

BOARD OF SUPERVISORS

AGENDA

Meetings are located at:
Yuba County Government Center
Board Chambers, 915 Eighth Street
Marysville, California



Agenda materials are available at the Yuba County Government Center, 915 8th Street, the County Library, 303 Second Street, Marysville, and www.co.yuba.ca.us. Any disclosable public record related to an open session item and distributed to all or a majority of the Board less than 72 hours prior to the meeting is available for public inspection at Suite 109 of the Government Center during normal business hours.

MAY 3, 2011

- 1:00 P.M. YUBA COUNTY WATER AGENCY CANCELLED**
- 3:30 P.M. THREE RIVERS LEVEE IMPROVEMENT AUTHORITY CANCELLED**
- 5:30 P.M. YUBA COUNTY HOUSING AUTHORITY**
- 6:00 P.M. YUBA COUNTY BOARD OF SUPERVISORS - Welcome to the Yuba County Board of Supervisors meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices, which might disrupt the meeting. Thank you.**
- I. **PLEDGE OF ALLEGIANCE** - Led by Supervisor Griego
- II. **ROLL CALL** - Supervisors Vasquez, Nicoletti, Griego, Abe, Stocker
- III. **CONSENT AGENDA: All matters listed under the Consent Agenda are considered to be routine and can be enacted in one motion.**
- A. **Community Development and Services**
1. Adopt resolution authorizing the Executive Director of the Yuba County Community Services Commission to execute contracts with the agencies approved to receive Community Services Block Grant Funding. (187-11)
 2. Accept Rio Del Oro Village 12 Unit 8 project as complete, approve filing the notice of completion and release performance bonds; authorize release of Labor and Materials Bonds 90 days after filing Notice of Completion. (188-11)
 3. Approve application for a floodplain development variance for the agricultural storage building planned at 8947 State Route 70, APN 006-030-002. (Land Use and Public Works Committee recommends approval) (189-11)
- B. **Sheriff-Coroner**
1. Approve agreement with the United States Department of Justice, Drug Enforcement Administration to provide law enforcement services relating to the eradication and suppression of illicit marijuana and authorize the Chairman to execute same. (190-11)
- IV. **SPECIAL PRESENTATION**
- A. Present proclamation proclaiming May 6 - 12, 2011 National Nurses Week. (198-11)
 - B. Present proclamation proclaiming May 2011 Foster Care Month in Yuba County. (Five minute estimate) (191-11)
 - C. Present proclamation celebrating Loyalty Day May 1, 2011. (192-11)
- V. **PUBLIC COMMUNICATIONS: Any person may speak about any subject of concern provided it is within the jurisdiction of the Board of Supervisors and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. Prior to this time speakers are requested to fill out a "Request to Speak" card and submit it to the Clerk of the Board of Supervisors. Please note: No Board action can be taken on comments made under this heading.**

VI. **COUNTY DEPARTMENTS**

A. **Board of Supervisors**

1. Receive information and adopt resolution endorsing the Sierra Nevada Geo-tourism Project. (Fifteen minute estimate) (193-11)
2. Consider position on Assembly Bill 1178 Solid Waste: Place of Origin and take action as appropriate. (Fifteen minute estimate) (194-11)

VII. **ORDINANCES AND PUBLIC HEARINGS: If you challenge in court the action or decision of the Yuba County Board of Supervisors regarding a zoning, planning, land use or environmental protection matter made at any public hearing described in this notice, you may be limited to raising only those issues you or someone else raised at such public hearing, or in written correspondence delivered to the Yuba County Board of Supervisors at, or prior to, such public hearing.**

- A. **Ordinance** - Hold public hearing, waive reading, and adopt ordinance amending Title XIII of the Yuba County Ordinance Code by repealing and re-enacting chapters of the consolidated fee ordinance related to certain departments. (Finance and Administration Committee recommends approval) (Second Reading) (Five minute estimate) (183-11)

VIII. **ITEM OF PUBLIC INTEREST**

- A. Consider request from Cherokees of California, Inc. Secretary Marilyn Lowe for reduction of fees in the amount of \$400 for a three-day event including overnight camping at Hammon Grove Park and take action as appropriate. (Fifteen minute estimate) (195-11)
- B. Consider request from Community Options for Resources in Education (CORE) the Camptonville Academy for a letter of support to the United States Department of Agriculture to fund the Education Resource Center and authorize the Chairman to execute same. (Ten minute estimate) (196-11)

IX. **CORRESPONDENCE** - (197-11)

- A. Notice from Federal Energy Regulatory Commission regarding Scoping Document 2 for the Yuba River Hydroelectric Project.

X. **BOARD AND STAFF MEMBERS' REPORTS: This time is provided to allow Board and staff members to report on activities or to raise issues for placement on future agendas.**

XI. **CLOSED SESSION: Any person desiring to comment on any matter scheduled for this closed session may address the Board at this time.**

- A. Personnel pursuant to Government Code §54957(a) - **Labor Negotiations - DDA/DSA/MSA/YCEA/Unrepresented and County of Yuba**

XII. **ADJOURN**

NO COMMITTEE MEETINGS

05-05-11 - 4:30 P.M. Marysville City/County Liaison Committee CANCELLED

City of Marysville
Covillaud Room
526 C Street
Marysville, Ca 95901

PUBLIC INFORMATION

PUBLIC COMMUNICATIONS: Members of the public shall be allowed to address the Board of Supervisors on items not appearing on the agenda which are of interest to the public and are within the subject matter jurisdiction of the Board, provided that no action shall be taken unless otherwise authorized by law. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes.

AGENDA ITEMS: The opportunity of the public to be heard on an item shall be provided during the consideration of that item. In the interest of time, the Board has limited the length of such comment or input on each item to 15 minutes total, with a limit of no more than 5 minutes per person or group. The period for public comments on a particular item may be extended upon a majority vote of the Board. These time limits do not apply to applicants appearing before the Board on behalf of their applications.

ACTION ITEMS: All items on the Agenda under the headings "Consent," "County Departments," Ordinances and Public Hearings," "Items of Public Interest," and "Closed Session," or any of them, are items on which the Board may take any action at this meetings.

PUBLIC HEARINGS: All members of the public shall be allowed to address the Board as to any item which is noticed on the Board's agenda as a public hearing. The Board has limited each person or group input to no more than 3 minutes. Any person or group may provide the Board with a written statement in lieu of or in supplement to any oral statement made during a public hearing. Written statements shall be submitted to the Clerk of the Board.

ORDINANCES: Ordinances shall not be passed within five days of their introductions, nor at other than a regular meeting or at an adjourned regular meeting. The Board of Supervisors will address ordinances at first readings. The public is urged to address ordinances at first readings. Passage of ordinances will be held at second readings, after reading the title, further reading is waived and adoption of the ordinance is made by majority vote. An urgency ordinance may be passed immediately upon introduction. The Board reserves the right to amend any proposed ordinances and to hold a first reading in lieu of a second reading.

INFORMATIONAL CORRESPONDENCE: The Board may direct any item of informational correspondence to a department head for appropriate action.

SCHEDULED LUNCH BREAK: Between the hours of 12:00 noon and 1:00 p.m. and at the discretion of the Chair, the Board will recess one hour for lunch.

SPECIAL MEETINGS: No public comment shall be allowed during special meetings of the Board of Supervisors, except for items duly noticed on the agenda.

PUBLIC INFORMATION: Copies of §6.7 shall be posted along with agendas.

End

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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**HOUSING AUTHORITY COMMISSION
BOARD OF SUPERVISORS CHAMBERS
915 8TH STREET, MARYSVILLE
May 3, 2011 at 5:30 P.M.**

AGENDA

I. CALL TO ORDER

II. ROLL CALL

Commissioner Abe
Commissioner Griego
Commissioner Nicoletti
Commissioner Stocker
Commissioner Vasquez

III. NEW BUSINESS

A. Election of Officers

IV. CONSENT ITEMS

- A. Approve Minutes - November 16, 2010
- B. Approve 2009-2010 Audit for the Yuba County Housing Authority
- C. Approve 2010-2011 Budget
- D. Approve Annual Civil Rights Certification
- E. Approve Changes to the Administrative Plan

V. ADJOURNMENT



MINUTES
YUBA COUNTY HOUSING AUTHORITY COMMISSION
November 16, 2010

The meeting of the Yuba County Housing Authority Commission was called to order by Commissioner Nicoletti at 9:23 a.m. in the Yuba County Board of Supervisors Chambers, Yuba County Government Center, Marysville, California with a quorum being present as follows: Commissioners Griego, Nicoletti, and Stocker. Commissioners Abe and Vasquez were absent.

CONSENT ITEMS

Commissioner Nicoletti made a motion to approve the consent agenda which included the minutes of August 24, 2010, approve the submittal of a grant application to HUD for the Family Self-Sufficiency Coordinator and adopt the changes to the Utility Allowances effective 11-01-10. Commissioner Stocker seconded and the motion carried unanimously.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business, Commissioner Abe adjourned the meeting at 9:24 a.m.

_____, Commissioner Abe, Chair

_____, (Director/Secretary)

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May 3, 2011

TO: YUBA COUNTY HOUSING COMMISSIONERS

FROM: Wendy Hartman, Planning Director *KMG*
Debra J. Phillips, Housing Authority Executive Director *Debbie*

SUBJECT: **Approve 2009-2010 Audit for the Yuba County Housing Authority**

Recommendation:

It is recommended that the Yuba County Housing Authority Board of Commissioners approve the 2009-2010 Audit for the Yuba County Housing Authority

Background:

HUD imposes regulations to each Housing Authority regarding its timely submittal of an annual audit. The Yuba County Housing Authority is required to submit an audit annually, both electronically and a hard copy is to be mailed to HUD by March 31st.

Discussion:

The Housing Authority has acquired the services of a new CPA firm to assist with the Housing Authority's annual financial closeout in preparation for the annual audit. The process of acquiring a new CPA delayed this year's audit; however, steps are already in place to have the closeout financials completed by September in preparation for next year's audit. The 2009-2010 Audit was completed and submitted to HUD per HUD's guidelines of March 31st and there were no audit findings.

Fiscal Impact:

There is no impact to the General Fund.



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May 3, 2011

TO: YUBA COUNTY HOUSING COMMISSIONERS

FROM: Wendy Hartman, Planning Director *W. Hartman*
Debra J. Phillips, Housing Authority Executive Director *D. Phillips*

SUBJECT: **Approve 2010-2011 Housing Assistance Payments Budget for the Yuba County Housing Authority**

Recommendation:

It is recommended that the Yuba County Housing Authority Board of Commissioners approve the 2010-2011 Housing Assistance Payments Budget for the Yuba County Housing Authority

Background:

Per the Housing Authority's Management Report for the year ended June 30, 2010, the Housing Authority prepares and presents an annual budget to the Board of Supervisors, as required. However, only the administrative costs and salaries and benefits are included. The U. S. Department of Housing and Urban Development provides a budget and oversight of the various programs the Authority administers, but there is no oversight provided internally by the Authority's Board.

Discussion:

Each year, after the federal budget is approved, HUD provides an Annual Contributions Contract to the Housing Authority disclosing its budget. The HUD Annual Contributions Contract for the Housing Choice Voucher Housing Assistance Payments for FYE June 30, 2011 is \$1,859,244. These funds are used to pay for rental assistance to landlords for low-income residents of Yuba County.

Fiscal Impact:

There is no impact to the General Fund.



PHA Board Resolution
Approving Operating Budget

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing -
Real Estate Assessment Center (PIH-REAC)

OMB No. 2577-0026
(exp.12/31/2012)

Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is required by Section 6(c)(4) of the U.S. Housing Act of 1937. The information is the operating budget for the low-income public housing program and provides a summary of the proposed/budgeted receipts and expenditures, approval of budgeted receipts and expenditures, and justification of certain specified amounts. HUD reviews the information to determine if the operating plan adopted by the public housing agency (PHA) and the amounts are reasonable, and that the PHA is in compliance with procedures prescribed by HUD. Responses are required to obtain benefits. This information does not lend itself to confidentiality.

PHA Name: YUBA COUNTY HOUSING AUTHORITY PHA Code: CA107

PHA Fiscal Year Beginning: JULY 1, 2011 Board Resolution Number: 2011-1

Acting on behalf of the Board of Commissioners of the above-named PHA as its Chairperson, I make the following certifications and agreement to the Department of Housing and Urban Development (HUD) regarding the Board's approval of (check one or more as applicable):

DATE

- ☒ Operating Budget approved by Board resolution on: May 3, 2011
- ☐ Operating Budget submitted to HUD, if applicable, on: _____
- ☐ Operating Budget revision approved by Board resolution on: _____
- ☐ Operating Budget revision submitted to HUD, if applicable, on: _____

I certify on behalf of the above-named PHA that:

1. All statutory and regulatory requirements have been met;
2. The PHA has sufficient operating reserves to meet the working capital needs of its developments;
3. Proposed budget expenditure are necessary in the efficient and economical operation of the housing for the purpose of serving low-income residents;
4. The budget indicates a source of funds adequate to cover all proposed expenditures;
5. The PHA will comply with the wage rate requirement under 24 CFR 968.110(c) and (f); and
6. The PHA will comply with the requirements for access to records and audits under 24 CFR 968.110(i).

I hereby certify that all the information stated within, as well as any information provided in the accompaniment herewith, if applicable, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012.31, U.S.C. 3729 and 3802)

Print Board Chairperson's Name:	Signature:	Date:
ROGER ABE		

HUB:

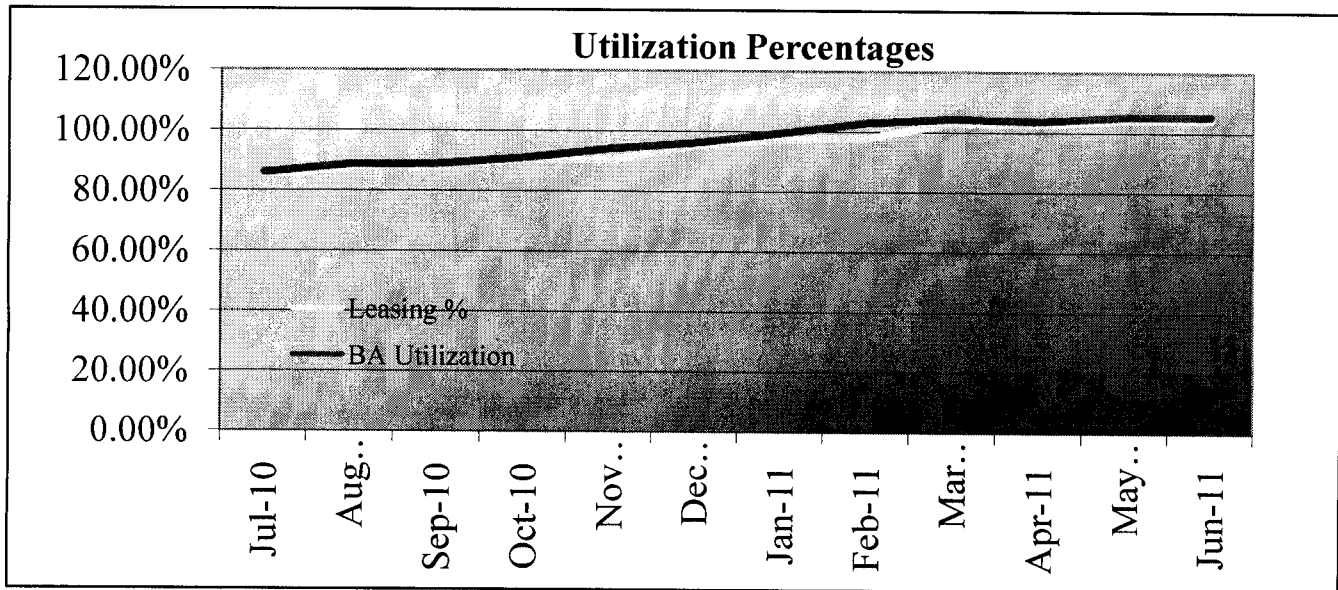
PROJECTED

FO Code: 9GPH

HA Num: CA107

CY 2010

	UMA	UML	Leasing %	ABA	HAP	BA Utilization	PUC
Jan-11	449	438	97.55%	\$154,937	\$154,306	99.59%	\$352.30
Feb-11	449	440	98.00%	\$154,937	\$159,735	103.10%	\$363.03
Mar-11	449	464	103.34%	\$154,937	\$162,055	104.59%	\$349.26
Apr-11	449	462	102.90%	\$154,937	\$160,975	103.90%	\$348.43
May-11	449	469	104.45%	\$154,937	\$163,414	105.47%	\$348.43
Jun-11	449	469	104.45%	\$154,937	\$163,414	105.47%	\$348.43
Jul-10	449	382	85.08%	\$154,937	\$133,335	86.06%	\$349.04
Aug-10	449	393	87.53%	\$154,937	\$137,669	88.85%	\$350.30
Sep-10	449	395	87.97%	\$154,937	\$137,993	89.06%	\$349.35
Oct-10	449	407	90.65%	\$154,937	\$141,313	91.21%	\$347.21
Nov-10	449	406	90.42%	\$154,937	\$146,102	94.30%	\$359.86
Dec-10	449	428	95.32%	\$154,937	\$149,126	96.25%	\$348.43
YTD	5,388	5,153	95.64%	\$1,859,244	\$1,809,436	97.32%	\$351.14



NRA Balance as of 1/1/2011: \$162,834
 ABA YTD: \$1,859,244
 HAP Expenditures YTD: \$1,809,436
 Remaining NRA YTD: \$212,642

CY Eligibility:	\$1,859,246	Including NRA
Remaining CY Eligibility:	\$49,810	\$212,644
CY Months Remaining:	0	0
Monthly CY Eligibility Remaining:		

Unit Months Available CY: 5,388
 Unit Months Leased CY: 5,153
 Unit Months Remaining CY: 235
 Monthly Units Remaining CY:

Unit Months Funding Would Support:	142	606
Monthly Units Funding Would Support:		

Minimum of Available or Supportable:
 Minimum of Available or Supportable Monthly:

The County of Yuba

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May 3, 2011



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TO: YUBA COUNTY HOUSING COMMISSIONERS

FROM: Wendy Hartman, CDSA Planning Director *WH*
Debra J. Phillips, Housing Authority Executive Director *Debra*

SUBJECT: **Approve Annual Civil Rights Certification for 2011-2012**

Recommendation:

It is recommended that the Yuba County Housing Authority Board of Commissioners approve the Annual Civil Rights Certification for 2011-2012.

Background:

HUD imposes regulations to each Housing Authority regarding its timely review of its policies and procedures. Once a five-year plan is adopted, it must be reviewed and revised on an annual basis. However, qualified public housing agencies are exempt from this requirement. A qualified public housing agency is a public housing agency meeting the following requirements: (1) the sum of public housing dwelling units administered by the agency and the number of vouchers is 550 or fewer and (2) the agency is not designated as a troubled PHA and does not have a failing score under the Section 8 Management Assessment Program (SEMAP) during the prior 12 months. In lieu of submitting an annual plan, the public housing agency must make the following civil rights certification:

The PHA will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

Discussion:

The Five –Year PHA Plan for fiscal years 2009-2014 and the Annual PHA Plan for fiscal years 2010-2011 was approved by the Board of Supervisors on May 6, 2010. The Yuba County Housing Authority meets the criteria for a qualified public housing agency. The Annual Civil Rights Certification as has been reviewed and the PHA is prepared to carry out the requirements of the document per HUD regulations.

Fiscal Impact:

There is no impact to the General Fund.



Community Services Commission



Housing Authority

Civil Rights Certification

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
Expires 4/30/2011

Civil Rights Certification

Annual Certification and Board Resolution

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioner, I approve the submission of the Plan for the PHA of which this document is a part and make the following certification and agreement with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

YUBA COUNTY HOUSING AUTHORITY

CA107

PHA Name

PHA Number/HA Code

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official

ROGER ABE

Title

YUBA COUNTY HOUSING COMMISSION CHAIR

Signature

Date

The County of Yuba

Community Development & Services Agency

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May 3, 2011

TO: YUBA COUNTY HOUSING COMMISSIONERS

FROM: Wendy Hartman, Planning Director *WH*
Debra J. Phillips, Housing Authority Executive Director *Debbie*

SUBJECT: Adopt Changes in Administrative Plan effective May 3, 2011

Recommendation:

It is recommended that the Yuba County Housing Authority Commissioners adopt the Housing Authority's Administrative Plan Update effective May 3, 2011

Background:

HUD imposes regulations to each Housing Authority for the management of the Section 8 program that provides rental assistance to low-income residents of Yuba County. The Board must approve the Administrative Plan each time there is a change. The Housing Authority updated its Administrative Plan to bring it current with HUD requirements and language has been added to pages 3-22 (eviction from federally assisted housing due to drug-related criminal activity changed from 3 years to 5 years), 3-23 (currently engaged in, or has engaged in any criminal activities, changed from within the past 3 years to within the past 5 years), 3-26 (PHA will provide prospective owners with required prospective tenant name and address information, but not additional information), 3-30, 3-31, 3-32 (Violence Against Women Reauthorization Act requirements) and 4-14 (clarification of preferences).

Discussion:

Attached are copies of the above referenced pages from the Administrative Plan. A copy of the entire Administrative Plan is available in the Housing and Community Services office and will be available on the website once approved.

Fiscal Impact:

These activities are at no cost to the general fund.



3-III.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]

HUD requires the PHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HUD permits, but does not require, the PHA to admit an otherwise-eligible family if the household member has completed a PHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

YCHA Policy

The YCHA will admit an otherwise-eligible family who was evicted from federally-assisted housing within the past 5 years for drug-related criminal activity, if the YCHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by the YCHA, or the person who committed the crime, is no longer living in the household.

- The PHA determines that any household member is currently engaged in the use of illegal drugs.

YCHA Policy

Currently engaged in is defined as any use of illegal drugs during the previous six months.

- The PHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

YCHA Policy

In determining reasonable cause, the YCHA will consider all credible evidence, including but not limited to, any record of convictions or evictions of household members related to the use of illegal drugs or the abuse of alcohol. The PHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE

HUD permits, but does not require, the PHA to deny assistance for the reasons discussed in this section.

Criminal Activity [24 CFR 982.553]

HUD permits, but does not require, the PHA to deny assistance if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

YCHA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past five years, the family will be denied assistance.

Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or

Criminal activity that may threaten the health or safety of property owners and management staff, and persons performing contract administration functions or other responsibilities on behalf of the YCHA (including a Yuba County Housing Authority employee or a Yuba County Housing Authority contractor, subcontractor, or agent).

Immediate vicinity means within a three-block radius of the premises.

Evidence of such criminal activity includes, but is not limited to:

- Any conviction for drug-related or violent criminal activity within the past 5 years.

- Any record of eviction from public or privately-owned housing as a result of criminal activity within the past 5 years.

In making its decision to deny assistance, YCHA will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, the YCHA may, on a case-by-case basis, decide not to deny assistance.

Screening for Suitability as a Tenant [24 CFR 982.307]

The PHA has no liability or responsibility to the owner for the family's behavior or suitability for tenancy. The PHA may opt to conduct additional screening to determine whether an applicant is likely to be a suitable tenant.

YCHA Policy

The YCHA will not conduct additional screening to determine an applicant family's suitability for tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. The PHA must inform the owner that screening and selection for tenancy is the responsibility of the owner. An owner may consider a family's history with respect to factors such as: payment of rent and utilities, caring for a unit and premises, respecting the rights of other residents to the peaceful enjoyment of their housing, criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

HUD requires the PHA to provide prospective owners with the family's current and prior address (as shown in PHA records) and the name and address (if known) of the owner at the family's current and prior addresses. HUD permits the PHA to provide owners with additional information, as long as families are notified that the information will be provided, and the same type of information is provided to all owners.

YCHA Policy

The YCHA will inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information, at the time of receipt of the Request for Tenancy Approval, or earlier upon request. The YCHA will not provide any additional information to the owner, such as tenancy history, criminal history, etc.

3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING [24 CFR Part 5, Subpart L]

The Violence against Women Reauthorization Act of 2005 (VAWA) prohibits denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking. Specifically, Section 606(4)(A) of VAWA adds the following provision to Section 8 of the U.S. Housing Act of 1937, which lists contract provisions and requirements for the housing choice voucher program:

- That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate reason for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission [24 CFR 5.2005].

Definitions [24 CFR 5.2003]

As used in VAWA:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship
- The term *stalking* means:
 - To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or
 - To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
 - In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

- The term *immediate family member* means, with respect to a person:
 - A spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in the position or place of a parent; or
 - Any other person living in the household of that person and related to that person by blood and marriage.

Notification

YCHA Policy

The YCHA acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under the YCHA's policies. Therefore, if the YCHA makes a determination to deny admission to an applicant family, the YCHA will include in its notice of denial:

A statement of the protection against denial provided by VAWA

A description of PHA confidentiality requirements

A request that an applicant wishing to claim this protection submit to the PHA documentation meeting the specifications below with her or his request for an informal review (see section 16-III.D)

Documentation

Victim Documentation

YCHA Policy

An applicant claiming that the cause of an unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, or stalking must provide documentation (1) demonstrating the connection between the abuse and the unfavorable history and (2) naming the perpetrator of the abuse. The documentation may consist of any of the following:

A statement signed by the victim certifying that the information provided is true and correct and that it describes bona fide incident(s) of actual or threatened domestic violence, dating violence, or stalking

A police or court record documenting the domestic violence, dating violence, or stalking

Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical or other knowledgeable professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

Perpetrator Documentation

YCHA Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

Time Frame for Submitting Documentation

YCHA Policy

The applicant must submit the required documentation with her or his request for an informal review (see section 16-III.D) or must request an extension in writing at that time. If the applicant so requests, the YCHA will grant an extension of 10 business days, and will postpone scheduling the applicant's informal review until after it has received the documentation or the extension period has elapsed. If after reviewing the documentation provided by the applicant the YCHA determines that the family is eligible for assistance, no informal review will be scheduled and the YCHA will proceed with admission of the applicant family.

PHA Confidentiality Requirements [24 CFR 5.2007(a)(1)(v)]

All information provided to the PHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared database nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

YCHA Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the YCHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

4-III.C. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

Local Preferences [24 CFR 982.207; HCV p. 4-16]

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits the PHA to establish other local preferences, at its discretion. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

YCHA Policy

YCHA will select families from the waiting list as follows:

1. Families who are displaced due to government action will be selected first from the waiting list.
2. Families of federally declared disasters who are Section 8 voucher holders or public housing residents in another jurisdiction will be selected second from the waiting list.
3. Families that have been terminated from YCHA's HCV program due to insufficient funding will be selected third from the waiting list.

After families identified above are selected from the waiting list, YCHA will select families based on the total number of points families receive when the following preferences are applied. Families with the highest number of points will be selected first. Among families with equal points, families with the earliest date and time of application will be selected first. A family can earn no more than a maximum of 3 points.

One (1) point will be given to a family that is:

- An Elderly Family (head of household, spouse, or co-head is 62 years of age or older); or,
- A family that contains a disabled family member; or,
- A family whose head of household is a U.S. Veteran (unless they received a dishonorable discharge); or,
- A family whose head of household is a surviving spouse of a Veteran; or
- A family with children.

One (1) point will be given to families who qualify for the Residency Preference.

In order to qualify for the residency preference, the head of household, spouse, or co-head must:

- Hold legal residence within YCHA's jurisdiction; or
- Work within YCHA's jurisdiction; or
- Have been hired to work within YCHA's jurisdiction.

One (1) point will be given to families who qualify for the Working Preference.

In order to qualify for the working preference, the head of household, spouse, or co-head must meet one of the following criteria:

1. Be currently working, and have worked a minimum of 20 hours a week for the last three months.
2. Be currently enrolled as a full-time student in school or in a qualified training program.
3. Be currently working and have worked a minimum of 16 hours a week for the last three months AND be currently enrolled at least part-time in school or in a qualified training program.
 - The YCHA defines *training program* as "a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period to time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education" [expired Notice PIH 98-2, p. 3].
4. Be a family where the head of household is either elderly or disabled (if there is no spouse or co-head).
5. Be a family where the head of household and the spouse/cohead is either elderly or disabled (if there is a spouse or co-head).
 - Example 1: Head of household is elderly and the spouse is elderly. The family would receive benefit of the working preference.
 - Example 2: The head of household is disabled. The spouse is neither elderly nor disabled. This family would not receive benefit of the working preference. In order to receive such preference, the spouse would need to meet the working or school requirements as outlined above.
6. Be a family where the head of household or spouse is a U.S. Veteran (Unless they received a dishonorable discharge).

Income Targeting Requirement [24 CFR 982.201(b)(2)]

HUD requires that extremely low-income (ELI) families make up at least 75% of the families admitted to the HCV program during the PHA's fiscal year. ELI families are those with annual

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CONSENT
AGENDA

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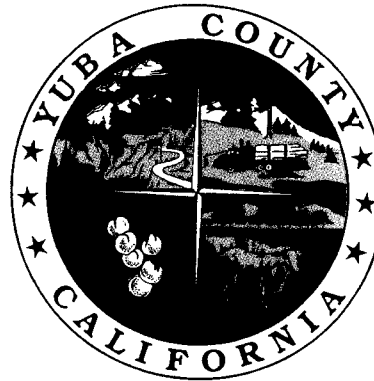
The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

Phone - (530) 749-5430 • Fax - (530) 749-5434
915 8th Street, Suite 123
Marysville, California 95901
www.co.yuba.ca.us

May 3, 2011



187-11

BUILDING
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PARKS AND RECREATION
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TO: Board of Supervisors

FROM: Wendy Hartman, Planning Director *Wendy Hartman*
Debra J. Phillips, Executive Director of Community Services Commission *Debra J. Phillips*

SUBJECT: **AUTHORIZE EXECUTIVE DIRECTOR OF COMMUNITY SERVICES
COMMISSION TO EXECUTE 2011 COMMUNITY SERVICES BLOCK
GRANT CONTRACTS WITH AGENCIES**

Recommendation:

Authorize the Executive Director of Community Services Commission to execute 2011 Community Services Block Grant contracts with the agencies previously approved to receive funding. (Approved by the Yuba County Board of Supervisors on October 26, 2010.)

Background:

The Yuba County Community Services Commission (YCCSC), designated as the authorized Community Action Agency for Yuba County in May of 1988, advises the Board of Supervisors on the distribution of the CSBG funds received from the California State Department of Community Services and Development. On June 4, 2009 the Board of Supervisors approved the 2010/11 Community Action Plan, which set forth the local needs and priorities, and allotted approximately \$59,578 to Administration, making the \$196,800 balance of the \$256,378 minimum funding available for distribution to community based organizations through a competitive Request for Proposal process. Each year, contracts are executed with the community-based organizations that have been allocated funds under the CSBG guidelines.

Discussion:

The Yuba County Community Service Commission approved the following distribution on October 7, 2010, as did the Yuba County Board of Supervisors on October 26, 2010.

H:\COMMON\2011\YC-CSBG\AGENCY CONTRACTS BOS.DOC



Community Services Commission



Housing Authority

EQUAL HOUSING
OPPORTUNITY

FREED Center for Independent Living	\$	9,000
NorCal Services for Deaf & Hard-of-Hearing		6,000
Yuba Sutter Legal Center		14,000
Sutter Yuba Friday Night Live		14,000
Casa de Esperanza		12,500
Yuba Sutter Gleaners Food Bank		14,000
Yuba Feather Community Services		5,000
Community Action Agency of Butte County		25,000
Salvation Army – Emergency Services		10,000
Butchie's Pool		6,000
Allyn Scott Youth and Community Center		14,000
St. John's Episcopal Church		5,300
Bridges to Housing		<u>12,000</u>
		\$146,800
Yuba County Housing Authority-FSS		20,000
Salvation Army-FSS		<u>30,000</u>
	\$	50,000
Total Allocation:	\$	196,800

Contracts have been executed by the provider organizations for signature, with each agreement reflecting the funding approved by the Board. The contracts, format drafted by County Counsel, are on file for review in the office of the Housing and Community Services.

Fiscal Impact:

None. Source of referenced funds is Community Service Block Grant.

Should you need additional information or have questions, please contact Debra J. Phillips at 749-5460.

DJP

Attachments

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA

IN RE:

RESOLUTION AUTHORIZING THE
EXECUTIVE DIRECTOR OF THE YUBA
COUNTY COMMUNITY SERVICES
COMMISSION TO EXECUTE CONTRACTS
WITH THE AGENCIES APPROVED TO
RECEIVE COMMUNITY SERVICES BLOCK
GRANT FUNDING

RESOLUTION NO.

WHEREAS, the Yuba County Community Services Commission was designated as the authorized Community Action Agency for Yuba County in May, 1988 to advise the Board of Supervisors on the distribution of Community Services Block Grant funds, and

WHEREAS, the Board of Supervisors approved the 2010-11 Community Action Plan on June 4, 2009 which set forth the local needs and priorities, and allotted \$59,578 to Administration, making \$196,800 available for distribution to community based organizations through a competitive Request for Proposal process, and

WHEREAS, the Yuba County Community Services Commission approved funding recommendations on October 7, 2010, as did the Yuba County Board of Supervisors on October 26, 2010 for the 2010 CSBG program year, and

WHEREAS, the Executive Director of the Community Services Commission can act

on behalf of the Yuba County Community Services Commission and will sign all necessary documents required to complete the contracts with the funded agencies.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby authorizes the Executive Director of the Community Services Commission, subject to approval of County Counsel, to sign contracts and any amendments thereto with the CSBG funded agencies. The Executive Director is further authorized to sign subsequent required fiscal and programmatic reports, and to perform any and all responsibilities in relationship to such contract.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the
County of Yuba, State of California, on the ____ day of _____ 2011, by the following
vote:

AYES:

NOES:

ABSENT:

Chair, Roger Abe

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM

By: Pat Garrison
ANGIL MORRIS-JONES
County Counsel

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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BUILDING

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May 3, 2011

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: MICHAEL LEE, PUBLIC WORKS DIRECTOR *19 For*

SUBJ: ACCEPT RIO DEL ORO VILLAGE 12 UNIT 8 AS COMPLETE AND RELEASE THE BONDS, TRACT MAP NO. 2004-34

RECOMMENDATION:

The Public Works Department recommends that the Board of Supervisors accept Rio Del Oro Village 12 Unit 8 as complete, approve the filing of the Notice of Completion and the release of the Performance and Labor & Materials Bonds (Bond Package #SU5012458). The Labor & Materials Bond will not be release until 90 days after the filing of the Notice of Completion.

BACKGROUND:

Beazer Homes Holding Corporation was the Developer for the Rio Del Oro Village 12 Unit 8 Project. The project consisted of constructing street improvements for tract homes on the west side of River Oaks Boulevard in the Plumas Lakes Area. The project was substantially completed about 2 years ago but the Developer only recently completed the warranty punch list items.

DISCUSSION:

The project has been completed and the warranty period has expired. Per County Ordinance the Board of Supervisors has the authority to release the project bonds. Once the Board takes action to release the Bonds, the Public Works Department will file a Notice of Completion and return the Performance Bond. The Labor & Materials Bonds will be released 90 days later if no claims are filed against it.

COMMITTEE ACTION:

The Land Use & Public Works Committee was bypassed due to the routine nature of this request.

FISCAL IMPACT:

There is no fiscal impact to Yuba County.

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The County of Yuba

Community Development & Services Agency

Kevin Mallen, Director

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May 3, 2011

TO: YUBA COUNTY BOARD OF SUPERVISORS

FROM: TIM YOUNG, ASSISTANT DIRECTOR OF PUBLIC WORKS *ty*

SUBJECT: APPROVAL OF FLOODPLAIN DEVELOPMENT VARIANCE FOR
AGRICULTURAL STORAGE BUILDING AT 8947 STATE ROUTE 70

RECOMMENDATION:

The Floodplain Manager recommends that the Board of Supervisors approve the application of a floodplain development variance for the agricultural storage building planned at 8947 SR 70, APN 006-030-002.

BACKGROUND:

The owners of 8947 SR 70, located east of SR 70 in District 10 are proposing to construct a wet flood proofed concrete and steel agricultural building. The new 20,000sf building will be used to store and dry rice and will act as part of an existing rice processing facility.

DISCUSSION:

Floodplain management regulations cannot be written to anticipate every imaginable situation. Yuba County Ordinance 10.30.090 "Variance Procedure" was adopted as a way to seek permission to vary from the letter of the rules because of a special situation. It is the Floodplain Manager's opinion that this is such a situation. The structure is for the storage and processing of an agricultural product. Requesting a variance for wet floodproofing this type of agricultural structure is one of the most common. It is specifically listed as allowable in the National Flood Insurance Program (NFIP).

COMMITTEE ACTION:

The Land Use & Public Works Committee reviewed this application on April 26, 2011 and recommend approval.

FISCAL IMPACT:

There is no fiscal impact to Yuba County.

GENERAL APPLICATION

INFORMATION FORM

This document, once completed, will provide necessary information about the proposed project. Please answer applicable questions as accurately and completely as possible. Further information could be required from the applicant to evaluate the project.

PLEASE PRINT CLEARLY OR TYPE
USE A SEPARATE SHEET, IF NECESSARY, TO EXPLAIN THE FOLLOWING:

I. Project Characteristics:

- A. Describe the proposed project including all existing and proposed uses of the site. Construction of flat storage building. Used to store and dry rough rice in conjunction with adjacent rice drying and storage facilities.

- B. Parcel size (square feet or acres): 2.0 acres

- C. Existing land use (attached photographs of the site):
Undeveloped (vacant) ✓ Developed _____

If developed, describe extent (type and use of all structures): N/A

- D. Existing surrounding land uses:

North Walnut orchard
South rice dryer
East rice dryer
West Hwy 70, orchards

- E. Will the project use, store, or dispose of any potentially hazardous materials, such as toxic substances, flammables, or explosives? NO

If yes, please explain N/A

- F. Will the project include utility services (electric, gas, water, sewer) to the proposed building? yes

If yes, please explain electric only for lighting and fans.

G. Will the project include any stationary mechanical equipment in the proposed building? NO

If yes, please explain N/A

H. What is the necessity of the facility to have a waterfront location? N/A

I. Is there an alternative location available for the proposed structure that is not subject to flooding or erosion damage? NO

I hereby certify, to the best of my knowledge, that the above statements are correct.

Shirley Mathews

Signature of Person Preparing Form

3-31-11

Date



Telephone Number

ELIGIBILITY CRITERIA
(Completed by Applicant)

In order to approve a variance, specific findings must be made and supported by evidence of record. Your application for a variance will be considered on the basis of the degree to which your statements fulfill the mandatory findings for approval:

1. Identify why the parcel's physical characteristics are so unusual that complying with the requirements of the ordinance would create an exceptional hardship to the applicant or the surrounding property owners. Applicant may wish to reference FEMA Technical Bulletin 7-93. Identify if this variance is for wet floodproofing an agricultural building that would be used exclusively in connection with production, harvesting, storage, drying or raising of agricultural commodities.

Applicant's Statement: Parcel is in the immediate proximity of existing rice drying and storage facilities. Optional locations are at a considerable distance and would require trucking, additional costs, and add to traffic congestion. Proposed structure will be used exclusively for the drying and storage of rough rice, and conveyance of rice will be incorporated into existing systems.

2. Identify whether this variance is for new construction, substantial improvement, or other proposed new development, and also include lot size. Please note that as the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.

Applicant's Statement: This variance is for new construction. The footprint of the proposed building is 20,000ft². There will be no changes to the areas surrounding the building. Current ~~lot~~ lot size is 2 acres.

3. Identify whether the variance is for the repair or rehabilitation of "historic structures" (as defined in Section 10.30.050 of the floodplain management ordinance). If so, include a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Applicant's Statement: Not for repair or rehabilitation.

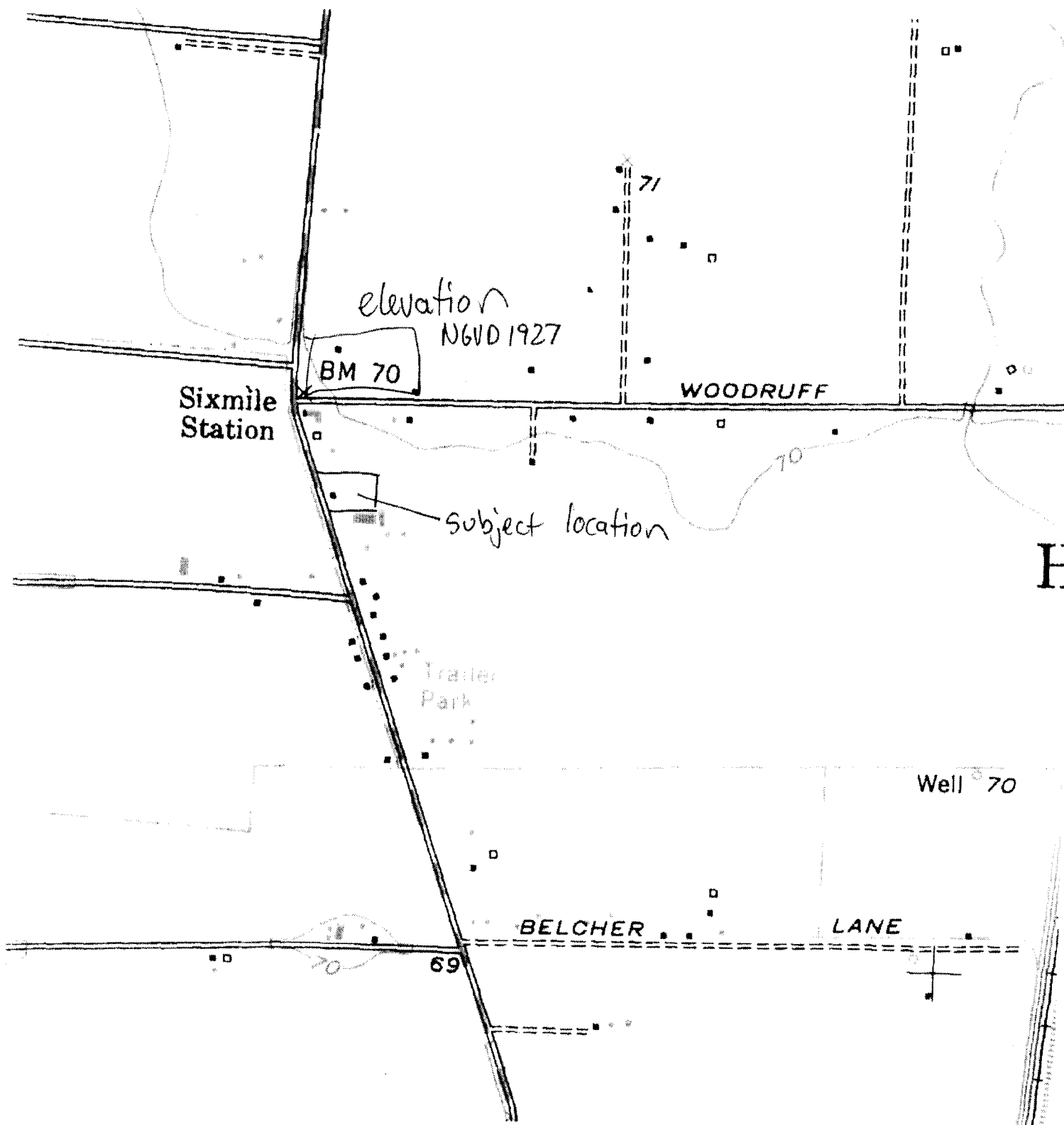
4. Is the proposed development within a regulatory floodway? If so, certification by a registered civil engineer demonstrating that the proposed encroachment shall not result in any increase in flood levels during the base flood discharge is required prior to consideration of a variance. Identify whether this "No-Rise" certification is available if the proposed development is within a regulatory floodway.

Applicant's Statement: Not in a regulatory floodway.

5. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of the floodplain management ordinance. Is the request for your variance the minimum deviation possible from code to enable reasonable development of the property?

Applicant's Statement: The request for a variance is the
minimum deviation possible. Building will be
uninhabited and constructed with floodproof materials.
Any compliance with constructing above a Base Flood
Elevation is not economically reasonable.

Yuba City Quadrangle
7.5 minute series



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Yuba County Sheriff's Department

Steven L. Durfor, Sheriff - Coroner

215 5th Street, Suite 150, Marysville, CA 95901

Ph: 530-749-7777 • Fax: 530-741-6445

MAY 3, 2011

TO: YUBA COUNTY BOARD OF SUPERVISORS

FR: STEVEN L. DURFOR, SHERIFF-CORONER 

RE: DRUG ENFORCEMENT AGREEMENT WITH U.S. DEPARTMENT OF JUSTICE

RECOMMENDATION:

Approve the Agreement between the Sheriff's Department and U.S. Department of Justice, Drug Enforcement Administration to provide law enforcement services relating to the eradication and suppression of illicit marijuana.

BACKGROUND:

This is an annual agreement, which has been in effect for many years and requires Board of Supervisors approval to provide law enforcement services for the eradication of illicit cannabis plants and in the investigation and prosecution of these cases. The agreement covers the period of January 1, 2011 to December 31, 2011, and provides funding in the amount of \$20,000.

DISCUSSION:

This is the continuation of an agreement that is a benefit to both the Sheriff's Department and the Drug Enforcement Administration. The agreement will provide a total of \$20,000 in additional law enforcement revenue. The Sheriff will provide law enforcement personnel in accordance with the attached agreement.

FISCAL IMPACT:

No additional cost to the Sheriff's Department or General Fund. Revenues from the Department of Justice of \$20,000 will cover the necessary costs relating to the eradication and suppression of illicit marijuana.

COMMITTEE ACTION:

Due to the routine nature of this request, the item was placed directly on the Board of Supervisors agenda.

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U.S. Department of Justice
Drug Enforcement Administration

Agreement Number 2011-63

This Letter of Agreement (LOA) is entered into between the **Yuba County Sheriff's Department**, hereinafter referred to as **Yuba County**, and the DRUG ENFORCEMENT ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF JUSTICE, hereinafter referred to as DEA, in reference to the following:

There is evidence that trafficking in controlled substances exists and that such illegal activity has a substantial and detrimental effect on the health and general welfare of the people of the *State of California*. The parties hereto agree that it is to their mutual benefit to cooperate in locating and eradicating illicit cannabis plants and in the investigation and prosecution of those cases before the courts of the United States and the courts of the *State of California*. DEA, pursuant to the authority of 21 U.S.C. § 873, proposes to provide certain necessary funds and **Yuba County** is desirous of securing funds.

NOW, therefore, in consideration of the mutual covenants hereinafter contained, the parties hereto have agreed as follows:

1. **Yuba County** will, with its own laws enforcement personnel and employees, as hereinafter specified, perform the activities and duties described below:
 - a. Gather and report intelligence data relating to the illicit cultivation, possession and distribution of cannabis.
 - b. Investigate and report instances involving the trafficking in controlled substances.
 - c. Provide law enforcement personnel for the eradication of illicit cannabis located within the *State of California*.
 - d. Make arrests and refer to the appropriate prosecutorial authority cases for prosecution under controlled substances laws and other criminal laws.
 - e. Send required samples of eradicated cannabis to the National Institute on Drug Abuse (NIDA) Potency Monitoring Project.
 - f. Submit to DEA monthly statistical reports and quarterly expenditure reports.
2. It is understood and agreed by the parties to this Agreement that the activities described in Sub-paragraphs a, b, c, d, e and f above shall be accomplished with existing personnel and that the scope of **Yuba County's** program with respect to those activities by such personnel shall be solely at **Yuba County's** discretions, subject to appropriate limitations contained in the budget adopted by **Yuba County**.
3. DEA will pay to **Yuba County** Federal funds in the amount of **Twenty Thousand Dollars (\$20,000.00)** for the period of **January 1, 2011 to December 31, 2011** to defray costs relating to the eradication and suppression of illicit cannabis. **Yuba County** explicitly understands and agrees that Federal funds provided to **Yuba County** under this Agreement may not be used to defray costs relating to herbicidal eradication of cannabis without the advance written consent of DEA. While using the Federal funds provided to **Yuba County** under this Agreement for activities on Federal land, **Yuba County** agrees to notify the appropriate local office of the United States Department of

Agriculture (Forest Service) and the United States Department of the Interior (Bureau of Land Management, National Park Service, Fish and Wildlife Service, Bureau of Indian Affairs, Bureau of Reclamation) of **Yuba County's** presence on Federal land.

4. The Federal funds provided to **Yuba County** are primarily intended for payment of deputies'/officers' overtime while those deputies and officers are directly engaged in the cannabis eradication process, and for per diem and other direct costs related to the actual conduct of cannabis eradication, examples of such costs includes rental of aircraft, fuel for aircraft, and minor repairs and maintenance necessitated by use to support cannabis eradication. These Federal funds are not intended primarily for the purchase of equipment, supplies and Purchase of Evidence/Purchases of Information (PE/PI). When DCESP funds are used to purchase supplies and equipment, those items must be directly related to the program activities.

All purchases of equipment and supplies must have approval from DEA. Procurement of these items is subject to the following approval authority: LOA expenditures up to \$2,500.00 will be approved at DEA Division level. When expenditures exceed \$2,500.00, prior to the purchase being made, the LOA must request authorization in writing, through the respective DEA Division, to HQ/OMS. Requests must include manufacturer specifications and pricing of the item (including tax, if applicable) to be purchased. HQ/OMS will notify the state/local agency whether or not the purchase has been approved. Unless specifically approved in advance, expenditures for equipment should not exceed 10% of the total Federal funds awarded. Though equipment/supplies may be specifically itemized in the Operation Plan, they are not automatically approved for purchase. All requests for purchases must be received by HQ/OMS by October 15th. Exemptions to any of these requirements must have prior HQ/OMS approval.

Per the Department of Justice, none of the funds allocated to you may be used to purchase promotional items, such as gifts, mementos, tokens of appreciation, or other similar items. These will include items justified as training aids if they are embossed, engraved or printed with the agency or program logos. Additionally, the use of DCESP funds for Demand Reduction expenses is no longer authorized.

5. In compliance with Section 623 of Public Law 102-141, **Yuba County** agrees that no amount of these funds shall be used to finance the acquisition of goods or services (including construction services) unless **Yuba County**:
 - a. Specifies in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and
 - b. Expresses the amount announced pursuant to paragraph (a) as a percentage of the total cost of the planned acquisition.

The above requirements only apply to procurements for goods or services (including construction services) that have an aggregate value of \$500,000.00 or more.

6. If DEA approves the purchase of supplies (all tangible personal property other than "equipment" as defined by 28 C.F.R. § 66.3), and there is a residual inventory of unused supplies exceeding

\$5,000.00 in total aggregate fair market value upon termination or completion of this Agreement, and if the supplies are not needed for any other federally sponsored programs or projects, **Yuba County** shall compensate DEA for DEA's share.

7. If DEA approves the purchase of equipment (tangible, non-expendable personal property having a useful life of more than one year and an acquisition cost of \$5,000.00 or more per unit (for the use of **Yuba County**'s personnel engaged in cannabis eradication under this Agreement, **Yuba County** will use, manage, and dispose of the equipment in accordance with 28 C.F.R. § 66.32.
8. Payment by DEA to **Yuba County** will be in accordance with a schedule determined by DEA and said payment will be made pursuant to the execution by **Yuba County** of a Request for Advance or Reimbursement (SF-270) and receipt of same by DEA. However, no funds will be paid by DEA to **Yuba County** under this Agreement until DEA has received to its satisfaction an accounting of the expenditures of all funds paid to **Yuba County** during the previous year Agreement. This final/closeout expenditure report will be documented on a Federal Financial Report (SF-425) and an "October thru December (FINAL)" Accounting Report.
9. It is understood and agreed by **Yuba County** that, in return for DEA's payment to **Yuba County** of Federal funds, **Yuba County** will comply with all applicable Federal statutes, regulations, guidance, and orders, including OMB Circular A-102 (administrative requirements), OMB Circular A-87 (cost principles, codified at 2 C.F.R. Part 225), OMB Circular A-133 (audit requirements), 28 C.F.R. Part 66 (grants management common rule), 2 C.F.R. § 2867 (non-procurement suspension & debarment), 28 C.F.R. Part 83 (Drug-Free Workplace Act common rule), 28 C.F.R. Part 69 (Byrd Anti-Lobbying Amendment common rule), and DOJ Order 2900.8A (June 20, 1990). The Financial Guide published by the Office of the Comptroller, Office of Justice Programs, and U.S. Department of Justice contains helpful information regarding compliance requirements. OMB Circular A-133 is available at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. In conjunction with the beginning date of the award, the audit report period of **Yuba County** under the single audit requirement is **January 1, 2011 through December 31, 2011**.
10. **Yuba County** acknowledges that arrangements have been made for any required financial and compliance audits and audits will be made within the prescribed audit reporting cycle. **Yuba County** understands that failure to furnish an acceptable audit as determined by the cognizant Federal agency may be a basis for denial of future Federal funds and/or refunding of Federal funds and may be a basis for limiting **Yuba County** to payment by reimbursement on a cash basis.
11. **Yuba County** shall maintain complete and accurate reports, records and accounts of all obligations and expenditures of DEA funds under this Agreement in accordance with generally accepted government accounting principles and in accordance with state laws and procedures for expending and accounting for its own funds. **Yuba County** shall further maintain its records of all obligations and expenditures of DEA funds under this Agreement in accordance with all instructions provided by DEA to facilitate on-site inspection and auditing of such records and accounts.
12. **Yuba County** shall permit and have available for examination and auditing by DEA, the United States Department of Justice Office of Inspector General, the Government Accountability Office, and any of their duly authorized agents and representatives, any and all investigative reports, records,


documents, accounts, invoices, receipts and expenditures relating to this Agreement. In addition, **Yuba County** will maintain all such foregoing reports and records for three years after termination of the Agreement or until after all audits and examinations are completed and resolved, whichever is longer.

13. **Yuba County** agrees that an authorized officer or employee will execute and return to the DEA San Francisco Field Division, the Letter of Agreement (LOA); Request for Advance or Reimbursement (SF-270); Electronic Funds Transfer Memorandum; Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (OJP Form 4061/6); and Assurances (OJP Form 4000/3). **Yuba County** acknowledges that this Agreement will not take effect and that no Federal funds will be awarded by DEA until DEA receives the completed LOA package.
14. Employees of **Yuba County** shall at no time be considered employees of the United States Government or DEA for any purpose, nor will this Agreement establish an agency relationship between **Yuba County** and DEA.
15. **Yuba County** shall be responsible for the acts or omissions of **Yuba County's** personnel. **Yuba County** and **Yuba County's** employees shall not be considered as the agent of any other participating entity. Nothing herein is intended to waive or limit sovereign immunity under federal or state statutory or constitutional authority. This Agreement creates no liability on the part of the DEA, its agents or employees, or the United States Government for any claims, demands, suits, liabilities or causes of action of whatever kind and designation, and wherever located in the *State of California* resulting from the DCESP funded by DEA.
16. **Yuba County** shall comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Act Discrimination Act of 1975, as amended, and all requirements imposed by or pursuant to the regulations of the United States Department of Justice implementing those laws, 28 C.F.R. Part 42, Subparts C, F, G, H and I.
17. Within sixty (60) days after termination of the Agreement, **Yuba County** will prepare an "October thru December (FINAL)" Accounting Report and a SF-425, itemizing the breakdown of final expenditures. The "October thru December (FINAL)" Accounting Report and the Federal Financial Report (SF-425), along with a refund check, payable to DEA for any unexpended funds which were advanced by DEA pursuant to this Agreement, will be returned to your DEA Regional Contractor by February 1st.
18. Upon submission of the "October thru December (FINAL)" Accounting Report and the Federal Financial Report (SF-425) to your regional contractor for the preceding year, a copy of the general ledger and the underlying supporting documentation reflecting the expenditures for equipment in excess of \$2,500.00, that was previously approved by OMS and the expenses associated with the rental or leasing of vehicles or aircraft must be attached.
19. The duration of this Agreement shall be as specified in Paragraph 3. This Agreement may be terminated by either party for good cause shown after thirty days written notice to the other party. All obligations that are outstanding on the above prescribed termination date or on the date of any thirty

(30) day notice of termination shall be liquidated by the **Yuba County** within sixty (60) days thereof, in which event DEA will only be liable for obligations incurred by the **Yuba County** during the terms of this Agreement. In no event shall **Yuba County** incur any new obligations during the period of notice of termination. **Yuba County** shall return to DEA all unexpended funds forthwith after the sixty (60) days liquidation period.

20. **Yuba County** must be registered in the Central Contractor Registration (CCR) to receive payment of Federal funds. There are two steps to registering in CCR. First, **Yuba County** must have a Data Universal Numbering System (DUNS) number. A "+4 extension" to a DUNS number (DUNS+4) is required when there is a need for more than one bank/electronic funds transfer account for a location. A DUNS number may be obtained via the internet (<http://fedgov.dnb.com/webform>) or by phone (U.S. and U.S. Virgin Islands: 1-866-705-5711; Alaska and Puerto Rico: 1-800-234-3867). Second, **Yuba County** must then register with CCR via the internet (www.ccr.gov). Questions regarding the internet registration process may be directed to 1-866-606-8220 (follow the prompts for CCR). Both the DUNS number and registration in CCR are free of charge.

NOTE: It is Yuba County's responsibility to update its registration annually or whenever a change occurs.

Yuba County's Current DUNS Number: 

Yuba County's opportunity to enter into this Agreement with DEA and to receive the Federal funds expires on June 1, 2011.

Yuba County Sheriff's Department:

By: 

Title: Sheriff-Coroner

Date: 04/11/11

Please submit original signed LOA and associated paperwork to your DEA Regional Contractor.

Drug Enforcement Administration:

By: Anthony D. Williams

Date: _____

Special Agent in Charge

San Francisco Field Division

Please submit original signed LOA and associated paperwork to your Fiscal Office.

DEA Divisional Fiscal Clerk input into USMS:

 I: _____

UFMS Input Date: _____

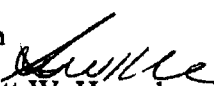
By: _____

Please submit original signed LOA and associated paperwork to your DEA Regional Contractor.



Subject	Date
Electronic Funds Transfer [REDACTED]	April 4, 2011

To
All Domestic Cannabis Eradication/
Suppression Program (DCE/SP)
Participating Agencies

From

Scott W. Hoernke
Chief
Investigative Support Section

Funding for the Domestic Cannabis Eradication/Suppression Program (DCE/SP) is only available by electronic transfer. Funds will be transferred directly into the Letter of Agreement (LOA) agency's bank account. In order to process electronic transfers the following information must be provided below:

Agency Name on Bank Account: Yuba County Treasurer

Account Number: [REDACTED]

Name of Bank/Financial Institution: U.S. Bank

Address of Bank/Financial Institution: Government Bank Dept
621 Capitol Mall Suite 900
Sacramento, CA 95814

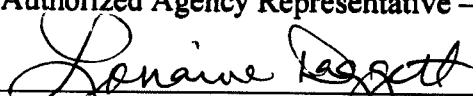
Telephone Number of Bank/Financial Institution: (916) 498-3439

Contact Person of Bank/Financial Institution: Guy Condido

Bank/Financial Institution ABA Number: [REDACTED]

Lorraine Daggett
Chief Deputy Treasurer & Tax Collector

Authorized Agency Representative – Name & Title


Signature of Authorized Agency Representative

4-12-11
Date

Letter of Agreement No. 2011-63

YUBA COUNTY BOARD OF SUPERVISORS

BY: _____
CHAIRMAN, BOARD OF SUPERVISORS

APPROVED AS TO FORM:

by: Sharon E. Fournier
COUNTY COUNSEL

REQUEST FOR ADVANCE OR REIMBURSEMENT

(See instructions on back)

OMB APPROVAL NO.

0348-004

PAGE

OF

PAGES

1. TYPE OF
PAYMENT
REQUESTED

a. "X" one or both boxes

☒ **ADVANCE** ☐ **REIMBURSE-
MENT**

b. "X" the applicable box

☐ **FINAL** ☐ **PARTIAL**

2. BASIS OF REQUEST

☐ **CASH**

☐ **ACCRUAL**

3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT
TO WHICH THIS REPORT IS SUBMITTED

Drug Enforcement Administration

4. FEDERAL GRANT OR OTHER
IDENTIFYING NUMBER ASSIGNED
BY FEDERAL AGENCY

2011-63

5. PARTIAL PAYMENT REQUEST
NUMBER FOR THIS REQUEST

6. EMPLOYER IDENTIFICATION
NUMBER

7. RECIPIENT'S ACCOUNT NUMBER
OR IDENTIFYING NUMBER

8. PERIOD COVERED BY THIS REQUEST

FROM (month, day, year)

January 1, 2011

TO (month, day, year)

December 31, 2011

9. RECIPIENT ORGANIZATION

Name: **Yuba County Sheriff's Department**

Number and Street: **215 5th St**

City, State and ZIP Code: **Marysville CA 95901**

10. PAYEE (Where check is to be sent if different than Item 9)

Name:

Number and Street:

City, State and ZIP Code:

11. COMPUTATION OF AMOUNT OF REIMBURSEMENTS/ADVANCES REQUESTED

PROGRAMS/FUNCTIONS/ACTIVITIES	(a) Original LOA	(b)	(c)	TOTAL
a. Total program outlays to date (As of date)	\$20,000.00			\$20,000.00
b. Less: Cumulative program income				
c. Net program outlays (Line a minus line b)	\$20,000.00			\$20,000.00
d. Estimated net cash outlays for advance period				
e. Total (Sum of lines c & d)	\$20,000.00			\$20,000.00
f. Non-Federal share of amount on line e				
g. Federal share of amount on line e				
h. Federal payments previously requested				
i. Federal share now requested (Line g minus line h)	\$20,000.00			\$20,000.00
j. Advances required by month, when requested by Federal grantor agency for use in making prescheduled advances				
1st month				
2nd month				
3rd month				

12. ALTERNATE COMPUTATION FOR ADVANCES ONLY

a. Estimated Federal cash outlays that will be made during period covered by the advance	
b. Less: Estimated balance of Federal cash on hand as of beginning of advance period	
c. Amount requested (Line a minus line b)	

AUTHORIZED FOR LOCAL REPRODUCTION

(Continued on Reverse)

STANDARD FORM 270 (Rev. 7-97)
Prescribed by OMB Circulars A-102 and A-110

10. I certify that to the best of my knowledge and belief the data on the reverse are correct and that all outlays were made in accordance with the grant conditions or other agreement and that payment is due and has not been previously requested.

SIGNATURE OR AUTHORIZED CERTIFYING OFFICIAL



TYPED OR PRINTED NAME AND TITLE

Steven L. Durfor
Sheriff-Coroner

DATE REQUEST
SUBMITTED

04/11/11

TELEPHONE (AREA CODE,
NUMBER AND EXTENSION)

(530) 749-7779

This space for agency use

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0004), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

INSTRUCTIONS

Please type or print legibly. Items 1, 3, 5, 9, 10, 11e, 11f, 11g, 11i, 12 and 13 are self-explanatory; specific instructions for other items are as follows:

Item	Entry
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2 Indicate whether request is prepared on cash or accrued expenditure basis. All requests for advances shall be prepared on a cash basis.

4 Enter the Federal grant number, or other identifying number assigned by the Federal sponsoring agency. If the advance or reimbursement is for more than one grant or other agreement, insert N/A; then, show the aggregate amounts. On a separate sheet, list each grant or agreement number and the Federal share of outlays made against the grant or agreement.

6 Enter the employer identification number assigned by the U.S. Internal Revenue Service, or the FICE (institution) code if requested by the Federal agency.

7 This space is reserved for an account number or other identifying number that may be assigned by the recipient.

8 Enter the month, day, and year for the beginning and ending of the period covered in this request. If the request is for an advance or for both an advance and reimbursement, show the period that the advance will cover. If the request is for reimbursement, show the period for which the reimbursement is requested.

Note: The Federal sponsoring agencies have the option of requiring recipients to complete items 11 or 12, but not both. Item 12 should be used when only a minimum amount of information is needed to make an advance and outlay information contained in item 11 can be obtained in a timely manner from other reports.

11 The purpose of the vertical columns (a), (b), and (c) is to provide space for separate cost breakdowns when a project has been planned and budgeted by program, function, or

Item	Entry
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activity. If additional columns are needed, use as many additional forms as needed and indicate page number in space provided in upper right; however, the summary totals of all programs, functions, or activities should be shown in the "total" column on the first page.

11a Enter in "as of date," the month, day, and year of the ending of the accounting period to which this amount applies. Enter program outlays to date (net of refunds, rebates, and discounts), in the appropriate columns. For requests prepared on a cash basis, outlays are the sum of actual cash disbursements for goods and services, the amount of indirect expenses charged, the value of in-kind contributions applied, and the amount of cash advances and payments made to subcontractors and subrecipients. For requests prepared on an accrued expenditure basis, outlays are the sum of the actual cash disbursements, the amount of indirect expenses incurred, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received and for services performed by employees, contracts, subgrantees and other payees.

11b Enter the cumulative cash income received to date, if requests are prepared on a cash basis. For requests prepared on an accrued expenditure basis, enter the cumulative income earned to date. Under either basis, enter only the amount applicable to program income that was required to be used for the project or program by the terms of the grant or other agreement.

11d Only when making requests for advance payments, enter the total estimated amount of cash outlays that will be made during the period covered by the advance.

13 Complete the certification before submitting this request.



U.S. Department of Justice
Office of Justice Programs
Office of the Comptroller

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510--

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connec-

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620--

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant,

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check ☐ if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check ☐ if the State has elected to complete OJP Form 4061/7.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620--

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address: Yuba County Sheriff's Department
215 5th Street, Suite 150
Marysville, CA 95901

2. Application Number and/or Project Name Agreement No. 2011-63
Drug Enforcement Administration

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative
Steven L. Durfor
Sheriff-Coroner

5. Signature



6. Date

04/11/11



ASSURANCES

The Applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-87, A-110, A-122, A-133; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements - 28 CFR, Part 66, Common rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project. Also the Applicant assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally - assisted programs.
3. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et seq.)
4. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the sponsoring agency or the Comptroller General, through any authorized representative, access to the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the Federal sponsoring agency concerning special requirements of law, program requirements, and other administrative requirements.
8. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, 14, approved December 31, 1976, Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
10. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569 a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
11. It will comply, and assure the compliance of all its subgrantees and contractors, with the applicable provisions of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provisions of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1; and all other applicable Federal laws, orders, circulars, or regulations.
12. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
13. It will comply, and all its contractors will comply, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or Victims of Crime Act (as appropriate); Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title II of the Americans with Disabilities Act (ADA) (1990); Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975; Department of Justice Non-Discrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39.
14. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
15. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.
16. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

Signature

Date



*SPECIAL
PRESENTATIONS*

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THE COUNTY OF YUBA
 BOARD OF SUPERVISORS
 — PROCLAMATION —

HONORING
 NATIONAL NURSES' WEEK
 MAY 6 – 12, 2011

WHEREAS, the nearly 3.1 million nurses in the United States comprise our nation's largest health care profession; and

WHEREAS, the depth and breadth of the nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized and home health patients; and

WHEREAS, greater numbers of qualified nurses will be needed in the future to meet the increasingly complex needs of health care consumers in our community; and

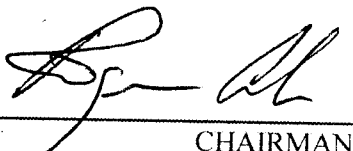
WHEREAS, the cost-effective, safe and quality health care services provided by nurses will be an ever more important component of the U.S. health care delivery system in the future; and

WHEREAS, the American Nurses Association has declared the week of May 6-12 as **National Nurses' Week**, with the theme *Nurses Trusted to Care*; and

WHEREAS, Fremont-Rideout Heath Group is celebrating National Nurses Week with a week-long series of appreciation events for the more than 500 Registered Nurses and 400 nursing support staff working at Rideout Memorial Hospital and Fremont-Rideout Cancer Center in Yuba County.

NOW THEREFORE, the Yuba County Board of Supervisors urges all residents to join in honoring the many nurses who care for all of us, and celebrate accomplishments and efforts in nursing to improve our health care system and show our appreciation for our nurses not just during this week, but at every opportunity throughout the year.




 CHAIRMAN


 CLERK OF THE BOARD OF SUPERVISORS

THE COUNTY OF YUBA
 BOARD OF SUPERVISORS



— P R O C L A M A T I O N —

PROCLAIMING MAY 2011 AS FOSTER CARE MONTH
 IN YUBA COUNTY

WHEREAS, it is our vision that every child in California will live in a safe, stable, permanent home, nurtured by healthy adults, families and strong communities; and

WHEREAS, every year, thousands of at-risk, abused or neglected children are in need of a loving, nurturing connection with an adult or family and the larger community; and

WHEREAS, in Yuba County, families open their homes to 111 foster children in need of stable and supportive environments; and

WHEREAS, foster families who open their homes and hearts to children whose families are in crisis play a vital role helping children and families heal and reconnect; and

WHEREAS, in California, numerous individuals and public and private organizations are working together to improve the lives of foster youth and preparing them for successful adulthood; and

WHEREAS, there is still much work to be done on behalf of the thousands of foster youth throughout the state; and

WHEREAS, Foster Care Month is a time to raise community awareness about the needs of foster youth, spotlight the importance of foster care programs and services in our county and state, and offer appreciation to California's foster families and the public and private partners who commit themselves daily in support of our children;

NOW, THEREFORE, the Yuba County Board of Supervisors, does hereby proclaim May 2011 as FOSTER CARE MONTH in Yuba County and urge all citizens to help change a lifetime by sharing their hearts, opening their homes, and offering help to children in foster care, foster parents and the child welfare professional staff working with them during this month and throughout the year.


 CHAIRMAN




 CLERK OF THE BOARD OF SUPERVISORS

THE COUNTY OF YUBA

BOARD OF SUPERVISORS



— P R O C L A M A T I O N —

CELEBRATING LOYALTY DAY
MAY 1, 2011

WHEREAS, Loyalty Day was first observed in 1921, and on May 1, 1930, 10,000 members of Veterans of Foreign Wars staged a rally at New York Union Square to promote patriotism; and

WHEREAS, observance began on April 28, 1950 when more than five million people across the nation held rallies for America to foster loyalty and love of country; and

WHEREAS, on July 18, 1958, Congress by joint resolution designated May 1 of each year as Loyalty Day as "*a special day for the reaffirmation of loyalty to the United States and for the recognition of the heritage of American freedom*"; and

WHEREAS, Veterans of Foreign Wars Post 10135 of Brownsville maintaining the tradition of Loyalty Day will host the community celebration of American freedom and reaffirming our sacred trust to preserve freedom for all generations come.

NOW, THEREFORE, the Yuba County Board of Supervisors hereby proclaims May 1, 2011 Loyalty Day in Yuba County and encourages its citizens to observe that day with appropriate ceremonies and display of the flag of the United States.

CHAIRMAN

CLERK OF THE BOARD OF SUPERVISORS

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COUNTY
DEPARTMENTS

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NATIONAL
GEOGRAPHIC



www.SierraNevadaGeotourism.org

To: Donna Stottlemeyer, Yuba County Board of Supervisors

Re: Request to be on Board Meeting agenda, to present the Sierra Nevada Geotourism Project
Request for Board Resolution supporting the Sierra Nevada Geotourism Project

Dear Donna,

I'm writing to request the opportunity to present the Sierra Nevada Geotourism Project to the Board of Supervisors. The presentation will take approximately 10-15 minutes, and includes a Power Point. During this presentation, I would also like to request a Board Resolution supporting the Sierra Nevada Geotourism Project.

About the project

The Sierra Nevada Geotourism Project is a partnership between Sierra Business Council, the Sierra Nevada Conservancy and National Geographic Society. Geotourism seeks to promote tourism that "sustains or enhances the geographical character of a place – its environment, culture, aesthetic, heritage, and the well-being of its residents." This project intends to responsibly highlight the unique assets of the Sierra Nevada while educating travelers, preserving traditions, protecting sensitive environments, and stimulating financial growth in local economies. The final products, an interactive website and printed MapGuide published by National Geographic, will direct travelers to properly managed sites of historic, environmental and social significance. Local involvement is critical to the success of the project – the content of the map is generated by locals who know the area best and are invested in its future.

The Sierra Nevada is a vast region with thousands of unique assets. For this reason, we are implementing the Sierra Nevada Geotourism in four geographic phase areas. Yuba County is in the fourth phase area, the Northern Sierra Cascade phase, along with all or portions of Sierra, Butte, Tehama, Plumas, Modoc, Shasta and Lassen counties. The focused nomination period for this phase is June - August 2011.

I have attached the Project's Frequently Asked Questions and a sample Board Resolution. Feel free to contact me with any questions or comments.

Sincerely,

Martini Morris
Project Assistant
Sierra Business Council
PO Box 2428, Truckee, CA 96160
P: 530.582.4800 ext. 17

F: 530.582.1230

W: www.sbcouncil.org



NATIONAL
GEOGRAPHIC



www.SierraNevadaGeotourism.org

Become a Project Supporter

Thank you for your interest in the Sierra Nevada Geotourism MapGuide Project. The Sierra Nevada Geotourism Project seeks to celebrate the Sierra Nevada as a world-class destination, while contributing to its economic health and promoting long-term stewardship of the region. Geotourism is defined as tourism that sustains or enhances the geographical character of a place—its environment, culture, aesthetics, heritage, and the well-being of its residents.

Local involvement is critical to the success of the project. The content of the Sierra Nevada Geotourism map is generated by locals who know the area best and are invested in its future. Local government, organizations and community groups who support the concept of geotourism are encouraged to become project supporters. Project supporters will be highlighted on the geotourism website.

There are different ways to support the project. Your organization or entity can contribute time, money, or capital investment towards project efforts. For example, you can become an outreach partner and help to spread the word, explain the project, and encourage locals to nominate assets. If you are a local governing body, you can publicly support the project by signing a Board Resolution.

How do I become a Project Supporter?

Contribute:

- Money
- Meeting space, materials, AV, food, etc
- Time and efforts towards outreach
- Other services such as marketing
- Public support of the project through a Board Resolution (This only applies to Local Government entities such as Boards of Supervisors, Town Councils, etc.)

Send us:

- A letter (on letterhead) describing your entity's role and contribution to the project. Local Governing bodies can send a board resolution endorsing the project, in addition to a letter describing any contributions to the project.
- An email a high resolution logo and 1-2 sentences about your entity to be featured on the geotourism website.

For your convenience, you will find a sample letter and sample board resolution on the following pages. Please feel free to adapt the letter or board resolution, or draft your own as needed.

Supporting the Sierra Nevada Geotourism Project does not guarantee that an entity will be published



NATIONAL
GEOGRAPHIC



www.SierraNevadaGeotourism.org

Sierra Nevada Geotourism Project FAQs

What is Geotourism?

Geotourism is tourism that sustains or enhances the geographical character of a place - its environment, culture, aesthetics, heritage, and the well-being of its residents. Geotourism encompasses a range of niches including adventure and nature based travel, eco- and agri-tourism, cultural and heritage travel.

What is the Sierra Nevada Geotourism project?

The Geotourism Project seeks to celebrate the Sierra Nevada as a world-class destination, while contributing to its economic health and promoting long-term stewardship of the region. Project partners and residents of the Sierra Nevada are working together to create a National Geographic map that features geotouristic assets and attracts as well as encourages sustainable tourism.

What are examples of Geotourism destinations that might be featured on the map?

Geotourism destinations are authentic and distinctive to the region and sustain or enhance the geographic character of the Sierra Nevada. Examples include local restaurants and shops, historic hotels, museums, local artists, hiking trails, festivals and events, as well as volunteer and recreational opportunities. To view destinations that have been selected and/or submit a nomination, go to www.sierranevadageotourism.org.



Photo Courtesy of County of Inyo, Dean Pennala

Who is involved in the Sierra Nevada Geotourism Project?

Locals are involved - This project is unique because local people identify and nominate places, people and events through an interactive and open process within the community. Then the Geocouncil reviews and selects the nominations.

The Geocouncil is involved - To represent the whole Sierra region, this project has formed a Sierra-wide Geocouncil as well as Local Geocouncils from each of the four phase areas. The Geocouncils are comprised of members that represent the geographical and sectoral diversity of the region (arts, public lands, government, non-profits, businesses, historians, tribes, heritage and preservation). The role of the Sierra Nevada Wide Geocouncil is to guide the overall vision of the project, sustain the project into the future, and encourage long-term stewardship of the region's natural, historic and cultural assets. Each Local Geocouncil will encourage community participation in the nomination process, work to ensure nominations reflect the diversity of the region, and select the nominations for final review by National Geographic Society.

Project supporters are involved - The Sierra Nevada Geotourism Project is managed by the Sierra Nevada Conservancy, Sierra Business Council and the National Geographic Society. These organizations are helped by project supporters who are pivotal in contributing to the success of the project, helping with outreach efforts and mapping. Over 65 project supporters including local government, a variety of land management agencies, non-profits and other entities have worked together in past phase areas of the project. Organizations that are in support of the geotourism



NATIONAL
GEOGRAPHIC



www.SierraNevadaGeotourism.org

project are encouraged to become project supporters; for more information please email sierrageotourism@sbcouncil.org.

How is the Sierra Nevada Geotourism Project funded?

Main funding for this project has received funding from the Sierra Nevada Conservancy and the Morgan Family Foundation, as well as the Federal Highway Administration Awards for Scenic Byways. Local entities and organizations have also contributed funds. We continue to conduct fundraising efforts for the mapping of additional phase areas and website maintenance.



Photo Courtesy of Charles Phillips

What are the benefits of the Sierra Nevada Geotourism Project?

- Attracts and builds travelers who are concerned with local conservation and sustainability
- Highlights destinations and features that make up the fabric of the region and that are frequently overlooked, distributing the tourism impact
- Increases reach by co-branding with National Geographic
- Supports and grows niche businesses throughout the region
- Connects travelers with an authentic experience of the region, connecting them to the land and locals, and instilling a desire to take care of the region
- Creates new jobs in the region's tourism industry

What are the phase areas and the timeline?

The Sierra Nevada is a vast 400-mile long region with thousands of unique destinations and features. The Sierra Nevada Geotourism Project is implementing the project in four geographic phase regions. The nomination periods for the four phases is tentatively:

Phase 1, August - October 2009: Yosemite Gateways and Scenic Byways

-Includes all or portions of Amador, Calaveras, Tuolumne, Mariposa, Madera, Alpine, Mono, Inyo, El Dorado counties

Phase 2, June - August 2010: Tahoe Emigrant Corridor

-Includes all or portions of Nevada, Placer, El Dorado, Washoe, Douglas, Carson City counties

Phase 3, January - April 2011: Southern Sierra

- Includes all or portions of Madera, Fresno, Tulare, Kern counties

Phase 4, June - August 2011: Northern Sierra Cascade

- Includes all or portions of Sierra, Yuba, Butte, Plumas, Tehama, Shasta, Lassen, Modoc counties



Are there plans for a printed map as well as an online map?

In addition to the online map, National Geographic will develop and distribute a poster-sized printed MapGuide using content submitted to the website. The timeline for the development of the printed MapGuide(s) are yet to be determined.

**Go to www.SierraNevadaGeotourism.org to view the current map
and add your nomination!**

Sample Project Supporter Letter

Nicole DeJonghe, Program Director
Sierra Business Council
P.O. Box 2428
Truckee, CA, 96160

Re: Sierra Nevada Geotourism Project

Dear Nicole,

[Our organization] supports the Sierra Nevada Geotourism Project, managed by the Sierra Business Council, Sierra Nevada Conservancy and National Geographic Society. We support the concept of **geotourism**: tourism that sustains and enhances the geographic character of a place—its environment, culture, aesthetics, heritage, and the well-being of its residents. You may use our organization's name on material you produce for the project.

We will contribute time in the form of *[distributing/creating outreach materials, explaining the program to the public/local groups, encouraging nominations from local residents and visitors to map the best of the Sierra, speaking at an outreach event, helping design marketing materials, contacting local media etc]*. We will contribute money in the form of *[dollar amount]*. We will contribute capital investments in the form of *[materials production, food, providing meeting spaces, providing video production equipment, etc]*.

We understand that any contributed money, capital investment, materials and nominations will be used to generate an interactive website and a printed MapGuide which will offer destination information featuring the natural, cultural, and historic attractions that define the Sierra Nevada. We understand that supporting the Sierra Nevada Geotourism Project does not guarantee that we will be published on the MapGuide or Printed Map.

Please contact [organization's contact person and contact info] to discuss what else we can do to make this project a success.

Sincerely yours,

Sample Board Resolution (for Local Government Entities)

Board Resolution

WHEREAS the geotourism approach is all-inclusive, focusing not only on the environment, but also on the diversity of the cultural, historic, and scenic assets of _____ County,

WHEREAS the geotourism approach encourages citizens and visitors to get involved rather than remain tourism spectators, and

WHEREAS the geotourism approach helps build a sense of identity and pride, stressing what is authentic and unique to _____ County,

WHEREAS National Geographic Society has successfully developed geotourism projects in other communities, including the Northern California Coast, the Central Cascades, the Glacier National Park region known as the Crown of the Continent, and the Greater Yellowstone region,

WHEREAS National Geographic Society defines GEOTOURISM as tourism that sustains and enhances the geographical character of _____ County and the entire Sierra Nevada region—its environment, culture, aesthetics, heritage, and the well-being of its residents,

The _____ COUNTY BOARD OF SUPERVISORS resolves to endorse the SIERRA NEVADA GEOTOURISM PROJECT.

**BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA**

**RESOLUTION ENDORSING THE)
SIERRA NEVADA GEOTOURISM)
PROJECT)**

RESOLUTION NO. _____

WHEREAS the geotourism approach is all-inclusive, focusing not only on the environment, but also on the diversity of the cultural, historic, and scenic assets of Yuba County; and

WHEREAS the geotourism approach encourages citizens and visitors to get involved rather than remain tourism spectators; and

WHEREAS the geotourism approach helps build a sense of identity and pride, stressing what is authentic and unique to Yuba County; and

WHEREAS National Geographic Society has successfully developed geotourism projects in other communities, including the Northern California Coast, the Central Cascades, the Glacier National Park region known as the Crown of the Continent, and the Greater Yellowstone region; and

WHEREAS National Geographic Society defines GEOTOURISM as tourism that sustains and enhances the geographical character of Yuba County and the entire Sierra Nevada region—its environment, culture, aesthetics, heritage, and the well-being of its residents,

NOW THEREFORE, the Yuba County Board of Supervisors hereby resolves to endorse the Sierra Nevada Geotourism Project.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the _____ day of _____, 2010 by the following vote:

AYES:

NOES:

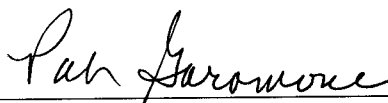
ABSENT:

ABSTAIN:

Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS

ANGIL P. MORRIS-JONES
YUBA COUNTY COUNSEL
APPROVED AS TO FORM:






The County of Yuba

Office of the County Administrator

Robert Bendorf, County Administrator
 John Fleming, Economic Development Coordinator
 Russ Brown, Communications & Legislative Affairs Coordinator
 Grace M Mull, Administrative Analyst
 Teena L. Carlquist, Executive Assistant to the County Administrator
 Yuba County Government Center
 915 8th Street, Suite 115
 Marysville, CA 95901

Phone: (530) 749-7575
 Fax: (530) 749-7312
 Email: rbendorf@co.yuba.ca.us
 jfleming@co.yuba.ca.us
 rbrown@co.yuba.ca.us
 gmull@co.yuba.ca.us
 tcarlquist@co.yuba.ca.us

DATE: May 3, 2011
 TO: Board of Supervisors
 FROM: Russ Brown, Communications & Legislative Affairs Coordinator 
 SUBJECT: Assembly Bill 1178 – Restricting local jurisdictions from limiting importation of solid waste

Recommended Action: Receive information regarding AB 1178

Background & Discussion: AB 1178 by Assemblywoman Fiona Ma was introduced on February 18, 2011 as a simple technical change to the definition of “organic waste.” On April 4, 2011, the first amended version of the bill was presented, this time as legislation to prevent local jurisdictions with landfill operations from restricting importation of solid waste from those California jurisdictions that are unable to have their own landfill sites. The bill would restrict local jurisdictions from discriminating, restricting, or limiting the importation of solid waste “based on place of origin.”

Over the past two weeks, Yuba County has been in discussion with our lobbyists and legislative staff from our two representing associations. Neither CSAC nor RCRC has yet taken positions on AB 1178. RCRC legislative staff has confirmed Yuba County’s initial interpretation of the bill that it does not appear to contain any protections of local agreements concerning long term viability of landfills. A potential concern is that the intentions of local officials that were used in establishing agreements between landfill operators could be challenged in court as being discriminatory based on the origin of the waste.

On April 25, 2011, the legislation was heard by the Assembly’s nine member Committee on Natural Resources. Testimony in support said the bill would strengthen existing solid waste laws and make certain that regions with viable landfills took fair shares of regions that cannot house landfill operations. Those opposing the bill expressed concerns about local control and the need to protect the viability of existing landfills. Discussions among Committee members revealed that support or opposition for the bill did not hold to any particular party line. When Committee members finally voted, the bill initially came up two short on votes needed to move it forward. The following day, however, Assemblywoman Ma was able to convince enough committee members to vote in favor of the bill and move it on to the Assembly’s Committee on Appropriations.

Committee Action: Due to time constraints, this matter was not presented at the committee level.

Fiscal Impact: None

BILL NUMBER: AB 1178 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 4, 2011

INTRODUCED BY Assembly Member Ma
(Coauthor: Assembly Member
Cedillo)

FEBRUARY 18, 2011

~~An act to amend Section 42231 of the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately. An act to amend Sections 40002, 40900.1, and 41903 of the Public Resources Code, relating to solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1178, as amended, Ma. Solid waste: ~~compost market program.~~ place of origin.

Existing law authorizes a city or county to assess special fees of a reasonable amount on the importation of waste from outside of the county to publicly owned or privately owned facilities.

This bill would also authorize a local agency to assess those special fees. The bill would prohibit a city, county, or local agency from otherwise restricting or limiting in any way the importation of solid waste into that city or county based on place of origin because ensuring adequate and appropriate capacity for disposal of solid waste is a matter of state and regional concern.

Existing law prohibits a city or county from exporting solid waste to any other jurisdiction unless the exporting city or county has implemented an approved city or county household hazardous waste element and a source reduction and recycling element, or has submitted a countywide integrated waste management plan, with which it is in compliance.

This bill would also apply that prohibition to a local agency. The bill would make related changes.

~~Existing law, the California Integrated Waste Management Act of 1989, establishes a compost market program to increase the use of compost products, including requiring the Department of General Services and Department of Resources Recycling and Recovery to maintain specifications for the purchase of compost by the state and requiring the Department of Transportation to use compost in place of, or to supplement, petroleum-based commercial fertilizers in the state's highway landscape maintenance program. The term compost is defined, for purposes of this program, as the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream.~~

~~This bill would specify that these organic wastes include, but are not limited to, vegetable, yard, and wood wastes that are not hazardous waste.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ~~2/3~~ majority . Appropriation:
no. Fiscal committee: yes. State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 40002 of the Public Resources Code is amended to read:

40002. (a) As an essential part of the state's comprehensive program for solid waste management, and for the preservation of health and safety, and the well-being of the public, the Legislature declares that it is in the public interest for the state, as sovereign, to authorize and require local agencies, as subdivisions of the state, to make adequate provision for solid waste handling, both within their respective jurisdictions and in response to regional needs consistent with the policies, standards, and requirements of this division and all regulations adopted pursuant to this division. The provisions of this division which authorize and require local agencies to provide adequate solid waste handling and services, and the actions of local agencies taken pursuant thereto, are intended to implement this state policy.

(b) The Legislature further declares that restrictions on the disposal of solid waste that discriminate on the basis of the place of origin of the waste are an obstacle to, and conflict with, statewide and regional policies to ensure adequate and appropriate capacity for solid waste disposal.

SEC. 2. Section 40900.1 of the Public Resources Code is amended to read:

40900.1. The Legislature hereby further finds and declares all of the following:

(a) It is important to encourage state agencies to plan and implement programs that will reduce the amount of solid waste going to disposal facilities through source reduction, recycling, and composting.

(b) Local agencies, other than a host jurisdiction, and federal agencies should be encouraged to plan and implement programs that will reduce the amount of solid waste going to disposal facilities through source reduction, recycling, and composting.

(c) Each state agency shall, to the extent feasible and within existing budgetary constraints, develop and implement source reduction, recycling, and composting programs that will reduce the amount of solid waste going to disposal facilities. Those programs shall be consistent with Executive Order W-7-91, which ordered state agencies to establish recycling programs, reduce paper waste, purchase recycled products, and implement measures that minimize the generation of waste.

(d) Local, state, and federal agencies generating solid waste that is sent to a host jurisdiction for disposal should be encouraged to provide the host jurisdiction with information on the amount of solid waste and regarding any solid waste source reduction, recycling, or composting programs that have been implemented by the agency, to assist the host jurisdiction in developing and implementing the planning requirements of this division.

(e) Restrictions or limits on the importation of solid waste based on the place of origin are not aspects of solid waste handling subject to local government determination because they unreasonably limit the disposal of solid waste.

SEC. 3. Section 41903 of the Public Resources Code is amended to read:

41903. (a) A city ~~or county~~, county, or local agency may assess special fees of a reasonable amount on the importation of waste from outside of the county to publicly owned or privately owned facilities.

~~No~~

(b) A city, county, or

local agency may not otherwise restrict or limit in any way the importation of solid waste into that city or county based on the place of origin, because ensuring adequate and appropriate capacity for disposal of solid waste is a matter of state and regional concern.

(c) A city ~~or county~~, county, or local agency shall not export solid waste to any other jurisdiction unless the exporting city or county has ~~—~~ done either of the following:

(1) Implemented, within one year following the date ~~specified in~~ when the countywide integrated waste management plan is required to be submitted to the department pursuant to subdivision (a) or (b) of Section 41791, or a later date established or permitted by the ~~board,~~ department, both an approved city or county household hazardous waste element and a source reduction and recycling element ~~which have both been implemented, or have submitted~~.

(2) Submitted a countywide integrated waste management plan, ~~and~~ with which it is in compliance ~~with it, provided, however, that,~~.

(d) Notwithstanding subdivision (c), until one year following the date ~~specified in~~ when the countywide integrated waste management plan is required to be submitted to the department pursuant to subdivision (a) or (b) of Section 41791, or a later date established by the ~~board~~ department, nothing ~~herein~~ in this section shall be construed as prohibiting the export of solid waste. ~~The board~~

(e) The department may waive the requirements of ~~this section~~ subdivision (c) if the ~~board~~ department determines that all additional reasonable source reduction and recycling programs are being implemented in the city or county or if the ~~board~~ department determines that the system to export waste supports or enhances the city or county source recovery and recycling element.

~~SECTION 1. Section 42231 of the Public Resources Code is amended to read:~~

~~42231. "Compost" means the product resulting from the controlled biological decomposition of organic wastes, including, but not limited to, vegetable, yard, and wood wastes that are not hazardous waste, and that are source separated from the municipal solid waste stream.~~

~~SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:~~

~~In order to encourage the use of sustainable compost as soon as possible, thereby protecting public health and safety and the environment, it is necessary that this act take effect immediately.~~

BILL AB 1178

Date of Hearing: April 25, 2011

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Wesley Chesbro, Chair

AB 1178 (Ma) - As Amended: April 4, 2011

SUBJECT : Solid waste: place of origin

SUMMARY : Prohibits a local government from restricting or limiting in any way the importation of solid waste based on the place of origin.

EXISTING LAW : Under the California Integrated Waste Management Act of 1989 (Act) (Public Resources Code 40000 et. seq.):

- 1) Declares that it is in the public interest for the state to authorize and require local agencies, as subdivisions of the state, to make adequate provisions for solid waste handling, both within their respective jurisdictions and in response to regional needs.
- 2) Requires local governments to divert 50% of solid waste generated from landfill disposal through source reduction, reuse, recycling and composting activities.
- 3) Defines "solid waste" as solid, semisolid, and liquid waste, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge that is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.

THIS BILL:

- 1) Declares that restrictions on the disposal of solid waste that discriminates on the basis of place of origin of the waste are an obstacle to, and conflict with, statewide and regional policies to ensure adequate and appropriate capacity for solid waste disposal.
- 2) Declares that restrictions or limitations on the importation of solid waste based on the place of origin are not aspects of the solid waste handling subject to local government determination because they unreasonably limit the disposal of solid waste.

3) Prohibits a city, county, or local agency from restricting or limiting in any way the importation of solid waste based on the place of origin, because ensuring adequate and appropriate capacity for disposal of solid waste is a matter of state and regional concern.

FISCAL EFFECT : Unknown

COMMENTS :

1) Background. Prior to 1989, the state did not have a coherent policy to ensure that its solid waste was managed in an effective and environmentally sound manner. Over 90% of the state's solid waste was disposed into landfills, some of which posed a threat to groundwater, air quality, and public health. In 1989, the Legislature passed the Act acknowledging that there was an urgent need for state and local agencies to enact and implement an aggressive new integrated waste management program.

As part of the Act, the Legislature declared that "it is in the public interest for the state to require local agencies to make adequate provisions for solid waste handling, both within their respective jurisdictions and in response to regional needs" (emphasis added).

2) Measure E and Potrero Hills. The bill is in response to Measure E, a 1984 Solano County initiative that "limits the amount of solid waste imported into Solano County to a maximum of 95,000 tons per year." At the time of this initiative, Solano County was importing approximately 500,000 tons of solid waste annually from San Francisco.

In 1992, the Legislative Counsel of California and the County Counsel of Solano County opined that Measure E violated the commerce clause of the United State Constitution because it discriminates against interstate commerce. In light of these opinions, the Solano County Board of Supervisors (Board) announced that it would not enforce Measure E. Without Measure E, Solano County has been able to import large amounts of solid waste from other areas of the state for disposal at facilities like the Potrero Hills Landfill.

The Potrero Hills Landfill in Solano County currently receives approximately 900,000 tons of solid waste annually, including 600,000 tons originating from outside of the county. The landfill is expected to reach capacity by 2016. There are

plans to expand the Potrero Hills Landfill from 320 acres to 580 acres and to increase the maximum height from 220 feet to 345 feet, which will extend the life of the landfill for another 35 years. The project contains habitat mitigation that includes preserving and enhancing approximately 994 acres of grassland, wetland, and water features. The cost of the project is approximately \$110 million.

On June 9, 2009, the Board voted in favor of certifying a final Environmental Impact Report (EIR) for the Potrero Hills Landfill Expansion project-due to legal challenges, this was the third time in four years that the Board certified the final EIR. On October 21, 2010, the San Francisco Bay Conservation and Development Commission approved a permit for the project with a few additional conditions.

On June 10, 2009, the day after the Board certified the final EIR, the opponents of the project filed a lawsuit in the Solano County Superior Court to enforce Measure E.

On May 12, 2010, the court issued an opinion acknowledging that Measure E as drafted raises valid commerce clause concerns because it would limit the importation of waste from out of state. However, the court invoked a rarely used judicial authority to actually rewrite Measure E to make it constitutional. The court explained that "Measure E, if rewritten to apply only to waste generated within other counties in California, would not offend the commerce clause." The court ruling has been appealed to the California Court of Appeal.

If the ultimate outcome of the case is in support of Measure E, the Potrero Hills Landfill's current waste load would be cut by as much as 85%, and could be even lower depending on how much of the 95,000 ton quota imposed by Measure E would be allocated to the facility. Counties in the Bay Area and other parts of Northern California rely on the Potrero Hills Landfill for its solid waste management. These counties would have to find alternative ways to manage their solid waste that would otherwise go to the Potrero Hills Landfill.

The bill will essentially nullify Measure E and the Solano County Superior Court ruling by prohibiting a local government from restricting or limiting the importation of solid waste based on the place of origin.

3)Anti-Trust Issues. Beginning in 2008, then-California Attorney General Jerry Brown and the U.S. Department of Justice investigated the merger of two of the three largest

waste-hauling companies in the country, Republic Services, Inc. (Republic) and Allied Waste Industries, Inc. (Allied), for antitrust-law implications. The investigation found that, before the merger, Republic's Potrero Hills Landfill, Allied's Keller Canyon facility in Contra Costa County, and Republic's Vasco Road site in Alameda County were the primary competitors in the waste disposal industry in the San Francisco Bay Area. Moreover, the Attorney General determined that competition between these three landfills kept the price charged for disposal (i.e. tipping fees) to competitive levels. To address the loss of competition that would occur if one company controlled all three landfills, the Attorney General entered into a consent decree that allowed Allied and Republic to merge, but required the divestiture of the Potrero Hills Landfill. The Potrero Hills Landfill is now owned by Waste Connections, Inc.

Attorney General Brown filed an amicus brief in the Measure E litigation explaining that if Measure E was enforced, the Potrero Hills Landfill would only be able to accept a very limited amount of out-of-county waste and the competitive benefits of the divestiture required by the Attorney General and the U.S. Department of Justice will be lost. The Attorney General concluded that Measure E would increase municipal solid waste disposal costs in the San Francisco Bay Area and "businesses in the area will be placed at a competitive disadvantage to their competitors in other areas and states where waste disposal competition is greater."

4)In Any Way. The bill prohibits a city, county, or local agency from "restrict[ing] or limit[ing] in any way the importation of solid waste based on the place of origin" (emphasis added). The "in any way" language could create unintended consequences by imposing a stricter restriction on local government than is necessary to address the Measure E issue.

REGISTERED SUPPORT / OPPOSITION :

Support

Atlas Disposal Industries
Blue Line Transfer, Inc.
Burrtec Waste Industries, Inc.
CalAsian Chamber of Commerce
California Association of Sanitation Agencies
California Refuse Recycling Council
Central Contra Costa Solid Waste Authority

Commercial Fleet Services, Inc.
Davis Waste Removal Co.
Desert Valley Disposal, Inc.
East Bay Sanitary Co., Inc.
Elk Grove Waste Management
Freeman & Williams, LLP
Fremont Recycling & Transfer Station
Garden City Sanitation Inc.
Gilton Solid Waste Management, Inc.
Livermore Sanitation Inc.
Marin Sanitary Service
Marin Resource Recovery
Napa Recycling & Waste Services, LLC
Olympic Wire and Equipment, Inc.
Palm Springs Disposal Services
Recology Inc.
Rehrig Pacific Company
Sacramento Recycling & Transfer Station
Salinas Valley Solid Waste Authority
South Lake Refuse & Recycle
SSI Schaefer Systems International
Solid Waste Insurance Managers, Inc.
South San Francisco Scavenger Co.
Trust Lubrication Co. Inc.
Turlock Scavenger Company
Upper Valley Disposal & Recycling
Vacaville Valley Chamber of Commerce
Varner Bros., Inc.
Vence Consulting
Waste Connections, Inc.
Westhoff, Cone & Holmstedt

Opposition

California Resource Recovery Association
Californians Against Waste
County of San Bernardino
Keith Carson, Alameda County Supervisor, 5th District
Northern California Recycling Association
Sierra Club California
Solano County Orderly Growth Committee
StopWaste.org
Sustainability, Parks, Recycling and Wildlife Legal Defense Fund

Analysis Prepared by : Mario DeBernardo / NAT. RES. / (916)
319-2092

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*ORDINANCES
AND
PUBLIC HEARINGS*

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The County of Yuba

183-11



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Date: April 26, 2011
To: Board of Supervisors
From: Robert Bendorf, County Administrator *RB*
By: Grace Mull, Management Analyst
Re: FY 2011/2012 Consolidated Fee Ordinance

Recommendation: Consider revisions to the Consolidated Fee Ordinance for fiscal year 2011-12.

Background: Departments are tasked to review their fees annually to ensure that fees charged reflect true cost of services. The review process includes adding new fees, deleting obsolete fees, and revising fee titles to accurately describe the fee.

Discussion: The purpose of the Consolidated Fee Ordinance is to allow the public and those doing business with the County to easily access fees associated with various departmental services. The annual revision process provides the Board and the public an opportunity to review and comment on the County's fee structure.

The attached summary displays which fees are proposed to be changed, the amount requested under the new fee, and the reasons for changing the fees. Fee increases reflect the department's full amount of time and costs associated with providing these services, and are meant to be cost covering.

Committee: The Finance & Administration Committee reviewed this item on April 12, 2011 and recommended approval.

Fiscal Impact: The proposed revisions to the Consolidated Fee Ordinance and associated fee schedules represent each department's estimate of the cost to provide services, or are set by state law. Consequently, fee adjustments, either up or down, are meant to eliminate a subsidy or to ensure there is no revenue in excess of the cost of the services provided from the fees being charged to perform the services.

Code Section & Department

Department	Name of Fee	Old Fee	New Fee	Reason for Change
13.00.032 Ag Commissioner	Phyto Field Inspection (10 acre minimum charge)	\$7.50 acre/per walk	\$7.50 acre/per walk	Added "10 acre minimum" to better reflect actual cost of field inspections on fields smaller than 10 acres.
13.00.042 Clerk-Recorder	Credible Witness Affidavit (each) Passports - Clerk Fee - Fee Set by U.S. Dept. of State Labels Absentee Chase - Fax (Includes initial mailing on CD) Certified Copy of Birth Certificate/Certificate of No Record/Info. Copy of Birth = State Sets Fee Certified Copy of Birth Certificate - Public Agency Applicant - State Sets Fee Certified Copy of Certificate of Marriage/Certificate of No Record of Marriage - State Sets Fee Certified Copy of Certificate of Marriage - Public Agency Appl - State Sets Fee Certified Copy of Death Record/Certificate of No Record/Info. Copy of Death - State Sets Fee Administrative Filing Fee - Environmental - Fee Set by State Environmental Impact Report - Fee Set by State Negative Declaration - Fee Set by State Preparing copies of any record per page	\$25.00 .05+-\$5.00 setup \$150.00 \$14.00 \$10.00 \$14.00 \$8.00 \$12.00 \$50.00 \$2,792.25 \$2,010.25 \$0.50	\$5.00 Delete .05 ea+-\$5.00 setup \$150.00 Fee Set by State Fee Set by State Fee Set by State Fee Set by State Fee Set by State Fee Set by State Fee Set by State Fee Set by State Fee Set by State Fee Set by State \$0.25	New fee to provide credible witness for marriage license. Service is no longer provided due to new federal restrictions. Added "each (ea) after .05". Added "Includes initial mailing on CD". Will refer to current state fee schedule when fee charged. Will refer to current state fee schedule when fee charged. Will refer to current state fee schedule when fee charged. Will refer to current state fee schedule when fee charged. Will refer to current state fee schedule when fee charged. Will refer to current state fee schedule when fee charged. Will refer to current state fee schedule when fee charged. Will refer to current state fee schedule when fee charged. Fee correction. Fee currently charged is \$0.25 cents per copy.
13.00.044 District Attorney	Bad Check Collection - Program Fee Bad Check Collection - Processing Fee (Per Check) Misdemeanor Diversion Program (Admin Fee per case)	30% Diversion Fees Collected	\$15.00 \$17.50 \$40.00	Correction to fee. Fees are set by contract with program vendor. Correction to fee. Fees are set by contract with program vendor. To cover admin costs associated with Misdemeanor Diversion Program.
13.00.052 Health	Immigration Medical Exam (includes Tuberculosis skin test) Tetanus-Diphtheria Immunization (Adult) Tdap Yellow Fever Vaccine Hepatitis A Immunization (Each Visit - Adult) Hepatitis B Immunization (Each Visit - Adult) MMR Immunization (Each Visit - Adult) Typhoid Pneumococcal Varicella (Adult) Human Papilloma Virus Series (Adult) Influenza (Adult) Certified Copy of Birth Certificate (State Set Fee)	\$25.00 \$125.00 \$63.00 \$53.00 \$48.00 \$68.00 \$37.00 \$80.00 \$130.00 \$5.00 \$14.00	\$175.00 \$40.00 \$20 plus actual cost of vaccine \$65.00 \$55.00 \$55.00 \$20 plus actual cost of vaccine \$50.00 \$90.00 \$135.00 \$10.00 \$16.00	New service provided by Health Department. Fee increase due to increase in vaccine costs. Vaccines are ordered when requested. Charge reflects actual cost of vaccine plus inoculation charge at time of request. Fee increase due to increase in vaccine costs. Fee increase due to increase in vaccine costs. Fee increase due to increase in vaccine costs. Vaccines are ordered when requested. Charge reflects actual cost of vaccine plus inoculation charge at time of request. Fee increase due to increase in vaccine costs. Fee increase due to increase in vaccine costs. Fee increase due to increase in vaccine costs. Fee increase due to increase in vaccine costs. Fee increase due to increase in vaccine costs.
13.00.056 Probation	Juvenile Hall Fee	\$10.76/day	\$15.00/Day	Fee increase due to analysis of juvenile detention actual costs and associated allowable reimbursement rate. Sutter County has already increased reimbursement rate based on this analysis.
13.00.060 Treasurer	All Fees Unsecured Reminder Notice (Per Assessment)	All Fees	All Fees \$1.50	Separated fees in two groups Business Licenses and Miscellaneous. Also, many fee titles in the Miscellaneous group had clerical changes to better describe the intended fee. To cover the costs associated with processing Unsecured Reminder Notices.

Code Section & Department	Name of Fee	Old Fee	New Fee	Reason for Change
13.20.100 CDSA General	<p>Refund of permit fee shall be allowed if requested within a 12 month period of issuance except fees in Building Code Fee Section 13.20.200 or Planning entitlement once a hearing has been scheduled less any staff time spent at the hourly rate, actual costs for materials and outside services and 3% processing fee.</p> <p>Concurrent Processing of Planning Applications: Applications for two or more planning entitlements (for example: Tentative Map and Variance) will be charged 100% of the highest application fee plus 50% of each additional application fee when submitted at the same time for a single project site (excluding Design Review Permits, Lot Line Adjustments, Certificates of Compliance and recording fees). Where a permit with a set fee amount is combined with one requiring a deposit (for example Rezone & Parcel Map), the total combined fees are collected and are considered a deposit. This is a pilot program and will be evaluated annually.</p>	N/A	N/A	Clerical changes to add "Planning entitlement" to description.
13.20.300 Planning	<p>Environmental Review General Plan Amendment/Change of Zone + hrly over 24 hrs</p> <p>Fire Safe Planning Fees Tentative Parcel Map Revise Approved TPM Tentative Subdivision Tract 20 Lots or Less Tentative Subdivision Tract 21 to 100 Lots Tentative Subdivision Tract 101 to 500 Lots Tentative Subdivision Tract Over 500 Lots Revised Approved TSTM Parcel Map Subdivision Tract Map General Plan Amendment/Change of Zone/Plan Amendment Specific Plan/Area Plan/Community Plan/Master Plan Planned Unit Development: Minor Conditional Use Permit: Minor - If Structure Involved Conditional Use Permit: Major - If Structure Involved Variance: Minor - If Structure Involved Variance: Major - If Structure Involved</p>	<p>N/A \$2,503.00</p> <p>N/A \$210.00 \$210.00 \$210.00 \$315.00 \$525.00 \$735.00 \$210.00 \$105.00 Deposit \$210.00 Deposit \$210.00 \$210.00 \$210.00 \$315.00 \$210.00 \$315.00 \$105.00 \$210.00</p>	<p>N/A Delete</p> <p>N/A \$105.00 \$105.00 \$105.00 \$160.00 \$260.00 \$370.00 \$105.00 \$52.00 \$105.00 \$105.00 \$105.00 \$160.00 \$105.00 \$160.00 \$52.00 \$105.00</p>	<p>Clerical change to add Environmental Review heading. Fee covered under General Plan Amendment/Change of Zone/Plan Amendment fee.</p> <p>Clerical change to clarify title Department audited the fees noted and determined that due to streamlined processes, fees can be reduced to reflect efficiencies and to work towards maintaining a flat fee structure.</p> <p>" " " " " " " " " " " " " " " "</p>
13.20.400 Environmental Health	<p>Solid Waste Notification Tier #1 Notification Tier #2 Wells & Soils Boring Soil Boring or Excavation (Additional @ \$47 each) Soil Boring or Excavation <4" diam or <50" depth (each additional \$59.50 each) >4" diam or 50' to 75' depth (each additional \$59.50 each) >4" diam or >75' depth (each additional \$119 each)</p>	<p>\$119.00 \$596.00 \$150.00</p>	<p>\$238.00 \$952.00 Delete \$150.00 \$357.00 \$357.00</p>	<p>Previous fee did not cover full cost of required inspections and reports. Previous fee did not cover full cost of required inspections and reports.</p> <p>Fee deleted and reformatted by depth range.</p> <p>Soil boring or excavation fees reformatted by depth range in an effort to reduce additional billing at the end of the project. "</p>

ORDINANCE NO. _____

**ORDINANCE REPEALING AND RE-ENACTING CHAPTERS 13.00.032,
13.00.042, 13.00.044, 13.00.052, 13.00.056, 13.00.060, 13.20.100, 13.20.300, 13.20.400 OF
THE YUBA COUNTY CONSOLIDATED FEE ORDINANCE CODE**

The following ordinances consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on _____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:


ABSTAIN:

Roger Abe, Chairman of the Board of
Supervisors of the County of Yuba, State
of California

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM:

By: 
Angil P. Morris-Jones, County Counsel

THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA DOES ORDAIN AS FOLLOWS:

Section 1. This ordinance shall take effect Sixty (60) days after its passage, and before the expiration of Thirty (30) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

Section 2. Sections 13.00.032, 13.00.042, 13.00.044, 13.00.052, 13.00.056, 13.00.060, 13.20.100, 13.20.300, 13.20.400 of the Yuba County Consolidated Fee Ordinance Code are hereby repealed and re-enacted in its entirety to read as reflected in Attachment "A", hereto and by this reference is incorporated herein as though set forth in full.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Agricultural Commissioner - Code Section 13.00.032

NAME OF FEE			FEE FY 11/12
Licensed Staff Fee			\$65.00/hour
Information Search of Files & Records			
Files & Records			Direct Cost
Computer Time (1/2 hr minimum)			\$100/hour
Agriculture			
Apiary Registration			\$10.00/State Set Fee
Farm Labor Contractors Registration			\$25.00/State Set Fee
Farmers Market Registration			\$50.00/State Set Fee
PCO Registration			\$25.00/State Set Fee
PCA Registration-Primary			\$10.00/State Set Fee
PCA Registration-Secondary			\$5.00/State Set Fee
Pilot Registration-Primary			\$10.00/State Set Fee
Pilot Registration-Secondary			\$5.00/State Set Fee
Structural Pest Control Registration-Branch 1			\$25.00/State Set Fee
Structural Pest Control Registration-Branch 2 & 3			\$10.00/State Set Fee
Apiary Certification/Inspection/Abatement			\$65.00/hour
Certified Producer Certificate			\$25.00/per cert
Fruit-Nut & Veg. Certification			\$65.00/hour
Phyto Insp. & Certification			\$40 per cert/\$65/hour
Phyto Field Inspection (10 acre minimum charge)			\$7.50 acre/per walk
Quarantine Compliance			\$15.00/per cert
Ag Plan Check/Review			\$65.00/hour
	Table A		
Weights & Measures			
Business Location Fee (other than co-located business)			\$100.00 per location
Device Fee			See Table B
	Table B		
CNG Meters			\$20.00
Fabric/Wire/Cord Meters			\$20.00
Grease/Lube Meters			\$20.00
Liquified Petroleum Gas Meters			\$175.00
Retail Motor Fuel Meters			\$20.00
Retail Meters			\$20.00
Retail Water Meters			\$20.00
Tanks (liquid test)			\$20.00
Taximeters			\$20.00
Vehicle Meters			\$25.00
Wholesale Meter (Mobile)			\$25.00
Wholesale Meter (Stationary)			\$25.00
Misc. Measuring Devices			\$20.00
Computing Scales			\$20.00
Counter Scales			\$20.00
Crane Scales (≥2,000 lbs. and <10,000 lbs.)			\$150.00
Dormant/Portable Platform (≥2,000 lbs.)			\$20.00
Dormant/Portable Platform (≥2,000 lbs. and <10,000 lbs.)			\$150.00
Dormant/Portable Platform (≥10,000 lbs.)			\$250.00
Hopper/Tank Scales (≥2,000 lbs. and <10,000 lbs.)			\$150.00

Agricultural Commissioner - Code Section 13.00.032

NAME OF FEE			FEE FY 11/12
Hopper/Tank Scales (≥10,000 lbs.)			\$250.00
Hanging Scales (≥2,000 lbs.)			\$20.00
Hanging Scales (≥2,000 lbs. and <10,000 lbs.)			\$150.00
Animal Scales (≥2,000 lbs. and <10,000 lbs.)			\$150.00
Livestock Scales (≥10,000 lbs.)			\$150.00
Monorail/Meatbeam Scales (≥2,000 lbs. and <10,000 lbs.)			\$150.00
Prescription/Jewelers Scales			\$20.00
Railway Scales (≥10,000 lbs.)			\$250.00
Vehicle Scales (≥10,000 lbs.)			\$250.00
Misc/Forklift Scales (≥2,000 lbs. and <10,000 lbs.)			\$150.00
Misc/Forklift Scales (≥10,000 lbs.)			\$250.00
Misc. Scales (conveyor belt scales) (≥10,000 lbs.)			\$250.00
Submeters: Utility meters owned by marinas, mobile home parks, recreational vehicle parks & apt. complexes			\$2.00 per device, space, or apt.
Non-Commercial Device Inspection			\$65.00/hour
Heavy Capacity Scale Truck-Non-Commercial/Re-Test		2 Hour minimum	\$50/hour and \$2 mile

1. For Certified Growers Market and other devices at a non-fixed location, the fee shall be only the annual registration fee, if the device is brought into the office of the Sealer of Weights and Measures for testing, \$20.00 per device.
2. Payment of annual device registration fee shall be due upon receipt of the billing. Payments delinquent sixty (60) days or more incur a penalty charge of fifty (50%) of the fee due plus collection fees, if any.

Clerk-Recorder - Code Section 13.00.042

NAME OF FEE		FEE FY 11/12
Recording Fees		
Recording Fee 1st page - 8.5 x11		\$14.00
Each additional page - 8.5 x 11		\$3.00
Combined documents - each title		\$14.00
Recording Penalty - Any page not 8.5 x 11 all pages of document additional		\$3.00
Print Size Penalty		\$1.00
Additional indexing - each additional reference		\$1.00
Additional indexing - more than ten names		\$1.00
Release of lien recorded in error by Gov't Agency (except Federal Gov't)		No Fee
Involuntary Lien Notice (in addition to standard recording fee) - each debtor at different address		\$7.00
Recording full releases of Gov't Agency Liens (State, County & City except Federal Gov't)		\$12.00
Military Discharge		No Fee
Recording Financing Statements (1-2 pgs) - State Sets Fee		\$10.00
Recording Financing Statements (3 or more pgs) - State Sets Fee		\$20.00
Filing & Indexing paper not required by law to be recorded		\$6.00
Survey Monument Fund Fee		\$10.00
Documentary Transfer Tax		.55/per \$500.00
Preliminary 20 Day Notice		\$35.00
Preliminary 20 Day Notice each additional parcel or address		\$20.00
Preliminary Change of Ownership Report not filed at time of recording		\$20.00
Annual Internet Access Fee - Public Records		\$6,000.00
Vital Records Fees		
Certified Copy of Birth Certificate/Certificate of No Record/Info. Copy of Birth = State Sets Fee		Fee Set by State
Certified Copy of Birth Certificate - Public Agency Applicant - State Sets Fee		Fee Set by State
Certified Copy of Certificate of Marriage/Certificate of No Record of Marriage - State Sets Fee		Fee Set by State
Certified Copy of Certificate of Marriage - Pub Agency Appl - State Sets Fee		Fee Set by State
Certified Copy of Death Record/Certificate of No Record/Info. Copy of Death - State Sets Fee		Fee Set by State
Map Fees		
Recording Map Fee - 1st page		\$9.00
Recording Map Fee each additional page		\$2.00
Marriage Fees		
Issuance of Public Marriage License		\$60.00
Issuance of Confidential Marriage License		\$65.00
Issuance of Duplicate Marriage License		\$20.00
Amendment of Confidential Marriage Record after 1 year		\$20.00
Issuance of Declaration of Marriage		\$60.00
Civil Marriage by Commissioner		\$40.00
Credible Witness Affidavit (each)		\$5.00
Office Witness Fee for Marriage Ceremony		\$20.00
After Hours Marriage License (Request for license after 4:45 p.m.)		\$25.00
Fictitious Business Name Filing Fees		
Fictitious Business Name Statement - 1 Business Name/Registrant		\$30.00
Each additional Fictitious Business at same location		\$5.00
Each additional Registrant operating under same name		\$5.00
Abandonment Statement		\$30.00
Withdrawal from Partnership Statement		\$30.00
Copy of Fictitious Business filings per month		\$10.00
Certified Copy of any statement on file re: fictitious business		\$3.00

Clerk-Recorder - Code Section 13.00.042

NAME OF FEE		FEE FY 11/12
Copy & Certification Fees		
Photographic Copy of public record		\$2.00
Each additional page		\$0.50
Photographic map copy - 1st page - 11x17 inches		\$2.50
Each additional map page - 11x17		\$1.00
Photographic map copy - 1st page - 18x26 inches		\$3.00
Each additional map page - 18x26		\$2.00
Certificate under Seal		\$2.50
Certified Copy of Service Discharge		No Fee
Conformed Copy - each (Limit 2)		\$1.00
Map CD		.50 per image/\$15.00 min
CD Recorded Images per month		\$400.00
Federal Lien Search Certificate - 1968 forward		\$10.00
Fax Charge Per Page		\$1.00
Miscellaneous Filing Fees		
Bond Filing (doesn't include recording fee)		\$13.00
Process Server Registration (Includes Bond Filing)		\$117.00
Professional Photocopier Registration (Includes Bond Filing)		\$182.00
Professional Photocopier Registration - If also Registered Process Server (Includes Bond Filing)		\$107.00
Unlawful Detainer Assistant & Legal Document Assistant Registration (Includes Bond Filing)		\$182.00
Additional Process Server ID Card		\$10.00
Certification of Notary Signature		\$10.00
Certification of Official Capacity or Signature Authorization		\$10.00
Administrative Filing Fee - Environmental - Fee Set by State		Fee Set by State
Environmental Impact Report - Fee Set by State		Fee Set by State
Negative Declaration - Fee Set by State		Fee Set by State
Election Fees		
Registration of Voter		No Fee
Certified Copy of Voter Registration		\$3.00
Copy of Voter Index, per thousand names		\$2.00+\$5.00setup
Copy of Reports or Stmts, Political Reform Act per page		\$0.10
Preparing copies of any record per page		\$0.25
Certifying Fee		\$2.50
Searching record or files, per year (Clerk Research)		\$20 hr-1/2 hr min
Copy of voter index on disc/tape		\$100.00
Additional Reports added to Voter Index CD		\$5.00 each
Labels		.05 ea+\$5.00 setup
Absentee Chase - Fax (Includes initial mailing on CD)		\$150.00
Absentee Chase - CD		\$50.00 per CD
Surety Power of Attorney Filings - 1st name		\$12.00
Surety Power of Attorney Filings - each additional name		\$6.00
Humane Officer Filing		\$5.00
Initiative - Notice of Intent to Circulate Petition - Filing Fee (EC 9103)		\$200.00
Candidate Statement		Actual Cost

District Attorney - Code Section 13.00.044

[illegible]

Health - Code Section 13.00.052

NAME OF FEE		FEE FY 11/12
Miscellaneous		
Copies of Medical Records (First four pages, no charge)		.25 per page
Kids in Safety Seats Program		\$0.00
Medical Marijuana ID Card		\$126.00*
* Fee Reduced by Half if Medi-Cal Beneficiary		
Aids Court Mandated Class - Non-County Resident Fee		\$70.00
Public Health - Clinic Services		
Immune Serum Globulin Shot		\$10.00 to \$25.00**
Tuberculosis Skin Test		\$10.00 to \$25.00**
STD Office Visit		\$15.00 to \$65.00**
Immunizations (Children)		\$10.00 to \$25.00**
** Indicates a Sliding Fee Schedule		
Miscellaneous Clinic Services Fee		\$20.00
Pregnancy Counseling		\$25.00
Women, Infants and Children (WIC) check		\$15.00
Head Lice Detection and Treatment		\$15.00
Drug Testing - Urine (12 Panel)		\$15.00
Alcohol - Saliva (Single)		\$15.00
Buprenorphine - Urine (Single)		\$15.00
Immigration Medical Exam (includes Tuberculosis skin test)		\$175.00
Public Health - Adult/Travel Immunizations		
Tetanus (Adult)		\$25.00
Tetanus-Diphtheria Immunization (Adult) Tdap		\$40.00
Yellow Fever Vaccine		\$20 plus actual cost of vaccine
Hepatitis A Immunization (Each Visit - Adult)		\$65.00
Hepatitis B Immunization (Each Visit - Adult)		\$55.00
Twinrix (Hep A + Hep B) (Adult)		\$90.00
MMR Immunization (Each Visit - Adult)		\$55.00
Typhoid		\$20 plus actual cost of vaccine
Pneumococcal		\$50.00
Varicella (Adult)		\$90.00
Human Papilloma Virus Series (Adult)		\$135.00
Influenza (Adult)		\$10.00
Meningococcal (Adult)		\$111.00
Public Health - F.O.R. Families		
Intake - Individual		\$70.00 Flat Chg
Assessment - Individual		\$70.00 Flat Chg

Health - Code Section 13.00.052

NAME OF FEE		FEE FY 11/12
Public Health - F.O.R. Families (cont'd)		
Discharge - Individual		\$70.00 Flat Chg
Individual Counseling		\$70.00 Flat Chg
Group Session		\$50.00 Flat Chg
Non-County Resident DEOJ Fee		\$200.00
Public Health - Vital Records		
After Hours Burial Permit (State Set Fee)		\$13.00
Burial Permit (State Set Fee)		\$11.00
Certified Copy of Birth Certificate (State Set Fee)		\$16.00
Certified Copy of Birth Government Agency (State Set Fee)		\$10.00
Certified Copy of Burial Permit (State Set Fee)		\$1.00
Certified Copy of Death Certificate (State Set Fee)		\$12.00
Certified Copy of Fetal Death Certificate (State Set Fee)		\$9.00
Certified Copy of Out of Country Letter (State Set Fee)		\$10.00
Crossfile Received (State Set Fee)		\$3.00
Crossfile Sent Out (State Set Fee)		\$11.00
Public Health - California Childrens Services		
Annual Assessment Fee		\$20.00
Annual Enrollment Fee		\$60.00-\$1200.00**
* Fee Reduced by Half is Medi-Cal Beneficiary		
** Indicates a Sliding Fee Schedule		

Probation - Code Section 13.00.056[illegible]

Treasurer - Code Section 13.00.060

NAME OF FEE		FEE FY 11/12
Business Licenses		
Amusement Business (Initial Filing Fee Non-Refundable)		\$300.00
Amusement Business (License Fee - Per Day)		\$200.00
Bingo (Annual Fee)		\$50.00
Cardroom (Initial Filing Fee Non-Refundable)		\$300.00
Cardroom (Annual Fee)		\$200.00
Cardroom Table		\$180.00
Dance (Initial Filing Fee Non-Refundable)		\$300.00
Dance (Annual Fee)		\$200.00
Firearms (Process Fee)		\$25.00
Junk Dealer and/or Scrap Metal (Initial Filing Fee Non-Refundable)		\$300.00
Junk Dealer and/or Scrap Metal (Annual Filing Fee)		\$200.00
Massage Establishment Change of Location Fee		Per Resolution
Peddler/Itinerant Merchant Business License (Initial Filing Fee Non-Refundable)		\$300.00
Peddler/Itinerant Merchant Business License (Annual Fee)		\$200.00
Picture Arcade		Per Resolution
Picture Arcade Employee License		Per Resolution
Second Hand Dealer and/or Pawn Broker (Initial Filing Fee Non-Refundable)		\$300.00
Second Hand Dealer and/or Pawn Broker (Annual Fee)		\$200.00
Second Hand Dealer and/or Pawn Broker(Charitable Purpose/ Non-Profit/Fixed Location)		\$1.00
Miscellaneous		
Administrative Fee		\$16.00
CD of Current Tax Roll		\$25.00
CD of Prior Tax Roll (Delinquent)		\$25.00
Duplicate Mobile Home Tax Clearance Certificate		\$30.00
Duplicate Release of Lien		\$20.00
Duplicate Tax Bill		\$1.50
Lot Line/Tenative Parcel Map (Per Parcel)		\$25.00
Microfiche (Copy Per Parcel)		\$1.50
Power to Sell Fee (Secured Prior Year Roll)		\$35.00
Prior Year Payment Plan Fee (Secured & Unsecured)		\$50.00
Research Fee (Per Hour-Increments of 15 Minutes)		\$30.00
Returned Check Fee		\$35.00
Secured Delinquent Cost (2nd Installment Only)		\$20.00
Segregation of Tax Bill (Split into 2 Bills)		\$50.00
Segregation of Tax Bill (Each Additional Bill up to 4 Max)		\$50.00
TSTM/Tract Map (Per Hour - Up to a Maximum of \$100.00 Per Parcel)		Time & Materials
Unsecured Collections Rate (Per Hour - Increments of 15 minutes)		\$30.00
Unsecured Reminder Notice (Per Assessment)		\$1.50

Community Development & Services Agency General Fees - Code Section 13.20.100

NAME OF FEE		FEE FY 11/12
Returned Check Fee		\$35.00
Document Recording Fee (CDSA Charge Only)		\$50.00
Reproduction Fees:		
Standard Page Sizes (8-1/2"x11" - 14") B&W		\$0.25/per sheet
Standard Page Sizes (8-1/2"x11" - 14") Color		\$1.00/per sheet
Page Sizes (11"x17") B&W		\$0.50/per sheet
Page Sizes (11"x17") Color		\$2.00/per sheet
Page Sizes (18"x24")		\$5.00/sheet
Page Sizes (24"x36") and larger		\$10.00/sheet
Reproduction Not Done in Office		Actual Cost
Data Provided on CD		\$10.00
GIS/GPU/Zonine Update Fee - Per Land Use Application		\$120.00
		\$26/Unit GIS Only
Records Search		Hourly Rate/By Division
Document Handling Fee		Hourly Rate/By Division
Release of Recorded Document		Hourly Rate/By Division
Project Advertising Fees		Actual Cost
County Counsel or Special Counsel Fees		Actual Cost
Refund of permit fee shall be allowed if requested within a 12 month period of issuance except fees in Building Code Fee Section 13.20.200 or Planning entitlement once a hearing has been scheduled less any staff time spent at the hourly rate, actual costs for materials and outside services and 3% processing fee.		
Penalties for Late Payment:		
25% if paid 1-30 days past due		
50% if paid 31-60 days past due		
Beyond 60 days, 100% plus enforcement costs.		
For returned checks, due date is date of original payment.		
All fees are doubled for work performed or operating without a permit.		
All work on a project will stop when fees are 31 days past due.		
Concurrent Processing of Planning Applications:		
Applications for two or more planning entitlements (for example: Tentative Map and Variance) will be charged 100% of the highest application fee plus 50% of each additional application fee when submitted at the same time for a single project site (excluding Design Review Permits, Lot Line Adjustments, Certificates of Compliance and recording fees).		
Where a permit with a set fee amount is combined with one requiring a deposit (for example Rezone & Parcel Map), the total combined fees are collected and are considered a deposit.		
This is a pilot program and will be evaluated annually.		

Community Development & Services Agency General Fees - Code Section 13.20.100

NAME OF FEE		FEE FY 11/12
Administration Fee:		
Refund of Deposit/Bond		3% of Deposit
Request for Waiver of Penalties with explanation for request must be presented to the CDSA Director for consideration within 30 days fo penalty being assessed. Consideration will be given to amount of penalty and option to allow a structured repayment plan with interest on past due amount assessed at rate of 1.5% per month.		
All other service requests not specifically indentified in the fee schedule shall be charged at the applicable Division's hourly rate.		
Enforcement actions resulting in collection/storage of materials or equipment.		Actual Cost

Planning - Code Section 13.20.300

NAME OF FEE		FEE FY 11/12
Planning Division: General Fees		Flat Fee Unless Noted
Division Hourly Rate		\$105.00/Hr.
Record Search		\$105.00/Hr.
Hearing Publication/Preparation for Hearing		\$250.00
Filing Fee		\$50.00
<i>Once a project requires a 3rd submittal to address application completeness items or other modifications for projects seeking</i>		33.3% of appl. fee
<i>Design Review Committee, Staff Development Committee,</i>		
<i>Planning Commision, or Board of Supervisors approval shall</i>		
<i>be charged one-third of the application fee.</i>		
Appeal		\$522.00
Appeal of Planning Director's Determination		\$160.00
GIS/GPU/Zoning Update Fee - Per Land Use Application		\$120.00
Tenative Parcel Map		\$3,320.00
TPM Extension		\$180.00
Revise Approved TPM		\$1,240.00
Tenative Subdivision Tract 20 lots or less		\$5,000.00
Tenative Subdivision Tract 21 to 100 lots		\$7,000.00
Tenative Subdivision Tract 101 to 500 lots		\$9,000.00
Tenative Subdivision Tract over 500 lots (full cost)		\$10,000.00 deposit
TSTM Extension		\$180.00
Revised Approved TSTM		\$2,580.00
Final Map & Improvement Plan Review - Parcel Map		\$630.00
Final Map & Improvement Plan Review - Subdivision Tract Map		\$1,150.00
Lot Line Adjustment		\$210.00
Reversion to Acreage		\$750.00
Certificate of Compliance		\$210.00
Pre-Application Meeting (Planning Department)		\$105.00/Meeting
Pre-Application Meeting (CDSA)		\$420.00/Meeting

Planning - Code Section 13.20.300

NAME OF FEE		FEE FY 11/12
Environmental Review		Flat Fee Unless Noted
Notice of Exemption		\$150.00
Environmental Review: Initial Study + Exemption		\$260.00
Environmental Review: Initial Study/Negative Declaration		\$1,095.00
Environmental Review: Initial Study/Mitigated Negative Declaration		\$2,625.00
Environmental Review: EIR or EIS (Full Cost)		Deposit Based on Contract
E.I.R. Mgmt Fee (10% Deposit of EIR Cost)		10% Deposit
E.I.R. Mgmt Fee - Staff		\$105.00/Hr
Mitigation Monitoring Plans: Mgmt (+ hourly over 3 hrs)		\$315.00 + Hourly
<i>For concurrent applications, a single environmental review fee for the project shall be collected</i>		
General Plan Amendment/Change of Zone/Plan Amendment		
Fewer than 100 Residential Units		\$5,000.00
Less than 10 Acres Non-Residential or Mixed Use		\$5,000.00
Over 100 Residential Units		\$6,000.00 Deposit
Over 10 Acres Non-Residential or Mixed Use		\$6,000.00 Deposit
Specific Plan/Area Plan/Community Plan/Master Plan		\$10,000.00 Deposit
Development Agreement		\$3,000.00 Deposit
Development Agreement Annual Review		\$840.00
Planned Unit Development		
Fewer than 100 Residential Units		\$3,150.00
Less than 10 Acres Non-Residential or Mixed Use		\$3,150.00
Over 100 Residential Units		\$4,000.00 Deposit
Over 10 Acres Non-Residential or Mixed Use		\$4,000.00 Deposit
Conditional Use Permit: Major		\$4,850.00
Conditional Use Permit: Minor Use Permit		\$2,660.00
Conditional Use Permit: Mining Project		\$7,000.00 Deposit
Conditional Use Permit: Amendment		\$2,165.00
Conditional Use Permit: Extension		\$105.00
Large Family Day Care CUP		\$200.00
Large Family Day Care CUP Appeal to Planning Commission		\$105.00
Excavation & Surface Mining Permits		\$7,000.00 Deposit
Reclamation Plan		\$3,000.00 Deposit
Temporary Use Permit		\$525.00
Temporary Use Permit Extension		\$52.00

Planning - Code Section 13.20.300

NAME OF FEE		FEE FY 11/12
		Flat Fee Unless Noted
Variance: Minor		\$2,880.00
Variance: Parking		\$2,880.00
Variance: Major		\$3,400.00
Sign Permit Review		\$52.00
Variance to Sign Ordinance		\$2,880.00
Planned Sign Permit Program		\$2,880.00
Design Review Fees		\$1,350.00
Master Design Review (Shopping Centers & Complexes)		\$2,500.00
Land Use Confirmation/Zoning Clearance/ABC		\$52.00
ABC Review Fee when Hearing is Required		\$470.00
Noise Permit		\$105.00
Second Dwelling Unit Clearance Form		\$105.00
Building Permit Review Fees		
Single Family Residence		\$158.00
Single Family Residence (Accessory)		\$52.00 - 1/2 Hr
Multi-Family Residential (includes 1 inspection)		\$472.00
Agricultural		\$105.00 Hr Deposit
Commercial (includes 1 inspection)		\$525.00
Industrial (includes 1 inspection)		\$525.00
Commercial/Industrial: Minor (Less than \$5,000 Imprv Value)		Delete
+ Hourly Over 3 Hours		
Occupancy Permit Review		\$210.00
Occupancy Permit Review(Change of Ownership)		\$52.00
Business License Review		\$105.00
Business License Review (Renewal)		\$52.00
Site Review (Per Inspection)		\$105.00/Hr
Approved Site/Plot Plan Changes		\$52.00 - 1/2 Hr Deposit

Planning - Code Section 13.20.300

NAME OF FEE		FEE FY 11/12
		Flat Fee Unless Noted
Fire Safe Planning Fees		
Tenative Parcel Map		\$105.00
Revise Approved TPM		\$105.00
Tenative Subdivision Tract 20 Lots or Less		\$105.00
Tenative Subdivision Tract 21 to 100 Lots		\$160.00
Tenative Subdivision Tract 101 to 500 Lots		\$260.00
Tenative Subdivision Tract Over 500 Lots		\$370.00
Revised Approved TSTM		\$105.00
Final Map & Improvement Plan Review		
Parcel Map		\$52.00
Subdivision Tract Map		\$105.00
Subdivision Vesting Tenative Map		TSTM Fee By Lot Count
General Plan Amendment/Change of Zone/Plan Amendment		\$105.00
Specific Plan/Area Plan/Community Plan/Master Plan		\$105.00
Planned Unit Development: Minor		\$105.00
Planned Unit Development: Major		\$160.00
Conditional Use Permit: Minor - If Structure Involved		\$105.00
Conditional Use Permit: Major - If Structure Involved		\$160.00
Variance: Minor - If Structure Involved		\$52.00
Variance: Major - If Structure Involved		\$105.00

Environmental Health - Code Section 13.20.400

NAME OF FEE		FEE FY 11/12
Food Program		
Restaurants - Bar Only (no food prep)		\$238.00
Restaurants - 1-49 seats		\$357.00
Restaurants - 50-149 seats		\$476.00
Restaurants - 150 or more		\$714.00
Added to restaurant base - With Bar or Market		\$119.00
Added to restaurant base - With Bar and Market		\$168.00
Added to restaurant base - With Catering Services		\$119.00
Added to restaurant base - With Satellite Facility		\$119.00
Caterer		\$392.00
Retail Markets - No food preps, only prepackaged goods		\$238.00
Retail Markets - Less than 2000 square feet		\$357.00
Retail Markets - 2000-5999 square feet		\$476.00
Retail Markets - 6000 or more square feet		\$595.00
Add each unit to retail market-butcher shop, deli, bakery, etc.		\$119/per unit
Bakery		\$392.00
Commissary Facility		\$392.00
Commissary - Verification per vehicle		\$34.00
Vehicles - Vending Vehicle (no prep)		\$238.00
Vehicles - Mobile Food Prep Unit		\$357.00
Vehicles - Produce Truck (no prep)		\$119.00
Vending Machines - Company		\$238.00
Vending Machines - Per Food Dispenser		\$12.00
Roadside Stand - Permitted since before July 1, 1984		\$280.00
Roadside Stand - Permitted on or after July 1, 1984		\$280.00
Schools - Kitchen		\$357.00
Schools - Satellite Distribution Facility		\$238.00
Food Warehouse		\$393.00
Food Salvager		\$524.00
Food Demonstrator		\$63.00
Farmers Market		\$476.00
Bed & Breakfast		\$259.00
Temporary Food Facility		\$238.00
Ice Plant		\$238.00
Special Events - Large 3 or more vendors, attendance 500+		\$357.00
Special Events - + billed hourly rate for time spent over base		\$119/per hour
Special Events - Small 3 or less vendors, attendance -500		\$119.00
Incidental Food Sales from Non-Mobile Businesses		\$119.00
Amphitheatre - Food - Bar - Catering		\$2,975.00
Plan Review Food Establishment - New		\$714.00
Plan Review Food Establishment - Remodel		\$595.00

Environmental Health - Code Section 13.20.400

NAME OF FEE		FEE FY 11/12
Public Recreation		
Public Swimming Pool/Spa/Beach		\$392.00/each
Organized Camp		\$392.00
Plan Review Public Swimming Pools		\$914.00
Plan Review Organized Camp		\$653.00
Public Water System		
Annual Surveillance Fee - 15-24 service connections		\$416.50
Annual Surveillance Fee - 25-99 service connections		\$560.00
Annual Surveillance Fee - 100-199 service connections		\$606.00
Non-Community Water System - Non Transient		\$560.00
Non-Community Water System - Transient		\$357.00
New Permit Fee - Community Water System		\$1,006.00
New Permit Fee - Non-Community Water System		\$778.00
Amended Permit Fee (all system types)		\$335.00
Ownership Change (all system types)		\$221.00
Annual Permit Fee Small System - 5-14 service connects		\$448.00
CURFFL Systems		\$166.00
All other services		\$119.00/hour
Request for Variance/Exemption/Waiver		\$119.00/hour
Enforcement Action (Up to \$1,000 maximum)		\$119.00/hour
Plan Review Public & Local Small Water Systems		\$119.00/hour
Solid Waste		
Solid Waster Hauler (per vehicle or trailer)		\$59.50
Full Solid Waste Facility - Class II Site		\$2,940.00
Full Solid Waste Facility - Class III Site		\$2,940.00
Standardized Solid Waste Facility		\$2,205.00
Registration Tier		\$1,470.00
Notification Tier #1		\$238.00
Notification Tier #2		\$952.00
Recycling/Process Facility		\$1,680.00
Transfer Station		\$1,680.00
Abandoned/Closed Sites		\$840.00
Agricultural Waste Disposal Sites		\$245.00
SWF Permit Exemption		\$700.00
Ash Applications - Initial Permit Exemptions		\$560.00
Ash Applications - Annual Exemption Renewal		\$175.00
Facility Inspection not covered by permit fees		\$119.00/hour
Periodic Site Review		\$119.00/hour
Preliminary Closure/Post Closure		\$119.00/hour
Final Closure/Post Closure maintenance plan review		\$119.00/hour
Joint Technical Document Review		\$119.00/hour
5 year permit review		\$119.00/hour
Permit revision/modification		\$119.00/hour

Environmental Health - Code Section 13.20.400

NAME OF FEE	FEE FY 11/12
Tipping Fee	\$4.40 per ton
Additional Fee on Lien for Unpaid Charges	\$25.00
Add'l Fee for Collection of Unpaid Chrgs as Special Assessment	\$25.00
Sewage Disposal	
Sewage Tank Cleaning Vehicle	\$238.00
Chemical Toilet Supplier - 50 Units or less	\$238.00
Chemical Toilet Supplier - 51 Units or more	\$357.00
New or Replacement Conventional System	\$492.00
New Pressure Dosed or Engineered Systems	\$907.00
Repair or Failed System/Add to Existing Non-Failed System	\$392.00
Holding Tank (Vault System) Annual Operating Permit	\$632.00
Operating Permit Central Wastewater-Cluster 2-5 connects	\$1,305.00
Operating Permit Central Wastewater-Small 6-99 connects	\$1,704.00
Operating Permit Central Wastewater-Large > 99 connects	\$2,497.00
Individual Experimental Systems (Monitoring)	\$476.00
Medical Waste	
General Acute Care Hospital - 1-99 beds	\$921.00
General Acute Care Hospital - 100-199 beds	\$1,324.00
General Acute Care Hospital - 200-250 beds	\$1,689.00
General Acute Care Hospital - 250+ beds	\$2,149.00
Specialty Clinic Providing Surgical, Dialysis, Rehab Services	\$537.00
Skilled Nursing Facility - 1-99 beds	\$422.00
Skilled Nursing Facility - 100-199 beds	\$537.00
Skilled Nursing Facility - 200+ beds	\$613.00
Acute Psychiatric Hospital	\$304.00
Intermediate Care Facility	\$461.00
Primary Care Clinic	\$537.00
Licensed Clinical Lab	\$254.00
Health Care Service Plan Facility	\$537.00
Veterinary Clinic or Hospital	\$304.00
Large Quantity Generator Medical Office	\$304.00
Small Quantity Generator Using On-Site Treatment	\$431.00
Small Quantity Generator Administrative Review	\$119.00/hour
Initial Permit Review	\$84.00/2 yr
Common Storage Facility - 1-10 generators	\$155.00
Common Storage Facility - 11-50 generators	\$382.00
Common Storage Facility - 50+ generators	\$769.00
On-Site, Large Quantity Treatment Facility	\$3845.00/5 yrs
Limited Quantity Hauling	\$119.00/2 yrs
Wells & Soils Borings	
Water Well, Monitoring Well, Cathodic Well - New	\$357.00
Water Well, Monitor Well, Cathodic Well - Recondition/Deep	\$119.00
Water Well, Monitor Well, Cathodic Well - Destruction	\$284.00

Environmental Health - Code Section 13.20.400

NAME OF FEE		FEE FY 11/12
Monitor Well, Additional		\$47.00/per well
Soil Boring or Excavation		
<4" diam or <50' depth (each additional \$59.50 each)		\$150.00
>4" diam or 50' to 75' depth (each additional \$59.50 each)		\$357.00
>4" diam or >75' depth (each additional \$119 each)		\$357.00
Other Permits		
Ambulance (per vehicle)		\$119.00
Kennel/Pet Shops		\$224.00
Massage Parlor		\$218.00
Hotel/Motel		\$391.00
Plan Review Kennels & Pet Shops		\$325.00
Tattooing, Permanent Cosmetics, Body Piercing		
Annual Inspection Fee		\$218.00
Land Use		
Land Division Sewage/Water - (per lot)		\$22.00
Land Division Sewage/Water - 2-4 lots (+\$22 per lot)		\$458.00
Land Division Sewage/Water - 5+ lots (+\$22 per lot)		\$490.00
Building Department Route Slip Clearance		\$93.00
Lot Line Adjustment		\$131.00
Conditional Use Permit		\$262.00
Other Land Division Sewage/Water		\$261.00
Tenative Subdivision Tract Map(connecting to sewer system)		\$261.00
Soil Mantle Observation		\$357.00
Temporary Use Permit & Miscellaneous Review/Services		\$131.00/hour
Plan Review/Site Review/Pre-application review fees		\$131.00/hour
Other Services & Fees		
Field Sample		Lab cost+\$218.00
Bring-In Water Sample		Lab cost + \$26.00
Plan Review/Site Review		\$119.00/hour
Administrative, Permit Suspension, Revocation Hearings		\$392.00
Administrative time for enforcement activities		\$134.00/hour
All Reinspections		\$119.00/hour
Verified Complaint		\$119.00/hour
Unverified Complaint Charged to Complainant @ 2nd Compl		\$119.00/hour
Variance/Exemption/Waiver Request - per hour (1/2 hr min)		\$119.00/hour
Consultations (per hour)		\$119.00/hour
Permit Transfers not Prohibited by State Law		\$119.00/hour
EIR Review/CEQA Document (per hour)		\$134.00/hour
All other document reviews, site reviews or any other service		\$119.00/hour
Release of Recorded Documents (Hourly plus document fee)		\$105.00/hour

Environmental Health - Code Section 13.20.400

NAME OF FEE		FEE FY 11/12
Hazardous Materials		
Farm Category I		\$180.00
Farm Category II		\$241.00
Farm Category III		\$310.00
Farm Category IV		\$400.00
Business Category I		\$180.00
Business Category II		\$241.00
Business Category III		\$310.00
Business Category IV		\$400.00
Business Category V		\$250.00
CESQG - Not in BP		\$154.00
Hazardous Waste - Small Quantity Generator		\$169.00
Hazardous Waste - Large Quantity Generator		\$253.00
Tiered Permit - CA PBR		\$166.00
Tiered Permit - CESW, CESQT, CEL		\$155.00
Permit to Operate (issuance only) includes one tank		\$419.00
Permit to Operate (each additional tank)		\$70.00
Plan Check Install UST		\$1,395.00
Tank Removal - Three Tanks		\$896.00
Tank Removal each additional over 3 tanks		\$119.00
Modify Tank Repair - Small Project		\$673.00
Modify Tank Repair - Large Project		\$1,120.00
Tank Closure in Place		\$896.00
Temporary Tank Closure		\$350.00
RMP Cal ARP (initial review)		\$1,397.00
RMP Cal ARP (annual review)		\$278.00
Facility List		\$35.00
Building Inspector Route Slip Clear Project		\$35.00
Haz Mat Response per hour		\$119.00
Reinspection (per hour, over base fee)		\$119.00
Consultation per hour		\$119.00
Compliance/Follow Up (per hour)		\$119.00
Business Plan - Initial Application		\$377.00
UST (First Tank)		\$280.00
UST (Each Additional Tank)		\$60.00
Transfer UST Permit		\$391.00
Amend UST Permit		\$166.00
APSA Conditionally Exempt		\$60.00
APSA Qualified Facility		\$260.00
APSA Non-Qualified - Category I		\$375.00
APSA Non-Qualified - Category II		\$495.00
APSA Non-Qualified - Category III		\$810.00

Environmental Health - Code Section 13.20.400

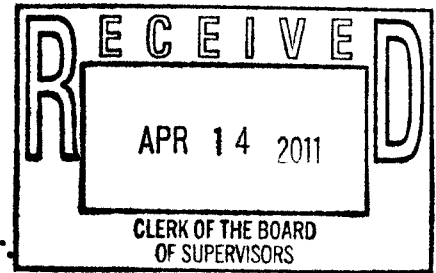
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Cherokees of California, Inc
P O Box 2372
Marysville, CA 95901
Tribal Chief Donald Elder, Jr.
530-673-8743



April 4, 2011

Yuba County Board of Supervisors
 915 8th Street, Suite 109
 Marysville, CA 95901

RE: HAMMOND GROVE IN MARYSVILLE
 June 24th, 25th & 26th
 Campout

Dear Supervisors:

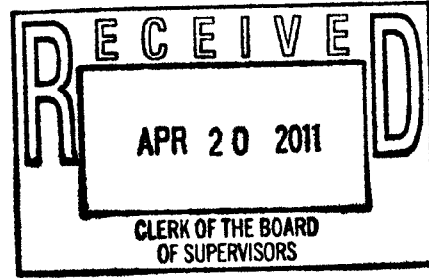
We are writing this letter to ask if we may come before the Board to ask if you would lower the fee to use Hammond Grove Park. Your fee this year is going to be \$400.00 for the three days that we are requesting.

We are a non-profit organization and we have an annual campout in June. In the past, we have always had our campouts either at Hammond Grove or Sycamore Ranch. Our campout is open to the public, we provide arts and crafts that we do not charge for and we also provide breakfast on Saturday and Sunday asking only for a donation of \$1.00 per plate per person. There are no drugs or alcohol allowed at any of our gatherings.

Thank you.

Marilyn Lowe
 Secretary

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April 18, 2011

Yuba County Board of Supervisors
915 8th St., Suite 109
Marysville, CA 95901

Re: CORE @ The Camptonville Academy Charter School---Construction Project

Dear Supervisors,

On March 23rd, 2011 C.O.R.E. @ Camptonville Academy, Charter School Inc. received a conditional use permit from the Marysville Planning Commission to construct a new Education Resource Center at 16th & C Street in Marysville. Today C.O.R.E. asks for your written support of its loan package being submitted to the U.S. Department of Agriculture (USDA) to fund that project. C.O.R.E. @ Camptonville Academy has operated a K-12 Charter School in Yuba County for the past 13 years. The school has outgrown its current location at 922 G St., Marysville. With a current enrollment of 330 students, projected enrollment growth, 18 certificated teachers, and an office staff, the board is taking a bold step in constructing a 15,187 sq ft. facility to best serve the community.

C.O.R.E. @ The Camptonville Academy is a public charter school. The educational model is best defined as "Personalized Learning." The goal of Personalized Learning is to create a unique educational plan for each student, taking into account his strengths, needs, interests, and learning style. While independent study is the learning base, a variety of educational opportunities can be blended together to best suit the individual student. Tutoring, classroom instruction, online learning, field trips, and community participation are all options to enrolled students.

C.O.R.E. @ Camptonville Academy will be seeking 3.2 million from USDA to fund the project with construction to start in Sept 2011 and be ready to start the new academic year in Aug 2012. The Architect firm of Rainforth & Grau has been selected to design the building, taking a vacant lot at the North end of Ellis Lake and transforming it into a show place that reflects a community on the move.

We ask for your support in the form of a written letter (sample attached). If you have any questions concerning the project, please direct them to Chris Mahurin, School Director (530) 742-2786.

Should you have any questions and/or require additional information, do not hesitate to contact me at (530) 742-2786 or feel free to contact our Construction Manager, David Shirah, at (530) 682-0353. Thank you for your assistance meeting this important requirement of our project development.

Sincerely,

Chris Mahurin
School Director
922 G Street
Marysville, Ca 95901
(530) 742-2786 ex. 202

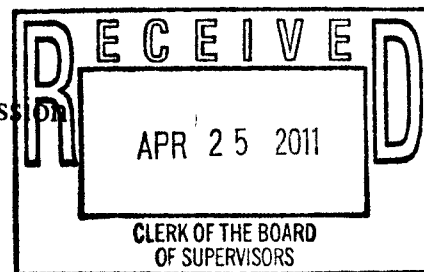
Cc: David Shirah, Agent Construction Manager

The Yuba County Board of Supervisors is pleased to offer its support of the C.O.R.E. @ Camptonville Academy Inc.'s, U.S. Department of Agriculture (USDA) loan application. The school has received its Conditional Use Permit from the Marysville Planning Commission and is ready to start the next step in the construction of its new facility.

The C.O.R.E. @ Camptonville Academy is a very popular school with a current enrollment of over 350 students. The school has clearly proven that its educational model meets the needs of both students and parents in our community. We have every reason to believe that its enrollment will continue to grow and that its graduates will become model citizens.

We encourage your approval of a 40 year loan for the construction their new 15,118 sq. ft. Education Resource Center.

Federal Energy Regulatory Commission
Washington, DC 20426
April 18, 2011



OFFICE OF ENERGY PROJECTS

Project No. 2246-058 – California
Yuba River Hydroelectric Project
Yuba County Water Agency

Subject: Scoping Document 2 for the Yuba River Hydroelectric Project

To the Party Addressed:

The Federal Energy Regulatory Commission (Commission) is currently reviewing the Pre-Application Document submitted by the Yuba County Water Agency (YCWA) for relicensing the Yuba River Hydroelectric Project (FERC No. 2246). The Yuba River Project facilities are located on the western slope of the Sierra Nevada in Yuba, Sierra, and Nevada Counties, California, on the main stems of the Yuba River, the North Yuba River, the Middle Yuba River, and Oregon Creek (a tributary to the Middle Yuba River). Portions of the Yuba River Project occupy lands of the Plumas and Tahoe National Forests.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, Commission staff intends to prepare an environmental impact statement (EIS), which will be used by the Commission to determine whether, and under what conditions, to issue a new license for the project. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the EIS is thorough and balanced.

In our January 4, 2011, Scoping Document 1 (SD1), we disclosed our preliminary view of the scope of environmental issues associated with the Yuba River Project. Based on verbal comments that we received at the scoping meetings that were held on February 2, 2011 in Marysville, California, and written comments we received throughout the scoping process, we prepared the enclosed Scoping Document 2 (SD2). We appreciate the participation of government agencies, non-government organizations, and the general public in the scoping process. The enclosed SD2 for the project serves as a guide to the issues and alternatives to be addressed in the EIS. Key changes from SD1 to SD2 are identified in bold, italicized type.

SD2 is being distributed to both YCWA's distribution list and the Commission's official mailing list (see section 9.0 of the attached SD2). If you wish to be added to or removed from the Commission's official mailing list, please send your request by email to efiling@ferc.gov or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written or emailed requests must specify your wish to be removed from or added to the mailing list and must clearly identify the following on the first page: **Yuba River Hydroelectric Project No. 2246-058.**

If you have any questions about SD2, the scoping process, or how Commission staff will develop the EIS for this project, please contact Alan Mitchnick at (202) 502-6074 or alan.mitchnick@ferc.gov. Additional information about the Commission's licensing process and the Yuba River Project may be obtained from our website, www.ferc.gov, or YCWA's licensing website, <http://www.ycwa-relicensing.com/default.aspx>.

Enclosure: Scoping Document 2

cc: Mailing List
Public Files

SCOPING DOCUMENT 2
YUBA RIVER HYDROELECTRIC PROJECT

California

PROJECT NO. 2246-058



**Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
Washington, DC**

April 2011

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SCOPING DOCUMENT 2

Yuba River Hydroelectric Project, FERC No. 2246-058

1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),¹ may issue licenses for terms ranging from 30 to 50 years for the construction, operation, and maintenance of non-federal hydroelectric projects. On November 5, 2010, Yuba County Water Agency (YCWA) filed a Pre-Application Document (PAD) and Notice of Intent to seek a new license for Yuba River Hydroelectric Project (FERC Project No. 2246).²

The Yuba River Project facilities are located on the western slope of the Sierra Nevada, on the main stems of the Yuba River, the North Yuba River, the Middle Yuba River, and Oregon Creek (a tributary to the Middle Yuba River) in Yuba, Sierra, and Nevada Counties, California (figure 1). Portions of the Yuba River Project occupy lands of the Plumas and Tahoe National Forests. The project passes flow through Englebright dam, operated by the Corps of Engineers.

The Yuba River Project has an authorized installed capacity of 361.9 megawatts (MW). The average annual generation of the Yuba River Project is 1,267,061 megawatt-hours (MWh) (2004-2008). A detailed description of the project is provided in section 3.0.

The National Environmental Policy Act (NEPA) of 1969,³ the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of relicensing the Yuba River Project as proposed, and also consider reasonable alternatives to the licensee's proposed action. At this time, we intend to prepare an environmental impact statement (EIS) that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if

¹ 16 U.S.C. § 791(a)-825(r).

² The current license for the Yuba River Project was issued with an effective date of May 1, 1966, for a term of 50 years and expires on April 30, 2016.

³ National Environmental Policy Act of 1969, as amended (Pub. L. 91-190. 42 U.S.C. § 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982).

any, of the proposed action and alternatives. The EIS preparation will be supported by a scoping process to ensure identification and analysis of all pertinent issues.

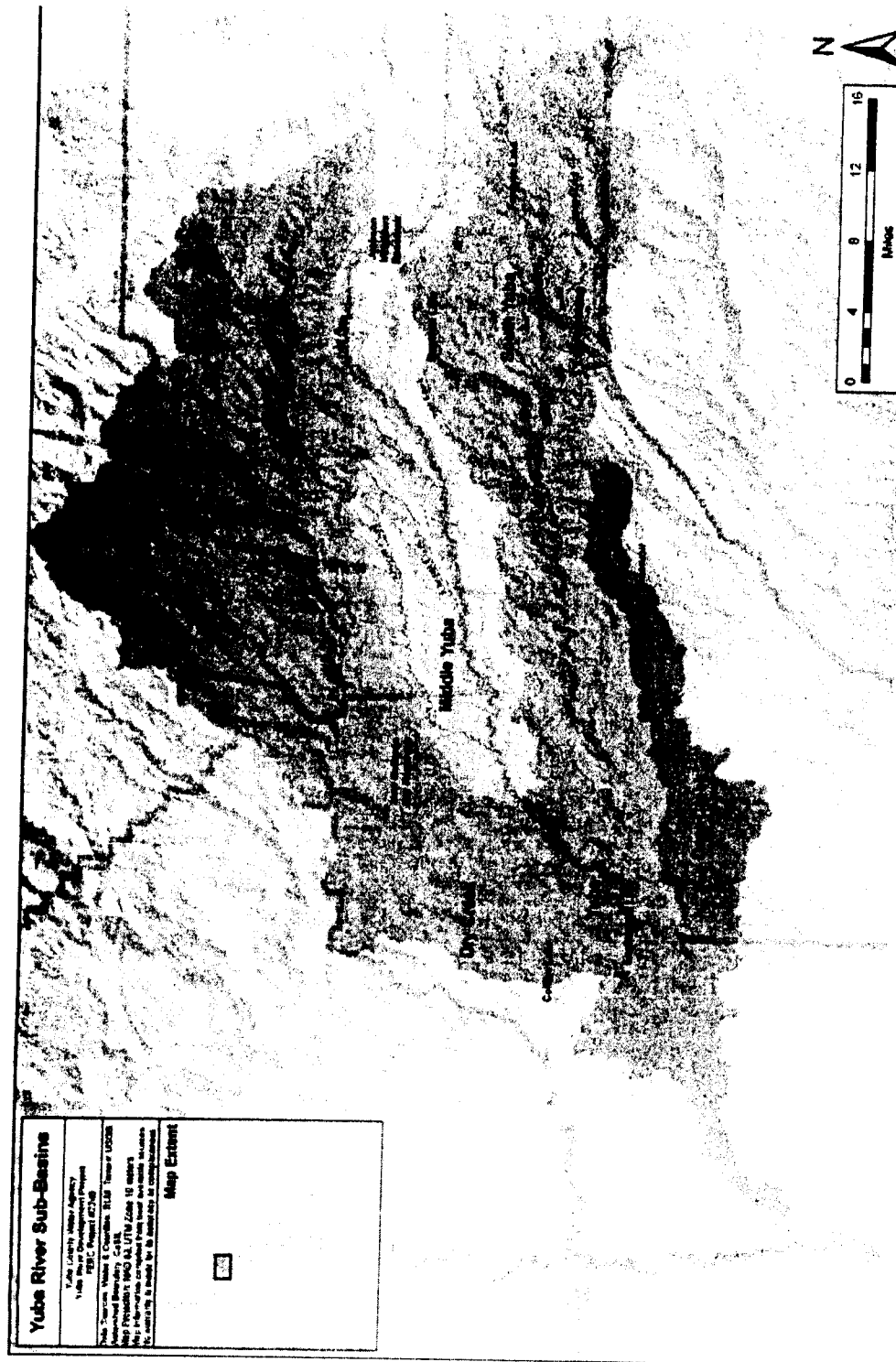


Figure 1. Location of the Yuba River Project (Source: Yuba River Project PAD, 2010).

2.0 SCOPING

This Scoping Document 2 (SD2) is intended to advise all participants as to the proposed scope of the EIS and to seek additional information pertinent to this analysis. This document contains: (1) a description of the scoping process and schedule for the development of the EIS; (2) a description of the proposed action and alternatives; (3) a preliminary identification of environmental issues and proposed studies; (4) a request for comments and information; (5) a proposed EIS outline; and (6) a preliminary list of comprehensive plans that are applicable to the project.

2.1 PURPOSES OF SCOPING

Scoping is the process used to identify issues, concerns, and opportunities for enhancement or mitigation associated with a proposed action. According to NEPA, the process should be conducted early in the planning stage of the project. The purposes of the scoping process are as follows:

- invite participation of federal, state and local resource agencies, Indian tribes, non-governmental organizations (NGOs), and the public to identify significant environmental and socioeconomic issues related to the proposed project;
- determine the resource issues, depth of analysis, and significance of issues to be addressed in the EIS;
- identify how the project would or would not contribute to cumulative effects in the project area;
- identify reasonable alternatives to the proposed action that should be evaluated in the EIS;
- solicit, from participants, available information on the resources at issue, including existing information and study needs; and
- determine the resource areas and potential issues that do not require detailed analysis during review of the project.

2.2 SCOPING MEETINGS AND WRITTEN COMMENTS

We conducted two scoping meetings (afternoon and evening) on March 2, 2011 in Marysville, California. The scoping meetings were announced in local newspapers and in the Federal Register. The afternoon meeting was attended by about 30 agency and non-governmental organization (NGO) representatives. The evening meeting was attended by about 11 agency, tribal, and NGO representatives and about 20 members of the public. A court reporter recorded comments made during the scoping meetings.⁴ In addition, an environmental site review was conducted on February 1, 2011.

Besides the oral comments received at the scoping meetings, the following entities filed written comments on Scoping Document 1 (SD1):

Commenting Agency	Filing Date
United Auburn Indian Community of the Auburn Rancheria	February 1, 2011
Gold Coast Fly Fishers	February 18, 2011
Cordua Irrigation District	February 23, 2011
California Department of Fish and Game (Cal Fish and Game)	March 3, 2011
Tom J., Janet M., Myles, and Peyton Scott	March 3, 2011
Elizabeth and Christopher Burton	March 4, 2011
National Park Service	March 4, 2011
Forest Service	March 4, 2011
California Water Resources Board	March 7, 2011
U.S. Fish and Wildlife Service (FWS)	March 7, 2011
Foothills Water Network	March 7, 2011
Yuba County Water Agency	March 7, 2011
National Marine Fisheries Service (NMFS)	March 7, 2011
Yuba County Fish and Game Commission	March 7, 2011
Camptonville Community Service District	March 7, 2011

⁴ The transcripts are available at:

<http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=12567075> (afternoon); and
<http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=12575354> (evening).

<i>Terrence and Anita Hansen</i>	<i>March 7, 2011</i>
<i>Paul and Lottie Dixon</i>	<i>March 7, 2011</i>
<i>Randy and Cathy Bodhaine</i>	<i>March 7, 2011</i>
<i>Paul and Maggie Phillipson</i>	<i>March 7, 2011</i>
<i>Emerald Cove Marina</i>	<i>March 7, 2011</i>
<i>Carl and Heidi Kurashewich</i>	<i>March 8, 2011</i>
<i>Ronald C. Fye</i>	<i>March 8, 2011</i>
<i>Gary Watts</i>	<i>March 8, 2011</i>
<i>Tom & Sue Gardner</i>	<i>March 8, 2011</i>
<i>Lyman and Faye Gandy</i>	<i>March 9, 2011</i>
<i>Ray Byers and Family</i>	<i>March 9, 2011</i>
<i>Dalton and Kathye Collier</i>	<i>March 9, 2011</i>
<i>Keith A. Torgerson</i>	<i>March 9, 2011</i>
<i>Feather River Trout Unlimited</i>	<i>March 10, 2011</i>
<i>Dave Billings</i>	<i>March 11, 2011</i>
<i>Dick and Karen Hatfield</i>	<i>March 21, 2011</i>

All comments received are part of the Commission's official record for the project. Information in the official file is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, N.E., Room 2A, Washington, DC 20426, or by calling (202) 502-8371. Information also may be accessed through the Commission's eLibrary system using the "Documents & Filings" link on the Commission's web page at <http://www.ferc.gov>. Call (202) 502-6652 for assistance.

2.3 ISSUES RAISED DURING SCOPING

During the meetings and the following comment period, we received comments on YCWA's PAD and the Commission's SD1. In addition, participants filed study requests. SD1 was revised to address only comments relating directly to the scope of environmental issues; comments on the applicant's PAD and study requests are not discussed here but will be considered during study plan development and the ensuing study plan meetings. This document, SD2, presents our current view of issues and alternatives to be considered in the EIS, and reflects comments suggested during scoping, excluding those indicated below.

The general concerns raised by participants during scoping are summarized below by topic. Both oral and written comments are addressed in the summary. The summary, however, does not include every oral and written comment made during the scoping process. For instance, we do not address comments that are recommendations for schedule changes, statements of opinion regarding operation of the proposed

projects, or minor editorial corrections. We also have not included comments that are recommendations for license conditions, as these recommendations would be addressed in the EIS.

Information in the Record

Comment: NMFS recommends that the Commission direct the applicant to place all information referenced and cited in the PAD into the record for this proceeding.

Response: This recommendation would be an unreasonable burden on an applicant. We encourage that only important, relevant resource management plans, such as species recovery plans, be placed in the record for the affected project.

Project Decommissioning Alternative

Comment: Both NMFS and FWS recommend that the EIS include the alternative of license decommissioning or denial of a new license though neither agency has recommended project retirement. The Foothills Water Network recommends an ESA no-project alternative be considered.

Response: Decommissioning could include retiring the project without or without removal of project facilities. In addressing whether a thorough discussion of decommissioning is warranted in an EIS, Commission staff evaluates different factors relating to the adverse and beneficial effects on a variety of resources and issues (see Interagency Task Force Report on NEPA, 2001).

Most significantly, staff evaluates whether stakeholders have recommended decommissioning and outlined the expected benefits that might be derived. No participant, including NMFS or FWS has recommended that the project be retired or provided any environmental rationale for retiring and/or removing the project. Further, no party has expressed interest in assuming regulatory control and supervision of the project facilities. We provide additional justification for not evaluating a decommissioning alternative in section 3.4.2.

Baseline conditions can be defined differently under the ESA as compared to NEPA. During informal consultation, Commission staff will work with NMFS on the appropriate design and content of a biological assessment.

Other Alternatives

Comment: NMFS recommends that staff evaluate the following alternatives:

- ***Actions taken under the “Habitat Expansion Agreement for Central Valley Spring-Run Chinook Salmon and California Central Valley Steelhead (HEA)” to mitigate for any presently unmitigated impacts due to the blockage of fish passage caused by FERC-licensed hydroelectric projects in the Feather River***
- ***Collaborative efforts, such as those underway in the “Yuba Salmon Forum” that have discussed the potential reintroduction of anadromous fishes to the upper Yuba***
- ***Potential future actions taken in the licensing of the Yuba-Bear and the Drum-Spaulding Hydroelectric Projects, which both affect the conditions in existing and potential Yuba River anadromous habitats***

Response: The issues raised by NMFS are not distinct alternatives, but rather potential changes in future conditions. These issues will be evaluated as part of the cumulative effects analysis, as appropriate.

Comment: The Foothills Water Network also recommends the following alternatives:

- ***Comprehensive watershed planning alternative (coordinated operation of Yuba River, Yuba-Bear, and Drum-Spaulding Projects)***
- ***Future water demand alternative***
- ***Anadromous fish reintroduction alternative (fishway passage for Englebright afterbay, Yuba-Bear/Drum-Spaulding Instream Flows, reintroduction)***
- ***Yuba-Bear/Drum-Spaulding returned water alternative***

FWS also recommends inclusion of fish passage alternatives, including a combination of passage scenarios at all dams and passage scenarios at a subset of dams.

Response: Although we do not include these recommendations as distinct alternatives, the effects of these actions will be disclosed in the applicable resource sections of the EIS, as appropriate.

Englebright Dam

Comment: Foothills Water Network recommends that:

- ***The license should include all Yuba County Water Agency's rights and interests***
- ***Englebright dam, reservoir and afterbay should be listed as a project work***
- ***Englebright dam and reservoir should be within project boundary***

Feather River Chapter of Trout Unlimited also recommends that project include Englebright dam and reservoir.

Response: It is premature to address these issues at this time. Any issues regarding the project boundary and the facilities to be included in a new license are addressed in a Commission order. In any event, issues associated with Englebright dam and reservoir as they relate to the Yuba River Project can be addressed as part of the relicensing regardless of whether they are project facilities or included in the project boundary.

Cumulative Analysis

Comment: Cal Fish and Game recommends that the following cumulative resources be evaluated in the EIS: aquatic resources; geologic and soil resources; and riparian habitat. Cal Fish and Game recommends that the geographic scope include the following: upstream on the North Yuba River above New Bullards Bar reservoir to the confluence of Slate Creek; on the Middle Yuba River upstream of the high water line of Our House diversion Pool; on Oregon Creek upstream of the influence of deliveries from the Lohman Ridge tunnel; and downstream on the mainstem of Yuba River to the confluence of the Yuba River with the Feather River.

FWS recommends that the geographic scope include the entire area where effects can be detected, estimated or measured and notes that water temperature changes can be detected on the Feather River.

YCWA recommends the following cumulative resources and scope:

- ***Channel morphology—Englebright dam to Marysville gage***
- ***Water quantity—Old House diversion dam to Marysville gage***
- ***Water quality—Old House diversion dam to Marysville gage***
- ***Aquatic resources—Englebright dam to Marysville gage***
- ***Riparian vegetation—Englebright dam to Marysville gage***

- *Anadromous fishes—Englebright dam to Marysville gage*

Response: We revised the scoping document to include riparian vegetation and geologic and soil resources as cumulative resources. We conclude that the scope recommended by Cal Fish and Game is generally appropriate and modify this scoping document accordingly.

Comment: For anadromous fish and Essential Fish Habitat (EFH), NMFS recommends the following scope:

- *Upstream—the potential action area for the project extend throughout the upper Yuba watershed, including the North, Middle, and South Yuba watersheds.*
- *Downstream—the potential action area for the project extend through the lower Yuba River watershed to the confluence of the Feather River, the lower Feather River, the lower Sacramento River, and through the Sacramento-San Joaquin Delta to the San Francisco Bay.*

The Foothills Water Network recommends that reintroduction of Chinook salmon in the Upper Yuba River Basin be included with the following scope:

- *On the North Yuba upstream of New Bullards Bar at River Mile 50.8 (Loves Falls)*
- *On the Middle Yuba River to the natural barrier at RM 34.5*
- *Downstream of the project extending to the San Francisco Bay Delta*

Response: We revised the scoping document to include anadromous fish and EFH as cumulatively affected resources. The scope recommended by the NMFS for anadromous fish and EFH is generally appropriate, as discussed below.

Anadromous fish currently are absent from the Yuba River Basin upstream of Englebright dam and would not be affected by the project. However, actions occurring upstream of Englebright dam have the potential to affect anadromous fish and their habitat downstream of Englebright dam, in combination with the potential effects of the proposed project. Therefore, we include the upper Yuba River Basin within the geographic scope to the extent necessary to understand the potential interaction of upstream actions and the project on anadromous fish populations and habitat downstream of Englebright dam.

The project also has the potential to effect anadromous fish habitat and populations downstream of Englebright dam. Upstream and downstream actions

throughout the Yuba River Basin and downstream to San Francisco Bay can affect the number of returning adults to Englebright dam and the condition of those individuals, in combination with project-specific effects. We include the recommended geographic scope to the extent necessary to understand effects to the existing fish runs and how the project would contribute to those effects.

Even though the potential project-specific effects on EFH are restricted to the habitat directly and indirectly effected by the project— both upstream and downstream of Englebright dam—other actions upstream and downstream of Englebright dam have the potential to affect the quality of EFH throughout the geographic scope. Understanding the effects of those potential actions would allow us to place project-specific effects on EFH in their proper perspective.

The expanded scope does not imply that project-related effects extend significantly beyond the Yuba River basin but rather that actions occurring in the Upper Yuba River Basin and downstream to the San Francisco Bay affect the same anadromous fish population and EFH that may be cumulatively affected by the project. We would anticipate that the level of analysis to be broad and may be based largely on existing information. We also note that the geographic scope of the cumulative analysis is not the same as the geographic scope of needed studies. Study scope would be determined individually for each study. We request that stakeholders assist the Commission staff in identifying reasonably foreseeable actions within the geographic scope.

Based on the above discussion, we modify this scoping document to include the geographic scope for the cumulative analysis as recommended by NMFS.

Comment: Cal Fish and Game and the Yuba County Fish and Game Commission recommend that mule deer be evaluated as a cumulative resource.

Response: We have modified the scoping document accordingly.

Comment: The California State Water Control Board recommends that staff remain open to including additional resources through the study plan determination process.

Response: In reviewing the study results and preparing the EIS for the Yuba River Project, staff will also examine each of the resources being considered for cumulative effects analysis and determine if there is new or pertinent information available. Where new and relevant information concerning cumulatively affected resources have been developed, staff will modify the scope as appropriate.

Recreation at New Bullards Bar Reservoir

Comment: Many members of the public provided comments supporting the current level of boating use at New Bullards Bar reservoir. Others recommended allowing more and larger houseboats at the reservoir or additional facilities.

Response: Recreational impacts associated with use of New Bullards Bar reservoir will be addressed as part of our environmental review of the project.

Additional Resource Issues

Comment: Cal Fish and Game recommends the Commission consider the following additional issues:

- ***Effects of project operation and maintenance on habitat for aquatic resources, including fish, amphibians, and benthic macroinvertebrates.***
- ***Effects of the project on channel conditions, changes in channel morphology and sediment regimes, specifically as it relates to fish spawning gravel.***
- ***Effects of project facilities and operation on native trout fry emergence timing and spawning success in various water year types.***
- ***Effects of project facilities and operation on genetic diversity in above-barrier populations.***

Response: We have modified the scoping document accordingly to include these resource issues.

Comment: NMFS recommends that the Southern distinct population segment of the North American green sturgeon and its critical habitat and Chinook salmon and steelhead critical habitat be evaluated.

Response: We have modified the scoping document accordingly to include these resources.

Comment: The Camptonville Community Service District recommends that the EIS evaluate the effects of visitors increased fire hazards, medical emergencies, hazardous materials incidents, increased traffic and trash.

Response: We will consider the effects of the project on public services in the Socioeconomics section of the EIS and have modified the scoping document.

Comment: The Cordua Irrigation District recommends that the EIS evaluate the effects of the water temperature of project releases on rice production and waterfowl food supply.

Response: Changes in project operation that may result from relicensing could potentially affect water temperature and have associated effects on resources other than fish and aquatic organisms. We have modified the scoping document to address this issue.

3.0 PROPOSED ACTION AND ALTERNATIVES

In accordance with NEPA, the environmental analysis will consider the following alternatives, at a minimum: (1) the no-action alternative, (2) the applicant's proposed action, and (3) alternatives to the proposed action.

3.1 NO-ACTION ALTERNATIVE

Under the no-action alternative, the Yuba River Project would continue to operate as required by the current project license (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

3.1.1 Existing Project Facilities (figure 2)

New Colgate Development

The New Colgate development consists of the following existing facilities: (1) the 70-foot-high, 368-foot-long Our House diversion dam with a storage capacity of 280 acre-feet, located on the Middle Yuba River 12.0 miles upstream of its confluence with the North Yuba River; (2) the 12.5-foot-high by 12.5-foot-wide, 19,410-foot-long Lohman Ridge diversion tunnel that conveys a maximum flow of 860 cubic feet per second (cfs) from the Middle Yuba River to Oregon Creek; (3) the Log Cabin diversion dam, a 105-foot-radius, concrete arch dam on Oregon Creek that has a drainage area of 29.1 square miles and a maximum spillway capacity of 12,000 cfs and a storage capacity of 90 acre-feet; (4) the 6,107-foot-long Camptonville diversion tunnel, with the capacity to convey 1,100 cfs of water to New Bullards Bar reservoir on the North Yuba River; (5) the 645-foot-high New Bullards Bar dam located on the North Yuba River about 2.3 miles upstream of its confluence with the Middle Yuba River, with an actual release capacity of 1,250 cfs; (6) the New Bullards Bar reservoir, a storage reservoir on the North Yuba River formed by New Bullards Bar dam, with a *surface* area of 4,790 acres; (7) the New Bullards Bar dam overflow-type spillway with a width of 106 feet and a crest elevation of 1,902 feet; (8) the 5.2-mile-long New Colgate Power tunnel and penstock, with a maximum flow capacity of 3,500 cfs; (9) the New Colgate Powerhouse, an aboveground, steel-reinforced, concrete powerhouse located adjacent to the Yuba River containing two Pelton type turbines with a total actual measured capacity of 340 MW; (10) the New Colgate switchyard, located adjacent to the New Colgate powerhouse; (11) recreation facilities on New Bullards Bar reservoir, including Emerald Cove Marina,

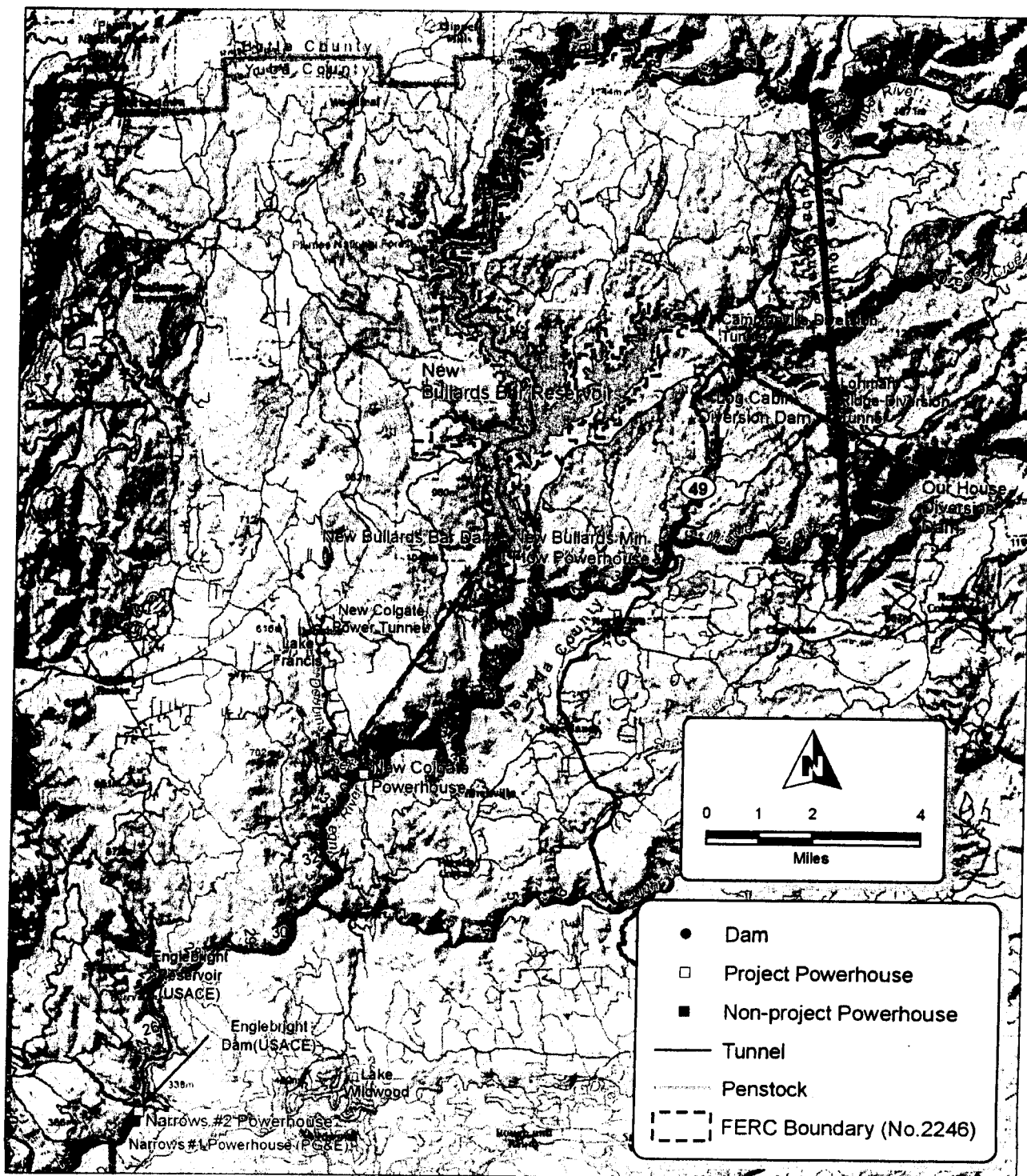


Figure 2. Project facilities for the Yuba River Project (Source: YCWA).

Hornswoggle Group Camp, Schoolhouse Family Camp, Dark Day Campground, Dark Day Boat Ramp, Garden Point Campground, Madrone Cove Campground, and Cottage Creek Boat Ramp; and (12) appurtenant facilities and features include access roads.

New Bullards Bar Minimum Flow Development

The New Bullards Bar Minimum Flow Development consists of the following existing facilities: (1) the 70-foot long, 12-inch-diameter New Bullards minimum flow powerhouse penstock with a maximum flow capacity of 6 cfs; (2) the New Bullards minimum flow powerhouse, containing a single Pelton turbine with a capacity of 150 kilowatts (kW) at a flow of 5 cfs; (3) the New Bullards minimum flow transformer, located adjacent to the New Bullards minimum flow powerhouse; and (4) appurtenant facilities and features, including access roads.

Narrows 2 Development

The Narrows 2 Development consists of the following existing facilities: (1) the Narrows 2 powerhouse penstock, a tunnel that is 20 feet in diameter and concrete lined in the upper 376 feet, and 14 feet in diameter and steel lined for the final 371.5 feet, with a maximum flow capacity of 3,400 cfs; (2) the Narrows 2 flow bypass, a valve and penstock branch off the main Narrows 2 penstock that provides the capability to bypass flows of up to 3,000 cfs around the Narrows 2 powerhouse during times of full or partial powerhouse shutdowns; (3) the Narrows 2 powerhouse, an indoor powerhouse located at the base of the Corps of Engineer's Englebright dam, consisting of one vertical axis Francis turbine with a capacity of 55 MW at a head of 236 feet and flow of 3,400 cfs; (4) the Narrows 2 powerhouse switchyard, located adjacent to the powerhouse; and (5) appurtenant facilities and features, including access roads.

3.1.2 Existing Project Operations

Besides generating power, YCWA operates the project to supply water, control floods, provide recreational opportunities, and enhance fish and wildlife habitat. Our House and Log Cabin diversion dam impoundments do not store water and YCWA uses them to divert water to New Bullards Bar reservoir during spring high flows. As the project's only storage reservoir, New Bullards Bar reservoir captures winter and spring runoff from rain and snowmelt. Normally, the reservoir reaches its peak storage at the end of the spring runoff season, and then is gradually drawn until its lowest elevation is reached in mid-winter. Though the reservoir elevation varies seasonally, the reservoir elevation does not undergo substantial daily changes. To control floods, YCWA must

reserve pool space in New Bullards Bar reservoir from October through April that, depending on runoff, can limit storage. For power, YCWA operates New Colgate powerhouse for peaking and ancillary services and both the New Bullards minimum flow and Narrows 2 powerhouses as base load facilities.

The average total inflows to New Bullards Bar reservoir from the North Yuba River and diversions from the Middle Yuba River and Oregon Creek are about 1,200,000 acre-feet per year, and have ranged from a low of 163,000 acre-feet in 1977 to a high of 2,800,000 acre-feet in 1982. To estimate yearly water availability, YCWA begins by using California Department of Water Resources Bulletin 120 forecasts in January each year and continually updates the estimate throughout the spring runoff period. Estimates of available water supply are compared to estimates of required releases, consumptive demands, and target levels for fall storage to provide a level of drought protection for the following year.

Since 2006, YCWA has operated the project to conform to a unique set of agreements: the Lower Yuba River Accord (Yuba Accord). The Yuba Accord is a comprehensive, consensus-based program to protect and enhance aquatic habitat in the Yuba River downstream of the United States Army Corps of Engineers' Englebright dam. The Yuba Accord flow schedules were developed to *improve* aquatic habitat during high flow years and use a "balancing of resources" approach to provide habitat for drier conditions.

3.2 APPLICANT'S PROPOSAL

The proposed action is to continue to operate and maintain the Yuba River Project, and implement certain environmental protection, mitigation, and enhancement measures. YCWA proposes no new developments or changes in project operation at this point in the licensing process. The current license for the project expires on April 30, 2016.

3.2.1 Proposed Project Facilities and Operations

No new or upgraded facilities, structural changes, or operational changes to the Yuba River Project during the term of the new license are proposed at this time.

3.2.2 Proposed Environmental Measures

YCWA identified measures to protect and enhance environmental resources of the project area. YCWA proposes to continue operating the Yuba River Project with the environmental protection, mitigation, and enhancement measures described below.

YCWA proposes to continue to release minimum flows consistent with the Lower Yuba River Accord.

3.3 ALTERNATIVES TO THE PROPOSED ACTION

Commission staff will consider and assess all alternative recommendations for operational or facility modifications, as well as protection, mitigation, and enhancement (PM&E) measures identified by the Commission, the agencies, Indian tribes, NGOs, and the public.

3.4 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

At present, we propose to eliminate the following alternatives from detailed *analysis* in the EIS.

3.4.1 Non-power License

A non-power license is a temporary license the Commission would terminate whenever it determines that another governmental agency is authorized and willing to assume regulatory authority and supervision over the lands and facilities covered by the non-power license. At this time, no governmental agency has suggested a willingness or ability to take over the project. No party has sought a non-power license, and we have no basis for concluding that the Yuba River Project should no longer be used to produce power. Thus, we do not consider a non-power license a reasonable alternative to relicensing the project.

3.4.2 Project Decommissioning

Decommissioning of the project could be accomplished with or without dam removal. Either alternative would require denying the relicense application and surrender or termination of the existing license with appropriate conditions. No party has suggested project decommissioning would be appropriate in this case.

The project provides a viable, safe, and clean renewable source of power to the region. Under a decommissioning alternative, the project would no longer be authorized to generate power—the project generates an average of about 1,267 gigawatthours annually (2004-2008 data). The project also provides other important benefits. New Bullards Bar reservoir provides important recreational benefits and project facilities provide flood control and water delivery benefits.

Further, there would be significant costs involved with retiring the project and/or removing any of the project's facilities. If the project facilities were removed as part of the decommissioning alternative, significant impacts would result as well.

Retirement would also foreclose any opportunity to add environmental enhancements to the existing project. Further, in this case, environmental objectives in large part can likely be met without decommissioning the project.

NMFS notes that several events could occur in the foreseeable future that might resurrect the issue of decommissioning or the removal of project facilities. Staff will evaluate this information as it becomes available and may modify the range of alternatives throughout the licensing process.

Therefore, based on the information provided thus far, we conclude that decommissioning is not a reasonable alternative that needs to be evaluated throughout the NEPA process. Excluding the project retirement alternative in the EIS does not prejudice the Commission's decision on whether to issue a license for the project or preclude the Commission from denying a license for the project. Staff will reevaluate the merits of a decommissioning alternative, as appropriate, as new information is developed throughout the licensing process.

4.0 SCOPE OF CUMULATIVE EFFECTS AND SITE-SPECIFIC RESOURCE ISSUES

4.1 CUMULATIVE EFFECTS

According to the Council on Environmental Quality's regulations for implementing NEPA (50 C.F.R. 1508.7), a cumulative effect is the effect on the environment that results from the incremental effect of the action when added to other past, present and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time, including hydropower, diversions for irrigation and drinking water supply, past mining activities, and other land and water development activities, including agriculture, timber, grazing, recreation, and residential.

There are approximately 46 major dams and reservoirs in the Yuba River Basin, with a combined storage capacity of about 1,350,000 acre-feet. Thirty-eight of these dams are located upstream of the project (Pre-Application Document, pages 3-14- 3-15). Other major FERC projects in the basin include PG&E's Drum-Spaulding Project No. 2310 (expiring April 30, 2013) and Narrows Project No. 1403 (expiring January 31, 2023); Nevada Irrigation District's Yuba-Bear Project No. 2266 (expiring April 30, 2013); *South Feather Water and Power Agency's State Creek Development, Project No. 2088 (expired March 31, 2009)*; and *YCWA's Deadwood Creek Project No. 6780 (expiring August 31, 2038)*. The Corps of Engineers operates Englebright and Daguerre Point dams.

4.1.1 Resources that could be Cumulatively Affected

Based *upon scoping meetings and the comments we received on SD1*, on information in the Pre-Application Document, and preliminary staff analysis, we anticipate water resources and aquatic resources, *including anadromous fish, EFH, geologic and soil resources, riparian vegetation, and mule deer* as resources with the potential to be cumulatively affected by the continued operation and maintenance of the Yuba River Project.

4.1.2 Geographic Scope

Our geographic scope of analysis for cumulatively affected resources is defined by the physical limits or boundaries of: (1) the proposed action's effect on the resources, and (2) contributing effects from other hydropower and non-hydropower activities within the Yuba River Basin. Because the proposed action would affect the resources differently, the geographic scope for each resource may vary.

For water and aquatic resources (with the exception of anadromous fish), riparian vegetation, and geologic and soil resources, we define the geographic scope as extending upstream on the North Yuba River above New Bullards Bar reservoir to the confluence of Slate Creek, on the Middle Yuba River upstream of the high water line of Our House diversion pool, on Oregon Creek upstream of the influence of deliveries from the Lohman Ridge tunnel and downstream on the main stem Yuba River to the mixing zone of the Yuba River and the Feather River.

- *At this time, we have tentatively determined a cumulative geographic scope for anadromous fish and EFH that includes the Yuba River Basin downstream to the confluence with the Feather River, the lower Feather River, to the lower Sacramento River, and through the Sacramento-San Joaquin Delta to the San Francisco Bay.*

For mule deer, the scope for the cumulative analysis is the range of the migratory Downieville/Nevada City and Bucks Mountain/Mooretown deer herds.

4.1.3 Temporal Scope

The temporal scope of our cumulative effects analysis in the EIS will include a discussion of past, present, and reasonably foreseeable future actions and their effects on each resource that could be cumulatively affected. Based on the potential term of a new license, the temporal scope will look 30 to 50 years into the future, concentrating on the effect on the resources from reasonably foreseeable future actions. The historical discussion will, by necessity, be limited to the amount of available information for each resource. The quality and quantity of information, however, diminishes as we analyze resources further away in time from the present.

4.2 RESOURCE ISSUES

In this section, we present a preliminary list of environmental issues to be addressed in the EIS. We identified these issues, which are listed by resource area, by reviewing the PAD and the Commission's record for the Yuba River Project, *along with verbal and written comments provided during scoping*. This list is not intended to be exhaustive or final, but contains those issues raised to date that could have substantial effects.

4.2.1 Geologic and Soils Resources

- Effects of project operation and maintenance on soil erosion, slope failures, and shoreline erosion at project reservoirs and stream reaches
- Effects of any project-related changes in streamflow and sediment delivery to project stream reaches on stream geomorphic processes *and* reservoir bathymetry
- Potential effects of runoff from project roads and other hard surface runoff on erosion and sediment transport
- Potential effects of the use of project spillways and dam outlet facilities on soil erosion
- Effect of project operations on large woody debris distribution and recruitment
- Effects of project-related recreation on soil compaction or erosion

4.2.2 Aquatic Resources

- Effects of project operation on the quantity and timing of streamflow in project-affected reaches, including water storage, spillage, peaking operations, and ramping rates
- Potential effects of project operation and maintenance on water quality, water temperature, and water quantity in project reservoirs and project-affected stream reaches and its effect on water supply demands, *and other resources*

- Effects of project operation on amphibian and aquatic reptile habitat in project reservoirs
- Effects of project operation on foothill yellow-legged frog populations and distribution, including changes in channel morphology and sediment regimes, flow patterns and fluctuations, and water temperature
- Effects of project operation on western pond turtle populations and distribution, including changes in channel morphology and sediment regimes, water temperature, upland habitat conditions, water flow patterns, and riparian vegetation
- Effects of project operation and maintenance on fish populations in project reservoirs and project-affected stream reaches, including special status species
- Effects of project operation, including releases from project facilities on *aquatic habitat*, including benthic macroinvertebrate populations, special-status amphibian populations, special-status mollusk populations, aquatic reptiles, and *fish, including native trout fry emergence timing and spawning success in various water year types* in receiving streams
- Effects of retention of sediment in project reservoirs *and project flows* on *channel morphology and sediment regimes* on downstream fish spawning habitat, special-status fish populations, and benthic macroinvertebrate populations
- Potential effects of project-related changes in the recruitment and movement of large woody debris on aquatic resources and their habitat
- Potential effects of impediments (passage barrier and flows) to fish passage and migrations, for spawning and thermal refugia, and out migration, including special status fish species
- Potential effects of project operations on stranding or displacement of fish
- Effects of entrainment at project diversions and intakes on fish populations
- Effects of the project on non-native species, including hatchery stocked populations of trout, and their effect on native species such as wild trout

- *Effects of the project on essential fish habitat*

4.2.3 Terrestrial Resources

- Effects of project operation, maintenance activities, and recreational use on special status and state-listed wildlife species, including northern goshawk, osprey, golden eagle, California spotted owl, California black rail, and bat species
- Effects of project operation, maintenance activities, and recreational use on bald eagle nesting, roosting, perching, and foraging and consistency of the project with National Bald Eagle Protection Guidelines
- Effects of project facilities on migratory deer winter *habitat* and migratory corridors
- Effects of project operation, maintenance activities, and recreational use on special status and state-listed plant species
- Effects of project operation, maintenance activities, and recreational use on the presence and spread of noxious weeds
- Effects of project operation and maintenance on wetlands, meadows, and riparian habitat

4.2.4 Threatened and Endangered Species

- Effects of project-related maintenance activities on elderberry plants and associated effects on the valley elderberry longhorn beetle
- Effects of project operation on California red-legged frog habitat and populations (and effects from warmwater fish) within a 1-mile area around project developments and project-affected reaches
- Effects of project operation and maintenance on listed plant species (Stebbins' morning glory, Pine Hill flannelbush, Layne's ragwort, Hartweg's golden sunburst) and invertebrates (vernal pool fairy shrimp and vernal pool tadpole shrimp)

- Effect of project operations on spring-run Chinook salmon, steelhead, *and green sturgeon and their designated critical habitats*

4.2.5 Recreation and Land Use

- Effects of project facilities and operations on public access to project waters, existing recreational opportunities, and future recreational opportunities within the project area
- Effects of water levels in project reservoirs on recreation (angling, boating)
- Effects of project operations on quality and availability of flow-dependent recreation opportunities, including whitewater boating, angling, and swimming
- Adequacy of existing recreation facilities (including accessible facilities) to meet current and future recreational demand
- Effects of the project operations and maintenance on the condition and use of roads within the project area
- Effects of project operations on wildfire risk and fire management

4.2.6 Cultural Resources

- Effects of the project on historic, archeological, and traditional cultural resources that may be eligible for inclusion in the National Register of Historic Places

4.2.7 Aesthetic Resources

- Effects of project operations, maintenance activities, and project recreation use on aesthetic resources, including reservoirs and downstream reaches, within the project area

4.2.8 Socioeconomics

- *Effect of the project on local public services*

4.2.9 Developmental Resources

- **Economics of the project and alternatives, and the effects of any recommended environmental measures on the project's economics**

5.0 PROPOSED STUDIES

Depending upon the findings of studies completed by YCWA and the recommendations of the consulted entities, YCWA will consider, and may propose certain other measures to enhance environmental resources affected by the project as part of the proposed action. YCWA's initial study proposals are identified by resource area in table 1. Detailed information on YCWA's initial study proposals can be found in the PAD, *as modified by YCWA's February 11, 2011 filing*. Further studies may need to be added to this list based on comments provided to the Commission and YCWA from interested participants, including Indian tribes.

Table 1. YCWA's Initial Study Proposals (Source: PAD).

Study Number	Study Name
GEOLOGY AND SOILS	
1.1	Channel Morphology Upstream of Englebright Reservoir
1.2	Channel Morphology Downstream of Englebright Dam
WATER RESOURCES	
2.1	Hydrologic Alteration
2.2	Water Balance/Operations Model
2.3	Water Quality
2.4	Bioaccumulation
2.5	Water Temperature Monitoring
2.6	Water Temperature Model
AQUATIC RESOURCES	
3.1	Aquatic Macroinvertebrates Upstream of Englebright Reservoir
3.2	Aquatic Macroinvertebrates Downstream of Englebright Dam
3.3	Special-Status Aquatic Mollusks
3.4	Special-Status Amphibians – Foothill Yellow-Legged Frog Surveys
3.5	Special-Status Amphibians – Foothill Yellow-Legged Frog Habitat Modeling
3.6	Special-Status Turtles – Western Pond Turtle
3.7	Reservoir Fish Populations
3.8	Stream Fish Populations Upstream of Englebright Reservoir
3.9	Stream Fish Populations Downstream of Englebright Dam
3.10	Fish Instream Flow Upstream of Englebright Reservoir
3.11	Fish Entrainment
WILDLIFE RESOURCES	
4.1	Special-Status Wildlife – California Wildlife Habitat Relationships
4.2	Special-Status Wildlife – Bats
BOTANICAL RESOURCES	
5.1	Special-Status Plants
WETLAND, RIPARIAN AND LITTORAL HABITATS	
6.1	Riparian Habitat Upstream of Englebright Reservoir
6.2	Riparian Habitat Downstream of Englebright Dam
6.3	Wetlands

THREATENED, ENDANGERED, AND FULLY PROTECTED SPECIES

- 7.1 Endangered Species Act (ESA) ESA-Listed Plants
- 7.2 Narrows 2 Powerhouse Intake
- 7.3 ESA-Listed Amphibians – California Red-Legged Frog
- 7.4 ESA-Listed Wildlife – Valley Elderberry Longhorn Beetle
- 7.5 California ESA(CESA)-Listed Plants
- 7.6 CESA-Listed and Fully Protected Wildlife – California Wildlife Habitat Relationships
- 7.7 CESA-Listed and Fully Protected Wildlife – Bald Eagle
- 7.8 ESA/CESA-Listed Salmonids Downstream of Englebright Dam
- 7.9 North American Green Sturgeon Downstream of Englebright Dam
- 7.10 Instream Flow for Steelhead and Chinook Salmon Downstream of Englebright Dam

RECREATIONAL RESOURCES

- 8.1 Recreation Use and Visitor Surveys
- 8.2 Recreational Flow

LAND USE

- 9.1 Primary Project Roads and Trails

AESTHETIC RESOURCES

- 10.1 Visual Quality

CULTURAL RESOURCES

- 12.1 Historic Properties

TRIBAL RESOURCES

- 13.1 Native American Traditional Cultural Properties

6.0 EIS PREPARATION SCHEDULE

At this time, we anticipate the need to prepare a draft and final EIS. The draft EIS will be sent to all persons and entities on the Commission's service and mailing lists for the Yuba River Project. The EIS will include our recommendations for operating procedures, as well as PM&E measures that should be part of any license issued by the Commission. All recipients will then have 60 days to review the EIS and file written comments with the Commission. All comments on the draft EIS filed with the Commission will be considered in preparation of the final EIS.

The major milestones, including those for preparing the EIS, are as follows:

<u>Major Milestone</u>	<u>Target Date</u>
<i>Director's Study Plan Determination</i>	<i>September 16, 2011</i>
License Application Filed	April 2014
Ready for Environmental Analysis Notice Issued	June 2014
Deadline for Filing Comments, Recommendations, and Agency Terms and Conditions/Prescriptions	August 2014
Draft EIS Issued	February 2015
Comments on Draft EIS Due	April 2015
Deadline for Filing Modified Agency Recommendations	June 2015
Final EIS Issued	September 2015

If Commission staff determines that there is a need for additional information or additional studies, the issuance of the Ready for Environmental Analysis notice could be delayed. If this occurs, all subsequent milestones would be delayed by the time allowed for YCWA to respond to the Commission's request. A copy of YCWA's process plan, which has a complete list of relicensing milestones for the Yuba River Project, including those for developing the license application, is attached as appendix B to this SD2.

7.0 PROPOSED EIS OUTLINE

The preliminary outline for the Yuba River Project EIS is as follows:

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FORWARD
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LIST OF FIGURES
LIST OF TABLES
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 - 1.2.2 Need for Power
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 - 1.3.1.1 Section 18 Fishway Prescriptions
 - 1.3.1.2 Section 4(e) Conditions
 - 1.3.1.3 Section 10(j) Recommendations
 - 1.3.2 Clean Water Act
 - 1.3.3 Endangered Species Act
 - 1.3.4 Coastal Zone Management Act
 - 1.3.5 National Historic Preservation Act
 - 1.3.6 Wild and Scenic Rivers Act
 - 1.3.7 Magnuson-Stevens Fishery Conservation and Management Act
 - 1.3.8 Other Regulatory Requirement
- 1.4 Public Review and Comment
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 - 1.4.2 Interventions
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 - 1.4.4 Comments on Draft EIS

2.0 PROPOSED ACTION AND ALTERNATIVES

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 - 2.1.2 Project Safety

- 2.1.3 Existing Project Operation
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 - 5.3 Unavoidable Adverse Effects
 - 5.4 Recommendations of Fish and Wildlife Agencies
 - 5.5 Consistency with Comprehensive Plans
- 6.0 LITERATURE CITED

7.0 LIST OF PREPARERS

8.0 LIST OF RECIPIENTS

APPENDICES

A—License Conditions Recommended by Staff

B—Response to Comments on the Draft Environmental Assessment (FEIS only)

8.0 COMPREHENSIVE PLANS

Section 10(a)(2) of the FPA, 16 U.S.C. section 803(a)(2)(A), requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. The staff has preliminarily identified and reviewed the plans listed below that may be relevant to the Yuba River Project. Agencies are requested to review this list and inform the Commission staff of any changes. If there are other comprehensive plans that should be considered for this list that are not on file with the Commission, or if there are more recent versions of the plans already listed, they can be filed for consideration with the Commission according to 18 CFR 2.19 of the Commission's regulations. Please follow the instructions for filing a plan at <http://www.ferc.gov/industries/hydropower/gen-info/licensing/complan.pdf>.

The following is a list of comprehensive plans currently on file (as of *January 2011*) with the Commission that may be relevant to the Yuba River Project.

California Advisory Committee on Salmon and Steelhead Trout. 1988. Restoring the balance: 1988 annual report. Sausalito, California. 84 pp.

California Department of Fish and Game. U.S. Fish and Wildlife Service. National Marine Fisheries Service. Bureau of Reclamation. 1988. Cooperative agreement to implement actions to benefit winter-run Chinook salmon in the Sacramento River Basin. Sacramento, California. May 20, 1988. 10 pp.

California Department of Fish and Game. 1990. Central Valley salmon and steelhead restoration and enhancement plan. Sacramento, California. April 1990. 115 pp.

California Department of Fish and Game. 1993. Restoring Central Valley streams: A plan for action. Sacramento, California. November 1993.

California Department of Fish and Game. 1996. Steelhead restoration and management plan for California. February 1996. 234 pp.

California Department of Parks and Recreation. 1998. Public opinions and attitudes on outdoor recreation in California. Sacramento, California. March 1998.

- California Department of Parks and Recreation. California Outdoor Recreation Plan (SCORP). Sacramento, California. April 1994.
- California Department of Water Resources. 1983. The California water plan: projected use and available water supplies to 2010. Bulletin 160-83. Sacramento, California. December 1983. 268 pp.
- California Department of Water Resources. 1994. California water plan update. Bulletin 160-93. Sacramento, California. October 1994. Two volumes and executive summary.
- California Department of Water Resources. 2000. Final programmatic environmental impact statement/environmental impact report for the CALFED Bay-Delta Program. Sacramento, California. July 2000. CD Rom, including associated plans.
- California State Water Resources Control Board. 1995. Water quality control plan report. Sacramento, California. Nine volumes.
- California - The Resources Agency. Department of Parks and Recreation. 1983. Recreation needs in California. Sacramento, California. March 1983.
- Forest Service. 1988. Plumas National Forest land and resource management plan. Department of Agriculture, Quincy, California. August 26, 1988.
- Forest Service. 1990. Tahoe National Forest land and resource management plan. Department of Agriculture, Nevada City, California. March 1990.
- National Park Service. 1982. The nationwide rivers inventory. Department of the Interior, Washington, D.C. January 1982.
- State Water Resources Control Board. 1999. Water quality control plans and policies adopted as part of the State comprehensive plan. April 1999.
- U.S. Fish and Wildlife Service. 1990. Central Valley habitat joint venture implementation plan: a component of the North American waterfowl management plan. February 1990.

- U.S. Fish and Wildlife Service. 2001. Final restoration plan for the anadromous fish restoration program. Department of the Interior, Sacramento, California. January 9, 2001.
- U.S. Fish and Wildlife Service. Canadian Wildlife Service. 1986. North American waterfowl management plan. Department of the Interior. Environment Canada. May 1986.
- U.S. Fish and Wildlife Service. Undated. Fisheries USA: the recreational fisheries policy of the U.S. Fish and Wildlife Service. Washington, D.C.

0.0 MAILING LIST

The list below is the Commission's official mailing list for the Yuba River Project (FERC No. 2246) (as of **March 31, 2011**). If you want to receive future mailings for the Yuba River Project and are not included in the list below, please send your request by email to efiling@ferc.gov or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written and emailed requests to be added to the mailing list must clearly identify the following on the first page: Yuba River Project No. 2246-058. You may use the same method if requesting removal from the mailing list below.

Register online at <http://www.ferc.gov/esubscribenow.htm> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

Mailing List

Party	Contact and Address
American Whitewater	Dave Steindorf California Stewardship Dir. American Whitewater 4 Baroni Drive Chico, California 95928-4314
Appeal Democrat, The	Harold Kruser Appeal Democrat, The PO Box 431 Marysville, California 95901-0431
California Fish & Game Commission	FERC Contact California Fish & Game Commission Attn: Environmental Services Division 1416 9th St Sacramento, California 95814-5511
California Public Utilities Commission	Chairman California Public Utilities Commission 505 Van Ness Ave San Francisco, California 94102-3214
California Salmon and Steelhead Association	Bob Baiocchi Private Consultant

	California Salmon and Steelhead Association PO Box 1035, 96103
House of Representatives	Wally Herger House of Representatives Washington, District of Columbia 20515
Institute for Policy Research	H Paul Friesema Institute for Policy Research <i>227 Scott Hall</i> <i>Northwestern University</i> <i>Evanston, Illinois 60208-1006</i>
	<i>Nevada County Local Agency Formation Com</i> <i>Executive Officer</i> <i>950 Maidu Avenue</i> <i>Nevada City, California 95959</i>
	<i>Nevada County Resource Center</i> <i>Coordinator</i> <i>113 Presley Way, Suite 1</i> <i>Grass Valley, California 95945</i>
	<i>Nevada Irrigation District</i> <i>1036 West Main Street</i> <i>Grass Valley, California 95945</i>
Northwest Power Planning Council	Suite 1100 851 SW 6th Ave Portland, Oregon 97204-1337
Office of the Governor of California	Governor of California RE: FERC Projects Office of the Governor of California State Capitol Building Sacramento, California 95814
Pacific Gas and Electric Company	Elizabeth Diamond Legal Secretary Pacific Gas and Electric Company PO Box 7442 San Francisco, California 94120
	<i>Sierra County Local Agency Formation Com</i> <i>Executive Officer</i> <i>P.O. Box 530</i> <i>Downieville, California 95936</i>
	<i>Sierra Nevada Conservancy</i>

	<i>Executive Director 11521 Blocker Drive, Suite 205 Auburn, California 95603</i>
US Bureau of Land Management	Larry Weitzel U.S. Bureau of Land Management California State Office 2800 Cottage Way Ste W1834 Sacramento, California 95825-1886
US Army Corps of Engineers	Commander US Army Corps of Engineers San Francisco District Office 1455 Market St, #1760 San Francisco, California 94103
Water Resources Control Board	<i>Jeffrey Parks</i> Senior Environmental Scientist Water Resources Control Board 1001 I St Sacramento, California 95814
<i>Yuba County</i>	<i>Yuba County Local Agency Formation Comm. Commission Clerk 825 Ninth Street, Suite B Marysville, California 95901</i>
<i>Yuba County Fish and Game Commission</i>	<i>Deborah L Byrne</i> <i>Chair, Yuba County Fish and Game</i> <i>Yuba County Fish and Game Commission</i> <i>P.O. Box 589</i> <i>Marysville, California 95901</i>
<i>Yuba County Resource Center</i>	<i>Yuba County Resource Center</i> <i>Conservation District Director</i> <i>1511 Butte House Road, Suite B</i> <i>Yuba City, California 95993</i>
Yuba County Water Agency	Nancy Jones Yuba County Water Agency 1402 D St Marysville, California 95901-4226
Yuba County Water Agency	Donald R. Frost Yuba County Water Agency 1402 D St Marysville, California 95901-4226

Yuba County Water Agency	Donn A Wilson Yuba County Water Agency 1402 D St Marysville, California 95901-4226
Yuba County Water Agency	Curt Aikens General Manager Yuba County Water Agency 1220 F Street Marysville, California 95901
<i>Yuba County Water Agency</i>	<i>Anne Schneider Downey Brand LLP 555 Capitol Mall Fl 10 Sacramento, California 95814-4504</i>
	<i>Hallwood Irrigation District Post Office Box 1349 Marysville, California 95901</i>
	<i>Browns Valley Irrigation District 9370 Browns Valley School Road Post Office Box 6 Browns Valley, California 95918</i>
	<i>Brophy Water District 1190 Civic Center Boulevard Yuba City, California 95993</i>
	<i>Cordova Irrigation District Post Office Box 1111 Marysville, California 95901</i>
	<i>Dry Creek Mutual Water Company Post Office Box 813 Wheatland, California 95692</i>
	<i>Ramirez Water District 1528 Starr Drive, S-A Yuba City, California 95993</i>
	<i>South Yuba Water District Post Office Box 8 Rio Oso, California 95677</i>
	<i>Wheatland Water District Post Office Box 404 Wheatland, California 95962</i>

	Browns Valley Irrigation District 9370 Browns Valley School Road Post Office Box 6 Browns Valley, California 95918
	Kyle Self Chairperson Greenville Rancheria of Maidu Indians P.O. Box 279 Greenville, California 95947
	Davis Keyser Chairperson United Auburn Indian Community 10720 Indian Hill Road Auburn, California 95603
	Waldo Walker Chairperson 919 U.S. Highway 395 South Gardnerville, NEW YORK 89410
	Glenda Nelson Tribal Chairperson 1940 Feather River Blvd, Suite B Oroville, California 95965
	Jim Edwards 5 Tyme Way Oroville, California 959669115
	Steve Santos Chairperson 125 Mission Ranch Blvd Chico, California 959262175
	Stacy Dixon Susanville Indian Rancheria P.O. Box U1745 Joaquin Street Susanville, California 96130
	Nicholas Fonseca Shingle Springs Band of Miwok Indians P.O. Box 1340 Shingle Springs, California 95682
	Jessie Raeder Organizer and Board Secretary SalmonAid

	<i>427 Fell Street San Francisco, California 94102</i>
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APPENDIX A
STUDY PLAN CRITERIA
18 CFR Section 5.9(b)

Any information or study request must contain the following:

1. Describe the goals and objectives of each study proposal and the information to be obtained;
2. If applicable, explain the relevant resource management goals of the agencies or Indian tribes with jurisdiction over the resource to be studied;
3. If the requester is not a resource agency, explain any relevant public interest considerations in regard to the proposed study;
4. Describe existing information concerning the subject of the study proposal, and the need for additional information;
5. Explain any nexus between project operations and effects (direct, indirect, and/or cumulative) on the resource to be studied, and how the study results would inform the development of license requirements;
6. Explain how any proposed study methodology (including any preferred data collection and analysis techniques, or objectively quantified information, and a schedule including appropriate field season(s) and the duration) is consistent with generally accepted practice in the scientific community or, as appropriate, considers relevant tribal values and knowledge; and
7. Describe considerations of level of effort and cost, as applicable, and why proposed alternative studies would not be sufficient to meet the stated information needs.

APPENDIX B PROCESS PLAN AND SCHEDULE

Yuba River Project Preliminary Process Plan and Schedule			
(shaded milestones are unnecessary if there are no study disputes; if due date falls on a weekend or holiday, the due date is the following business day)			
Responsible Entity	Pre-Filing Milestone	Date	FERC Regulation
Applicant	File NOI/PAD with FERC	11/5/10	5.5, 5.6
FERC	Notice of Commencement of Proceeding & SD1 issued	1/4/11	5.8
FERC	Scoping and Environmental Site Review	2/2/11	5.8(b)(viii)
FERC	Tribal Meeting	4/25-27/11	5.7
All stakeholders	NOI/PAD/SD1 comments due	3/7/11	5.9
FERC	Issue SD2 if needed	4/19/11	5.1
Applicant	File Proposed Study Plan	4/19/11	5.11(a)
All stakeholders	Study Plan Meeting	5/19/11	5.11(e)
All stakeholders	Study Plan Comments due	7/18/11	5.12
Applicant	File Revised Proposed Study Plan	8/17/11	5.13(a)
All stakeholders	Revised Proposed Study Plan Comments due	9/1/11	5.13(b)
FERC	Director's Study Plan Determination	9/16/11	5.13(c)
Applicant	First Study Season	Spring/Summer 2012	5.15(a)
Applicant	Initial Study Report	9/15/12	5.15(c)(1)
All stakeholders	Initial Study Report Meeting	9/30/12	5.15(c)(2)
Applicant	Initial Study Report Meeting Summary	10/15/12	5.15(c)(3)
All stakeholders	Study Disputes/Request to Modify Study Plan due	11/14/12	5.15(c)(4)
All stakeholders	Response to Disputes/Study Requests	12/14/12	5.15(c)(5)
FERC	Director's Study Plan Determination	1/13/13	5.15(c)(6)
Applicant	Second Study Season	Spring/Summer 2013	5.15(a)
Applicant	Updated Study Report due	9/15/13	5.15(f)
All stakeholders	Updated Study Report Meeting	9/30/13	5.15(f)
Applicant	Updated Study Report Meeting Summary	10/15/13	5.15(f)
All stakeholders	Study Disputes/Request to Modify Study Plan due	11/14/13	5.15(f)

All stakeholders	Responses to Disputes/Study Requests	12/14/13	5.15(f)
FERC	Director's Study Plan Determination	1/13/14	5.15(f)
Applicant	Preliminary Licensing Proposal due	12/1/13	5.16(a)
All stakeholders	Comments on Preliminary Licensing Proposal	3/1/14	5.16(e)
Applicant	License Application filed	4/30/14	5.17
Applicant	Public Notice of License Application filing	5/14/14	5.17(d)(2)
Responsible Entity	Post-Filing Milestone	Date	FERC Regulation
FERC	Tendering Notice of new application	5/14/14	5.19
FERC	Director's Additional Studies Determination/Deficiencies	5/30/14	5.19(e); 5.20(a)(2)
FERC	Ready for Environmental Analysis and Application Acceptance	6/29/14	5.22
All stakeholders	Comments, Interventions, Recommendations, prescriptions due	8/28/14	5.23(a)
Applicant	Requests Section 401 Certification	8/28/14	5.23(b)
Applicant	Reply Comments due	10/12/14	5.23(a)
FERC	Issue Draft EIS	2/24/15	5.25
All stakeholders	Comments on EIS due	4/25/15	5.25(c)
Agencies	Modified 4(e) Conditions and Fishway Prescriptions	6/24/15	5.25(d)
FWS/NMFS	ESA biological opinion(s) as needed	7/9/15	ESA
FERC	Issue Final EIS	9/22/15	5.25(e)

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