

RECEIVED

DEC 1 1989

POWER SYSTEMS DIVISION

49 FERC 61,212

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Charles A. Trabandt, Elizabeth Anne Moler
and Jerry J. Langdon.

Placer County Water Agency) Project No. 2079-007

ORDER DISMISSING COMPLAINT

(Issued November 21, 1989)

On August 31, 1984, the California Sportfishing Protection Alliance (CSPA) filed a complaint, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 1/ against the Placer County Water Agency (Placer County), licensee for the Middle Fork American River Project No. 2079, located on the Middle Fork American and Rubicon Rivers in Placer County, California. 2/ CSPA's complaint alleged that between 1966 and 1982 Placer County had repeatedly violated the minimum streamflow requirements of Article 37 of the license. 3/ Placer County filed an answer to the complaint on February 6, 1985.

Commission staff conducted a thorough investigation of CSPA's allegations and concluded that there was merit to at least some of the allegations. While the number of instances of non-compliance was found to be considerably less than alleged by CSPA, violations did occur, particularly prior to 1985, owing to gaging problems associated with changes in stream channels, equipment malfunctions, improper management, improper data reporting procedures, and human error.

By Commission staff letter dated September 9, 1987, Placer County was informed of staff's findings. To remedy the minimum flow compliance problems, Placer County was instructed to improve its program for monitoring minimum flow compliance at all licensed project developments, enter into an agreement with the United States Geological Survey (USGS) to establish a schedule for regular visits to gaging stations, and determine the flow of the streams and rate the streams according to USGS standards. Placer County was also instructed to submit a plan by June 1, 1988, to replace or relocate historically inaccurate gages, submit within 90 days a plan for improving streamflow measuring

1/ 18 C.F.R. § 385.206 (1988).

2/ The project was licensed on March 13, 1963. See 29 F.P.C. 460 (1963).

3/ *Id.* at p. 466-67.

Project No. 2079-007

-2-

devices at all minimum flow release points, and submit within 60 days a plan for implementing the equipment improvements Placer County had proposed in an August 9, 1985 report to the Commission's San Francisco Regional Office (SFRO). A copy of the September 9, 1987 letter to Placer County was sent to CSPA, which has made no further filings in this proceeding. By letter filed October 8, 1987, Placer County notified the Commission of its intent to comply with the directives of the Commission's September 9, 1987 letter. 4/

By letter dated December 3, 1987, Placer County outlined its plans for replacing, relocating, and improving gaging stations for the project, and submitted a draft of its proposed agreement with the USGS concerning operation and maintenance standards. Placer County proposed a December 31, 1988 deadline for implementing its plan to improve streamflow monitoring.

The SFRO conducted inspections of the facility in June of 1988 and 1989. The 1988 inspection report indicated that Placer County was in the process of implementing the proposed monitoring plan. The 1989 inspection report states that new gaging stations have been installed as proposed and that it appears that Placer County has complied with the September 9, 1987 directive to improve its program for monitoring compliance with the minimum streamflow requirements of its license. 5/

Since, as discussed above, the improvements in streamflow monitoring sought by Commission staff have been implemented, and since Placer County has exhibited a willingness to cooperate in

4/ In its letter, Placer County requested that the requirement to relocate the gaging station below the Hell Hole Dam project feature as specified in the September 9, 1987 letter be deleted, arguing that there were no compliance problems at that site. Staff did not specifically respond to Placer County's request, but has not required that Placer County modify its proposed plans for changes and improvements in the minimum flow monitoring system to include changes at the Hell Hole Dam. Upon review of the matter, we believe that Placer County's plans for this dam site are adequate.

5/ Concerning the proposed agreement with the USGS for periodic visits to gaging stations, the SFRO reports that the USGS did not wish to enter into such an agreement. Placer County has therefore engaged the services of a consulting hydrologist to record flow readings and monitor the gaging stations under the supervision of the USGS. We are satisfied that this arrangement can ensure minimum flow compliance.

Project No. 2079-007

-3-

resolving its minimum flow compliance problems, we believe it is appropriate to dismiss CSPA's complaint in this proceeding.

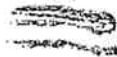
The Commission orders:

The complaint filed in this proceeding on August 31, 1984, by the California Sportfishing Protection Alliance is dismissed.

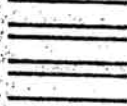
By the Commission.

(S E A L)

Lois A. Cashell
Lois D. Cashell,
Secretary.



POSTAGE AND FEES PAID
FEDERAL ENERGY
REGULATORY COMMISSION
FERC-361



FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

P-2079 127731
CHAIRMAN BD. OF DIRECTORS
PLACER COUNTY WATER AGENCY
P. O. BOX 667
FORESTHILL, CA 95631