



## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

**[Project No. 2246-104]**

#### **Yuba County Water Agency**

#### **Notice of Application for a Variance under Article 33d Accepted for Filing,**

#### **Soliciting Comments, Motions to Intervene, and Protests**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Application Type: Application for Temporary Variance of 2026 Pulse Flow Requirement
- b. Project No: 2246-104
- c. Date Filed: July 29, 2025
- d. Applicant: Yuba County Water Agency
- e. Name of Project: Yuba River Hydroelectric Project
- f. Location: The project is located on the Middle Yuba River, North Fork Yuba River, and Oregon Creek in Nevada, Yuba, and Sierra

counties, California. The project occupies federal lands managed by the U.S. Department of Agriculture, Forest Service.

- g. Filed Pursuant to: Federal Power Act, 16 USC 791a - 825r
- h. Applicant Contact: Willie Whittlesey, General Manager, Yuba County Water Agency, 1220 F Street, Marysville, California 95901, [wwhittlesey@yubawater.org](mailto:wwhittlesey@yubawater.org), (530) 741-5000
- i. FERC Contact: Brian Bartos, (202) 502-6679, [brian.bartos@ferc.gov](mailto:brian.bartos@ferc.gov)
- j. Cooperating agencies: With this notice, the Commission is inviting federal, state, local, and Tribal agencies with jurisdiction and/or special expertise with respect to environmental issues affected by the proposal, that wish to cooperate in the preparation of any environmental document, if applicable, to follow the instructions for filing such requests described in item k below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of any environmental document cannot also intervene. See 94 FERC ¶ 61,076 (2001).
- k. The deadline for filing comments, motions to intervene, and protests is **September 18, 2025, 5:00pm Eastern Time.**

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number **P-2246-104**. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

1. Description of Request: The applicant requests a temporary variance of its winter pulse flow requirement. Specifically, the licensee proposes to forego its required 1,000

cubic feet per second (cfs) pulse flow into the lower Yuba River from January 1-15, 2026, and to instead release a flow of 700 cfs. In addition, the licensee requests that compliance during the variance period be based on the 5-day running average of daily average flows, with the 15-minute flow not less than 90 percent of the adjusted flow requirement. The licensee requests the variance to make the best possible use of water supplies in the lower Yuba River should dry conditions continue. The reduced water releases will create a 'water savings' of approximately 8,926 acre-feet. The licensee proposes to use these water savings to augment a spring pulse flow, or a similar scenario, sometime between the issuance of the April B120 forecast and May 15, in consultation with the resource agencies under a 2026 Supplementary Operational Agreement, if certain storage criteria are met in New Bullards Bar Reservoir.

m. Locations of the Application: This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. Filing and Service of Documents: Any filing must (1) bear in all capital letters the title “COMMENTS”, “PROTEST”, or “MOTION TO INTERVENE” as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

q. The Commission’s Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, community organizations, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests

for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or  
OPP@ferc.gov.

Dated: August 19, 2025.

**Carlos D. Clay,**

*Deputy Secretary.*

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