

1 FEDERAL ENERGY REGULATORY COMMISSION

2 WASHINGTON, D.C. 20426

3 April 11, 2008

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5
6 OFFICE OF ENERGY PROJECTS

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9
10 Project No. 2079-061 – California
11 Middle Fork American Project
12 Placer County Water Agency
13

14
15 Mal Toy, Project Engineer
16 Placer County Water Agency
17 144 Ferguson Road
18 Auburn, CA 95603
19

20 **Reference: Requests for Additional Information**

21
22 Dear Mr. Toy:

23
24 Commission staff, after reviewing the Middle Fork American Project Pre-
25 Application Document (PAD) and the transcripts of our March 4, 2008 scoping meetings,
26 have three additional information requests at this time. Our additional information
27 requests are included in the attached Schedule A. By copy of this letter, we request that
28 Placer County Water Agency (PCWA) provide the additional information requested in
29 Schedule A when you file your Preliminary Licensing Proposal and when you file your
30 License Application, on or before October 2, 2012 and March 15, 2013, respectively.
31

32 Finally, please note that staff may determine a need for additional studies or
33 information upon receipt and review of scoping comments/study requests and PCWA's
34 proposed study plan, due April 11, 2008 and May 26, 2008, respectively.

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

Sincerely,

Timothy J. Welch, Chief
Hydro West Branch 2

Enclosure: Schedule A
cc: Mailing list
Public Files

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Schedule A Additional Information Requests

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Recreation Resources

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1. In Supporting Document H-I of your PAD, you proposed five Recreation Study Plans, each of them stating that a Recreation Plan would be a potential license condition. A Recreation Plan will help us to assess the potential effects of the proposed measures on recreation resources. Therefore, please develop a Recreation Plan to be included in your Preliminary License Proposal (PLP) and your License Application. At a minimum, you should consult with the National Park Service, the United States Forest Service, California Department of Fish and Game, and California State Parks prior to developing this plan. The plan should include, but not limited to the following items:
 - 17 a. List of all existing facilities;
 - 18 b. All Facility Capital Improvements (plans for proposed facilities and plans for capital improvements to existing facilities);
 - 19 c. Facility Operation and Maintenance for all new and existing facilities;
 - 20 d. Implementation schedule for improvements, upgrades, construction, maintenance, etc.;
 - 21 e. Map that clearly defines where existing facilities and new facilities will be in relation to the project boundary; and
 - 22 f. Any plans for monitoring recreation use throughout the life of the project license (indicators, standards, and monitor reporting).
- 23
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27 Please allow a minimum of 30 days for consulted entities to provide comments and
28 make recommendations on the plan.
29

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31

Cultural Resources

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2. In Supporting Document H-I of your PAD, you proposed a Cultural Resources Technical Study Plan which stated that a Historic Properties Management Plan (HPMP) would be a potential license condition. The HPMP establishes a process for identifying the nature and significance of historic properties that may be affected by project maintenance and operation, establishing guidelines for routine maintenance, operation activities, proposed improvements to project facilities, and/or public access. The HPMP also defines goals for the preservation of historic properties, establishing a decision-making process and outlining procedures for consulting with the SHPOs, the FS, any affected tribe, and other interested parties

concerning the potential effects of the project on historic properties. Therefore, please develop a HPMP to be included in your PLP, and your License Application which, at a minimum, addresses the following items:

- a. Completion, if necessary, of identification of historic properties within the project's Area of Potential Effect;
- b. Continued use and maintenance of historic properties;
- c. Protection of historic properties threatened by shoreline erosion, recreation, other project-related ground-disturbing activities, and vandalism;
- d. Resolution of unavoidable adverse effects on historic properties;
- e. Treatment and disposition of any human remains that may be discovered, taking into account any applicable state laws and the Advisory Council's "Policy Statement Regarding Treatment of Human Remains and Grave Goods" (September 27, 1988, Gallup, NM);
- f. Compliance with the Native American Graves Protection and Repatriation Act (25 U.S.C. Section 3001), if Tribal or Federal lands are within the project area;
- g. Protection of previously unidentified historic properties discovered during project operations;
- h. Public interpretation of the historic and archaeological values of the project; and
- i. Coordination with the SHPOs and the interested persons during implementation of the HPMP.

Allow enough time (a minimum of 30 days) for review and comments on the HPMP by the SHPO, tribes and other involved parties, who may have an interest in cultural resources associated with the Project.

Plans Implementing Proposed Environmental Measures

Some of the studies that you may propose in your proposed study plans may lead to the development of environmental measures. Therefore, where appropriate, please include provisions in your proposed study plans for the development of specific, detailed plans implementing such measures. The implementation plans should be included in your PLP and License Application.

Document Content(s)

19128090.DOC.....1-4



1 Ms. Kimberly Bose
2 Secretary
3 Federal Energy Regulatory Commission
4 888 First Street, NE
5 Washington, DC 20426
6
7

April 11, 2008

8 **SUBJECT: Comments on Pre-Application Document and Scoping Document I**
9 **Middle Fork American River Project, FERC No. 2079**
10

11
12 Dear Ms. Bose:
13

14 This letter represents the comments of the USDA Forest Service and the California Department
15 of Fish and Game on Placer County Water Agency's (PCWA's) release of the Pre-Application
16 Document (PAD) and the Federal Energy Regulatory Commission's (FERC's) Scoping
17 Document I for the Middle Fork American River (MFAR) Project, FERC No. 2079.
18

19 First, we would like to commend PCWA for making the effort to engage in an early,
20 collaborative integrated licensing process to relicense the MFAR Project. Their accommodating
21 and straightforward approach to resolving issues has been of immense benefit in the relicensing
22 process, as evidenced by the complete package of study plans, agreed to in collaboration with the
23 participants, which is included with the PAD. We appreciate their efforts.
24

25 The PAD is a well-written, thorough document, and our comments are not expansive. Our
26 comments follow.
27

28 **Supporting Document A, Relicensing Process Plan**
29

30 The project operations model should include a baseline simulation that represents recent historic
31 operations applied to the unimpaired hydrologic record. The baseline simulation should include
32 the current level of consumptive use demands.
33

34 **Supporting Document B, Project Description**
35

36 Page 9 under 2.6.1. The flow and temperature gages installed in various locations through out
37 the project to gather data for the relicensing effort are not described. These gages are under a
38 Special Use Authorization with the Forest Service.
39

40 Page 10. Please describe what the poles are made of (e.g. wood, metal) that the powerlines and
41 communication lines are mounted on since the area is prone to wildfires and pole maintenance
42 requirements are different depending on the material.



1 Page 10 as well as Table SD-B-1, SD-B-8. There is a fence around the French Meadows Dam
2 generator building located on the north side of LL Anderson Dam at French Meadows Reservoir.

3
4 Table SD-B-7. The Dolly Creek water supply is a 20,000 gallon water storage tank that services
5 the following: Coyote and Gates Group campgrounds, Lewis campground, McGuire Boat Ramp
6 and Picnic areas, and the Forest Service Administrative site. The French Meadows Campground
7 Water Supply is an 1,800-foot-long underground pipeline. Maintenance access from the 96-77
8 native surface road is an approximately 2,500 foot-long trail off of Forest Road 96.

9
10 Pages 23, 25, 26. The PAD should include information on the current level of consumptive use
11 deliveries satisfied by the MFAR Project. It would be very helpful to provide a table of monthly
12 consumptive demands for at least the past 5 years.

13 **Supporting Document F, Section 7, Botanical and Wildlife Resources**

14
15 Map 7-2. Remove “Eldorado NF Plant data (polygon)” from map and leave only the point data
16 for the Eldorado National Forest and California Natural Diversity Database plant data. This will
17 necessitate revisions to the existing resources narrative. Stebbin’s phacelia should be Stebbins’
18 phacelia (placement of apostrophe). Parry’s horklia should be Parry’s horkelia under ENF point
19 data.

20
21 Page 7-2, under 7.1.2. Update USDA-FS Regional Forester’s List of Sensitive Plant and Animal
22 Species for Region 5 (USDA-FS 1998) to the current list that was revised in 2006.

23
24 Page 7-2, under 7.1.2. The reference for the Eldorado National Forest Land and Resource
25 Management Plan is 1989.

26
27 Page 7-6, under 7.3.2. Pleasant Valley mariposa lily does not occur where stated and does not
28 occur within watershed. Use only point data from Map 7-2.

29
30 Page 7-6, under 7.3.2. Yellow bur navarretia does not occur where stated and does not occur
31 within watershed. Use only point data from Map 7-2.

32
33 Page 7-6, under 7.3.2. Stebbins’ phacelia occurs within the watershed, but the reported
34 population at the Middle Fork-Ralston Tunnel may be based on survey data and not actual
35 occurrence. Use only point data from Map 7-2.

36
37 Page 7-6, under 7.3.2. The Forest Service has provided PCWA’s consultant with revised
38 numbers of plants known to be located with FERC Project boundary and numbers with potential
39 to occur within the FERC Project boundary. These numbers should be included in this section.
40 The numbers are based on combined information from the Eldorado National Forest, Tahoe
41 National Forest, and California Natural Diversity Database listings. The number of potential
42 plants would drop from 48 to 47 by removing Stebbins’ lomatium (no longer on the Sensitive
43 Plant List for the Eldorado National Forest. Pleasant Valley mariposa lily and yellow bur
44 navarretia do not occur within the watershed, they can stay on the list since there is potential
45 habitat.

1 Table 7-1. Revise based on (1) revised species habitat information for Appendix 7-B (see below
2 and (2) revised occurrence records in Map 7-2. There are no occurrences of LOST, CACLA, or
3 NAPRL in the watershed. Revise occurrence narrative for PHST6 depending on whether it is
4 FERC Project boundary.
5

6 Page 7-7, under 7.3.2. Revise existing resources narrative to make consistent with changes to
7 Map 7-2.
8

9 Page 7-7, under 7.3.3 and Table 7-2. *Ailanthus altissima* and *Bromus tectorum* are known to
10 occur within the watershed. Change *Torilis nodosa* to *Torilis arvensis*.
11

12 Appendix 7-B: additional location information or revisions for ENF species. Correct in Table 7-
13 1 also.
14

- 15
- 16 • CACLA – in openings, often south-facing slopes and ridgetops
- 17 • NAPRL – not primarily on south-facing exposures; often on lava caps or other openings,
18 rocky ridgelines, saddles, and eroding ephemeral drainages; elevations from 2,300 to 5,000
19 feet.
- 20 • PHST6 – not meadows and seeps, riparian woodland; dry, open, rocky areas (bedrock
21 outcrops, rubble or talus) on ledges and moderate or steep slopes
- 22 • ALTR2 – lower elevation ~3,400 ft – see CNPS on-line inventory
- 23 • ARNI – open, rocky ridges; acidic slate and shale soils, found in almost pure colonies on
24 hard shale substrate primarily where other shrubs and trees don't grow;
- 25 • BASAM – vernal moist meadows also; substrates include sandstone, serpentine, or basalt
26 outcrops.
- 27 • BOLU – per CNPS on-line inventory, elevation 2280 – 3400 m (~ 7,500 – 11,000 feet).
- 28 • BOMI – Correct name – *B. manganense*; also in meadows and seeps.
- 29 • BOMO – not necessarily old-growth forest; lower & upper montane coniferous forest,
30 meadows and seeps; up to 7,000 feet in elevation.
- 31 • *Bruchia bolanderi* – also fens
- 32 • CYMO2 – in moist areas as well as dry, shaded slopes with northerly aspects; loamy soils
- 33 • EPHO3 – fens
- 34 • *Helodium blandowii* – fens
- 35 • HOPA2 – stony, disturbed, slightly acidic soils (on ENF)
- 36 • *Peltigera hydrothyria* – Correct spelling of specific epithet.
- 37 • LEKEH – Hutchinson should be Hutchison; *hutchinsonii* should be *hutchisonii*; volcanic
38 soils.
- 39 • LEKEK – granitic and volcanic balds; down to 5,000 feet in elevation
- 40 • LESE3 – 2,800 – 4,800 feet; steep, nearly vertical cliffs, inner gorges
- 41 • *Meesia triquetra* – up to ~9,700 feet in elevation
- 42 • *Meesia uliginosa* – fens
- 43 • PALA41 – also rocky, gabbroic soils (for Table 1 – need to add serpentine, or ultramafic
44 soils)
- 45 • Sources: Hickman, 1993, not Jepson, 1993; spelling Calflora
46
47
48

1 **Supporting Document F, Section 10. Recreation Resources**

2
3 Page 10-2. The Rubicon River is eligible, suitable, and has been recommended for:

- 4
5 • Scenic classification from Hell Hole Dam to Ellicotts Bridge (general locations).
6 • Wild classification from Ellicotts Bridge to Oxbow Reservoir (general locations).
7

8 The outstandingly remarkable value for which the Rubicon River is eligible is fisheries.

9
10 Page 10-2. PCWA should work with the Forest Service to accurately describe the existing
11 condition as it relates to Wild and Scenic Rivers.

12
13 Pages 10-5 and 10-6 under 10.3.3. The Western States Trail is not a designated National
14 Recreation Trail, although it is proposed for this designation, as stated under National Trails
15 System on page 10-5 and as stated on page 10-6 under Western States Trail.

16
17 Page 10-8. While none of the MFAR Project facilities are located within designated Wilderness,
18 the Granite Chief Wilderness is accessed by the same roads that PCWA uses to access the
19 MFAR Project facilities and the public uses to access project recreation facilities. Specific roads
20 are:

- 21
22 • From Foresthill: Mosquito Ridge Road (Forest Road (FR) 96) across LL Anderson Dam at
23 French Meadows Reservoir, past Ahart Campground and Talbot Campground. The
24 wilderness access is through the MFAR at Talbot Campground to the Picyune Trailhead.
25 The other access is the Chipmunk Ridge Road (FR 48) to the Greyhorse Road (FR 48-14).
26
27 • From Georgetown, access is via roads used by the MFAR Project to access Hell Hole
28 Reservoir and Middle Meadows Campground, up to the intersection of FR 25 and FR 22.

29
30 Beginning on page 10-12, also several tables (for example 10-1, 10-2, SD B-6). The Forest
31 Service Recreation Developed facilities design capacity is 5 PAOT, not 6.
32

33 Page 10-12. Parking is available at Poppy Campground at the Trailhead directly north of the
34 McGuire Boat Ramp Parking area. There are both vault and flush toilets with potable water at
35 this location. Poppy Campground is located approximately 0.5 miles east of the trail generally
36 referred to as the McGuire Trail and is identified by the Forest Service as route 16E10. This trail
37 is also part of the Western States trail but is not currently used for any Western States Trail
38 events. Vault toilets are available at the campground. The single units can accommodate 5
39 PAOT, giving the campground an overall capacity of 60 overnight visitors.
40

41 Page 10-17. There is a native surface ramp into the MFAR known as a cartop boat ramp at the
42 Ralston Afterbay Picnic Area.

43
44 Page 10-17. Indian Bar has a native surface boat ramp. The rafting uses are managed by the
45 California Department of Parks and Recreation, Auburn State Recreation Area (ASRA) even
46 though the use is located on National Forest land managed by the Forest Service. Opposite the

1 boat put-in, just downstream of the Ralston Afterbay gates, is a unique-to-the-area sandy beach
2 that the general public uses for a variety of recreational activities connected with water such as
3 angling, swimming, and occasionally mining even though this area is inside of a mineral
4 withdrawal for the Project.

5
6 Page 10-17. Recreation use is recorded at some of the developed Project campgrounds by
7 concessionaires under contract with the Forest Service.

8
9 Tables, Recreation. The design PAOT is five on National Forest System lands associated with
10 the project, not six as used to calculate the Maximum PAOT Capacity.

11
12 **Supporting Document F, Section 11, Land Use**

13
14 Page 11-3. The Eldorado and Tahoe Land and Resource Management Plans were amended by
15 the Sierra Nevada Forest Plan Amendment in 2004.

16
17 Page 11-5. There is a gate barring access to the French Meadows Hell Hole Tunnel on the south
18 side of French Meadows Reservoir.

19
20 **Supporting Document G, 2005-2006 Hydrology Study Report**

21
22 Page 27. We agree with the water year type classification proposed by PCWA.

23
24 **Supporting Document H, Appendix A**

25
26 We propose that the relationship between flow in the MFAR and flow entering the Horseshoe
27 Bar area be characterized using one-dimensional hydraulic modeling, if possible. Horseshoe Bar
28 is an oxbow bend in the MFAR that is bypassed during low to moderate flows by a tunnel
29 (Tunnel Chute) constructed by miners in the late 1800s. The relationship between flow in the
30 MFAR and Horseshoe Bar will be evaluated by adding one or more instream flow cross-sections
31 at the entrance to Horseshoe Bar and on the MFAR. These will be used to hydraulically estimate
32 the flow versus stage relationship in the MFAR and the corresponding stage versus flow
33 relationship in Horseshoe Bar.

34
35 If a long duration high flow event occurs during the spring of 2008 or the winter/spring of 2008-
36 2009 that is large enough to cause flow to enter Horseshoe Bar, and a crew can be mobilized, the
37 water surface elevations at the cross-sections will be surveyed (if the survey can be accomplished
38 safely) to calibrate the hydraulic model. If the flow cannot be safely surveyed, the water surface
39 elevations will be visually estimated and an appropriate Manning's n value will be used in the
40 hydraulics model to estimate the flow relationship between the MFAR and Horseshoe Bar.

41
42 *Goals and Objectives:* There are bullfrogs in this area that may be consuming young western
43 pond turtles, a Forest Service sensitive species, and possibly California red-legged frogs, a
44 threatened species, as well as other native aquatic species. The purpose of the hydraulic
45 characterization would be to provide information useful for assessing the restoration potential of
46 aquatic habitat in the Horseshoe Bar area. This would be accomplished by determining what

1 flow would be necessary in the MFAR to create flow into the Horseshoe Bar area that could be
2 used to reduce the bullfrog population and improve aquatic habitat for native species by raising
3 the water table.

4
5 Relevant Resource Agency Management Goals and Objectives: Objectives from the Sierra
6 Nevada Forest Plan Amendment, which is an amendment to the Eldorado and Tahoe National
7 Forest Land and Resource Management Plans, are as follows:

- 8
9 • Riparian Conservation Objective 101: Maintain and restore the timing, variability, and
10 duration of floodplain inundation and water table elevation in wetlands and other special
11 aquatic features.
12
13 • Riparian Conservation Objective 106: Secure instream flows needed to maintain, recover,
14 and restore riparian resources, channel conditions, and aquatic habitat. Maintain in stream
15 flows to protect aquatic systems to which species are uniquely adapted. Minimize effects of
16 stream diversion or other flow modifications from hydroelectric projects on threatened,
17 endangered, and sensitive species.

18
19 An objective of the USDA Forest Service Strategic Plan for Fiscal Years 2004-8, Goal 2 is:
20 Reduce impacts from invasive species.

21
22 Existing Information: Bullfrogs have been observed residing in the ponds. Their 2-year life
23 cycle to metamorphosis makes their tadpoles vulnerable from high winter flood flows.
24 Western pond turtles have been sighted here in 2008. A large California red-legged frog
25 population exists within 2 miles of the Horseshoe Bar ponds in the Michigan Bar area and an
26 additional known frog sighting occurred within a mile of the area on Ralston Ridge. There is a
27 likelihood that California red-legged frogs use or have used the Horseshoe Bar ponds, and have
28 been or are being adversely affected by bullfrogs. California red-legged frogs metamorphose in
29 the first year.

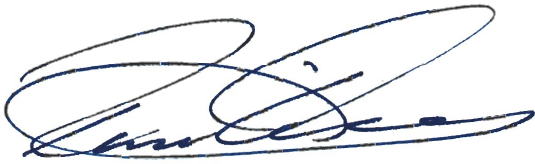
30
31 Project Nexus: There are currently low flows in the Horseshoe Bar area that may encourage
32 bullfrog presence. Natural hydrograph flows in the Horseshoe Bar area would have likely
33 controlled the populations of overwintering bullfrog tadpoles.

34
35 Accepted Scientific Methodology: Periodic spring pulse flows, simulating the natural
36 hydrograph, are known to reduce bullfrog tadpoles when the flows are high enough to have a
37 flushing effect (thus killing many of the tadpoles).

38
39 One-dimensional hydraulic modeling is a commonly accepted method of characterizing flow
40 versus stage relationships in river channels.

41
42 Cost Effectiveness: The cost of characterizing the flow relationship in the MFAR versus the flow
43 in Horseshoe Bar area (e.g., adding one or more transects and hydraulic modeling) is expected to
44 be relatively small compared to the potential ecological benefits.

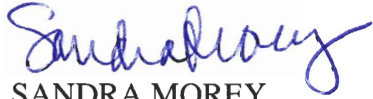
45
46 If you have questions, please contact Beth Paulson at 530-642-5174. Thank you.

A handwritten signature in blue ink, appearing to read 'Ramiro Villalvazo', with a large, stylized flourish at the end.

RAMIRO VILLALVAZO
Forest Supervisor
Eldorado National Forest
USDA Forest Service



TOM QUINN
Forest Supervisor
Tahoe National Forest



SANDRA MOREY
Regional Manager
North Central Region
California Department of Fish and Game



1 April 11, 2008

2

3 Kimberly D. Bose, Secretary
4 Federal Energy Regulatory Commission
5 888 First Street, N.E., Room 1A
6 Washington, DC 20426

7

8 Re: Middle Fork American River Project, FERC No. 2079-061

9

10 Dear Secretary Bose:

11

12 Protect American River Canyons (PARC) wishes to raise two concerns for consideration when
13 preparing the environmental impact statement during the relicensing of the Placer County
14 Water Agency's Middle Fork American River Project.

15

16 1. Replacement of Greenwood Bridge over Middle Fork of the American River

17

18 The Middle Fork American River Project (Project) is responsible for the loss of the Greenwood
19 Bridge over the Middle Fork of the American River. This occurred when the Project's partially
20 completed Hell Hole Dam broke during December 1964. The resulting wave of water and
21 debris caused by the dam's failure took out the Greenwood Bridge located on Driver's Flat Road
22 connecting Placer County and El Dorado County near Ruck-A-Chucky rapids.

23

24 At the time the bridge was not replaced because Congress was considering construction of a
25 dam on the North Fork downstream near the City of Auburn. Nine months later in September
26 1965 the legislation authorizing Auburn Dam was signed into law by President Lyndon Johnson.
27 The bridge would have been buried under the reservoir's water if the dam had been completed.

28

29 Replacing the bridge would have occurred in the 1960's except for the authorization of Auburn
30 Dam. Construction on Auburn Dam stopped in the late 1970's due to earthquake safety issues,
31 and the U.S. Bureau of Reclamation has indicated it has no plans to complete the dam. It is
32 now time to consider replacing the bridge destroyed by the construction of the Middle Fork
33 American River Project. The environmental, land use, fire management, recreational, and
34 socio-economic impacts associated with replacing the bridge should be evaluated.

35

36 2. Removal of Concrete and Steel Bridge Debris from River

37

38 The Middle Fork American River Project (Project) is responsible for the loss of the State
39 Highway 49 Bridge over the North Fork of the American River just downstream of the
40 confluence of the North and Middle Forks. This occurred when the Project's partially completed

1 Hell Hole Dam broke during December 1964. The resulting wave of water and debris caused by
2 the dam's failure took out the bridge between Placer County and El Dorado County.

3

4 A new bridge was built, but the concrete and steel debris from the destroyed bridge has
5 remained in the river. The bridge debris was not removed from the river because in September
6 1965 legislation authorizing Auburn Dam was signed into law by President Lyndon Johnson.

7 The debris in the river would have been buried under the reservoir's water and therefore was
8 not removed. Construction on Auburn Dam stopped in the late 1970's due to earthquake safety
9 issues, and the U.S. Bureau of Reclamation has indicated it has no plans to complete the dam.

10

11 In 1974 the flow of the North Fork American River was diverted into a bypass tunnel to allow
12 the dam's construction. This diversion ended in September 2007 when the river was returned
13 to its original channel. As a result of the closure of the bypass tunnel and re-watering of the
14 river channel, a four mile stretch of river that had been closed to public use for more than thirty
15 years has now been re-opened for recreational boating. The concrete and steel bridge debris
16 presents a hazard to people navigating the river, and also constitutes a visual blight on a
17 section of river found eligible for inclusion in the National Wild and Scenic River System by the
18 U.S. Bureau of Reclamation in January 1993.

19

20 The environmental and public safety impacts of the abandoned concrete and steel bridge debris
21 should be evaluated. PARC believes it is now time to remove that debris, and that it would be
22 appropriate to formulate plans for removal in the current relicensing process.

23

24 Sincerely,

25

26

27 Timothy Woodall

28 President

29 Protect American River Canyons

30 P.O. Box 9312

31 Auburn, CA 95604

32 (530) 888-1100

MIWOK
MAIDU United Auburn Indian Community
of the Auburn Rancheria

JESSICA TAVARES
CHAIRPERSON

JOHN SUEHEAD
VICE CHAIR

DAVID KEYSER
SECRETARY

DOLLY SUEHEAD
TREASURER

GENE WHITEHOUSE
COUNCIL MEMBER

1 April 8, 2008

2

3 Kimberly D. Bose, Secretary
4 Nathaniel J. Davis, Sr., Deputy Secretary
5 Federal Energy Regulatory Commission
6 888 First Street, NE
7 Washington, DC 20426

8

9 Subject: Notice of Intent and Pre-Application Document, PCWA Middle Fork American
10 River Project, Supporting Document J – Confidential Information, FERC Project No.
11 2079

12

13 Thank you for requesting information regarding the above referenced project. The
14 United Auburn Indian Community (UAIC) is comprised of Miwok and Maidu people
15 whose traditional homelands include portions of Placer and Nevada counties, as well as
16 some surrounding areas. The Tribe is concerned about development within ancestral
17 territory that has potential to impact sites and landscapes that may be of cultural or
18 religious significance. We appreciate the opportunity to comment on the proposed
19 project.

20

21 We have reviewed the 2006 Cultural Resources Inventory Study Report in Supporting
22 Document J and understand the remainder of the report will be completed by 2009. Once
23 the final report is completed for the entire Area of Potential Effects (APE), the Tribe
24 requests a copy in order to make specific recommendations regarding cultural resources.
25 The following are general comments for inclusion in the Pre-Application Document
26 (PAD):

27

28 The UAIC would like to continue to receive any archaeological reports related to the
29 proposed project as they become available. Should excavations for site testing or data
30 recovery become necessary, the Tribe would like to be informed in order to provide on-
31 site tribal monitors. In the event of an inadvertent discovery of prehistoric cultural
32 resources or human burials, the UAIC would like to be contacted immediately in order to
33 provide input on the appropriate course of action. We recommend that the proposed
34 project be designed to incorporate known prehistoric cultural sites, including isolated
35 bedrock mortars, into open space or other protected areas. We also recommend that
36 protective measures be implemented for bedrock mortars that are currently located within
37 public campgrounds. Finally, we request copies of future environmental documents for
38 the proposed project so that we have an opportunity to comment on potential impacts and
39 proposed mitigation measures related to cultural resources.

40

41 For future reference please note that the contact information for United Auburn Indian
42 Community on Page 6 of the PAD should be replaced with the following:

43

REGULATORY COMMISSION

APR 21 P 3:53

FILED
DEPT OF THE
SECRETARY

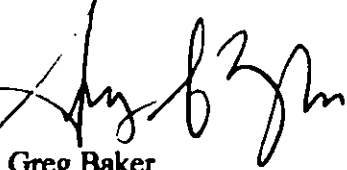
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**United Auburn Indian Community
Jessica Tavares
10720 Indian Hill Road
Auburn, CA 95603**

**United Auburn Indian Community
Tribal Preservation Committee
10720 Indian Hill Road
Auburn, CA 95603**

Thank you again for involving the UAIC early in the planning process. We look forward to continuing with the consultation process. If you have any questions, please contact Shelley McGinnis, Analytical Environmental Services, at (916) 447-3479.

Sincerely,



**Greg Baker
Tribal Administrator**

CC: Shelley McGinnis, AES

ORIGINAL



United States Department of the Interior

FISH AND WILDLIFE SERVICE
 Sacramento Fish and Wildlife Office
 2800 Cottage Way, Room W-2605
 Sacramento, California 95825-1846



1 In Reply Refer To:
 2 81420-2008-TA-0986-1

MAR 27 2008

3
 4
 5 Mr. Mal Toy
 6 Director of Resource Development
 7 Placer County Water Agency
 8 P.O. Box 6570
 9 Auburn, California 95604

FEDERAL ENERGY
 REGULATORY COMMISSION

2008 APR -7 P 4:42

FILED
 OFFICE OF THE
 SECRETARY

10
 11 Subject: Review of California Red-Legged Frog Site Assessment for the
 12 Middle Fork American River Project (FERC No. 2079), Placer County,
 13 California.

14
 15 Dear Mr. Toy:

16
 17 This is in response to the February 19, 2008, *California Red-legged Frog Site Assessment Report*
 18 that was submitted to the U.S. Fish and Wildlife Service (Service) for review. Placer County
 19 Water Agency is in the process of obtaining a new license to operate the existing hydroelectric
 20 power generation project along the Middle Fork of the American River, Placer County,
 21 California. At issue are the potential effects of the project on the threatened California red-
 22 legged frog (*Rana aurora draytonii*) (frog). This letter is issued under the authority of the
 23 Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

24
 25 The nearest known California red-legged frog population is approximately 2 miles north of the
 26 project near Michigan Bluff, California, and an additional known frog occurrence is located
 27 within 1 mile of the project boundary on Ralston Ridge. Because no frogs have been identified
 28 as occupying the Ralston Ridge site in the years following its 2001 discovery, it is possible that
 29 this site represents dispersal habitat for the frog. Searches of areas surrounding the Ralston
 30 Ridge site have not located a source California red-legged frog population. Given the lack of
 31 barriers between Ralston Ridge and Michigan Bluff, the individual located in 2001 could have
 32 dispersed from the known Michigan Bluff population. A frog dispersing from the Michigan
 33 Bluff site to Ralston Ridge would cross the Middle Fork of the American River in a reach
 34 affected by this proposed project. Therefore, the Service concludes this project may affect this
 35 listed species.

36
 37 Furthermore, in order to adequately assess the effects of the project on the frog, additional areas
 38 of suitable habitat should be surveyed for this listed species. While no frogs have been detected
 39 at Ralston Pond since 2001, the pond was last surveyed in 2004. Since 2001, no protocol level
 40 surveys have been conducted at this site. Because the Ralston Ridge pond appears to provide

TAKE PRIDE
 IN AMERICA 

Mr. Mal Toy

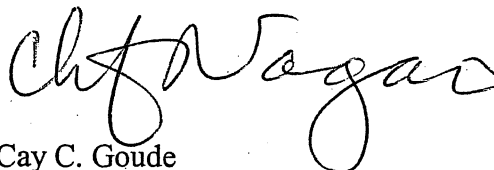

2

1 suitable habitat for the California red-legged frog, we recommend protocol level surveys of this
2 aquatic feature be conducted following the Service's 2005, *Revised Guidance on Site Assessment*
3 *and Field Surveys for the California Red-legged Frog* (Guidelines), and the results of these
4 surveys be submitted to the Service for review
5

6 The area identified in the site assessment as Horseshoe Bar contains suitable breeding habitat for
7 the California red-legged frog. Given that Horseshoe bar is located approximately 2.8 miles from
8 the known Michigan Bluff frog population, is within the same watershed, and maintains
9 connectivity with the known population, it is probable that the ponds at Horseshoe Bar contain
10 this listed frog. Therefore since three ponds located at Horseshoe Bar (ponds C, E, and F) appear
11 to provide suitable breeding habitat for the frog, we recommend protocol level surveys of these
12 aquatic features be conducted following the Service's 2005, Guidelines. Since the Horseshoe
13 Bar ponds are located on private property, we understand that access to conduct surveys may be
14 an issue. If permission to conduct surveys is not granted, based on connectivity with, and
15 proximately to, a known frog population, Placer County Water Agency should assume presence
16 of this listed amphibian and analyze the effects that the proposed project may have on a
17 California red-legged frog population at Horseshoe Bar.
18

19 Please address any questions or concerns regarding this response on the Middle Fork American
20 River Project to Jeremiah Karuzas, or Amy Fesnock, acting Forest and Foothills Branch Chief, at
21 (916) 414-6600.
22

23 Sincerely,

24
25
26
27
28 
29  Cay C. Goude
Assistant Field Supervisor

30
31 cc:

32 Service List – Middle Fork American River Project



April 11, 2008

Dear Placer County Water Agency,

Thank you for PCWA's collaborative process and development of a comprehensive Pre-Application Document for the Middle Fork Project Relicensing.

Please accept the following comments on the Pre-Application Document.

STUDIES

Aquatics

Study Sites Below Oxbow

Upon careful review, we have found that most of the Aquatics studies are, in aggregate, concentrated far below Oxbow dam. As we look at project impacts of the dam in the peaking reach, it seems that under the current study framework, we will have a dearth of information on the impacts immediately below the dam on amphibians, fish, and benthic macro-invertebrates.

- We request that we put a fish and BMI study closer to below the Oxbow dam to understand the impacts of the dam on these resources.

EXISTING INFORMATION

Recreation

We are requesting some changes and additions to Supporting Document F Section 10.6 with specific regards to the boating descriptions of different sections of the Middle Fork American. These additional edits appear in red in Attachment A to this letter. The comments are provided by Dan Crandall, Current Adventures, who has years of first-hand experience instructing kayaking and leading private kayaking trips on various sections of the Middle Fork American from Oxbow down to Folsom. He has had this experience during different flow regimes resulting from Placer County Water Agency's hydropower system.

In brief, the comments highlight the historic use of different sections of the Middle Fork American under different flow regimes than currently occur. These past flow regimes attracted different types of use and watercraft to sections of river mentioned herein. In addition, there are a few places where we have made the distinction between commercial and private rafting or commercial or private kayaking use.

1 Aquatics
2 *Algae*
3 Please include a discussion of Didio algae and other algae found in the project reaches.
4 We understand that this is an extremely under-studied topic and needs more research to
5 understand the linkages between the project operations and its growth. However, we do
6 request that PCWA include any existing information that is available to inform this issue.
7 Please accept the following papers for inclusion in the PAD:
8
9
10 Thank you for considering these comments on the PCWA Pre-Application Document.
11
12 Sincerely,
13
14
15 Julie Leimbach
16 Foothills Water Network
17
18 Middle Fork Working Group
19 Nate Rangel California Outdoors
20 Gary Flanagan, Federation of Flyfishers
21 Dan Crandall, Current Adventures
22 Gene Freeland, Western States Trail Foundation
23 Gary Estes, Protect American River Canyon
24 Brad Cavallo, Cramer Fish Sciences

1 **Attachment A: Edits to SUPPORTING DOCUMENT F 10.6**

2 **Copyright 2007 by Placer County Water Agency 10-19 December 2007**

3
4
5 **10.6.1 Whitewater Boating on the Middle Fork American River**

6 Whitewater boating occurs on the Middle Fork American River between Oxbow
7 Powerhouse and the confluence of the North Fork American River. This section
8 is typically divided into three distinct runs as shown on Map 10-4 and described
9 as follows:

10
11 **Tunnel Chute Run.** The Tunnel Chute Run begins at a put-in located near the
12 Oxbow Powerhouse and extends about 17 miles to a take-out at commonly
13 referred to as either Ruck-a-Chucky or Greenwood, which is located at the end of
14 Driver's Flat Road. The run is considered Class IV on the International Scale of
15 Difficulty and is typically boated between flows of 800 and 1,500 cfs, with
16 optimum flows being around 1,200 cfs (Holbek and Stanley 1998). Holbek and
17 Stanley recommend portaging around Tunnel Chute, a tunnel blasted through a
18 horseshoe in the river by miners, and around Ruck-A-Chucky rapids. The Tunnel
19 Chute Run is the most popular **Commercial Rafting** run on the Middle Fork
20 American River. It is boated both commercially and privately but commercial
21 **rafting** use accounts for most of the whitewater use.
22

23 **Mammoth Bar Run.** The Mammoth Bar Run begins at Ruck-a-Chucky (also
24 referred to as Greenwood or Drivers Flat) and extends 7 miles to a take-out at
25 Mammoth Bar, which is accessible from an unpaved road leading off of the
26 Auburn-Foresthill Road. The run is considered a Class II-III on the International
27 Scale of Difficulty with long stretches of Class I pools and riffles. This run is
28 popular with novice and beginning **whitewater Kayakers and beginning to more**
29 **experienced boaters in Inflatable Kayaks and Canoes, as well as being the best**
30 **run for family rafting.** This run is boatable between flows ranging from 600-3000
31 cfs, depending on watercraft. **This run is also extremely valuable as a venue for**
32 **instructional courses and group outings due to the fact it is less crowded and**
33 **offers more scenic and "wilderness" values than other local runs of similar**
34 **difficulty, such as the South Fork American River.**

35
36 **Murderer's Bar Run.** This run begins at Mammoth Bar and ends 2 miles
37 downstream at the confluence of the North Fork and Middle Fork American
38 rivers.

39
40 Boaters typically take-out just past the confluence with the North Fork American
41 River at a gravel bar located below Old Foresthill Road Bridge. This run is
42 considered a Class V on the International Scale of Difficulty and involves a
43 possible portage around Murderer's Bar. **However, the run has this high rating**
44 **only because of the initial Murderer's Bar rapid at the put-in; the rest of the run is**
45 **Class II. With the addition of a fairly simple portage trail around this rapid, the run**
46 **would actually be more of a class 2 with an easily portaged class 3+ rapid near**

1 the take-out. It would serve as an extremely easy to access short run for those
2 with limited time or for instructional and novice to intermediate boaters, inner-
3 tubers, etc. This run is boatable between flows ranging from 400-3,000
4 depending upon watercraft and skill level.

5
6 These three runs can be boated in one day or in a two-to three-day trip.
7 Overnight camping associated with whitewater boating occurs at two primitive
8 camping areas found at Cache Rock and at the confluence with Otter Creek
9 (Fords Bar) and at two developed campgrounds located at Ruck-a-Chucky and
10 Cherokee Bar. Boaters who plan to camp along the river must obtain a River
11 Camping Permit from the ASRA Headquarters (DPR no date).
12 Currently, boating is prohibited downstream of the Middle Fork/North Fork
13 American River confluence. However, in 2008 ASRA plans to open a four-mile
14 run from the confluence of the Middle and North Forks American rivers to Oregon
15 Bar, which is located just downstream of the old Auburn Dam site. This run will
16 likely be rated as Class I to Class II on the International Scale of Difficulty (B.
17 Deitchman pers. comm.).

18 19 **Availability of Flows Downstream of Oxbow Powerhouse**

20 Pacific Gas and Electric Company (PG&E) and PCWA currently coordinate with
21 the ASRA and a designated commercial whitewater boating representative to
22 schedule MFP operations to enhance whitewater recreation in the Middle Fork
23 American River below Oxbow Powerhouse. Whitewater boating releases are
24 scheduled on a voluntary basis such that they do not compromise power
25 production needs. This informal coordination typically occurs by telephone
26 conference call in May or June, each year.

27
28 When whitewater flows are provided, they typically occur on weekends from June
29 until September during late morning (8 - 9 am at the top of the Tunnel Chute run)
30 to early afternoon (2 or 3 p.m at the Greenwood / Driver's Flat.). MFP
31 operations provide flow releases of approximately 950 to 1,000 cfs. On summer
32 weekdays, Project operations are voluntarily modified to accommodate
33 commercial whitewater boating by releasing water 1 to 2 hours earlier than would
34 normally occur for power production purposes only, starting ramp ups from 7 - 8
35 am (S. Lau, pers. Comm. 2006). Over the past five years, 2001 was the only year
36 in which power production demands limited releases for whitewater boating (S.
37 Lau, pers. comm. 2006).

38 39 **Commercial Whitewater Boating Management**

40 DPR manages commercial whitewater boating along the North Fork and Middle
41 Fork of the American rivers within the ASRA. Commercial whitewater permits are
42 required annually for the lower Middle Fork American River; however, no permits
43 are required for private boaters. In 2003, ASRA updated the River Management
44 Plan (RMP) for the Middle Fork American River within the ASRA. The updated
45 RMP is designed to better regulate and administer boating demands on the river.
46 Pursuant to the RMP, the Middle Fork whitewater outfitters are allowed to

1 operate commercial trips through a written, signed and approved State Parks
2 Concessions Contract (Concessions Contract).

3 The Concessions Contracts or “permits” issued for the Middle Fork American
4 River are divided into two types: Middle Fork Class IV, and Middle Fork Class II.
5 In 2005, 28 Class IV permits and 24 Class II permits were issued for the Middle
6 Fork American River. A Class IV permit allows boating along both the Tunnel
7 Chute (Class IV) and Mammoth Bar (Class II) runs while a Class II permit is
8 restricted to the Mammoth Bar Run.

9 According to the Concessions Contract (DPR 2006), the demand for “starting”
10 trips down the river on weekends and holidays during the summer generally
11 exceeds the maximum allowable commercial (concession) use **on the Tunnel
12 Chute section only**. To address this issue, DPR worked closely with commercial
13 outfitters, other agencies, the general public, and various user groups to design a
14 system of “Special Requirements”. The Special Requirements limit
15 the number of launches at the Oxbow Put-In to 25 during specified “control
16 dates”. The companies allowed to launch on any specific control day are
17 determined each year during the Outfitter Draw meeting, **and are allocated on a
18 percentage of use basis that gives a higher number of starts to those companies
19 that have the most use in prior years.**

21 **Estimated Boating Use**

22 According to DPR, about 85 percent of the whitewater boating use along the
23 Middle Fork American River is commercial. Private and commercial use
24 estimates provided by the DPR are summarized on Table 10-4. As indicated,
25 between January 1 through October 31, 2005, a total of 2,844 commercial boats
26 with 14,678 clients ran the Class IV “Tunnel Chute Run”. A total of 28 commercial
27 boats with 192 clients ran the Class II “Mammoth Bar Run” during the same year.

28 **However, this may be primarily due to the lack of flows during reasonable
29 daytime hours for the “Mammoth Bar” Run. In previous wet years when water
30 was available at earlier and more reasonable times for boating, the private and
31 commercial use was significantly higher. The private boater community has
32 grown significantly and internet access to real-time flows has come into play
33 since that time frame, and we would expect to see much greater use of the
34 Mammoth Bar run by instructional and Private boaters if flows were timed more
35 appropriately.** By contrast, an estimated total of 53 private
36 boats with 318 people boated both runs during the same time period.

37 Commercial whitewater boating use on the Middle Fork American River varies
38 according to the day of the week. According to the DPR (1997 and 1998), the
39 majority of boating occurs on Fridays, Saturdays and Sundays. The least amount
40 of use occurs on Tuesdays and Wednesdays. In 2005, approximately 11.6
41 percent of the total number of commercial clients who boated the Middle Fork
42 American River spent at least one night camping (K. Dey pers. comm.).

44 **10.6.2 Whitewater Boating on the Rubicon River**

45 The Rubicon River is boatable from Ellicott Bridge to the Ralston Afterbay. This
46 run is typically referred to as the Lower Rubicon Run and considered Class V on

1 the International Scale of Difficulty. It is considered boatable at flows ranging
2 from 500 to 2,000 cfs, with optimum flows around 1,200 cfs. This run is typically
3 only boated during periods of high run off, when Hell Hole Dam spills.

4 This run is considered difficult and involves 2 to 5 portages, depending on flow
5 conditions. The entire run is 20.3 miles long and typically requires two days.

6

7 **Estimated Boating Use**

8 There are no verifiable use data for whitewater boating activity along the Rubicon
9 River from Ellicott Bridge to Ralston Afterbay.

received
4-14-08 MT



United States Department of the Interior

BUREAU OF RECLAMATION
Central California Area Office
7794 Folsom Dam Road
Folsom, California 95630-1799

1 IN REPLY REFER TO:

2 CC-419
3 ENV-1.10
4

APR 11 2008

5
6
7
8 Mr. Mal Toy
9 Placer County Water Agency
10 PO Box 6570
11 Auburn, CA 95604
12

13 Subject: Scoping Comments on the Relicensing of the Middle Fork American River Project
14

15
16 Dear Mr. Mal Toy:

17
18 The Bureau of Reclamation has several significant resources that the Middle Fork American
19 River Project relicensing process (Project) could influence. Foremost among these are operation
20 of Folsom Reservoir as part of the Central Valley Project, the associated water rights with
21 Auburn Dam Project, operations of Auburn State Recreation Area and Folsom Lake State
22 Recreation Area; obligations to make releases to the Lower American River (LAR) for in-stream
23 flows and maintenance of water temperature, and responsibilities to Lower American River
24 water contractors. Additionally, there are several foreseeable Reclamation projects which
25 should be taken into account in the Project analysis. These include: new long-term Warren Act
26 Contracts for Sacramento Suburban and El Dorado Irrigation District (EID), EID's Temperature
27 Control Device, EID's Fazio Water Contract, Auburn State Recreation Area (ASRA) General
28 Plan/Resource Management Plan, Folsom Lake State Recreation Area (FLSRA) General
29 Plan/Resource Management Plan, Sacramento Water Reliability project, the Joint Federal
30 Project's flood damage reduction and dam safety work, and the construction of Auburn Dam.

31
32 Water operations for the Placer County Water Agency's (PCWA) Middle Fork project could
33 influence many of these resources and projects in two main ways; the Project could affect water
34 quality related to temperature or the Project could impact natural resources or recreational use of
35 Reclamation lands and waters.

36
37 Water quality specific to temperature relates to the quantity of water released, the timing of those
38 releases, and the point at which water is diverted by PCWA for beneficial use. Water quantity
39 and timing released from PCWA's Project is a significant environmental issue because changes
40 in these attributes could change the available water in Folsom Reservoir and the temperature of
41 that water reducing Folsom Reservoir cold water pool. These attributes might influence the
42 habitat of an endangered species and designated critical habitat further downstream in the LAR
43 and, at the very least, could further complicate the operations of Folsom Reservoir. Any
44 negative impact on cold water pool in Folsom Reservoir should be analyzed as it could make
45 Reclamation's obligations under the Endangered Species Act (ESA) and obligations to its water
46 contractors in the LAR more difficult to fulfill.

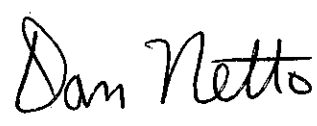
1 Another significant environmental issue would be a change in the point of diversion of PCWA
 2 water rights. Any change in point of diversion could alter the amount of water entering Folsom
 3 Reservoir, the Lower American River, and ultimately the Delta. If water is removed from the
 4 American River before Watt Avenue, analysis would need to be done on the changes of in-river
 5 temperatures which could degrade the habitat of LAR steelhead and fall run Chinook salmon.
 6 Also if through changes in operations, PCWA would be considering diversion of water from the
 7 Sacramento River in exchange for water to Reclamation in the American River system then
 8 consideration and evaluation of this change should be made in the Federal Energy Regulatory
 9 Commission (FERC) California Environmental Quality Act (CEQA)/National Environmental
 10 Policy Act (NEPA) process. Finally both the American River and Sacramento River are major
 11 fresh water inputs into the Sacramento Delta. Any changes to operations such as interbasin
 12 exchanges should include analysis of how these changes would impact the Delta. Therefore, it is
 13 suggested that the geographic scope of the FERC CEQA/NEPA and an Endangered Species Act
 14 analysis should include all of the American River Watershed, the Sacramento River Watershed,
 15 and the Sacramento Delta.

16
 17 Impacts to recreation or natural resources at ASRA or FLSRA should be analyzed. Reclamation
 18 is responsible for management and operation of these federal lands. Many of the recreational
 19 activities in these two areas are water-based therefore upstream operations that impact the quality
 20 or quantity of that water could impact recreation. Additionally potential impacts to the natural
 21 and cultural resources in ASRA and FLSRA should be analyzed as part of the FERC relicensing
 22 process.

23
 24 Reclamation may also have information on the operation of the CVP, details on water contracts,
 25 temperature models for the American River, significant expertise on modeling impacts of large
 26 water operations on California watersheds, and other information on Reclamation's waters and
 27 lands which may assist PCWA and FERC. Reclamation should participate in Middle Fork
 28 American River Project Relicensing Process at an appropriate level.

29
 30 If you have any questions on these comments please contact Elizabeth Vasquez at 916-989-7192.
 31

32 Sincerely,

33 

34 **ACTING FOR**

35 Richard M. Johnson
 36 Acting Area Manager
 37
 38