

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

June 18, 2008

OFFICE OF ENERGY PROJECTS

Project No. 2079-061 – California  
Middle Fork American Project  
Placer County Water Agency

Mal Toy, Project Engineer  
Placer County Water Agency  
144 Ferguson Road  
Auburn, CA 95603

**Reference: Granting of Regulation Waiver Request and Setting Final Due Date for Comments on Study Plans**

Dear Mr. Toy:

On May 23, 2008, Placer County Water Agency (Placer County) filed a request to expedite the Study Plan Determination Process and waive the Commission's regulations in 18 CFR §5.11 (Potential Applicant's Proposed Study Plan and Study Plan Meetings) and 18 CFR §5.12 (Comments on Proposed Study Plan) for the relicensing of the Middle Fork American Project. Placer County stated that expediting the approval process would: (1) provide certainty in the scope of work for studies currently being implemented in 2008 by Placer County based on early stakeholder consensus, and (2) allow the relicensing participants to focus their efforts on completing the technical studies early in the process to provide sufficient time for Placer County and the stakeholders to fully evaluate project effects and collaboratively develop new license conditions.

On June 2, 2008, we issued a request for comments on Placer County's waiver request, with comments due 15 days from the date of that letter (June 17, 2008). We received no comments on Placer County's waiver request. It appears as though relicensing participants have had adequate time to put forth any study needs and preliminary comments. We agree with Placer County that a waiver will expedite the study development process and will allow more time for the completion of studies and the development of any needed environmental measures. Therefore, Placer County's waiver

request is granted.

We are considering the Technical Study Plans included in Placer County's Pre-Application Document (filed December 13, 2007) as well as the revised Instream Flow Technical Study Plan (filed on May 23, 2008) to be Placer County's Revised Proposed Study Plans (18 CFR §5.13). **Final stakeholder comments on Placer County's Revised Study Plans are due 15 days from the date of this letter.** A revised relicensing process schedule is included as Schedule A.

If you have any questions, please contact Carolyn Templeton at (202) 502-8785 or [carolyn.templeton@ferc.gov](mailto:carolyn.templeton@ferc.gov).

Sincerely,

J. Mark Robinson, Director  
Office of Energy Projects

Enclosure: Schedule A

cc: Mailing list  
Public Files

**Schedule A**  
**Revised Relicensing Process Schedule**

FERC 18 CFR §	Relicensing Activity	Responsible Party	Activity Time Frame	Deadline
<b>Initiation of Relicensing Process</b>				
5.5	<b>Filing of Notification of Intent (NOI)</b>	PCWA	Five to five and one half years prior to existing license expiration. Filed concurrent with Pre-application Document.	12/13/2007
5.5(e)	Request to be Non-Federal representative under Section 7 of the Endangered Species Act (ESA)	PCWA	Provide simultaneously with filing of NOI.	12/13/2007
5.5(e)	Request to initiate consultation under Section 106 of the National Historic Preservation Act (NHPA)	PCWA	Provide simultaneously with filing of NOI.	12/13/2007
5.6	<b>Filing of Pre-application Document (PAD)</b>	PCWA	Five to five and one half years prior to existing license expiration. Filed concurrent with NOI.	12/13/2007
<b>FERC Scoping</b>				
5.7	<b>Initial Tribal Consultation Meeting</b>	FERC	Within 30 days following filing of NOI/PAD .	1/14/2008
5.8	<b>Notice of Commencement of Proceeding and Scoping Document</b>	FERC	Within 60 days of filing NOI/PAD	2/11/2008
5.8(a)(b)	Issue notice of NOI/PAD and request for comments	FERC	Concurrent with notice of commencement of proceeding.	2/11/2008
5.8(b)	Decision regarding licensee request to initiate informal consultation under Section 7 of the ESA, or Section 106 of the NHPA	FERC	Concurrent with notice of commencement of proceeding.	2/11/2008
5.8(c)	Issue Scoping Document 1 (SD1)	FERC	Concurrent with notice of commencement of proceeding.	2/11/2008
5.8(b)(3)(viii)	<b>Conduct public scoping meeting and site visit</b>	FERC	Within 30 days of the notice of commencement of proceeding.	3/4-5/2008
5.9 (a)	File comments on PAD and SD1, and provide study requests	Participants	Within 60 days following the Commission's notice of commencement of proceeding.	4/11/2008
5.10	Issue Scoping Document 2 (if necessary)	FERC	Within 45 days following the deadline for filing of comments on SD1.	5/27/2008

<b>Study Plan Development</b>				
5.11 5.12	<b>Proposed Study Plan and Study Requests</b> - <i>Technical Study Plans were included in the PAD and Study Requests were addressed in consultation with stakeholders from February through May 2008.</i>			
	Submit Request for Waiver of Commission's Regulations	PCWA	Concurrent with issuance of Revised Study Plan.	5/23/2008
	Issue notice of Request for Waiver of Commission's Regulations	FERC		6/2/2008
	File comments on Request for Waiver of Commission's Regulations	Participants	Within 15 days following the notice of Request for Waiver of Commission's Regulations.	6/17/2008
	File notice of approval of Request for Waiver of Commission's Regulations.	FERC		6/18/2008
5.13	<b>Revised Study Plan and Study Plan Determination</b>			
5.13(a)	Issue Revised Study Plan	PCWA	Within 30 days following the deadline for filing comments on the Proposed Study Plan.	5/23/2008
5.13(b)	File comments on Revised Study Plan	Participants	Within 15 days following notice of approval of Request for Waiver of Commission's Regulations.	7/3/2008
5.13(c)	<b>Issue Study Plan Determination</b>	FERC	15 days following the deadline for filing comments on the Revised Study Plan.	7/18/2008
5.13(d) 5.14(a)	File notice of study dispute	Mandatory conditioning agencies	Within 20 days of the Study Plan Determination.	8/7/2008
5.13(d)	Study Plan approved, if no notice of study dispute is filed	FERC	Within 20 days of Study Plan Determination.	8/7/2008

5.14	<b>Formal Study Dispute Resolution Process</b>			
5.14(d)	Convene Dispute Resolution Panel, if notice of Study Plan dispute is filed	FERC	Within 20 days of the notice of study dispute.	8/27/2008
5.14(i)	File with Commission and serve upon panel members comments and information regarding dispute	PCWA	No later than 25 days following the notice of study dispute.	9/1/2008
5.14(k)	Issue findings and recommendations regarding the study plan dispute to Director of the Office of Energy Projects	Dispute Resolution Panel	No later than 50 days following the notice of study dispute.	9/26/2008
5.14(l)	<b>Issue written determination on study plan dispute</b>	FERC	No later than 70 days from the date of filing of the notice of study dispute.	10/16/2008
<b>Conduct Studies</b>				
5.15(a)	Conduct First Year Studies	PCWA	May 2007 through December 2007	12/31/2007
5.15(b) 5.15(c)(1)	File progress report and Initial Study Report	PCWA	Within one year after Commission approval of the study plan. <i>Due to early implementation of studies, this activity was completed prior to approval of the Technical Study Plans</i>	1/22/2008
5.15(c)(2)	Conduct Initial Study Report Meeting	PCWA	Within 15 days of filing the Initial Study Report. <i>Due to early implementation of studies, this activity was completed prior to approval of the Technical Study Plans</i>	2/4/2008
5.15(c)(3)	File Initial Study Report Meeting Summary including any study modifications or new studies	PCWA	Within 15 days following the Initial Study Report Meeting. <i>Due to early implementation of studies, this activity was completed prior to approval of the Technical Study Plans</i>	2/19/2008
5.15(c)(4)	File disagreement with Initial Study Report Meeting Summary	FERC and participants	Within 30 days following the filing of the Initial Study Report Meeting Summary.	3/20/2008
5.15(c)(7)	If no disagreements are filed, approve proposed amendment to study plans	FERC	Thirty days following the filing of the Initial Study Report Meeting Summary.	3/20/2008

<i>No disagreements with the Initial Study Report Meeting Summary were filed.</i>				
5.15(f)	Conduct Second Year Studies	PCWA	January 2008 through December 2008	12/31/2008
5.15(f)	File progress report and Updated Study Report	PCWA	Within two years after Commission approval of the study plan.	1/22/2009
5.15(c)(2)	Conduct Updated Study Report Meeting	PCWA	Within 15 days of filing the Updated Study Report.	2/6/2009
5.15(c)(3)	File Update Study Report Meeting Summary including any study modifications or new studies	PCWA	Within 15 days following the Updated Study Report Meeting.	2/23/2009
5.15(c)(4)	File disagreement with Updated Study Report Meeting Summary	FERC and Participants	Within 30 days following the filing of the Updated Study Report Meeting Summary.	3/25/2009
5.15(c)(7)	If no disagreements are filed, approve proposed amendment to study plans	FERC	Thirty days following the filing of the Updated Study Report Meeting Summary.	3/25/2009
5.15(c)(5)	If disagreements are filed, file responses to disagreement with Updated Study Report Meeting Summary	FERC, PCWA and Participants	Within 30 days of the filing of a disagreement with Updated Study Report Meeting Summary.	4/24/2009
5.15(c)(6)	Resolve disagreement and amend approved study plan	FERC	Within 30 days following the due date for responses to disagreement.	5/25/2009
5.15(f)	Promptly proceed with any remaining undisputed studies or amended studies	PCWA		Starting: 3/25/2009 (undisputed)  5/25/2009 (disputed)
<b>Filing of License Application</b>				
5.16(a)	<b>File Preliminary Licensing Proposal or Draft Application</b>	PCWA	No later than 150 days prior to the deadline for filing a new license application.	10/1/2010
5.16(e)	File comments on Preliminary Licensing Proposal or Draft License Application	FERC and Participants	Within 90 days of the filing date of the Preliminary Licensing Proposal or Draft Application.	12/30/2010
5.17(a)	<b>File License Application</b>	PCWA	Must be filed no later than 24 months before the existing license expires.	2/28/2011

