitted to FERC a request for extension of deadlines to file reply comments on the Settlement Agreement and the Application for New License.

**Table 2.2-3. Summary of post-application scoping process.**

<b>Date/Time Frame</b>	<b>Oroville Facilities Relicensing—Post-Filing Activity</b>
April 28, 2006	FERC issued letter granting DWR's request for an extension of time to file reply comments on the Application for New License and reply comments on the Settlement Agreement. The deadline for filing reply comments was extended to May 26, 2006.
May 3, 2006	DWR submitted to FERC its draft HPMP dated April 24, 2006, along with DWR's Record of Consultation.
May 12, 2006	DWR submitted to FERC supplemental reference documents in support of the Application for New License. The two "Phase 2 Background" reports are entitled <i>Recreation and Tourism Economy in Oroville</i> and <i>Property Value Analysis Using a Hedonic Property-Pricing Model</i> .
May 26, 2006	DWR submitted to FERC its response to recommendations, terms and conditions, prescriptions, and settlement comments.
July 27, 2006	DWR submitted to FERC its Draft Biological Assessment for Federally Listed Species (anadromous fish) under Project 2100.
September 29, 2006	FERC issued a notice of availability of a DEIS for DWR's Oroville Facilities and intention to hold public meetings under P-2100.
October 11, 2006	FERC issued a Notice of Intent to hold a public meeting to discuss the DEIS for DWR's Oroville Facilities under P-2100.
October 12, 2006	FERC issued a letter informing interested parties of FERC's updated schedule for the remainder of the relicensing process for the Oroville Facilities under P-2100.
October 16, 2006	DWR filed its withdrawal and resubmittal of the Water Quality Certification Application for relicensing of the Oroville Facilities.
October 24, 2006	FERC issued a letter to the National Oceanic and Atmospheric Administration (NOAA) requesting formal consultation under the Endangered Species Act regarding DWR's Oroville Facilities under P-2100.
October 24, 2006	FERC issued a letter to the Sacramento Fish and Wildlife Office requesting formal consultation under the Endangered Species Act regarding DWR's Oroville Facilities under P-2100.
November 2, 2006	Motion issued by Butte County, California, for Additional Time to File Comments on the DEIS to the Oroville Facilities Project in P-2100.
November 15, 2006	FERC issued a letter order granting Butte County, California's requests for 3 additional weeks until December 19, 2006, to file comments on the DEIS for the Oroville Facilities under P-2100.
November 15, 2006	FERC issued a letter informing interested parties of FERC's updated schedule for the remainder of the relicensing process for the Oroville Facilities and reflecting an extension of time of 3 weeks to file comments on the DEIS, P-2100.
November 17, 2006	SWRCB issued response to DWR's request for water quality certification for the relicensing of the Oroville Facilities under P-2100.
November 8, 2006	FERC held a public meeting to discuss the DEIS for DWR's Oroville Facilities under P-2100.
December 19, 2006	DWR submitted comments on the DEIS under P-2100.
December 19, 2006	NOAA Southwest Region issued Letter of Insufficiency with DEIS comments (12-19-06), and comments on Draft Reconnaissance Study (11-29-06) under P-2100.
January 29, 2007	USFWS responded to FERC's October 24, 2006, letter requesting formal consultation on the proposed Oroville Facilities Relicensing under P-2100.
January 30, 2007	DWR submitted its report entitled SP-W3, <i>Recreational Facilities and Operations Effects on Water Quality—Recreational Trails, Year 2 Progress Report</i> , July 2006 for P-2100.

**Table 2.2-3. Summary of post-application scoping process.**

Date/Time Frame	Oroville Facilities Relicensing—Post-Filing Activity
January 31, 2007	U.S. Forest Service Pacific Southwest Region submitted to FERC its Final Section 4(e) conditions under P-2100.
February 1, 2007	FERC issued Notice of Authorization for Continued Project Operation, effective until a new license is issued.
February 15, 2007	NMFS submitted to FERC comments, terms, and conditions and modified Fishway Prescriptions under 10(a), 10(j), and Section 18 of the FPA.
April 9, 2007	USFWS issues Final Terrestrial Biological Opinion under P-2100.

*Source: DWR, State Water Project Analysis Office*

### **2.2.3.2 Scoping for the CEQA EIR and Definition of Alternatives**

As indicated in previous sections, the relicensing process was conducted under FERC’s ALP, and involved the substitution of an applicant-prepared environmental assessment (referred to as the PDEA) in place of Exhibit E. As a result, all of the participants in the collaborative relicensing process were extensively involved in the scoping of issues, submitting study requests, formulating study scopes, reviewing study results, and commenting on the license application and subsequent FERC DEIS.

After DWR’s filing of the License Application on January 26, 2005, the settling parties continued to invest considerable time and resources in finalizing the SA. DWR filed the final SA with FERC on March 24, 2006. The SA is a comprehensive settlement package that DWR believes addresses all issues associated with DWR’s Application for New License, and continued operation of the Oroville Facilities. The SA modified the previously identified proposed action outlined in the PDEA to include additional PM&E measures beyond those proposed in the License Application. DWR believes that the agreed-upon PM&E measures set forth in the SA surpass all public interest requirements of the Federal Power Act (FPA) and other statutory and regulatory requirements pertaining to the relicensing of the project, but has nonetheless agreed to these measures as a means of compromise and of settling the proceeding.

The SA proposes numerous project improvements and, except as specified in the SA, settling parties believe that the measures satisfy their statutory, regulatory, or other legal requirements for the protection, mitigation, and enhancement of natural resources, water quality, recreation, and cultural and historic resources affected by the Project. The SA, moreover, is fully supported by the record in this proceeding, which includes numerous relicensing studies and the PDEA. Therefore, DWR is proposing the SA as its “Proposed Project” under CEQA. The other alternatives evaluated in comparison to the Proposed Project include the “No-Project Alternative” and the “FERC Staff Alternative” described in FERC’s DEIS.

## **2.3 SUPPORT FOR THE PROPOSED PROJECT**

The Proposed Project is the *Settlement Agreement for Licensing of the Oroville Facilities, FERC Project No. 2100 (SA)* (filed with FERC March 24, 2006). The Proposed Project has near-unanimous endorsement from federal and State resource agencies, local governments, water agencies and districts, environmental organizations, other stakeholder organizations, and individual members of the public. The consensus reached among the settling parties and settlement supporters occurred only through the tremendous efforts exerted by all in diligently studying project impacts, assessing and analyzing study results, attending ALP meetings, understanding and working through differences, and ultimately negotiating the comprehensive and complex settlement. DWR believes that the Proposed Project is supported by the vast record compiled in this proceeding; that the regulatory review process conducted was more than sufficient to satisfy and exceed FERC's requirements under the FPA and attendant statutory and regulatory obligations; and that the Proposed Project will accommodate public interest considerations applicable to the Oroville Facilities during the expected 50-year new license term.

### **2.3.1 Federal and State Resource Agencies**

In addition to DWR, the following State and federal agencies are parties to the SA:

- California Department of Boating and Waterways;
- DFG;
- DPR;
- NMFS; and
- U.S. Department of the Interior, on behalf of its component bureaus.

These and other agencies filed comments in support of, or consistent with, the SA:

- NMFS's *Motion to Intervene, Comments, Recommended Terms and Conditions, and Preliminary Fishway Prescriptions, Project No. 2100-052* (filed March 29, 2006 and final terms submitted to FERC on January 15, 2007);
- *Notice of Intervention of California Department of Fish and Game, Project No. 2100-052* (filed March 29, 2006);
- *Notice of Intervention and Forest Service Preliminary 4(e) Conditions and 10(a) Recommendations, Project No. 2100-052* (filed March 29, 2006);
- *Department of the Interior Comments, Recommendations, and Prescriptions in Response to Commission's September 12, 2005, Notice, and March 27, 2006, Notice of Settlement Agreement and Soliciting Comments, Project No. 2100-052* (filed March 31, 2006); and

- *Department of the Interior Notice of Intervention, Project No. 2100-052* (filed April 3, 2006).

### **2.3.2 Native Americans**

The Konkow Valley Band of Maidu is a party to the SA and filed comments in support thereof. See *Motion to Intervene of Konkow Valley Band of Maidu, Project No. 2100-052* (filed March 31, 2006).

### **2.3.3 Local Governments**

The following local governmental entities are parties to the SA:

- City of Oroville;
- Feather River Recreation and Parks District;
- Oroville Parks Commission;
- Oroville Redevelopment Agency; and
- Town of Paradise.

These and other local governmental entities filed comments in support of the SA, including:

- *Motion to Intervene of the City of Oroville, Project No. 2100-052* (filed April 20, 2006);
- *Comments of the Town of Paradise, California, Project No. 2100-000* (filed April 25, 2006); and
- *Motion to Intervene Out-of-Time and Comments of the Feather River Recreation and Park District, Project No. 2100-052* (filed May 10, 2006).

### **2.3.4 Water Agencies and Districts**

The following water agencies and districts are parties to the SA:

- Alameda County Flood Control & Water Conservation District, Zone 7;
- Alameda County Water District;
- Antelope Valley–East Kern Water Agency;
- Castaic Lake Water Agency;
- Central Coast Water Authority;

- Coachella Valley Water District;
- County of Kings;
- Crestline–Lake Arrowhead Water Agency;
- Desert Water Agency;
- Empire West Side Irrigation District;
- Kern County Water Agency;
- Littlerock Creek Irrigation District;
- Metropolitan Water District of Southern California;
- Mojave Water Agency;
- Napa County Flood Control and Water Conservation District;
- Oak Flat Water District;
- Palmdale Water District;
- San Bernardino Valley Municipal Water District;
- San Gabriel Valley Municipal Water District;
- San Geronimo Pass Water Agency;
- Santa Clara Valley Water District;
- Solano County Water Agency;
- State Water Contractors, Inc.; and
- Tulare Lake Basin Water Storage District.

Many of these organizations also filed comments in support of the SA, including:

- *Motion to Intervene and Comments in Support of the Settlement Agreement for Licensing of the Oroville Facilities of the Metropolitan Water District of Southern California, Project No. 2100-052* (filed March 28, 2006);
- *Motion to Intervene and Comments of the Alameda County Flood Control and Water Conservation District et al., Project No. 2100-052* (filed March 31, 2006);
- *Motion to Intervene and Comments of the United Water Conservation District and the City of San Buenaventura, Project No. 2100-052* (filed March 31, 2006); and

- *Comments of the State Water Contractors in Support of Settlement, Project No. 2100-052* (filed April 26, 2006).

### **2.3.5 Other Stakeholder Organizations**

The following stakeholder organizations are parties to the SA:

- American Rivers;
- American Whitewater;
- Berry Creek Citizens Association;
- California State Horsemen's Association;
- California State Horsemen's Association Region II;
- Chico Paddleheads;
- Citizens for Fair and Equitable Recreation;
- Feather River Low Flow Alliance;
- International Mountain Bicycling Association;
- Lake Oroville Bicyclist Organization;
- Oroville Area Chamber of Commerce;
- Oroville Downtown Business Association;
- Oroville Economic Development Corporation;
- Oroville Recreation Advisory Committee; and
- Oroville Rotary Club.

These and other stakeholder organizations filed comments in support of the SA, including:

- *Comments of Folsom-Auburn Trail Riders Action Coalition, Project No. 2100-000* (filed February 9, 2006);
- *Comments of WTB, Project No. 2100-000* (filed March 28, 2006);
- *Comments of Lake Oroville Trail Users Coalition, Project No. 2100-000* (filed March 30, 2006) (consisting of the California State Horsemen's Association Region 2, High Mt. Riders, Desperado Horse Club, International Mountain

Bicycling Association, Lake Oroville Bicyclist Organization, Chico Mountain Bikers, Bicyclist of Nevada County, Redding Mountain Bikers, Trail Walkers Organization, Lake Oroville Tri Club, and Folsom-Auburn Trail Riders Action Coalition);

- *Motion to Intervene of International Mountain Bicycling Association, Project No. 2100-052* (filed March 31, 2006);
- *Motion to Intervene of California State Horsemen's Association, Region II, Project No. 2100-052* (filed March 31, 2006);
- *Motion to Intervene of California State Horsemen's Association, Project No. 2100-052* (filed March 31, 2006);
- *Motion to Intervene of Lake Oroville Bicyclist Organization, Project No. 2100-052* (filed March 31, 2006);
- *Comments of Northern California Mountain Bicycling Association, Project No. 2100-000* (filed April 1, 2006);
- *Comments of Oroville Economic Development Corp., Project No. 2100-000* (filed April 12, 2006); and
- *Motion to Intervene of American Rivers, American Whitewater, and the Chico Paddleheads, Project No. 2100-052* (filed March 31, 2006).

### **2.3.6 Individual Members of the Public**

Arthur G. Baggett Jr. and D. C. Jones executed the SA. Of these, D. C. Jones filed comments in support of the Settlement; see *Comments of DC Jones, Project No. 2100-000* (filed April 26, 2006). Scores of non-settling individuals filed comments in support of the Application, SA, Recreation Management Plan, and/or the Comprehensive Non-Motorized Trails Management Program, including:

- *Comments of Buck & Nancy Jackson, Project No. 2100-000* (filed February 7, 2006);
- *Comments of Ted Stroll, Project No. 2100-000* (filed February 7, 2006);
- *Comments of Arin Murphy, Project No. 2100-000* (filed February 7, 2006);
- *Comments of Fay Verle, Project No. 2100-000* (filed February 8, 2006);
- *Comments of Don Jones, Project No. 2100-000* (filed February 9, 2006);
- *Comments of Craig Stradley, Project No. 2100-000* (filed March 27, 2006);
- *Comments of Julie Small, Project No. 2100-000* (filed March 28, 2006);

- *Comments of Aaron D. Thies, Project No. 2100-000* (filed March 28, 2006);
- *Comments of Steven J. Callaway, Project No. 2100-000* (filed March 28, 2006);
- *Comments of Sara Taddo, Project No. 2100-000* (filed March 28, 2006);
- *Comments of David Emery, Project No. 2100-000* (filed March 28, 2006);
- *Comments of Susan Hughes, Project No. 2100-000* (filed March 28, 2006);
- *Comments of Douglass G. Perska, Project No. 2100-000* (filed March 28, 2006);
- *Comments of John Touchette, Project No. 2100-000* (filed March 28, 2006);
- *Comments of John Shoun, Project No. 2100-000* (filed March 28, 2006); and
- *Comments of Doug Baker, Project No. 2100-000* (filed March 29, 2006).

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