

1 Settlement Agreement
2 Upper North Fork Project
3 February 17~~19~~, 2003
4
5

6 Section 7. Recreation
7

8 c. Forest Service Almanor Shoreline Facilities: Target completion 1-13 years
9 after license issuance.

- 10
11 i. Licensee shall provide 40 percent matching funds up to a maximum of
12 \$5,000,000 (2004 dollars) to the FS for the FS to construct recreation
13 improvements at the following FS-owned recreation facilities:
14 Almanor Family Campground, Almanor Group Campground,
15 Almanor Amphitheater, Almanor Picnic Area and Almanor Beach.
16 The FS will provide the remaining 60 percent of the cost to construct
17 the recreation improvements. Recreation improvements will include
18 reconstruction of existing facilities and construction of new facilities.
19 During the first thirteen years of the new license term, Licensee's
20 annual obligation to provide matching funds shall be triggered by
21 FS's ability to obtain matching fund contributions. Although the FS
22 will attempt to maintain the 40/60 percent split each year, FS may
23 elect to require Licensee to provide a greater percentage of matching
24 funds in any given year provided that the total cost to Licensee to
25 fund recreation improvements at the above FS-owned recreation
26 facilities shall not exceed \$5,000,000 (2004 dollars). FS shall
27 provide Licensee with its annual funding request no later than prior to
28 January 15 of the prior year. If, at the end of the thirteenth year after
29 the license is issued, the Licensee has not paid the FS the maximum
30 \$5,000,000 (2004 dollars) because the FS has been unable to obtain
31 its corresponding share of the matching funds, then Licensee shall
32 use the remaining funds (the difference between the amount Licensee
33 has already paid the FS in matching funds and the \$5,000,000 cap
34 (2004 dollars)) for recreation improvements at the Almanor Beach
35 and East Shore Family Campground, which may include the addition
36 of up to 28 campsites in a third loop as funding permits. The FS will
37 be responsible for all design and construction of recreation
38 improvements at these facilities, and will consult with the Licensee
39 prior to adoption of the final design. The FS will maintain ownership
40 of the facilities both before and after completion of construction of
41 the recreation improvements.
- 42
43 ii. FS intends to use the matching funds provided by Licensee as
44 described in the preceding paragraph to construct the following
45 recreation improvements. FS may adjust these construction activities
46 depending upon FS' ability to obtain its share of the matching funds.

- 1 a. **Almanor Family Campground/Almanor Amphitheater:**
2 Reconstruct the North and South loops, including general
3 improvement of travel ways and spurs, upgrade sanitation
4 facilities, provide utility hook ups, and construct amphitheater.
5 b. **Almanor Group Campground:** Construct camping loops,
6 group gathering area including pavilion, trailer dump station, and
7 rehabilitate, restore and revegetate decommissioned overflow and
8 group camp.
9 c. **Almanor Picnic Area:** Define and upgrade picnic sites, shade
10 structures, and interpretation/orientation facilities.
11 d. **Almanor Beach:** Expand sandy beach area, expand parking
12 area, and construct swim buoy.
13
14 iii. **The reconstruction of the Almanor Boat Launch and Canyon Boat**
15 **Launch facilities is the responsibility of the FS and is being**
16 **conducted outside the scope of this Settlement.**
17
18 iv. **Any future major reconstruction of FS Lake Almanor recreation**
19 **facilities shall be the responsibility of the FS.**
20

21 **PROJECT BOUNDARY ADJUSTMENTS**

22
23 C. **Project Boundary Adjustments**

24
25 Within one year of license issuance Licensee shall apply to FERC to adjust the FERC
26 Project boundary to include all recreation improvements under this Agreement on
27 Licensee-owned facilities, as well as the FS Canyon Dam Boat Launch, Dyer View Day
28 Use Area, and Almanor Boat Launch. Within one year after the FS has completed
29 construction of all of the recreation improvements it has planned for the FS Almanor
30 Family Campground, Almanor Group Campground, Almanor Amphitheater, and
31 Almanor Beach , Licensee shall apply to FERC to adjust the Project boundary as needed
32 to incorporate these facility components.
33

34
35 **O&M RESPONSIBILITY**

36
37 **3. Recreation Operations and Maintenance Program**

38
39 A. Within one year after license issuance, Licensee shall assume responsibility for
40 operation and maintenance of the FS Dyer View Day Use Area, Canyon Dam Boat
41 Launch and Day Use Area, and Almanor Boat Launch. Licensee shall assume
42 responsibility for operation and maintenance of the FS Southwest Shoreline Access Zone
43 facilities described in Paragraph 1(A)(1)(n) of this Section as they are individually
44 completed.
45

1 Licensee's operation and maintenance of the FS facilities described above shall be
2 consistent with FS standards and shall extend to facility repair associated with normal
3 wear and tear, water, sanitation, and road maintenance. Licensee's operation and
4 maintenance responsibilities at these FS recreation facilities shall not extend to any major
5 reconstruction or recreation improvements. In accordance with Commission and
6 Department of Boating and Waterways regulations, Licensee shall collect and retain 100
7 percent of market rate user fees at all FS recreation facilities that Licensee operates and
8 maintains to offset Licensee's costs to operate, maintain, and fund construction at these
9 facilities over the term of the license, including any annual licenses. Prior to Licensee
10 assuming responsibility for operation and maintenance of these FS recreation facilities,
11 Licensee and FS shall enter into an operation agreement consistent with Licensee's
12 obligations under this paragraph.

13 14 15 **APPENDIX B – NEW O&M TERMS**

16
17 1. Licensee shall assume responsibility for operation and maintenance of the FS
18 Almanor Family Campground, Almanor Group Campground, Almanor Amphitheater,
19 and Almanor Beach within six months after FS has completed construction of all of the
20 recreation improvements it has planned for these recreation facilities, or January 1, 2009,
21 whichever occurs first. Licensee's operation and maintenance of these FS recreation
22 facilities shall be consistent with FS standards and shall extend to facility repair
23 associated with normal wear and tear, water, sanitation, RV dump station, campground
24 trail maintenance, and campground road maintenance. Licensee's operation and
25 maintenance responsibilities at any FS recreation facility shall not extend to any major
26 reconstruction or recreation improvements. In accordance with Commission regulations,
27 Licensee shall collect and retain 100 percent of market rate user fees at all FS recreation
28 facilities that Licensee operates and maintains to offset Licensee's costs to operate,
29 maintain, and fund construction at these facilities over the term of the license, including
30 any annual licenses. FS shall be responsible for any interpretive and educational
31 programs held at the Almanor Amphitheater, Almanor Family Campground and/or
32 Almanor Group Campground. Prior to Licensee assuming responsibility for operation
33 and maintenance of these FS facilities, Licensee and FS shall enter into an operation and
34 maintenance agreement consistent with the terms of this paragraph.

35
36 2. Licensee shall assume responsibility for operation and maintenance of the FS
37 Almanor Picnic Area within six month after FS has completed construction of all
38 recreation improvements it has planned for these recreation facilities, or January 1, 2009,
39 whichever occurs first, provided that FS shall reimburse Licensee for its actual costs,
40 including administration and overhead costs, to operate and maintain the Almanor Picnic
41 Area. Licensee's operation and maintenance of this FS recreation facility shall be
42 consistent with FS standards and shall extend to facility repair associated with normal
43 wear and tear, water, sanitation, and road maintenance. Licensee's operation and
44 maintenance responsibilities shall not extend to any major reconstruction or recreation
45 improvements. Licensee's obligation to operate and maintain the Almanor Picnic Area
46 shall cease if the FS is unable to obtain sufficient funding to fully reimburse Licensee for

1 its costs. Prior to Licensee assuming responsibility for operation and maintenance of the
2 Almanor Picnic Area, Licensee and FS shall enter into an operation and maintenance
3 agreement consistent with the terms of this paragraph.
4
5
6

7 **n. Southwest Shoreline Access Zone:** Target completion is 1-5 years after
8 license issuance.

9 The Licensee, in consultation with the FS, shall provide four shoreline access
10 points at existing informally used locations along Lake Almanor's southwest
11 shoreline between Prattville and Canyon Dam. These access areas shall provide
12 vehicle access at or near/above the 4,494-foot elevation (PG&E Datum) and
13 serve as pedestrian access areas to the adjacent shoreline. The Licensee shall
14 provide four gravel parking areas that provide parking for up to 4 to 8 vehicles
15 at two areas and 10 to 20 vehicles at the other two areas, vehicle barriers,
16 regulatory, interpretive, and informational signs, gravel access roads, and, if
17 appropriate, single-vaulted toilet buildings at these access areas. Licensee shall
18 close and rehabilitate other user-created vehicular and OHV access routes
19 along to the southwest shoreline as depicted in Site Plan 154 contained in the
20 Draft RRMP and in consultation with the FS.
21
22

23 4. Bypass River Reaches

24
25 d. Lower Belden Reach River Access. If a determination is made to proceed
26 with scheduled river recreation flows, Licensee shall, upon FS request, provide
27 up to a maximum of \$125,000 (2005 dollars) to the FS for construction of non-
28 Project river access to the lower Belden Reach. The FS will make a Good Faith
29 effort to obtain matching funds to help offset the cost of these improvements.
30

31 2. Future Recreation Enhancement Measures

32 2. East Shore Family Campground.

33
34
35 Licensee shall provide a new two-loop family campground on Licensee-
36 owned land along the east shore of Lake Almanor. The new campground
37 will be constructed in two phases, and shall contain approximately 63 new
38 tent and RV campsites. This campground shall contain bear-proof food
39 lockers at each campsite, two restrooms/user fee, indoor hot shower
40 buildings with flush toilets, approximately 20 boat moorage slips/buoys,
41 and a camp host site. If the FS is unable to raise all of the matching funds
42 specified in Section 7, Paragraph 1, A 1, (c), then Licensee shall use the
43 remaining funds (the difference between the amount Licensee has already
44 paid the FS in matching funds and the \$5,000,000 cap (2004 dollars)) for
45 recreation improvements at the Almanor Beach and East Shore Family
46

1 Campground, which may include the addition of up to 28 campsites in a
2 third loop as funding permits. then a portion or all of the 28-unit third loop
3 will be constructed as described.
4
5
6
7

8 **5. Interpretation and Education (I&E) Program**

9

10 Within two years- after license issuance, Licensee shall develop an I&E Program for the
11 Project in consultation with the FS, ~~Plumas County~~Plumas, and other- Parties. The
12 Licensee shall submit the portion of the I&E Program pertaining to FS facilities to the FS
13 for its approval. will approve the Program portion pertaining to FS facilities. Licensee
14 shall implement the I&E Program within one year of Program acceptance by FERC. The
15 I&E Program shall provide information to enhance recreation experiences and encourage
16 appropriate resource protection, cooperation, and safe behaviors by Project visitors. The
17 ~~I&E-Program~~E Program shall include themes, media, media design, prioritized sites, and
18 prioritized services. Potential themes include fish and wildlife resources, volcanic
19 history, hydropower, Native American cultures, pioneers, recreation activities and
20 facilities available in the Project area, and boating hazards. The I&E Program shall
21 include improvements such as interpretive or informational signs, kiosks, reservoir
22 boating safety and hazard information signs and brochures, and informational signs
23 describing recreation facilities and opportunities in the area. The I&E Program
24 improvements shall be developed at recreation sites owned by Licensee and FS that are to
25 be included in the Project boundary. The I&E Program shall also identify funding
26 partnership arrangements with the FS and other interested parties, and contain a schedule
27 for implementation. Licensee and FS will review facility naming practices and re-name
28 facilities with similar names in order to reduce visitor confusion.
29

30 As part of the I&E Program, Licensee shall prepare a Lake Almanor bathymetry map
31 within one year of license issuance. This map shall be provided in pamphlet form to area
32 boaters and posted on signs at Lake Almanor public boat ramps.
33

34 **6. Recreation Monitoring Program**

35

36 Within 12 months of license issuance, the Licensee, in consultation with the FS, ~~Plumas~~
37 ~~County~~Plumas, and other interested ~~parties~~Parties, shall complete a Recreation
38 Monitoring Program. The Licensee shall submit the portion of the Recreation
39 Monitoring Program pertaining to FS facilities to the FS for its approval. The FS will
40 approve the Program portion pertaining to FS facilities. Licensee shall adopt a modified
41 Limits-of-Acceptable Change (LAC)-based monitoring approach as described in the ~~draft~~
42 Draft RRMP contained in the Final License Application. This approach includes
43 Recreation mMonitoring iIndicators and sStandards that shall initiate management
44 actions s to help maintain desired recreation experiences and resource conditions at Project
45 recreation areas over the license term. Specific recreation areas to be monitored by the
46 Licensee shall include at a minimum the water surface of Project reservoirs, Licensee and

1 FS recreation facilities, and shoreline areas within the Project boundary. The Program
2 shall include a schedule of information to be collected annually, every six years, or every
3 12 years. Licensee shall conduct more in-depth monitoring, such as visitor questionnaire
4 surveys and general assessment of regional recreation trends at 12-year intervals. As part
5 of the Recreation Monitoring Program, Licensee shall conduct annual recreation planning
6 and coordination meetings with other recreation providers in the Project area to discuss
7 recreation resource management decisions for the Project area, implementation of Project
8 recreation enhancements, recreation monitoring results, potential grant applications and
9 other pertinent Project-related recreation issues that may arise over the term of the New
10 Project License.

11
12 The Licensee shall prepare Pperiodic monitoring reports ~~shall be prepared~~ every 6 years
13 in conjunction with FERC Form 80 recreation facility and use monitoring requirements.
14 Prior to submitting such reports to FERC, Licensee shall submit the portions of the report
15 pertaining to FS facilities to the FS for its approval. These reports ~~prepared at 6-year~~
16 ~~intervals~~ shall include but not be limited to changes in kinds of use and use patterns both
17 on water surfaces and land, ~~user surveys as to preferences in amount and types~~
18 ~~recreational of recreational~~ activities, kinds and sizes of recreational vehicles including
19 boats, ~~preference for amount of~~ day use versus overnight use, and recreation user trends
20 within the ~~project~~ Project area as well as summaries of annual monitoring. More in-depth
21 questionnaire surveys and regional assessment results shall be incorporated into these
22 reports at 12-year intervals. Licensee shall conduct more in depth monitoring, such as
23 visitor questionnaire surveys and general assessment of regional recreation trends, shall
24 occur at 12-year intervals.

25
26 ~~As part of the RRMP, Licensee shall conduct annual recreation planning and~~
27 ~~coordination meetings with other recreation providers in the Project area to discuss~~
28 ~~recreation resource management decisions for the Project area, plan implementation of~~
29 ~~Project recreation enhancements, recreation monitoring results, potential grant~~
30 ~~applications, and other pertinent Project-related recreation issues that may arise over the~~
31 ~~term of the New Project License.~~

32
33 If recreation test river flows are conducted, Licensee shall, in consultation with FS and
34 other interested ~~parties~~ Parties, develop a study plan to monitor recreation use during the
35 test flow period and produce a report on monitoring results.

36
37 ~~Reports on Recreational Resources shall be filed with the Commission after FS approval~~
38 ~~of reports on Project related but FS-owned facilities.~~ The FS reserves the right to require
39 changes in the Project and its operation through revision of the 4(e) ~~conditions~~
40 Conditions that require measures necessary to accomplish protection and utilization of
41 National Forest resources identified as a result of ~~those surveys~~ the Recreation Monitoring
42 Program.

43 44 **7. Resource Integration and Coordination Program**

1 Licensee shall hold annual meetings to integrate recreation resource needs with other
2 resource management needs, such as cultural, wildlife, water quality, and aquatic
3 resources. These meetings shall be held over the term of the New Project License ~~with~~
4 ~~Parties~~with Parties and; SWRCB, and shall be open to the public ~~other interested parties~~.

5
6
7
8 **10. Belden Interagency ~~Whitewater River Recreation~~ River Flow Management Plan.**

9 ~~If a determination is made to proceed with scheduled river recreation river flows~~
10 ~~contained in Section 2 of this agreement~~Within 12 months of license issuance, Licensee,
11 ~~prior to the start of the first full boating recreation season~~ shall coordinate with the Forest
12 ~~Service~~FS, Plumas County~~Plumas~~, and Caltrans to develop a Memorandum of
13 ~~Understanding to produce an Belden Interagency River~~Belden Interagency River
14 Flow Management Plan. The Plan shall address management and integration of project
15 related river~~whitewater~~ recreation opportunities provided by the Belden Recreation River
16 Flow release, including integration with other river recreation opportunities in the
17 watershed. The Plan shall address establishment of visitor capacity thresholds,
18 maintenance of facilities, signage, traffic management and monitoring. This Plan and
19 Memorandum of Understanding would not be financially binding, but would document
20 agency roles, responsibilities, and intentions related to river recreation management.

21
22 ~~If after the whitewater~~the Belden Recreation River Fflow evaluation period,
23 whitewater~~recreation river flow releases in accordance with Section 2 of this agreements~~
24 are not continued, the Memorandum of Understanding and Plan would be terminated.

25
26 **11. Traffic Use Survey.** ~~Delete =>~~Beginning the fifth year following issuance of the
27 New Project License and continuing at five-year intervals ~~<=Delete.~~ Within one year of
28 license issuance, Licensee shall file with FERC a road/ traffic survey plan for roads used
29 for project purposes on FS land~~approved by the Forest Service~~ This plan shall be
30 approved by the Forest Service and include provisions for monitoring traffic every six
31 years when License is monitoring recreation use in accordance with FERC Form 80
32 requirements. The Forest Service reserves the right, after notice and opportunity for
33 comment and administrative review, to require changes in the project, designated project
34 roads, and operation through revision of the 4(c) conditions that require measures
35 necessary to accomplish protection and utilization of National Forest resources and
36 provide for public safety identified as a result of these surveys.~~At a minimum the road~~
37 /traffic survey plan shall include:

- 38 • ~~Include the~~The Caribou Road (27N26) and the Caribou-Butt Valley Reservoir
39 roads (27N26 and 27N60).
- 40 • ~~Include T~~he number of vehicles per day, type of vehicle, such as log trucks,
41 recreational vehicles, passenger cars, emergency vehicles (fire), or Licensee
42 vehicles on these roads.
- 43 • A sampling approach for these roads that covers~~the fishing season using a and~~
44 that includes opening of fishing season weekend, Memorial weekend, July 4th
45 holiday weekend, the day before, the day of and the day after scheduled Belden

1 Reach recreation_river flow releases, Labor Day weekend, non-holiday weekends,
2 and weekdays.

- 3 • Road traffic reports every six years to be filed with FERC, after FS review and
4 comment.

5
6
7 The Forest Service reserves the right, after reviewing and commenting on traffic use
8 reports, to require changes in the project, designated project roads, and operation through
9 revision of the 4(e) conditions that require measures necessary to accomplish protection
10 and utilization of National Forest resources and provide for public safety identified as a
11 result of these traffic survey reports.

1 **Section 8. Land Management and Visual Resource Protection**

2
3 The Licensee shall implement the following measures at existing facilities within 2 years
4 after license issuance or as otherwise noted:

5
6 A. Paint the metal siding and roof of the hoist house on the Prattville Intake structure
7 a dark green color similar to the current color;

8
9 B. Plant sufficient evergreen trees between the existing Prattville maintenance
10 buildings and the shoreline to reduce visual domination of the buildings on the
11 shoreline area. Monitor and oversee tree survival to ensure successful establishment
12 through the first three summers.

13
14 C. Re-grade the Oak Flat road debris spoil piles along Caribou Road to create a more
15 natural rolling topography along the roadside, and where possible, move spoil
16 materials farther from the road. Establish native plantings where possible between
17 the road and the spoil piles to help screen the active use areas from passing motorists.

18
19 D. In consultation with the FS, prepare a plan to annually apply dust palliatives or
20 other measures, including regular grading, to help minimize dust emissions and
21 improve the lower coupled segment of the Butt Valley-Caribou Road.

22
23 E. At the Belden Powerhouse, consult with the FS on color selection when
24 maintenance or repair work is scheduled on the Belden Powerhouse penstocks, surge
25 chamber, or other powerhouse facilities to reduce visual contrast as seen from State
26 Route 70.

27
28 **F.** At Caribou Village, maintain the exterior and landscaping of the old clubhouse
29 facility, houses, and grounds to preserve the historic features and character of the
30 facility. Consult with the FS when maintenance or repair activities that affect exterior
31 appearance are to take place to help preserve, as practical, the historic and visual
32 appeal of the village landscaping and structures.

33
34 G. Within 60-days prior to any ground-disturbing activity on FS lands, the Licensee
35 shall file with FERC a Visual Management Plan approved by the FS. At a minimum,
36 the Plan shall address:

- 37 • Clearing, spoil piles, and project facilities such as diversion structures, penstocks,
38 pipes, ditches, powerhouses, other buildings, transmission lines, corridors, and
39 access roads.
40 • Facility configuration, alignment, building materials, colors, landscaping, and
41 screening.
42 • Proposed mitigation and implementation schedule necessary to bring project
43 facilities into compliance with National Forest Land and Resource Management
44 Plan direction.
45 • Removal of all Locating road spoil piles not currently located either in approved
46 areas on National Forest System lands to a location either off the Forest, or to a

1
2
3
4
5
6
7
8
9
10

location off Forest Service lands approved disposal site. Revegetation Revegetation of removal areas with approved native (locally collected) seed to reduce invasion of noxious weeds. Monitoring and eradication of noxious weeds as specified in the “Noxious Weeds Management Plan” license condition.

- Removal of all visible non-native materials, including construction debris from the surfaces of piles located on National Forest System lands.
- Stabilization and revegetation of all native material that is allowed to be left on National Forest System lands including compliance with visual quality objectives.