

**APPENDIX B**

**FOREST SERVICE PRELIMINARY 4(e) CONDITIONS**

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December 1, 2003

Via Electronic Filing

Ms. Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D. C. 20426

Subject: **FOREST SERVICE PRELIMINARY 4(e) CONDITIONS**  
**PG&E – Upper North Fork Feather River Project FERC No. 2105**

Dear Ms. Salas:

Enclosed for filing are the Forest Service Preliminary Terms and Conditions for inclusion in a new license for this project as well as comments, recommendations and rationale pursuant to Sections 4(e) and 10(a) of the Federal Power Act. This filing is in response to your notice of "Ready for Environmental Assessment" (REA) dated August 25, 2003.

The preliminary "4(e) license conditions" and "10(a) recommendations" contained in this document were developed by comparing the "desired condition" (the condition towards which we are trying to move the resources) with our knowledge of the existing condition of the resource (the state of the resources today). Comprehensive Forest Plan direction, Forest Service policy, rules, laws, and regulations were used as the basis for determining the desired conditions. The results of many studies completed by the Pacific Gas and Electric Company (Licensee), Forest Service data collection, observations of the affected resources and professional judgment were used as the basis for determining the existing resource condition. The Forest Service has used this comparison of "Existing" to "Desired" resource condition as a measure of project affects throughout much of the relicensing process.

Where the "desired" and "existing" resource conditions are not the same, the objective is to move the resources towards the "desired" condition. Where this difference can be demonstrated to result from direct or indirect effects of the Upper North Fork Feather River Project (Project), "4(e) license conditions" or "10(a) recommendations" are prescribed in this document to narrow the gap. The Forest Service has prescribed mandatory 4(e) license conditions and explanatory rationale where there is a direct or indirect linkage between the project and effects to National Forest System lands. Optional 10(a) recommendations and a rationale are provided for your consideration, where project effects are not directly or indirectly affecting National Forest System lands.

Some Licensee study results concerning the feasibility of delivering cooler water into project reaches are not yet complete. When results are received and interpreted, they could alter our concerns about specific resources. Any changes necessitated by additional scientific information will be incorporated into our Final 4(e) Terms and Conditions, or if still not complete at that time, into a Final 4(e) license condition that will allow for modification, if necessary, when study results are available.

Enclosure 1 contains the Preliminary 4(e) Terms and Conditions found to be necessary for the adequate protection and utilization of the Lassen and Plumas National Forests. Applicable comprehensive plans include the Lassen and Plumas National Forest Land and Resource Management Plans, amendments to those plans including the "Sierra Nevada Forest Plan Amendment" and others.

The preliminary terms and conditions submitted herein are predicated on a new license term of 30 years. The Forest Service reserves the authority to submit revised terms and conditions in the event the Commission issues a license with a term exceeding 30 years.

Enclosure 2 contains the rationale for the 4(e) mandatory license conditions and 10(a) recommendations found in Enclosure 1. Appendix 1 of this enclosure contains ecosystem and management attributes for project reservoirs and reaches developed by a subgroup of the Upper North Fork Collaborative. The appendix also contains a brief description of the rationale used for selection of each attribute. Appendix 2 contains applicable goals and direction for the Lassen and Plumas National Forests.

The Forest Service will issue final terms and conditions and supporting information for the Upper North Fork Feather River project within 60 days of publication of the draft Environmental Impact Statement (DEIS) prepared by the Commission, if we determine that the DEIS provides an adequate record to support our Section 4(e) Conditions. If we determine that the record is incomplete at the DEIS stage, the Forest Service will file Final Section 4(e) Conditions within 60 days of publication of the Final EIS.

The Forest Service is submitting a rationale (Enclosure 2) for the Preliminary License Terms and Conditions in an effort to provide the FERC with an adequate explanation of the relationship of these measures to comprehensive plan direction and the connection to National Forest System lands. The submittal is in compliance with the 2001 Interagency Task Force (ITF) "NEPA Procedures in FERC Hydroelectric Licensing" Report. Due to the complexity of this Project, the Forest Service recommends a "clarification meeting", as allowed in the ITF documents. Specifically, the Forest Service requests staff review of Section 4(e) conditions as they relate to project features, the project boundary, and National Forest System lands, so that the Forest Service may clarify any conditions that appear to be in conflict with the Commission's interpretation of Section 4(e) of the Federal Power Act.

**Please contact Mike Taylor, Forest Hydroelectric Coordinator, Feather River Ranger District, Plumas National Forest at (530) 532-7427 if you have questions concerning this submittal.**

**Sincerely,**

**/s/**

**Jack Gipsman**

**Attorney for the Forest Service**

**Enclosures**

**cc: Mike Taylor, Feather River Ranger District, Plumas NF  
Bob Hawkins, RHAT  
Service List**

## **Enclosure 1**

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Enclosure 1

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## ENCLOSURE 1

### **UPPER NORTH FORK FEATHER RIVER HYDROELECTRIC PROJECT, FERC No. 2105**

#### **PACIFIC SOUTHWEST REGION, USDA FOREST SERVICE**

#### **PRELIMINARY 4(e) TERMS AND CONDITIONS**

#### **General**

License articles contained in the Federal Energy Regulatory Commission's (Commission) Standard Form L-1 issued by Order No. 540, dated October 31, 1975, cover those general requirements that the Secretary of Agriculture, acting by and through the Forest Service, considers necessary for adequate protection and utilization of the land and related resources of the Lassen and Plumas National Forests. For the Forest Service's determination<sup>1</sup> under Section 4(e) of the Federal Power Act (16 U.S.C. 797(e)), the purposes for which National Forest System lands were created or acquired shall be the protection and utilization of those resources enumerated in the Organic Administration Act of 1897 (30 Stat. 11), the Multiple-Use Sustained Yield Act of 1960 (74 Stat. 215), the National Forest Management Act of 1976 (90 Stat. 2949), and any other law specifically establishing a unit of the National Forest System or prescribing the management thereof (such as the Wilderness Act or the Wild and Scenic Rivers Act), as such laws may be amended from time to time, and as implemented by regulations and approved Forest Plans prepared in accordance with the National Forest Management Act. Therefore, pursuant to section 4(e) of the Federal Power Act, the following conditions covering specific requirements for protection and utilization of National Forest System lands shall also be included in any license amendment issued.

*The Forest Service, several federal, state, and county agencies as well as representative of Non Governmental Organizations have met with the licensee for the purpose of completing a project settlement agreement. Discussions continue with the expectation that agreement on many topics will be achieved. The Forest Service intends to prescribe as Section 4(e) conditions the protection, mitigation, and enhancement measures (PM&E) being discussed in the settlement process that are within Forest Service jurisdiction. Some minor wording has been added to clarify the Forest Service role in implementing and approving actions specified in the conditions. Wording that has been italicized in each of these conditions indicates that the Forest Service determined that this portion of*

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<sup>1</sup> Section 4(e) of the Federal Power Act states the Commission may issue a license for a project within a reservation only if it finds that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired. This is an independent threshold determination made by FERC, with the purpose of the reservation defined by the authorizing legislation or proclamation (See *Rainsong v. FERC*, 106 F.3d 269 (9<sup>th</sup> Cir 1977)). The Forest Service may rely on broader purposes than those contained in the original authorizing statutes and proclamations in prescribing conditions (See *Southern California Edison v. FERC*, 116F.3d 507 (D.C. Cir. 1997)).

the condition was not within its jurisdiction; however, the Forest Service fully supports the italicized wording and recommends it be included in the license under Section 10(a) of the Federal Power Act.

### **STANDARD FOREST SERVICE PROVISIONS**

#### **Condition No. 1 – Requirement to Obtain a Forest Service Special-Use Authorization**

The Licensee shall obtain a new special-use authorization from the Forest Service for the occupancy and use of National Forest System lands currently authorized by special-use permit or for National Forest System lands added to the licensed area. The licensee shall obtain the executed authorization before beginning ground-disturbing activities on National Forest System lands or within 6 months of license issuance if no construction or reconstruction was proposed in the application for license.

The licensee may commence ground-disturbing activities authorized by the licensee and special-use authorization no sooner than 60 days following the date the licensee files the Forest Service special-use authorization with the Commission, unless the Commission prescribes a different commencement schedule.

In the event there is a conflict between any provision of the license and Forest Service special-use authorization, the special-use authorization shall prevail to the extent that the Forest Service, in consultation with the Commission, deems necessary to protect and utilize National Forest System resources.

#### **Condition No. 2 - Forest Service Approval of Final Design**

Prior to undertaking activities on National Forest System lands, the Licensee shall obtain written approval from the Forest Service for all final design plans for project components that the Forest Service deems as affecting or potentially affecting National Forest System lands and resources. As part of such prior written approval, the Forest Service may require adjustments in final design plans and facility locations to preclude or mitigate impacts and to assure that the project is compatible with on-the-ground conditions. Should the Forest Service, the Commission, or the Licensee determine that necessary changes are a substantial change, the Licensee shall follow the procedures of Condition 3 of the license. Any changes to the license made for any reason pursuant to Condition 3 or Condition 4 shall be made subject to any new terms and conditions the Secretary of Agriculture may make pursuant to section 4(e) of the Federal Power Act.

### **Condition No. 3 - Approval of Changes After Initial Construction**

Notwithstanding any license authorization to make changes to the project, the Licensee shall obtain written approval from the Forest Service prior to making any changes in any constructed project features or facilities, or in the uses of project lands and waters the Forest Service deems as affecting or potentially affecting National Forest System lands and resources. Following receipt of such approval from the Forest Service, and a minimum of 60-days prior to initiating any such changes, the Licensee shall file a report with the Commission describing the changes, the reasons for the changes, and showing the approval of the Forest Service for such changes. The Licensee shall file an exact copy of this report with the Forest Service at the same time it is filed with the Commission. This article does not relieve the Licensee from the requirement for license amendment or other requirements of Condition 3 or Condition 4 of this license. Any changes to the license made for any reason pursuant to Condition 3 or Condition 4 shall be made subject to any new terms and conditions the Secretary of Agriculture may make pursuant to section 4(e) of the Federal Power Act.

### **Condition No. 4 - Consultation**

Each year between March 15 and April 15, the Licensee shall consult with the Forest Service with regard to measures needed to ensure protection and utilization of the National Forest System lands and resources affected by the Project. Within 60 days following such consultation, the Licensee shall file with the Commission evidence of the consultation with any recommendations made by the Forest Service. The Forest Service reserves the right, after notice and opportunity for comment, to require changes in the project and its operation through revision of the 4(e) conditions that require measures necessary to accomplish protection and utilization of National Forest lands and resources.

### **Condition No. 5 - Modification of Forest Service Conditions**

The Forest Service reserves the right to modify these conditions, if necessary, to incorporate changes necessitated by additional information provided by studies which have not been completed to date, by findings in the Project of new terrestrial or aquatic biota, and to respond to any Final Biological Opinion issued for this project by the United States Fish and Wildlife Service, or any Certification issued for this Project by the State Water Resources Control Board.

### **Condition No. 6 - Hazardous Substances Plan**

Within 6 months of license issuance, the Licensee shall file with the Commission, a Hazardous Substances Plan approved by the Forest Service for oil and hazardous substances storage and spill prevention and cleanup.

**At a minimum, the Licensee shall:**

- **Outline the Licensee's procedures for reporting and responding to releases of hazardous substances, including names and phone numbers of all emergency response personnel and their assigned responsibilities,**
- **Maintain in the project area, a cache of spill cleanup equipment suitable to contain any spill from the project,**
- **Semi-annually inform the Forest Service of the location of the spill cleanup equipment on National Forest System lands and of the location, type, and quantity of oil and hazardous substances stored in the project area; and,**
- **Inform the Forest Service immediately of the nature, time, date, location, and action taken for any spill affecting National Forest System lands and Licensee adjoining fee title property.**

#### **Condition No. 7 - Maintenance of Improvements**

**The Licensee shall maintain all its improvements and premises on National Forest System lands to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the Forest Service. The Licensee shall comply with all applicable Federal, State, and local laws, regulations, including but not limited to, the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., the Resources Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Control, and Liability Act, 42 U.S.C. 9601 et seq., and other relevant environmental laws, as well as public health and safety laws and other laws relating to the siting, construction, operation, maintenance of any facility, improvement, or equipment.**

#### **Condition No. 8 - Safety During Project Construction**

**Within 60-days of planned ground-disturbing activity, the Licensee shall file with the Commission a Safety During Construction Plan that identifies potential hazard areas and measures necessary to protect public safety. Areas to consider include construction activities near public roads, trails, and recreation areas and facilities.**

**The Licensee shall perform daily (or on a schedule otherwise agreed to by the Forest Service in writing) inspections of Licensee's construction operations on National Forest System lands and Licensee adjoining fee title property while construction is in progress. The Licensee shall document these inspections (informal writing sufficient) and shall deliver such documentation to the Forest Service on a schedule agreed to by the Forest Service. The inspections must specifically include fire plan compliance, public safety, and environmental protection. The Licensee shall act immediately to correct any items found to need correction.**

#### **Condition No. 9 - Existing Claims**

The license shall be subject to all valid claims and existing rights.

**Condition No. 10 - Compliance with Regulations**

The Licensee shall comply with the regulations of the Department of Agriculture and all Federal, State, county, and municipal laws, ordinances, or regulations in regard to the area or operations covered by this license, to the extent federal law does not preempt ordinances or regulations.

**Condition No. 11 - Protection of United States Property**

The Licensee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this license.

**Condition No. 12 - Surrender of License or Transfer of Ownership**

Prior to any surrender of this license, the Licensee shall restore National Forest System resources to a condition satisfactory to the Forest Service. In advance of the proposed surrender, the Licensee shall file a restoration plan for approval by the Forest Service. The restoration plan shall identify the measures to be taken to restore National Forest System resources and shall include adequate financial assurances such as a bond or letter of credit, to ensure performance of the restoration measures.

Any agreement made by the licensee to transfer or sell the License shall require the transferee or purchaser to post a bond to cover the cost of surrender and restoration of National Forest System resources. Prior to any request for approval from the commission for a sale or transfer of ownership of the license, the licensee shall pay for the cost of experts, selected by the Forest Service, to develop a restoration plan and estimate the cost of surrender and restoration. The licensee shall not request approval from the commission for the sale or transfer until the restoration plan and cost estimates are completed and the transferee or purchaser posts a bond, approved by the Forest Service, to cover the estimated cost of surrender and restoration.

**Condition No. 13 - Self Insurance**

The Licensee shall indemnify, defend, and hold the United States harmless for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the Licensee in connection with the use and/or occupancy authorized by this license. This indemnification and hold harmless provision applies to any acts and omissions of the Licensee or the Licensee's heirs, assigns, agents, employees, affiliates, subsidiaries, fiduciaries, contractors, or lessees in connection with the use and/or

occupancy authorized by this license which result in: (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to environmental laws such as the Comprehensive Environmental Response Compensation and Liability Act, Resource Conservation and Recover Act, Oil Pollution Act, Clean Water Act, Clean Air Act; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous substances, pollutant, contaminant, or oil in any form in the environment.

#### **Condition No. 14 - Water Pollution**

Unless authorized by the State, the Licensee shall discharge no waste or byproduct if it contains any substances in concentrations that would result in violation of water quality standards set forth by the State; would impair present or future beneficial uses of water; would cause pollution, nuisance, or contamination; or would unreasonably degrade the quality of any waters in violation of any federal or state law. During any new construction, the Licensee shall prevent water pollution by using management practices identified as necessary by the Forest Service.

#### **Condition No. 15 - Damage - High Hazard**

The Licensee is hereby made liable for all injury, loss, or damage to the United States land and property, including but not limited to fire suppression costs, directly or indirectly resulting from or caused by the Licensee's power lines covered by this license, or any other high risk use and occupancy of the area covered by this license, regardless of whether the Licensee is negligent or otherwise at fault, provided that the maximum liability without fault shall not exceed \$1,000,000 for any one occurrence, and provided further that the Licensee shall not be liable when such injury, loss, or damage results wholly, or in part, from a negligent act of the United States, or from an act of a third party not involving the facilities of Licensee.

Determination of liability for injury, loss, or damage, including fire suppression costs, in excess of the specified maximum, shall be according to the laws governing ordinary negligence.

#### **Condition No. 16 - Risks and Hazards**

The Licensee is responsible for inspecting its site, right of way and immediate adjoining area for dangerous trees, hanging limbs, and other evidence of hazardous conditions and is responsible for removing such hazards, after securing permission from the Forest Service, except in an emergency where there is an imminent risk of death or injury to the public or damage to facilities in which case the Licensee shall notify the Forest Service of the action as soon as possible.

### **Condition No. 17 - Signs**

The Licensee shall consult with the Forest Service prior to erecting any signs on National Forest System lands relating to this license. The Licensee must obtain the approval of the Forest Service as to the location, design, size, color, and message. The Licensee shall be responsible for maintaining all Licensee erected signs to neat and presentable standards.

### **Condition No. 18 - Pesticide-Use Restrictions**

Pesticides shall not be used to control undesirable woody and herbaceous vegetation, aquatic plants, insects, or rodents, undesirable fish, etc., without the prior written approval of the Forest Service. The Licensee shall submit a request for approval of planned uses of pesticides. The request must cover annual planned use and be updated as required by the Forest Service. The Licensee shall provide information essential for review in the form specified by the Forest Service. Exceptions to this schedule may be allowed only when unexpected outbreaks of pests require control measures that were not anticipated at the time the request was submitted. In such an instance, an emergency request and approval may be made.

The Licensee shall use on National Forest System land only those materials registered by the U.S. Environmental Protection Agency for the specific purpose planned. The Licensee must strictly follow label instructions in the preparation and application of pesticides and disposal of excess materials and containers.

### **Condition No. 19 - Traffic Control During Construction**

When construction is in progress adjacent to or on Forest Service controlled roads open to public travel, the Licensee shall furnish, install, and maintain temporary traffic controls to provide the public with adequate warning and protection from hazardous or potentially hazardous conditions associated with the Licensee's operations. Device must be appropriate to current conditions and must be covered or removed when not needed. Except as otherwise agreed, flaggers and devices must be as specified in the "Manual on Uniform Traffic Control Devices for Streets and Highways".

### **Condition No. 20 - Access By The United States**

The United States shall have unrestricted use of any road constructed within the project area for all purposes deemed necessary or desirable in connection with the protection, administration, management, and utilization of Federal lands or resources. The United States shall have the right to extend rights and privileges for use of the right-of-way and road thereon to States and local subdivisions thereof, as well as to other users, including

members of the public, except contractors, agents and employees of the Licensee. The agency having jurisdiction shall control such use so as not unreasonably to interfere with use of the road by the Licensee.

**Condition No. 21 - Road Use**

The Licensee shall confine all project vehicles, including but not limited to administrative and transportation vehicles, and construction and inspection equipment, to roads or specifically designed access routes. The Forest Service reserves the right to close any and all such routes where damage is occurring to the soil or vegetation, or if requested by Licensee, to require reconstruction/construction by the Licensee to the extent needed to accommodate the Licensee's use. The Forest Service agrees to provide notice to the Licensee and the Commission prior to road closures, except in an emergency, in which case notice will be provided as soon as practicable.

**Condition No. 22 – Project Access Roads**

The licensee shall, in consultation with the Forest Service, take appropriate measures to rehabilitate existing erosion damage and minimize further erosion of the non-public Project access roads on National Forest System lands. Gates or other vehicle control measures will be installed where necessary to achieve erosion protection or other resource protection needs.

**Condition No. 23 – Access**

The Forest Service reserves the right to use or permit others to use any part of the license area on National Forest System lands for any purpose, provided such use does not interfere with the rights and privileges authorized by this license or the Federal Power Act.

**Condition No 24 – Erosion Control Plan for New Construction and Measures for Project Maintenance and Operations**

During planning and prior to any new ground-disturbing construction or non-routine maintenance not addressed in an existing plan that may affect National Forest System lands (including but not limited to any recreation-related construction), the licensee shall file with the Commission, a plan approved by the Forest Service for the control of erosion, stream sedimentation, dust, and soil mass movement. The Forest Service may require changes to the plan to ensure adequate protection of the environmental, scenic, and cultural values of the Project area.

**Condition No. 25 - Modification of Forest Service Conditions**

The Forest Service reserves the right to modify these conditions, if necessary, to incorporate changes necessitated by additional information provided by studies which have not been completed to date, by findings in the Project of new noxious terrestrial or aquatic biota, and to address new listings of Threatened, Endangered, and other special status species in the Project.

**Condition No. 26 – Fire Prevention and Response Plan**

The Licensee shall file with the Commission, within one year following the issuance of the Commission license, a Fire Prevention and Response Plan approved by the Forest Service which shall set forth in detail the plan for prevention, reporting, control, and extinguishing of fires in the vicinity of the Licensee's project. Such plans shall be reviewed and revised at intervals of not more than three years.

**Condition No. 27 - Minimum Instream Flow Regime**

A. **Minimum Streamflows.** For the preservation and improvement of aquatic resources in the Project area, Licensee shall maintain specified Minimum Streamflows and Pulse Flows below Project dams as measured at gages NF-2 and NF-70 in accordance with the Tables A-1 and A-2 below. The Minimum Streamflows identified are minimum release requirement as per paragraph E. Streamflows in Table A-2 may need to be increased (adjusted) to achieve water temperatures protective of cold-water habitat, as determined to be under the reasonable control of Project Operation. Minimum Streamflows shall commence within 60 days of the issuance of the new license, unless facility modifications are required.

**Table A-1. Releases from Canyon Dam**

|        | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| CD     | 75  | 75  | 90  | 90  | 90  | 80  | 75  | 60  | 60  | 60  | 60  | 70  |
| Dry    | 90  | 100 | 110 | 110 | 110 | 110 | 80  | 70  | 60  | 60  | 60  | 75  |
| Normal | 90  | 100 | 125 | 125 | 125 | 125 | 90  | 80  | 60  | 60  | 60  | 75  |
| Wet    | 90  | 100 | 125 | 150 | 150 | 150 | 95  | 80  | 60  | 60  | 60  | 75  |

**Table A-2. Releases from Belden Dam**

|        | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| CD     | 105 | 130 | 170 | 180 | 185 | 90  | 80  | 75  | 75  | 75  | 85  | 90  |
| Dry    | 135 | 140 | 175 | 195 | 195 | 160 | 130 | 110 | 100 | 100 | 110 | 115 |
| Normal | 140 | 140 | 175 | 225 | 225 | 225 | 175 | 140 | 140 | 120 | 120 | 120 |
| Wet    | 140 | 140 | 180 | 235 | 235 | 225 | 175 | 140 | 140 | 120 | 120 | 120 |

*Where facility modification is required to implement the efficient release of Minimum Streamflows, the Licensee shall submit applications for permits within one year of issuance of the new license and complete such modifications as soon as reasonably practicable but no later than two years after receipt of all required permits and approvals. Prior to completion of such required facility modifications, the Licensee shall make a good faith effort to provide the specified minimum stream flows within the capabilities of the existing facilities. The requirements of this article are subject to temporary modification if required by equipment malfunction, emergency conditions or as directed by law enforcement authorities, or critical electric system emergency reasonably beyond the control of the Licensee.*

**B. Streamflows in Lower Butt Creek.** Licensee shall take no action to reduce dam, tunnel leakage, spring or other natural flows that currently provide inflow to Lower Butt Creek below the Butt Valley Dam unless directed to do so by the Commission. As part of any such order, any negative impact that a reduction in flow would have on the ecology of Lower Butt Creek will be considered.

**C. Pulse Flows in North Fork Feather River.** Pulse flows and gravel monitoring will be implemented in the Seneca and Belden Reaches to further assist in the preservation and improvement of aquatic conditions in the Project area.

**1. Pulse Flows.** Licensee shall provide one pulse flow release from both Canyon Dam (Seneca Reach) and Belden Forebay Dam (Belden Reach) in January, February and March if the forecasted Water Year Type for that month, as defined in Condition 28, indicates that the water year is anticipated to be either Normal or Wet. No pulse flows are required in months where the Water Year Type forecast for that month indicates that the water year will be either Dry or Critically Dry. No pulse flows will be required in the respective reach if two successive days of water temperature greater than 10 degrees C are measured at NF2 or NF70, or rainbow trout spawning is observed and reported to Licensee by the California Department of Fish and Game or Forest Service in the Seneca or Belden Reaches. In both the Seneca and Belden Reaches, pulse flows shall be implemented such that the release volume is no more than 1800 acre feet for each pulse flow event. The typical schedule is to increase the streamflow at the Basic Ramping Rate to reach the peak streamflow, and hold the peak streamflow for 12 hours. The peak streamflow is variable by month and water year type as follows: 675 cfs in January of Wet and Normal water years; 1000 cfs in

February and March of Normal water years, and 1200 cfs in February and March of Wet water years. After the peak streamflow is complete, streamflow is reduced at the Basic Ramping Rate until 400 cfs is reached, held at that streamflow for 6 hours, and then reduced at the Basic Ramping Rate until the minimum streamflow specified in Paragraph 1) above is reached. The 6-hour period of constant streamflow during the ramp down shall occur between 9 am and 3 pm of a weekend to allow recreational boating opportunities. A similar schedule shall be implemented in January and February of Normal and Wet years, but without the period of constant flow during the ramp down. In the Belden reach, no period of constant flow during the ramp down is required in any month.

**2. Gravel Monitoring Plan.** The Licensee shall, within 12 months of license issuance, develop and implement a Pulse Flow Monitoring Plan, in consultation with the Forest Service, California Department of Fish and Game, U. S. Fish and Wildlife Service, and State Water Quality Control Board, and other Parties that has been approved by the Forest Service, and filed with the Commission. The plan shall evaluate movement of sediment that occurs during scheduled pulse flow events and other flow events of a similar magnitude as scheduled pulse flows. Emphasis shall be placed on monitoring the movement of spawning-sized gravel and recruitment of similar-sized material into the Belden and Seneca Reaches. If, after consultation with the Forest Service, California Department of Fish and Game, U. S. Fish and Wildlife Service, and State Water Quality Control Board, the resource agencies determine that the pulse flows appear to have a detrimental impact on the availability and distribution of spawning-sized gravel, or it appears that a pulse flow of a different magnitude or duration would be beneficial, the pulse flow schedule shall be altered to better achieve the desired results. The proposed, revised schedule of pulse flows shall be approved by the FS and filed with the Commission. Regardless of changes made to the magnitude and duration of a pulse flow, the total volume of water that is allocated for pulse flows in each year shall not increase beyond the volume described in Paragraph C 1.

**D. Pulse Flows in Lower Butt Creek.** If determined to be necessary as per item G below, licensee shall provide pulse flows via use of the Butt Valley Reservoir spillway or an acceptable alternative. The magnitude, ramping, and duration of the pulse flow[s] will be determined in consultation with the Forest Service, U. S. Fish and Wildlife Service, State Water Resources Control Board, California Department of Fish and Game and Parties and will consider the need to adequately move desired particle size material to the confluence with the Seneca Reach and address woody debris and live vegetation concerns. The timing of any pulse flows shall be coordinated and occur simultaneously with pulse flows in the Seneca Reach.

**E. Streamflow Measurement.** For the purpose of determining the river stage and Minimum Streamflow below Canyon Dam and Belden Forebay Dam, Licensee shall operate and maintain the existing gages at NF-2 and NF-70 (USGS gages 11399500 and 11401112, respectively) consistent with all requirements of Commission and under the supervision of the USGS. Any modification of the gage facilities at NF-2 and NF-70 that

may be necessary to measure the new Minimum Streamflow releases shall be completed within three years after issuance of the new license. Individual mean daily flows shall be equal to or greater than the monthly Minimum Streamflow. The instantaneous 15-minute streamflow at the compliance gage shall be at least 90 percent of the Minimum Streamflow for the applicable monthly Minimum Streamflow.

**F. Ramping Rates.** For the preservation and improvement of aquatic resources in the Project area, Licensee shall control river flows by ramping streamflow releases from Project dams as provided in this Paragraph. Ramping rates shall not apply to releases from Project Powerhouses or unregulated spills from Project dams.

**1. Basic Ramping Rates.** During periods when ramping can be controlled, Ramping Rates shall apply to releases made from Canyon Dam and Belden Dam. Ramping Rates shall be followed during releases made to provide winter pulse flows and summer recreation flows, and all other releases from dams that the Licensee makes for operational purposes. Monthly changes in Minimum Streamflow releases shall be made in a single step because the change is always less than the Basic Ramping Rate criterion. Licensee shall follow the Ramping Rate as close as reasonably practicable given gate and other operating limitations:

Canyon Dam: 0.5 ft/hr up and down, in all months, as measured at NF 2; and  
Belden Dam: 0.5 ft/hr up and down, in all months, as measured at NF-70.

Changes in Canyon Dam streamflow releases, because of gate size and other factors, may exceed the Ramping Rate in any particular hour, but Licensee shall make a good faith effort to return to the overall Basic Ramping Rate curve in the next and subsequent hours.

**2. Revision to Ramping Rates.** In the event that studies or monitoring that may be required during the term of the License result in changes to the Basic Ramping Rate, the new ramping rates shall not result in an increase in the total volume of water that is required to be released when the new Ramping Rates are applied to Pulse Flows or Recreation River Flows. Rather, if necessary, the volume of water required to accommodate the new Ramping Rates shall be made up by decreasing the volume and/or timing of Pulse Flows, Recreation River Flows or Minimum Streamflows such that the total volume of water required to be released remains the same.

**3. Unit Trips.** Licensee shall make a good faith effort to control streamflow releases to stay within the Basic Ramping Rates but shall not be in violation of the Basic Ramping Rates in the event that the specified rates are exceeded due to a unit tripping off-line, and subsequent restoration, or other conditions beyond the reasonable control of Licensee.

**G. Belden Block Loading.** To minimize (1) the frequency of fluctuation in the river stage and (2) help meet Basic Ramping Rates at downstream Licensee dams, Licensee shall block load Belden Powerhouse at times when the Rock Creek Dam is spilling water

in excess of the Minimum Streamflows required under the License for Project No. 1962 but less than 3,000 cfs. Under block loading a unit's generation level is not cycled but rather set at a constant level for a predetermined period of time. Licensee shall not be required to implement or continue this operation if the gate controls at downstream Licensee dams are shown to be able to meet the Ramping Rates specified in the Project 1962 License without such block loading. If the draft through Belden Powerhouse needs to be increased or decreased from block loading levels between 0 and 40 MW, Licensee shall, to the extent reasonably feasible, make adjustments to Belden Powerhouse flows so as not to exceed Ramping Rates specified in the Project 1962 license. Because of operational constraints that limit Licensee's ability to operate Belden Powerhouse between 40 and 70 MW, Licensee shall not be required to comply with the Basic Ramping Rates if a transition through these MW levels is needed. Licensee will attempt to accomplish this transition with as little impact on the Basic Ramping Rates as reasonably feasible.

**H. Lower Butt Creek Monitoring.** In addition to maintaining gages at NF-2 and NF-70 as provided in Paragraph E discussed above, Licensee shall rehabilitate, as necessary, and maintain an existing gage located on Lower Butt Creek designated by Licensee as NF-9. An approximate rating curve shall be maintained but the gage and the data collected at the gage shall not be required to meet USGS standards. This gage shall be read each year on or about April 1, June 1, August 1 and October 1. If it is determined during the course of the study conducted under the plan to be developed as outline below that the Lower Butt Creek weir is acting to block fish passage, then removal or modification of the existing weir shall be evaluated, and implementation of the removal or modification shall be completed within one year of the determination. Within 12 months of license issuance, Licensee shall, in consultation with the Forest Service, U. S. Fish and Wildlife Service, State Water Resources Control Board and California Department of Fish and Game, develop and submit to the Commission for approval, a plan to monitor and assess aquatic habitat quality in Lower Butt Creek between Butt Valley Dam and the confluence with the North Fork Feather River. This plan shall include evaluation of habitat quality at intervals of 3 to 5 years, depending on water-year magnitude and other appropriate factors. If the Licensee, in consultation with the Forest Service, U. S. Fish and Wildlife Service, State Water Resources Control Board and California Department of Fish and Game, concludes that habitat quality in Lower Butt Creek has degraded and that a pulse flow would provide a significant benefit, then Paragraph E above shall be implemented.

**I. Seneca and Belden Reach Habitat Monitoring.** Between 10 and 12 years after license issuance, Licensee shall initiate a cooperative aquatic monitoring program with the Forest Service, U. S. Fish and Wildlife Service, State Water Resources Control Board, and California Department of Fish and Game, and sampling shall occur every two years over a six-year period for a total of 3 sampling periods. The program shall include monitoring of fish populations and benthic macroinvertebrates in at least three sites in each reach. Sampling may be deferred to the following year in the event of a Critically Dry year. Licensee shall provide results of the monitoring and recommendations shall be distributed to the Commission, Forest Service, U. S. Fish and Wildlife Service, State

Water Resources Control Board, California Department of Fish and Game, and Parties.

**Condition No. 28 - Water Year Type**

Reservoir operating levels, Minimum Streamflows, pulse flow occurrence, and recreation flows may vary depending on the predicted magnitude of the annual runoff from the river basin. Water years have been classified into four Water-Year Types based on the California Department of Water Resources (DWR) records of annual inflow to Lake Oroville (Oroville) from 1930-1999: Wet, Normal, Dry, and Critically Dry (CD). Licensee shall determine Water-Year Type based on the predicted, unimpaired inflow to Oroville and spring snowmelt runoff forecasts provided by Licensee and DWR each month from January through May. The Water-Year Types are defined as follows:

- Wet: Greater than or equal to 5,679 thousand acre-feet (TAF) inflow to Oroville.
- Normal: Less than 5,679 TAF, but greater than or equal to 3,228 TAF inflow to Oroville.
- Dry: Less than 3,228 TAF, but greater than or equal to 2,505 TAF inflow to Oroville.
- CD: Less than 2,505 TAF inflow to Oroville.

Licensee shall make a forecast of the Water-Year Type on or about January 10, notify the Forest Service, U. S. Fish and Wildlife Service, State Water Resources Control Board, California Department of Fish and Game, and Plumas County within 15 days, and operate for the remainder of that month and until the next forecast based on that January forecast. New forecasts will be made on or about the tenth of February, March, April, and May after the snow surveys are completed, and operations will be changed as appropriate. In making the forecast each month, average precipitation conditions will be assumed for the remainder of the water year. The May forecast shall be used to establish the Water-Year Type for the remaining months of the year and until the next January 10, when forecasting shall begin again. Licensee shall provide notice to the Commission, Forest Service, U. S. Fish and Wildlife Service, State Water Resources Control Board, California Department of Fish and Game, Plumas County, and other interested parties of the final Water Year Type determination within 15 days of making the determination.

**Condition No. 29 - Reservoir Operation**

**A. Water Level Management.** To meet the ecological, cultural, aesthetic, social, economic, recreational and Project operational needs, Licensee shall operate Project reservoirs in accordance with the following provisions. Lake level is defined as surface water elevation expressed in Pacific Gas and Electric datum and measured at Canyon Dam, Butt Valley Dam, and Belden Forebay Dam. Pacific Gas and Electric Company datum is 10.2 feet lower than the United States Geological Survey (USGS) datum. All elevations noted within this Condition are Pacific Gas and Electric Company datum.

**B. Lake Almanor Water Levels.** Lake Almanor is a multi-season reservoir that typically fills from January through June and is then drafted from July through December. Licensee shall operate Lake Almanor as follows:

- 1. Wet and Normal Water-Years.** Under Wet and Normal Water Year Types, Licensee shall operate Lake Almanor so that by May 31, the water surface elevation is at or above 4485.0 feet, corresponding to approximately 908,000 acre-feet (AF). From June 1 through August 31, Licensee shall operate Lake Almanor so that the water surface elevation is at or above 4485.0 feet, corresponding to approximately 908,000 AF.
- 2. Dry Water Years.** Under Dry Water Year Types. Licensee shall operate Lake Almanor so that by May 31, the water surface elevation is at or above 4483.0 feet, corresponding to approximately 859,000 AF. From June 1 through August 31, Licensee shall operate Lake Almanor so that the water surface elevation is at or above 4480.0, corresponding to approximately 787,000 AF.
- 3. Critically Dry Water Years.** Under Critically Dry Water Year Types, the Licensee shall operate Lake Almanor so that by May 31, the water surface elevation is at or above 4482.0 feet, corresponding to approximately 835,000 AF. From June 1 through August 31, Licensee shall operate Lake Almanor so that the water surface elevation is at or above 4480.0 feet, corresponding to approximately 787,000 AF.

**C. Butt Valley Reservoir Levels.** Under all Water-Year Types, Licensee shall operate Butt Valley Reservoir so that minimum water surface elevations from June 1 through September 30 are at or above elevation 4120.0 feet, corresponding to approximately 32,000 AF and from October 1 through May 30, are at or above elevation 4115.0 feet, corresponding to approximately 24,500 AF.

**D. Belden Forebay.** Under all Water-Year Types, Licensee shall operate Belden Forebay so that the minimum water surface elevation is 2905.0 feet, corresponding to approximately 300 AF.

**E. Multiple Dry Years.** In the event of multiple, sequential Dry or Critically Dry Water-Years, Licensee shall be allowed to decrease surface water levels beyond those specified in Paragraphs B through D. By March 10, Licensee shall notify the Forest Service, U. S. Fish and Wildlife Service, State Water Resources Control Board, California Department of Fish and Game, and Plumas County of the Licensee's drought concerns, and consult with representatives from the Forest Service, U. S. Fish and Wildlife Service, State Water Resources Control Board, California Department of Fish and Game, and Plumas County to discuss operational concerns and plans by May 1 of the second or subsequent Dry or Critically Dry water years and the year following the end of the sequence of Dry and/or Critically Dry years. *If agreement is reached between all parties, implementation of an operational plan may begin as soon as documentation of*

*the agreement is filed with the Commission. If unanimous agreement is not reached, Licensee shall submit the proposed plan to the Commission, as well as both assenting and dissenting comments, should they exist, and request expedited approval.*

**F. Temporary Modifications.** Licensee may modify the minimum water surface elevations specified in this Paragraph may occur upon agreement between the Licensee, Forest Service, U. S. Fish and Wildlife Service, State Water Resources Control Board, California Department of Fish and Game, and Plumas County for any of conditions listed below or, if a timely agreement is deemed not possible by Licensee, *upon Commission approval of a proposal filed by Licensee: Any agreement reached by the parties noted above may be implemented as soon as documentation of the agreement is filed with the Commission.* If Licensee provides a proposal to the Commission for approval, such proposal shall contain any comments or recommendations received from Forest Service, U. S. Fish and Wildlife Service, State Water Resources Control Board, California Department of Fish and Game and Plumas County. *Possible conditions that may warrant temporary modifications include:*

- 1. The California Independent System Operator (ISO) (or its successor) or the Federal Energy Regulatory Commission (Commission) determines that an extreme power shortage exists, and that drawing down Lake Almanor would help to alleviate the shortage.*
- 2. There is a threat to life or damage to property, or law enforcement activity is required.*
- 3. A natural disaster or "Act of God" occurs that threatens the integrity of the Project.*
- 4. Substantial maintenance or repair work on Project facilities is required.*

**G. Emergencies.** *In the event Licensee is required to take immediate action to prevent imminent loss of life or substantial property damage, Licensee is authorized to take such immediate action as may be necessary to reduce the risk.*

**H. Exercise of Licensee's Water rights.** *Nothing in this Condition is intended to 1) prevent or reduce Licensee's ability to fully deliver water to the State of California and Western Canal Water District according to the January 17, 1986 agreement between the State of California, Western Canal Water District, and Licensee or 2) prevent or reduce Licensee's ability to fully exercise its water rights for storage and direct diversion at its facilities.*

**I. Maximum Water Surface Elevation.** *In addition to the management procedures contained in Paragraph B, Licensee shall take such reasonable actions as may be prudent to keep the water surface elevation in Lake Almanor from exceeding elevation 4494.0 feet unless a higher level is approved by Commission and the California Department of Water Resources, Division of Safety of Dams.*

**J. Implementation of Water Level Requirements.** Licensee shall implement the requirements of this Condition within six month of license issuance.

**K. Lake Almanor Information.** Daily midnight storage and water surface elevation of Lake Almanor, rounded to the nearest 100 AF and tenth of a foot respectively and delayed between approximately 7 and 10 days shall be made available on the Internet through a third party or other mechanism.

**L. Annual Meeting With Plumas County.** *Licensee shall meet annually with a committee appointed by the Plumas County Board of Supervisors. The committee will be limited to four persons, and membership will be determined by the Plumas County Board of Supervisors. This meeting shall be held between March 15 and May 15 to allow Licensee to inform the committee about the Almanor lake levels predicted to occur between May 1 and September 30. In addition, should the provisions in Paragraph H be forecasted to occur, Licensee shall schedule within one month of the forecast, an additional meeting with the 2105 Committee.*

**Condition No. 30 - Notification and Minimization of Emergency and Planned Maintenance Outage Spill Plan**

The Licensee shall prepare within one year of license issuance, for Forest Service approval and filing with the Commission, a "Notification and Minimization of Emergency and Planned Maintenance Outage Spill Plan" (Plan), for the purpose of minimizing the negative ecological effects of uncontrolled high flows into project bypassed reaches resulting from emergency and planned hydropower facilities maintenance outages. The Plan shall include proposed potential measures for minimizing the magnitude and duration of planned and emergency outage spills into the Project reaches, including use of available storage within the Project and coordinated use of available storage upstream from the project.

During the license term, the Licensee shall provide written notification to the Forest Service 90 days prior to any planned or scheduled maintenance outages in the Upper North Fork Feather River Project bypassed reaches, including a description of Project and coordinated measures the Licensee plans to take to minimize the magnitude and duration of resulting spills into the Project reaches, and appropriate selection of the seasonal timing of the planned outage spill to lessen negative ecological effects. The Licensee shall not proceed with the planned maintenance outage without the formal written approval of the Forest Service. The Licensee shall document all scheduled outage spills and measures taken to minimize their magnitude and duration and documentation should be provided for the annual consultation meeting.

**Condition No. 31 - Water Quality Plan**

Within 90 days of license issuance, and in consultation with applicable Federal and State agencies, the Licensee shall file with the Commission a water quality plan that is approved by the Forest Service, as it relates to aquatic habitats managed by the Forest Service.

***A. Water Quality Study and Monitoring Plan***

- 1. Selected Water Quality Monitoring.*** *The Licensee shall conduct a study to identify the cause of high dissolved cadmium and specific conductance levels in waters of the UNFFR that were measured in 2002-2003. This monitoring effort will be conducted at 20 specified locations throughout the upper watershed, and will include analysis of dissolved cadmium, total hardness and in situ parameters (temperature, dissolved oxygen (DO), pH, specific conductance, and turbidity). Water quality monitoring will be conducted seasonally (spring, summer, and fall).*

*Water samples for dissolved cadmium analysis will be collected using the ultra clean field sampling techniques outlined in EPA Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels. Dissolved cadmium concentrations will be determined using EPA Method 1638: Determination of Trace Metals in Ambient Waters by Inductively Coupled Plasma – Mass Spectrometry.*

*Frequency: At a minimum, this monitoring will be conducted in years 1 and 2 following issuance of the project license. This monitoring program may be modified or terminated if agreed to by the Licensee and the participants listed in Paragraph B (4) that either cadmium or specific conductance levels are consistently below thresholds of concern or that the sources are non-project related.*

- 2. Bacteriological Sampling.*** *The Licensee shall conduct bacteriological monitoring (consistent with Basin Plan objectives for protection of the REC-1 beneficial uses) a total of 10 locations in the Upper North Fork Feather River Project boundaries. Sampling will include five annually rotating stations at Licensee-owned or managed recreation sites around Lake Almanor, three rotating stations at Licensee- or managed recreational sites around Butt Valley Reservoir, and two recreation sites on the UNFFR. Sampling locations will be selected based on criteria that include: (a) swimming and other water contact recreation activities are known to occur in the area, and (b) there are sources for potential introduction of pathogens to the water column in the immediate vicinity. Five samples will be collected at each of the 10 sampling locations during the 30-day period that spans either the Independence Day Holiday (June-July) or the Labor Day Holiday (August-September), using the five samples in 30-days methodology.*

*Frequency: Bacteriological monitoring will be conducted annually for the first five (5) years after issuance of the project license, then once every other year*

through the term of the license. The licensee and the participants listed in Paragraph B (4) will determine selection of sampling locations for each upcoming field season. A list of locations to be sampled shall be provided by the State Water Resources Control Board to the Licensee no later than May 31 of each designated sampling year. This monitoring program may be modified or terminated if agreed to by the licensee and the participants listed in Paragraph B (4).

3. **Fish Tissue Bioaccumulation Screening.** The licensee shall monitor the potential bioaccumulation of silver, mercury, and PCBs in tissue samples collected from resident catchable-sized fish in waters of the UNFFR project. Fish collected from Lake Almanor and Butt Valley will be analyzed for silver and mercury. Fish collected from Belden Forebay will be analyzed for PCB's, silver, and mercury. All fish collected will be fish that are within the legal "catchable" size range (minimum total length of 8 inches), with larger individuals targeted (i.e., total length of 10-12 inches and larger). The sampling strategy developed for Butt Valley and Belden will be consistent with the field methods developed in the relicensing process in coordination with the State Water Resources Control Board Toxic Substances Monitoring Program), and is presented in Table 1. Specific sampling strategies for Lake Almanor are listed in Table 2.

*Frequency:* The bioaccumulation fish tissue screening samples will be collected once every 5 years intervals, beginning the first year after license issuance. The monitoring will continue through the term of the new license. During the term of the new license, the monitoring and reporting requirements may be reduced or terminated after it is demonstrated to the satisfaction of the appropriate agencies listed in Paragraph B (3) that the given requirement is no longer necessary.

**Table 1. Butt Valley and Belden Fish Tissue Bioaccumulation Screening-Sampling Protocols**

|  |                          |                                       |
|--|--------------------------|---------------------------------------|
| <b>Butt Valley Reservoir</b>   |                          |                                       |
| <b>Assessment of Silver and Mercury Uptake in Resident Fish Species</b>      |                          |                                       |
| <b>Sample species and number:</b>  | <b>Smallmouth Bass</b>   | <b>9 individuals</b>                  |
|  | <b>Brown Trout</b>       | <b>6 individuals</b>                  |
|  | <b>Rainbow Trout</b>     | <b>6 individuals</b>                  |
| <b>Belden Forebay</b>  |                          |                                       |
| <b>Assessment of Silver, Mercury and PCB Uptake in Resident Fish Species</b> |                          |                                       |
| <b>Sample A- species and number:</b>   | <b>Smallmouth Bass</b>   | <b>6 individuals</b>                  |
|  | <b>Rainbow Trout</b>     | <b>6 individuals</b>                  |
|  | <b>Sacramento Sucker</b> | <b>2 composites* of 3 individuals</b> |
| <b>Or:</b>   |                          |                                       |

|                                     |                          |                                       |
|-------------------------------------|--------------------------|---------------------------------------|
| <i>Sample B-species and number:</i> | <i>Smallmouth Bass</i>   | <i>3 composites* of 3 individuals</i> |
|                                     | <i>Rainbow Trout</i>     | <i>3 composites* of 3 individuals</i> |
|                                     | <i>Sacramento Sucker</i> | <i># composites* of 3 individuals</i> |

*\* Composites must fall within a 25% range in total length*

**Table 2. Lake Almanor Fish Tissue Bioaccumulation Screening-Sampling Protocols**

*Lake Almanor  
Assessment of Silver and Mercury Uptake in Resident Fish Species*

|                                   |                        |  |
|-----------------------------------|------------------------|--|
| <i>Sample species and number:</i> | <i>Smallmouth Bass</i> | <i>18 individuals</i>                  |
|                                   | <i>Brown Trout*</i>    | <i>9 individuals</i>                   |
|                                   | <i>Brown Bullhead</i>  | <i>2 composites** of 3 individuals</i> |

*\* Sacramento Pikeminnow may be substituted, if brown trout cannot be reasonably obtained.*

*\*\* Composites must fall within a 25% range in total length.*

- Canyon Dam Mitigation Measures Evaluation.*** *The adequacy and efficacy of mitigation measures at Canyon Dam of seasonal gate switching will be monitored and evaluated. Profiles of in-situ parameters, including DO, temperature, pH, specific conductance, and turbidity profiles will be collected at 1-meter intervals at Canyon Dam, in Lake Almanor during June, July, August, September, and October to monitor the onset of reduced conditions in the hypolimnion of Lake Almanor. Hydrogen sulfide, iron, manganese, and in situ parameters will be measured at the surface and bottom in Lake Almanor and at three locations in the Seneca Reach of the Upper North Fork Feather River during September and October. Sediment samples will be analyzed for hydrogen sulfide, sulfate, iron, and manganese and will be collected during the October event in Lake Almanor near Canyon Dam.*

*The collection of the water quality and sediment samples will be coordinated with the mitigation measure to reduce odor below Canyon Dam by switching from the lower gate to the upper gate at the Canyon Dam Intake Tower. The September sample will be taken prior to the gate switch and the October sample will be taken after the gate has been switched to ensure that the mitigation measure is effective.*

*Frequency: The monitoring will begin the first year after issuance of the new license. At a minimum, monitoring will occur in six (6) water years, with two (2) occurrences in wet water years, two (2) occurrences in normal water years, and two (2) occurrences in dry/critically dry water years after issuance of the project license. At the conclusion of the 6-year data collection effort, the program will be evaluated to determine the effectiveness of the mitigation measure. Based on data provided, the licensee, in consultation with the participants listed in Paragraph B (4), shall make a determination on the effectiveness of the measure and the need (if any) for additional monitoring or development and implementation of alternative measures.*

5. ***Lake Almanor Water Quality Monitoring Program.*** *Water quality sampling in Lake Almanor will be conducted to monitor long-term water quality trends in Lake Almanor. The monitoring program is designed to monitor the long-term effects observed in Lake Almanor and to determine if water quality parameters meet water quality objectives outlined in the Water Quality Basin Plan for the Sacramento River and San Joaquin River Basins and the USEPA CTR and NRAWQ criteria. The licensee shall collect water samples in Lake Almanor to be analyzed for general minerals, metals, nutrient, and petroleum products (Table 3). In situ parameters (including DO, temperature, pH, specific conductance, and turbidity) will be collected at 1-meter intervals. Secchi disc measurements will also be collected. Surface and bottom samples will be collected at three (3) representative locations, one in the channel near the Canyon Dam intake structure; one in western lobe, and one in the eastern lobe.*

*Frequency: Lake Almanor water quality monitoring will be conducted seasonally (spring, summer, and fall) once every five (5) years beginning in Year 3 following license issuance, and will continue through the term of the license. During the term of the new license, the monitoring and reporting requirements may be modified or terminated if agreed to by the Licensee and the participants listed in Paragraph B (4) that the given requirement is no longer necessary or needs to be adjusted to more appropriately monitor for changes in project operations, regulatory mandates, or focus study needs.*

**Table 2. Sampling Parameters for the Lake Almanor Water Quality Monitoring Program.**

|                                 |                               |                          |                                |             |
|---------------------------------|-------------------------------|--------------------------|--------------------------------|-------------|
| <b>Total Metals<sup>1</sup></b> | <b>Aluminum</b>               | <b>Nutrients</b>         | <b>Nitrate+Nitrite</b>         |             |
|                                 | <b>Silver</b>                 |                          | <b>Total Ammonia</b>           |             |
|                                 | <b>Arsenic</b>                |                          | <b>Orthophosphate</b>          |             |
|                                 | <b>Copper</b>                 |                          | <b>Total Phosphorous</b>       |             |
|                                 | <b>Cadmium</b>                |                          | <b>Total Organic Nitrogen</b>  |             |
|                                 |                               |                          | <b>Total Kjeldahl Nitrogen</b> |             |
|                                 | <b>Iron</b>                   |                          | <b>Chlorophyll-a</b>           |             |
|                                 |                               |                          | <b>Total Organic Carbon</b>    |             |
|                                 | <b>Manganese</b>              |                          | <b>Petroleum</b>               | <b>MTBE</b> |
|                                 | <b>Mercury</b>                |                          |                                | <b>TPHG</b> |
| <b>Nickel</b>                   | <b>BTEX</b>                   |                          |                                |             |
|                                 | <b>Zinc</b>                   | <b>In-Situ</b>           | <b>Temperature</b>             |             |
| <b>Minerals</b>                 | <b>Calcium</b>                |                          | <b>Dissolved Oxygen</b>        |             |
|                                 | <b>Magnesium</b>              |                          | <b>pH</b>                      |             |
|                                 | <b>Sodium</b>                 |                          | <b>Specific Conductance</b>    |             |
|                                 | <b>Potassium</b>              |                          | <b>Turbidity</b>               |             |
|                                 | <b>Chloride</b>               |                          | <b>Secchi Disk</b>             |             |
|                                 |                               | <b>DO (% saturation)</b> |                                |             |
| <b>General</b>                  | <b>Hardness</b>               |                          |                                |             |
|                                 | <b>Sulfate</b>                |                          |                                |             |
|                                 | <b>Total Alkalinity</b>       |                          |                                |             |
|                                 | <b>Total Suspended Solids</b> |                          |                                |             |
|                                 |                               |                          |                                |             |

<sup>1</sup> Dissolved concentrations may be calculated for cadmium, copper, lead, nickel, silver, and zinc as outlined in *The Metals Translator: Guidance for Calculating a Total Recoverable Permit Limit from A Dissolved Criterion* (EPA 823-B-96-007).

**B. Reporting and Agency Consultations.**

1. Within three months after issuance of a new license, the Licensee shall develop, in consultation with the participants listed in Paragraph B (4), monitoring plans that provide specific details, analytical methods, sampling protocols and QA/QC procedures that will be used in the initial monitoring studies described in

*Paragraph A. These water quality monitoring plans shall be submitted to the participants listed in Paragraph B (4) for review, and shall be filed with Commission as soon as practicable.*

- 2. The measures described in Paragraph A and clarified by plans developed according to Paragraph B (1) will outline the monitoring efforts to be implemented in the first five years of the license. This monitoring program is intended to be adaptive in nature and may be modified to more effectively focus on specific project related water quality conditions identified in project waters, if agreed to by the Licensee and the participants listed in Paragraph B (4).*
- 3. The monitoring program shall begin on January 1 of the year following issuance of a New Project License.*
- 4. The initial development and any future modification of these water quality monitoring plans shall be prepared in consultation with the signatories to this agreement, the State Water Resources Control Board and other parties who request involvement. Licensee shall file the water quality monitoring plan and any future modification with the State Water Resources Control Board for approval. Licensee shall thereafter submit the water quality monitoring plan to Commission for approval. The Licensee shall prepare an annual water quality report that contains elements consistent with reporting requirements from all plans under this article. The annual report shall be provided to Commission and the appropriate resource agencies no later than May 31 of the following year.*
- 5. To facilitate the exchange of data and ensure dialogue between water quality and aquatic resources management agencies and participants listed in Paragraph B (4), the Licensee shall convene a discussion group meeting once annually, following distribution of the annual water quality monitoring report. Invitation to participate in the annual water quality discussion group shall include, at a minimum, those entities listed in Paragraph B (4). The annual water quality meeting shall be noticed within 30 days of annual report distribution and shall provide a minimum of 30 days advance notice to invited participants.*

#### **Condition No. 32 – Water Temperature Monitoring**

Within 90 days after issuance of a new license, Licensee shall prepare after consultation with the Forest Service, California Department of Fish and Game and State Water Quality Control Board and submit to the Forest Service for approval with a schedule of implementation, a water temperature management plan. Following approval, the plan shall be filed with the Commission. The plan shall contain the following components:

*A. **Prattville and Other Project Modifications.** A feasibility, cost, and effectiveness analysis of project modifications that could be adopted to meet the stream temperature objective desired by California State Water Resources Control Board. Possible*

*modifications include but should not be limited to the analyses of: 1) selective temperature withdrawal from Lake Almanor through a modified Prattville Intake structure with optimization in operation that will identify the habitat improvement and/or impact to the lake and the downstream stream reaches, 2) modification of Butt Valley Reservoir configurations, including any potential device to minimize reservoir entrance mixing effect, selective withdrawal through a modified Caribou No. 2 intake structure in combination with the Caribou No.1 intake, 3) seasonal re-operation of the Canyon Dam variable outlet tower to draw from the low-level intake only during critical summer months, 4) proper timing of utilization of the Prattville Intake Modification device to help conserve the cold water, 5) operation of 'fence' concept during non-critical summer months to conserve cold water, and 6) alternative combinations of these measures. The study shall address the expected coldwater depletion rates under the various operational scenarios and assess, within reasonable control measures, the feasibility and probability of meeting the daily average water temperature condition in the downstream stream reaches specified by the State Water Quality Control Board.*

**B. Temperature Monitoring.** *The temperature monitoring plan will specify the detail of the sampling location, frequency, duration and methodology to measure stream temperature in the project Reaches. The plan shall capture and represent the thermal characteristics such that the effect of any project modification to the North Fork Feather River can be adequately demonstrated and comprehended. Data analyses and prediction tools shall be considered to recommend any potential temperature improvements and/or mitigation measures for the adverse effects. The monitoring plan, in connection with Water Temperature Monitoring Plan already established in Condition No. 4 of FERC Project No. 1962.*

*The Licensee shall maintain the existing monitoring requirement as agreed upon by Condition 4C in FERC Project No. 1962 (see Attachment 1). The FERC Project No. 1962-monitoring program consists of 48 stations for continuous temperature, meteorological and flow monitoring, encompassing Lake Almanor, Butt Valley Reservoir, the Upper North Fork Feather River and Rock Creek-Cresta reaches. The program lasts 15 years following issuance of the FERC 1962 license (issued on October 24, 2001).*

*The Licensee shall maintain the best available technology to be able to predict the water temperature and dissolved oxygen levels in parallel to the monitoring data. MITEMP models will be used for water temperature profile prediction in Lake Almanor and Butt Valley Reservoir, respectively. SNTEMP models will be used for instream temperature prediction in the stream reaches.*

The Licensee shall submit to the Commission an annual Monitoring Report. The reporting will be coordinated in conjunction with the Condition 4 requirement of FERC Project No.1962. The report will include all monitoring results for the prior year, analyze the effectiveness of the control measures in maintaining suitable cold water fishery habitat in the lakes, and demonstrate the ability to achieve mean daily temperatures specified by the State Water Quality Control Board. The report shall be submitted no later than May 31 of each year. The Monitoring Report shall be prepared in consultation

with the appropriate resource agencies.

*C. Additional Reasonable Control Measures. Prepare a plan of additional reasonable control measures to be adopted as a substitute for measures listed in Paragraph A above.*

**Condition No. 33 - Fish and Benthic Macroinvertebrate Monitoring of Project Reaches and Reservoirs**

Within one year of license issuance, and in consultation with the Forest Service and other applicable agencies, the Licensee shall file with the Commission a fish population and condition trend-monitoring plan outlining sampling that shall be conducted in the Upper North Fork Feather River Project bypassed reaches and reservoirs. Similarly, the licensee shall conduct benthic macroinvertebrate population robustness, feeding group and tolerance/intolerance trend monitoring in the North Fork Feather River bypassed reaches. The licensee shall also conduct quantitative fish entrainment monitoring following procedures developed by the Licensee and agreed to by the Forest Service and other consulting agencies.

The monitoring plans shall attempt to standardize sampling protocol to ensure comparability of results. Sampling shall occur at least once every three years during the first decade after license issuance and then at least once every five years thereafter.

A draft technical report shall be prepared following completion of each sampling effort. In addition to describing the results, the report is to compare results with those of previous surveys. The fish-based sampling shall discuss implications regarding trends in fish abundances. The benthic macroinvertebrate sampling report shall enumerate any changes over time regarding the composition of functional feeding groups, overall population heterogeneity and robustness, and pollution tolerance/intolerance trends. The fish entrainment sampling report shall address effects and trends on entrained fish species that could lead toward federal listing.

**Condition No. 34 - Amphibian Monitoring Plan**

The Licensee shall within one year of license issuance develop and implement an amphibian monitoring plan in consultation with other agencies, approved by the Forest Service, and filed with the Commission.

**Condition No. 35 - Vegetation Management Plan**

The Licensee shall file with the Commission, within two years of license issuance or prior to any ground-disturbing activities, a Vegetation Management Plan that is approved by the Forest Service.

### **Condition No. 36 - Noxious Weed Management Plan**

The Licensee shall file with the Commission, within one year of license issuance or prior to any ground-disturbing activities, a Noxious Weed Management Plan that is approved by the Forest Service for the purpose of controlling and containing the spread of noxious weeds on National Forest System lands. This plan shall be implemented following approval by the Forest Service and filing with the Commission. At a minimum the plan shall include:

- Periodic inventory and mapping of existing and new populations of noxious weeds.
- Actions/strategies to prevent and control spread of known populations or introductions of new populations.
- Treatment of all new infestations (any class) and existing infestations of California class A and B rated weeds.
  - Monitoring of known populations of noxious weeds to evaluate the effectiveness of re-vegetation and noxious weed control measures.

### **Condition No. 37 - Wildlife Habitat Enhancement**

To enhance wildlife habitat, Licensee shall prepare a Wildlife Habitat Enhancement Plan within 12 months of the date of license issuance. The Plan shall be developed in consultation with the Forest Service, Fish and Wildlife Service, California Department of Fish and Game, State Water Resources Control Board, and Plumas County.

*Enhancement effort will take place on Licensee owned lands on the shoreline of Lake Almanor from Last Chance Campground westward to approximately the northern edge of the flood control channel south of the Chester Airport. This plan will benefit a variety of sensitive biological resources including rare plants, wetlands, streamside riparian communities, cultural resources and sensitive wildlife habitat. The primary elements of the Plan shall be fencing and vehicle exclusion measures that will allow continued public foot access to the area. The Plan shall include an initial investment of \$20,000 (2005 dollars) and an ongoing annual maintenance investment of \$5,000 (2004 dollars). The Plan shall include a provision for periodic review of enhancement efforts with the agencies noted above and shall include procedures for documenting initial and ongoing enhancement efforts.*

### **Condition No. 38 - Bald Eagle Management Plan**

Within 90 days of license issuance, the Licensee shall initiate consultation with the Forest Service and other appropriate agencies to develop a new Bald Eagle Management Plan for the Project area. After approval by all involved parties, the Plan shall be filed with the Commission. This plan shall be completed within 2 years of license issuance and will assist in the ongoing bald eagle recovery efforts and will be a tool for future management of all lands around these projects. As a minimum the plan shall include:

- Periodic monitoring of human use patterns to discern human/bald eagle interaction conflicts.
  - Annual monitoring of bald eagle reproduction around Lake Almanor.
  - Coordination of any plans for timber harvest or mining on Licensee lands within the larger Lake Almanor area with the Forest Service and other appropriate agencies, to reach the goals and requirements set forth in this plan.
  - Coordination of woodcutting activities on Licensee lands.

**Condition No. 39 - Protection of Threatened, Endangered, Proposed for Listing and Sensitive Species Plan**

Before taking actions to construct new project features on National Forest System lands (including, but not limited to, proposed recreation developments) that may affect a species proposed for listing, or listed under the federal Endangered Species Act (ESA), or that may affect that species' critical habitat, or a Forest Service sensitive, or other special status species or their habitats, the Licensee shall prepare, in consultation with other appropriate agencies, a biological evaluation evaluating the potential impact of the action on the species or its habitat and submit it to the Forest Service for approval. In consultation with the Commission, the Forest Service may require mitigation measures for the protection of the affected species. Unless agreed to by the Forest Service, where current information on population occurrence for some species is lacking (e.g. valley elderberry longhorned beetle, terrestrial molluscs, and Pacific fisher) the Licensee shall perform necessary surveys prior to ground-disturbing activities. The biological evaluation shall include:

- Develop procedures to minimize adverse effects to listed species.
- Ensure project-related activities shall meet restrictions included in site management plans for listed species.
- Develop implementation and effectiveness monitoring of measures taken or employed to reduce effects to listed species.

**Condition No. 40 - Cultural Resources Management Plan**

The Licensee shall file with the Commission, within one year following license issuance, a Cultural Resources Management Plan (CRMP), approved by the Forest Service, for the purpose of protecting and interpreting heritage resources. The Licensee shall consult with the State Historic Preservation Officer, Native American Tribes, Forest Service, and other applicable agencies and communities during the preparation of the plan. The CRMP shall be incorporated into the Programmatic Agreement, of which the Forest Service will be a signatory, by reference. The CRMP shall accurately define the Area of Potential Effects, including effects of implementing Section 4(e) conditions, and shall take into account Project effects on National Register properties, Native American traditional cultural values, and Project-induced recreational impacts to archaeological properties on or affecting National Forest System lands. The CRMP shall also provide

measures to mitigate the identified impacts, a monitoring program, and management protocols for the ongoing protection of archaeological properties. The plan shall be filed with the Commission.

If, prior to or during ground-disturbing activities or as a result of project operations, items of potential cultural, historical, archeological, or paleontological value are reported or discovered, or a known deposit of such items is disturbed on National Forest System lands and Licensee adjoining fee title property, the Licensee shall immediately cease work in the area so affected. The Licensee shall then: (1) consult with the California State Historic Preservation Officer (SHPO) and the Forest Service about the discovery; (2) prepare a site-specific plan, including a schedule, to evaluate the significance of the find and to avoid or mitigate any impacts to sites found eligible for inclusion in the National Register of Historic Places; (3) base the site-specific plan on recommendations of the SHPO, the Forest Service, and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation; (4) file the site-specific plan for Commission approval, together with the written comments of the SHPO and the Forest Service; and (5) take the necessary steps to protect the sites from further impact until informed by the Commission that the requirements have been fulfilled.

#### **Condition No. 41 - Recreation Coordination and Review**

Licensee shall, every six years (coinciding with the Commission recreation inspection schedule), consult with the Forest Service, appropriate agencies, and interested parties to review and adjust project-wide recreation management objectives. This consultation should take the form of an in-person meeting within reasonable distance to the project. This review shall be based on monitoring results from recreation surveys, law enforcement monitoring, and other applicable study and monitoring results. The review shall address, as a minimum, the following factors:

- Capacity; including developed and dispersed sites, roads, trails, water bodies, and river reaches
- Kinds and condition of facilities
- Kinds, quality, quantity, and range of opportunities
- Health and safety
- User and resource conflicts

#### **Condition No. 42 - Recreation Monitoring and Survey**

Within 12 months of license issuance, the Licensee, in consultation with the Forest Service, Plumas County, and other interested parties, shall complete a Recreation Monitoring and Survey Plan that shall be approved by the Forest Service and filed with the Commission. Recreation areas monitored by the Licensee shall include at a minimum the water surface of Project reservoirs and Licensee and Forest Service recreation facilities and shoreline areas within the Project boundary. The plan shall include a schedule of information to be collected annually, every 6 years and every 12 years.

Monitoring conducted every 6 years shall be coordinated with FERC Form 80 recreation facility and use monitoring requirements. The report prepared at 6 year intervals shall include but not be limited to changes in kinds of use and use patterns both on water surfaces and land, user surveys as to preferences in recreational activities, kinds and sizes of recreational vehicles including boats, preference for day use versus overnight use, and recreation user trends within the project area as well as summaries of annual monitoring. Licensee shall conduct more in depth monitoring such as visitor questionnaire surveys and general assessment of regional recreation statewide trends in recreation based on available surveys and reports at 12-year intervals.

As part of the monitoring program, Licensee shall conduct annual recreation planning and coordination meetings with other recreation providers in the Project area. At these annual meetings, recreation resource management decisions for the Project area will be discussed, including implementation of project recreation enhancements, recreation monitoring results, and other pertinent license related recreation issues that may arise over the term of the license.

Licensee shall adopt Limits-of-Acceptable Change (LAC) based monitoring approach included in the October 2002 draft of the Recreation Resource Management Plan. The methodology shall include monitoring indicators and standards (triggers) that will initiate management action to help maintain desired recreation experiences and resource conditions at Project recreation areas over the license term.

Reports on Recreational Resources shall be filed with the Commission after Forest Service approval. The Forest Service reserves the right, after notice and opportunity for comment and administrative review, to require changes in the project and its operation through revision of the 4(e) conditions that require measures necessary to accomplish protection and utilization of National Forest resources identified as a result of those surveys.

#### **Condition No. 43 – Interpretation and Education, Plan**

Within five years of license issuance, Licensee shall develop an Information and Education plan for the Project in consultation with the Forest Service, Plumas County, and other Parties that shall be approved by the Forest Service and filed with the Commission. The Information and Education Program shall provide enhanced recreation experiences and encourage appropriate resource protection, cooperative, and safe behaviors from Project visitors. The Information and Education Program shall include themes, media, media design, prioritized sites, and prioritized services. Potential themes include fish and wildlife resources, volcanic history, hydropower, Native American cultures, pioneers, recreation activities and facilities available in the Project area, and boating hazards. The program shall include improvements such as interpretive or informational signs, kiosks, reservoir boating safety and hazard information signs and brochures, and informational signs describing recreation facilities and opportunities in the area. The Information and Education Program improvements shall be developed at

Project Licensee and Forest Service recreation sites that are to be included in the Project. The program shall also identify funding partnership arrangements with the Forest Service and other interested parties, and contain a schedule for implementation.

As part of the Information and Education Program, Licensee shall prepare a Lake Almanor bathymetry map within one year of license issuance. This map shall be made available in pamphlet form to boaters and posted at public boat ramps.

**Condition No. 44 –Construction, Reconstruction, and Operation/Maintenance of Existing or Future Recreation Facilities Induced by the Project and Affecting NFSL**

The Licensee shall obtain Forest Service approval, file with the Commission, and implement the following recreation construction, reconstruction, and operation and maintenance measures within the following timeline. Within 5 years of issuance of the license or no later than January 1, 2009, as decided by the Forest Service to coincide with campground concession contract expiration, Licensee shall take over full operation and maintenance of Facilities A through D of this Condition under an operations agreement with, and annually approved by the Forest Service. The operations agreement shall address, but may not be limited to: Forest Service operation and maintenance standards, water, sanitation, Recreational Vehicle (RV) dump station, trail maintenance, capital improvement responsibilities, and campground road maintenance. To offset operation and construction costs, Licensee, in accordance with the Commission and Department of Boating and Waterways regulations, may charge and retain Forest Service approved user fees at Forest Service facilities. In consultation with the Forest Service, Licensee shall request a project boundary adjustment within 60 days of assuming operation of the lands, improvements, and opportunities discussed in items A through D of this Condition.

**A. Almanor Campground Including Boat Launch and Beach Facilities.** Licensee shall share in the cost of the following improvements to the Almanor Campground as stipulated below.

1. **Almanor Campground rehabilitation Project.** Licensee shall partner with the Forest Service to provide a 40% share, up to a maximum of \$5 million annually escalated at the Consumer Price Index, of funding for implementation of campground repairs and refurbishment. Licensee rehabilitation funding may partially precede their management of these facilities depending upon timing of availability of Forest Service matching funds. The Forest Service will provide the remaining 60% of the cost of the rehabilitation. Rehabilitation work may include, but is not limited to the following:

- Conversion of campsites (approximately one-half of the South Loop of the existing Almanor Campground) in close proximity to existing underground utilities to accommodate Recreational Vehicles with longer level spurs, and water and power hookups. These sites shall be made handicapped accessible wherever possible.

- Reconstruction of the main access roads and spurs with improved traffic flow and to accommodate modern Recreational Vehicles. Where possible, camping spurs will be leveled, lengthened, and widened.
  - Replacement of all non-accessible vault toilets. Construction of shower buildings with showers and toilet facilities.
  - Redesign and reconstruct the amphitheater to Americans with Disabilities Act (ADA) accessibility standards and provide an accessible bathroom and parking area.
  - Pave small vehicle parking areas to provide additional vehicle parking for campground visitors.
  - Construction of a new group campground and RV dump station of the north side of County road 308, approximately one-half mile from the Almanor North Campground. This facility will include: toilet buildings with showers, open-air design activity center building with enclosed food service and storage area, host site with full hookups, two group fire rings, sport area (volleyball, horseshoes), paved access road, and a 10 foot wide paved bike path extending from this facility to the existing Lake Almanor recreation trail (LART).
  - Licensee shall provide operation, maintenance, and interpretation at the Almanor Picnic Area (site of old rest area). Redevelopment of the site shall include upgrades to the parking area by redesigning and paving, individual picnic site development, improvements to existing water source, construction of kiosk, short vernal pool interpretive trail (approximately 300 feet in length), and other interpretive facilities. No overflow camping shall be permitted at this site.
2. **Almanor Beach Area.** Licensee shall conduct on-going operation and maintenance, and additionally shall augment sand on an as-needed basis at the Almanor Campground beach.
  3. **Local Boat Launch Access.** Maintaining access for local residents at the boat launch and beach facility shall be a primary consideration in any future fee plan (i.e. a seasonal pass at a reduced rate if future fees are implemented).
  4. **Almanor Boat Launch Improvements and Management.** Upon completion of boat launch improvements to be implemented by the Forest Service in association with Department of Boating and Waterways grants, Licensee shall take over *administration and maintenance of the Almanor boat launch and beach (including: restroom facilities, parking areas, interpretation/ information signs, double lane boat launch, courtesy dock, as well as any other activity ordinarily associated with operation and maintenance.*

**B. Management of General Forest Areas on Lake Almanor Shoreline.**

1. **Shoreline Access Points.** Licensee, in consultation with the Forest Service, shall provide four shoreline access points to existing informally used areas along the southwest shoreline of Lake Almanor between Prattville and Canyon Dam

Vehicle access areas shall be located at, or near, the 4,494 foot elevation (PG&E datum) and serve as pedestrian access to adjacent shoreline areas. At these access areas, Licensee shall provide gravel parking, vehicle barriers, signs, gravel access road, and restrooms if the Forest Service determines that they are appropriate. Licensee shall also close and rehabilitate other user created vehicular access routes along the southwest shoreline of Lake Almanor.

2. **Lake Almanor Recreation trail (LART) Easements:** Licensee shall provide easements to the Forest Service and Plumas County for non-motorized recreation trails across Licensee-owned Project lands surrounding Lake Almanor. The Conditions of the trail easement shall be similar to those previously provided to the Forest Service.

**C. Dyer View Day Use and Trailhead Access Point.** Licensee shall operate and maintain parking area, restroom facilities (currently vault), beach litter patrol, interpretive/information panels, as well as any other activity ordinarily associated with operation and maintenance.

**D. Canyon Dam Boat Launch, Day Use Including Accessible Fishing Platform.** Upon completion of boat launch improvements to be implemented by the Forest Service in association with Department of Boating and Waterways grants, Licensee shall take over administration and maintenance of Canyon Dam boat launch including: restroom facilities (currently flush & vault), parking areas, interpretation/information signs, picnic tables, grills, fishing platform/trail, triple wide boat launch, courtesy dock, security lighting system, host site with water/sewer/electrical, garbage, as well as any other activity ordinarily associated with operation and maintenance.

**E. Initial Lake Almanor Recreation Enhancement Measures.**

1. **Last Chance Family and Group Campground.** *In accordance with ADA standards, Licensee shall modify two campsites and existing toilets and provide an access route leading to the nearby creek (150 feet).*
2. **Rocky Point Campground and Day Use Area.**
  - *Licensee shall convert Loop 3 overflow camping area into a day use swim area containing a sand beach, swim delineator, parking area, and double vaulted restroom.*
  - *Licensee shall relocate the 20, Loop 3 overflow campsites to the Loop 1 camp overflow area and provide a new double vaulted restroom at this location.*
  - *Licensee shall provide a new entrance kiosk, three shower facilities (one for each loop), and bear-proof food lockers at each campsite (151) within the campground.*
  - *Licensee shall replace older Klamath stoves (a low-style camp stove with a stovepipe).*
  - *Licensee shall revegetate disturbed areas caused by pedestrian or vehicle traffic.*

- *Licensee shall complete the following Accessibility improvements in accordance with ADA standards:*
  - a) *Modify 10 campsites (four at Loop 1, three at Loop 2, and three at Loop 3).*
  - b) *Provide an Accessible access route to the water's edge, swim beach, and swim delineator.*
  - c) *Modify existing recreation facilities as needed, such as the camp library box, telephones, and the envelope box at the pay station and provide appropriate Accessible access routes.*
  - d) *Modify existing water faucets near Accessible elements, such as toilets and campsites.*
  - e) *Provide Accessible routes to two of the toilets (near entry and near site # 100)*
  - f) *Relocate the interior pay station directly across the road on a level, firm, and stable surface (Loop 2)*

### **3. East Shore Group Camp.**

- *Licensee shall convert the existing East Shore Day Use Area to a group reservation camp area that shall accommodate one group of 16 RVs or two groups of eight RVs. The entrance road shall be widened and internal road circulation shall be improved to accommodate RVs.*
- *Licensee shall provide one Accessible parking space near the toilet and an Accessible access route to the trash receptacles.*
- *Licensee shall provide bear-proof food lockers at each site (16 sites), a trail down to the shoreline, including switchbacks and stairs, and erosion control measures.*

### **4. North Shore Public Boat Launch**

- *Licensee shall provide a new and expanded public boat launching facility at North Shore Campground. This facility shall include paved parking for 40 trailers and 12 single vehicles, a double vaulted restroom, and a loading float. In addition, Licensee shall dredge along the existing submerged river channel to provide an approximately 1,000-ft long, 50-ft wide, and 6-ft deep boat channel that provides boat access to approximately the 4,480-foot elevation (PG&E datum).*
- *Licensee shall provide public access to the boat launch facility along an abandoned portion of Highway 89 located along the north side of the campground to reduce traffic impacts to the campground.*
- *Licensee shall relocate 22 campsites that will be impacted by the expanded boat launch facility*

### **5. Stover Ranch Day Use Area. The Licensee shall develop the Stover Ranch Day Use Area to provide improved Lake Almanor shoreline access for Chester**

*residents. This day use area shall include gravel parking for 10 to 20 vehicles, a double-vault toilet, four picnic tables, a trail to the shoreline, and an interpretive sign. In addition, one RV site shall be constructed to accommodate a new Lake Almanor caretaker. The development of the Stove Ranch improvement shall be coordinate with Chester PUD and Chester Recreation and Parks District.*

6. *Marvin Alexander Beach. The Licensee shall assume management responsibility of the PSEA Swim Beach and expand and improve the existing sandy beach area. In addition, Licensee shall provide a gravel parking area, replace the two single-vault toilets, water faucet, ten picnic tables, and provide a swim delineator.*
7. **Canyon Dam Day Use.**
  - *The Licensee shall provide a sandy beach area above the high water level (4494 foot elevation, PG&E datum); swim area delineator, an informational kiosk, improved circulation, and eight new Accessible picnic tables at the Canyon Dam Day Use Area.*
  - *The Licensee shall modify eight existing picnic tables, provide an Accessible parking space, and provide an Accessible route to the swim beach in accordance with ADA standards.*
  - *The area adjacent to the Canyon Dam Day Use Area shall be reserved for potential future recreation development if this area is not developed for a group reservation camp area.*
8. *East Shore Day Use. Licensee shall designate a swimming area in the existing cove adjacent to the proposed new East Shore Campground. This day use area shall contain up to five picnic tables, shoreline access trails, a vaulted restroom, and parking for 10 to 20 vehicles.*
9. *Westwood Beach. The Licensee shall provide a 10-vehicle space parking area, six picnic tables, an Accessible sealed vault toilet, a sandy beach, a swim delineator, and signage at the Westwood Beach Area. Licensee shall also provide erosion control measures to protect the shoreline from wind caused wave action.*
10. *Stumpy Beach. The Licensee shall provide five picnic tables, an Accessible sealed vault toilet, signage, a sandy beach above the high water level (4494 foot elevation, PG&E datum), and a swim delineator at Stumpy Beach. Eight to 10 parking spaces parallel to Highway 147 shall be provided with trails connecting to the beach's northern and southern portions. The southern trail shall be Accessible. In addition, Licensee shall provide four benches for viewing Lake Almanor and the surrounding mountains at the roadside parking area. Licensee shall also provide erosion control measures to protect the shoreline from wind caused wave action.*

11. *Catfish Beach.* If Licensee is able to obtain an easement across private lands, Licensee shall provide public road access and a restroom to the Catfish beach area. If these improvements are implemented, Licensee shall monitor and maintain this site either through arrangements with the North Shore Campground managers, the Stover Ranch caretaker, or other appropriate means.
12. *Almanor Scenic Overlook.* Licensee shall provide an Accessible parking space and route to the existing Accessible restroom at the overlook and conduct vegetative brushing and clearing, as needed, to maintain views of Lake Almanor, Mt. Lassen and the Canyon Dam.

**F. Butt Valley Reservoir.**

1. *Powerhouse Trails.* Licensee shall provide two improved angler access trails to two locations near the powerhouse. One approximately 200-foot, non-paved trail shall be constructed from the existing gravel parking area next to the powerhouse down the steep slope east of the powerhouse to the levee below. If needed, stairs shall be constructed at this location. The second powerhouse trail shall be Accessible (compact base rock) and originate from one of several pullouts along the Prattville-Butt Valley Road near the powerhouse and extend approximately 700 feet to the eastern shoreline of the inlet near the levee. A new trailhead parking area with barriers shall be developed for this trail.
2. *Ponderosa Flat Campground.* Licensee shall provide an outdoor shower at Ponderosa Flat Campground. In addition, in accordance with current ADAAG, Licensee shall make the following improvements:
  - *Modify four campsites and retrofit the existing designated Accessible campsites in the campground to be Accessible. All of the elements provided in the campsite including the picnic table, fire ring, cooking grill, tent or RV area, and water faucet shall be retrofitted to be Accessible.*
  - *Replace the vault toilets in the overflow area with a new Accessible restroom and modify all other existing designated Accessible toilets to meet current ADAAG. Provide an Accessible access route for the restroom near Site 45 and one Accessible parking space located near the toilets.*
  - *Provide a swimming area at the campground that is Accessible with a sandy beach above the high water elevation (\_\_\_ foot, PG&E Datum) and swim delineator.*
  - *Provide a new Accessible fishing access trail and Accessible pier or platform north of the overflow area.*
3. *Cool Springs Campground.* Licensee shall provide an outdoor shower at Cool Springs Campground. In addition, Licensee shall provide one new Accessible campsite. All of the elements within these campsites including the picnic table, fire ring, cooking grill, tent or RV area, and water faucet shall be made

*Accessible. Water faucets near Accessible elements shall also be appropriately retrofitted to be Accessible.*

4. *Alder Creek Boat launch Improvements. Licensee shall expand the existing Alder Creek Boat Launch parking area to accommodate 10 to 20 additional vehicles with trailers and to improve circulation. In addition, Licensee shall modify the boat launch to be Accessible and provide one Accessible parking space near the toilet.*

**G. Future Recreation Enhancement Measures.** *The Licensee anticipates the following facility improvements will be needed over the term of the Project license period. Implementation of these measure are contingent on reaching the monitoring triggers (standards) contained in the RRMP over the license term*

1. *Camp Connery Reservation Group Camp Area.*
  - *Licensee shall provide a new group camping reservation area adjacent to the existing Camp Connery Group Campground. This area shall either provide space for two groups of eight RVs or one group of 16 RVs. A centrally located bear-proof food facility and two indoor showers shall be provided at this group area.*
  - *Licensee shall repair and resurface the existing access road.*
  - *Licensee shall provide an Accessible parking space and cabin with Accessible restroom and retrofit the existing telephone position and water faucet features to meet the ADA standards..*
2. *East Shore Family Campground. Licensee shall provide a new campground on Licensee land along the east shore of Lake Almanor in two phases with 63 new, tent and RV campsites total. This campground shall contain bear-proof food lockers, two restrooms/indoor showers, approximately 20 boat moorage slips/buoys, and a camp host site.*
3. *Ponderosa Flat Campground. Licensee shall provide approximately 10 to 20 new primitive tent campsites (likely to the north of the current overflow area), and a new group camp area in the existing overflow area.*

**G. Fish Planting.**

1. Licensee shall, if requested by the CDFG and within thirty (30) days following the submission of a statement of costs subject to audit by Licensee, pay for the stocking of 5000 pounds of trout per calendar year by the CDFG in the waters of the North Fork Feather River between its confluence with the East Branch North Fork Feather River and the Belden Diversion Dam. The cost to Licensee of such trout shall not exceed the then prevailing average cost to the CDFG for the production and distribution of 5,000 pounds of catchable trout. The size, numbers and species of trout to be planted, the frequency of planting, and the planting sites shall be as determined by the CDFG.
2. Licensee shall, if requested by the CDFG and within thirty (30) days following the submission of a statement of costs subject to audit by Licensee, contribute funds to expand CDFG's existing fish planting program in Lake Almanor above the average annual fish planting level expended by the CDFG in the previous five years (years 1999 to 2003). The size, numbers and species of trout to be planted, the frequency of planting, and the planting sites shall be as determined by the CDFG.
3. Licensee shall contribute up to a maximum of \$50,000 (2004\$) per year for the term of the license for items 1 and 2 above.

**H. Belden Reach Recreation Facilities Improvements.**

1. **Belden Reach River Access.** If a determination is made to proceed with scheduled river recreation flows, the Licensee, in consultation with the Technical Review Group (TRG as described in Paragraph A of Condition 46) shall prepare a River Recreation Facilities Plan for approval by the Forest Service within 12 months of license issuance. Licensee shall provide up to \$125,000 for construction of facilities. Essential facilities will include access facilities at one site to be determined by the Forest Service with paved parking, restroom, picnic table, and bear-proof garbage disposal, and reasonable access to launch and retrieve kayaks and rafts. These improvements could also include increasing or limited mechanical treatment of excessive overgrowth of riparian vegetation, increasing campground capacity, and appropriate river recreation management program. The Forest Service will make a good faith effort to obtain matching funds to help offset the cost of these improvements.
2. **Belden Forebay Access.** Licensee shall provide a car-top boat launch, a seasonal portable toilet, and parking area for 10 to 20 vehicles at the existing Forebay undeveloped parking area, which also serves as trailhead for the North Fork Fishing Trail. The Forebay shoreline shall also be improved to provide access for launching small watercraft to the Forebay.

Licensee shall post signage referring to existing Plumas County ordinance that limits boat horsepower to 10 hp and speeds to 5 mph on small reservoirs such as Belden Forebay. Belden Forebay shall be managed based on a county ordinance

(similar to Rock Creek and Cresta Reservoirs) that provides for no swimming or boating within 0.25 mile of Belden Dam and no swimming or boating at night.

3. **North Fork Fishing Trail.** Licensee shall improve the North Fork Fishing Trail from the Belden Forebay parking area to the upstream side of the Caribou Powerhouse 1. Improvements shall include retrofitting the existing metal trail decking and railing at the powerhouse above the turbine outlets to provide enhanced access and safety, providing a wider, even trail base along the chain-link fencing at the powerhouse yard and trail signage.
4. **Belden Reach Access Below Belden Forebay.** Licensee shall provide a river access point at the upstream end of the Belden Reach located at the spoil pile area. This access location shall include a seasonal portable toilet and a dumpster located over a concrete pad.
5. **Belden Reach Trails.** Licensee shall provide and maintain four trails to the Belden Reach shoreline from existing informal parking areas where public access can be provided in a safe manner.
6. **Belden Rest Stop.** Licensee shall relocate the existing picnic tables and grills to the lower level and disperse them within the area from the Eby Stamp Mill to the gazebo near the creek. Two of the tables shall be replaced with Accessible tables and Accessible routes shall be developed to the gazebo, overlook area next to the creek, and the Eby Stamp Mill historical features. Licensee shall provide improved Interpretation and Education (I&E) elements at the rest stop and erosion control measures on the slope between the parking lot and upper picnic area.

**I. Resource Integration and Coordination Program.** Licensee shall hold annual meetings to integrate recreation resource needs with other resource management needs, such as cultural, wildlife, water quality, and aquatic resources. These meetings shall be held over the term of the license with Parties and other interested individuals who have expressed interest in attending these meetings.

**J. Recreation Resource Management Plan (RRMP) Review and Revision Program.** Over the term of the License, unforeseen recreation needs, changes in visitor preferences and attitudes, and new recreation technologies will likely occur. The frequency with which the RRMP is revised or updated by Licensee shall depend on significant changes to existing conditions, monitoring results, and management responses made over time. The frequency of RRMP updates shall not exceed 12 years and shall be based on consultation with Parties during monitoring and coordination meetings and through other inputs.

#### **Condition No. 45 - River Ranger Funding**

The licensee shall provide to the Plumas National Forest an additional \$25,000 each year, escalated at the Consumer Price Index, by March 1, to assist in funding a "River Ranger" position. The purpose of this position will be to provide additional light maintenance, visitor information/assistance, user safety and law enforcement presence in project river reaches. Licensee shall request that the Forest Service provide Licensee by January 31 a written summary of the previous year expenditures and ranger activities and the current year planned expenditures and ranger activities.

#### **Condition No. 46 - Recreation River Flow Management**

**A. Recreation River Flow Technical Review Group.** The Licensee shall, within 6 months of license issuance, establish a Recreation River Flow Technical Review Group (TRG) for the purpose of consulting with the Licensee in the design of recreation and resource river flow management and monitoring plans, review and evaluation of recreation and resource data, and in the development of possible recreation river flows in the Belden Reach. The TRG shall be composed of the Forest Service, California Department of Fish and Game (CDFG), State Water Resources Control Board (SWRCB), U. S. Fish and Wildlife Service (FWS), National Park Service (NPS), Plumas County, and other Parties shall be invited to participate in the TRG. The TRG meetings shall be open to the public. The Licensee shall maintain, and make public, records of TRG meetings, and shall forward those records with any recommendations to the Forest Service, State Water Quality Control Board, and the Commission. The Licensee shall establish communication protocols in consultation with the Parties to facilitate interaction between group members, which allow for open participation, expert consultation, and communication between all TRG participants.

**B. Recreation Flow Implementation Plan.** Licensee shall implement the following plan.

- 1. Determination to Proceed with Test Flows.** Within 6 months after license issuance, the Licensee will convene the TRG to evaluate the existing available ecological information regarding recreation river flows. Within 6 months of convening the TRG, Licensee shall forward to the Forest Service and State Water Quality Control Board TRG recommendations as to whether or not unacceptable impacts on sociological and ecological resources will occur and if recreation test river flows as prescribed in Table B should be conducted in order to further evaluate the ecological and social effects of the Belden Reach Recreation River Flow.
- 2. Approvals to Proceed with Test Flows.** Any recommendation regarding recreation test river flows made by the TRG shall be submitted to the Forest Service and State Water Resources Control Board for review and approval. The

Forest Service and *State Water Resources Control Board* will consult with appropriate state and federal agencies, the Licensee, tribal governments, and other interested parties prior to approving the proposal as submitted or modified. Following approval by the Forest Service and the State Water Resources Control Board, the Licensee shall file the proposal with the Commission for approval.

3. **Conducting Test Flows.** Upon approval from the Commission, recreation test river flows as prescribed in Table B shall be conducted for a 3-year period.
4. **Monitoring.** Licensee shall prepare and submit to the Forest Service and State Water Resources Control Board for their review and approval, concurrent with the TRG recommendation, a Belden Reach Recreation River Test Flow Evaluation Plan. Upon Forest Service and State Water Resources Control Board approval, Licensee shall file the plan with Commission for its approval. The plan shall be designed to evaluate the effects of the recreation test river flow releases on ecological and social resources, and the metrics to be used in this determination. Upon approval of the plan by Commission, Licensee shall implement the plan during the 3-year recreation test flow period.
5. **Determination of Continued Flows.** After the 3-year recreation test river flow period, Licensee shall convene the TRG to evaluate the existing available ecological and social information. *The TRG shall make a recommendation if recreation river flows should be continued in order to meet the river flow management for recreation objective.* Any continued recreation river flows shall not exceed the flows prescribed in Table B.
6. **Approval of Results of Determination of Continued Flows.** Any recommendation regarding continued recreation river flows made by the TRG shall be submitted to the Forest Service and State Water Resources Control Board for review and approval as appropriate. The Forest Service and *State Water Resources Control Board* will consult with appropriate state and federal agencies, the Licensee, tribal governments, and other interested parties prior to approving the proposal as submitted or modified. Following approval by the Forest Service and the State Water Resources Control Board, the Licensee shall file the proposal with the Commission for approval.

**C. Recreation River Flows.** *Subject to the conditions of Paragraph 3 above, Licensee shall implement the following recreation river flow schedule and other provisions presented in Table B, Belden Reach Recreation River Flow Schedule.*

**Table B– Belden Reach Recreation River Flow Schedule\***

| Month | Release amount in Cubic Feet per Second (cfs) |            | Release Days per Month |            |                |                | Boater Day Triggers |      |
|-------|---|------------|------------------------|------------|----------------|----------------|---------------------|------|
|       | Dry/Cr Dry**                                  | Normal Wet | Cr Dry Start           | Cr Dry Cap | Dry/Normal/Wet | Dry/Normal/Wet | Wet&Normal/Dry Up   | Down |
| July  | 650   | 750        | 1 day                  | 1 day      | 1 day          | 2 days         | 130/180             | 90   |
| Aug   | 650   | 750        | 1 day                  | 1 day      | 1 day          | 2 days         | 160/200             | 100  |
| Sep   | 650   | 750        | 1 day                  | 1 day      | 1 day          | 2 days         | 160/200             | 100  |
| Oct   | 650   | 750        | 1 day                  | 1 day      | 1 day          | 2 days         | 160/200             | 100  |

\*\* *Flow releases will occur between the hours of 10 AM and 4 PM during Wet and Normal Water Years, and between the hours of 10 AM and 1 PM during Dry years.*

\* *Critically Dry*

1. **Recreation Flow Calendar.** Licensee shall post an annual recreation flow calendar will be posted that schedules the initial recreation flow day per month, *unless modified by the TRG.* Licensee shall conduct an annual planning meeting each year in March to discuss expected Water Year Type, results of monitoring efforts, Licensee maintenance needs that may conflict with recreation flow releases, and other relevant issues.
2. **Additional Flow Days.** *The desired date of the month for the second flow will be recommended by the TRG based on evaluation of social and ecological considerations.*
3. **Recreation Flow Postponement.**
  - a. **Insufficient Electrical Generation.** *Licensee may postpone up to one weekend of recreation river flow releases in July and one weekend of recreation river flow releases in August based on projected insufficient electrical generation shortage as forecasted by the Independent System*

*Operator or its successor, provided Licensee gives 48-hours notice to the recreation community. Such notice may be accomplished by sending a notice to the phone number or website specified by American Whitewater.*

*b. Emergencies. In the event of an emergency, Licensee may postpone any scheduled recreation river flow release. Licensee shall provide as much notice as reasonably practicable under the circumstances.*

*c. Postponed Recreation Flows. Licensee shall reschedule postponed recreation river flow releases as recommended by the TRG.*

**D. Triggers for Adjustments.** Licensee shall count observed boater use in boater days to determine whether recreation river flow release days should be added or subtracted. One boater day is defined as use of the Belden Reach for boating by one person for any part of a given day. Licensee shall collect boater use data on each scheduled recreation river flow release days. One day of recreation river flow shall be added to the recreation river flow schedule the next year after 100% exceedance of the up-trigger is met for each day in a particular month of that year. One day of recreation flow will be subtracted from the recreation river flow schedule for the next year after 100% exceedance of the down-trigger are not met in a particular month of that year. Days shall be adjusted in the same month in which use is monitored. Recreation river flow releases shall not decrease below 1 release day per month and shall not exceed the Cap defined in Table B. Recreation river flow release days shall not be added or subtracted during any period of recreation test river flows conducted pursuant to Paragraph C (3) above.

**E. Ramping Rates.** In implementing recreation river flows, Licensee shall apply the Basic Ramping Rates as defined in Paragraph F (1) of Condition 27.

#### **Condition No. 47 - Interagency River Recreation Management Plan**

Within 12 months of license issuance, Licensee will coordinate with the Forest Service, Butte County, Plumas County, and Caltrans to develop a Memorandum of Understanding to produce an Interagency River Recreation Management Plan. The Plan will address management of project related to river recreation opportunities, including integration with other river recreation opportunities in the watershed. The Plan will address establishment of visitor capacity thresholds, maintenance of facilities, signage, traffic management, and monitoring. This plan and Memorandum of Understanding would not be financially binding, but would document agency roles, responsibilities, and intentions related to river recreation management.

If after evaluation period whitewater flows are not continued, then this Memorandum of Understanding and Plan would be terminated.

#### **Condition No. 48 - Traffic Use Surveys**

The Licensee shall file with the Commission a road/traffic use survey as approved by the Forest Service. The report shall be prepared every five years from license issuance. A copy of the survey and survey results shall be provided to the Forest Service. The Forest Service reserves the right, after notice and opportunity for comment and administrative review, to require changes in the project, designated project roads, and operation through revision of the 4(e) conditions that require measures necessary to accomplish protection and utilization of National Forest resources and provide for public safety identified as a result of these surveys. At a minimum the road/traffic survey shall:

- Include the Caribou Road (27N26) and the Caribou-Butt Valley Reservoir roads (27N26 and 27N60).
- Include the number of vehicles per day, type of vehicle, such as log trucks, recreational vehicles, passenger cars, emergency vehicles (fire), or Licensee vehicles.
- Traffic counts shall be conducted for: opening of fishing season, Memorial weekend, July 4<sup>th</sup> holiday weekend, the day before, the day of and the day after scheduled boating flow releases, Labor Day weekend, and random weekends, and weekdays during the period from April to October. A minimum of 60 survey days/year shall be required.

#### **Condition No. 49 - Visual Management Plan**

Within 1 year of license issuance or 60-days prior to any ground-disturbing activity, the Licensee shall file with the Commission a Visual Management Plan that is approved by the Forest Service. At a minimum, the Plan shall address:

- Clearings, spoil piles, and project facilities such as diversion structures, penstocks, pipes, ditches, powerhouses, other buildings, transmission lines, corridors, and access roads.
- Facility configurations, alignments, building materials, colors, landscaping, and screening.
- Proposed mitigation and implementation schedule necessary to bring project facilities into compliance with National Forest Land and Resource Management Plan direction.

Mitigation measures shall include, but are not limited to:

- Paint the metal siding and roof of the hoist house on the Prattville Intake Structure a dark green color similar to the current color.
- Plant sufficient evergreen trees between the existing Prattville maintenance buildings and the shoreline to reduce visual domination of the buildings on the shoreline area. Monitor and oversee tree survival to ensure successful establishment through the first three summers.
- Re-grade the Oak Flat spoil piles along Caribou Road to create a more natural rolling topography along the roadside and where possible move spoil materials

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- farther from the road. Establish native plantings where possible between the road and the spoil piles to help screen the active use areas from passing motorists.
- In consultation with the Forest Service, prepare a plan to annually apply dust palliatives or other measures, including regular grading, to help minimize dust emissions and improve the lower coupled segment of the Butt Valley-Caribou Road.
  - At the Belden Powerhouse, consult with the Forest Service on color selection when maintenance or repair work is scheduled on the Belden Powerhouse penstocks, surge chamber, or other powerhouse facilities to reduce visual contrast as seen from SR 70.
  - At Caribou Village, maintain the exterior and landscaping of the old clubhouse facility and grounds to preserve the historic features and character of the facility. Consult with the Forest Service when maintenance or repair activities are to take place to help preserve, as practical, the historic and visual appeal of the village landscaping and structures.
  - Conduct annual meeting with the Forest Service and Plumas County to coordinating ongoing project related land management activities including recreation management and use, fire suppression and related forest health activities, and the planning for commercial, residential and industrial developments.

#### **Condition No. 50 - Spoil Disposal Plan**

Within two years of license issuance and at least 60 days prior to any ground disturbing or soil producing or piling activity, Licensee shall file with the Commission, a Spoil Disposal Plan, approved by the Forest Service, for protection of forest resources affected by disposal and storage of project related natural materials on National Forest System lands.

##### **General Spoil Disposal requirements:**

- Remove all road spoil piles not currently located in approved areas on National Forest System lands to a location either off the Forest, or to a Forest Service approved disposal site. Revegetate removal area with approved native (locally collected) seed to reduce invasion of noxious weeds. Monitor and eradicate noxious weeds as specified in the "Noxious Weeds Management Plan" license condition.
- All visible non-native materials, including construction debris shall be removed from the surface of piles located on National Forest System lands.
- All native material allowed to be left on National Forest System lands shall require a plan to address erosion control, slope stability, revegetation, and compliance with visual quality objectives.