
TABLE OF CONTENTS

	Page
12.0 Conclusions and Recommendations	12-1
12.1 Comparison of Alternatives.....	12-1
12.1.1 Proposed Action	12-1
12.1.2 No-Action Alternative.....	12-4
12.2 Comprehensive Development and Recommended Alternative.....	12-4
12.3 Unavoidable Adverse Effects.....	12-5
12.4 Recommendations of Fish and Wildlife Agencies	12-5
12.5 Consistency with Comprehensive Plans	12-5
12.5.1 Relevant Plans from FERC’s List of Comprehensive Plans	12-6
12.5.1.1 Rubicon River Wild Trout Management Plan.....	12-7
12.5.1.2 Final Hatchery and Stocking Program Environmental Impact Report/Environmental Impact Statement.....	12-9
12.5.1.3 California Wildlife: Conservation Challenges, California’s Wildlife Action Plan	12-10
12.5.1.4 Public Opinions and Attitudes on Outdoor Recreation in California	12-11
12.5.1.5 Recreation Outlook in Planning District 3	12-12
12.5.1.6 California Outdoor Recreation Plan	12-13
12.5.1.7 The California Water Plan and the California Water Plan Updates.....	12-14
12.5.1.8 Water Quality Control Plan (Basin Plan) – Central Valley Region, the Sacramento River Basin and San Joaquin River Basin.....	12-16
12.5.1.9 Recreation Needs in California	12-18
12.5.1.10 Eldorado National Forest Land and Resource Management Plan.....	12-19
12.5.1.11 Tahoe National Forest Land and Resource Management Plan.....	12-20
12.5.1.12 Water Quality Control Plans and Policies Adopted as Part of the State Comprehensive Plan	12-22
12.5.1.13 Fisheries USA, the Recreational Fisheries Policy of the USFWS.....	12-23
12.5.2 List of Other Applicable Plans	12-23
12.5.2.1 The Nationwide Rivers Inventory.....	12-24

12.5.2.2	Placer County General Plan: Countywide General Plan Policy Document.....	12-25
12.5.2.3	Placer Legacy Open Space and Agricultural Conservation Program – Implementation Report.....	12-27
12.5.2.4	Foresthill Divide Community Plan – Placer County, California	12-28
12.5.2.5	Auburn State Recreation Area Interim Resource Management Plan	12-29
12.5.2.6	American River Water Resources Investigation: Wild and Scenic River Eligibility Study and Preliminary Classification.....	12-30
12.5.2.7	Granite Chief Wilderness Management Plan.....	12-31
12.5.2.8	Sierra Nevada Forest Plan Amendment, Final Supplemental Environmental Impact Statement and Record of Decision	12-32
12.5.2.9	Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and California State Water Project	12-33
12.5.2.10	Public Draft Recovery Plan for Central Valley Winter-run and Spring-run Chinook Salmon and Steelhead.	12-34

12.0 CONCLUSIONS AND RECOMMENDATIONS

This section compares the developmental and non-developmental effects of the Proposed Action and the No-Action Alternative for the Middle Fork American River Project (MFP or Project); discusses the development of alternatives and identifies the recommended alternative; summarizes unavoidable adverse effects; presents the recommendations of fish and wildlife agencies; and describes the MFP's consistency with comprehensive plans.

12.1 COMPARISON OF ALTERNATIVES

This section includes a comparison of the developmental and non-developmental effects (resource conditions) resulting from operation and maintenance of the MFP under the Proposed Action and the No-Action Alternative. The average annual energy generation under the No-Action Alternative is 1,039,078 megawatt-hours (MWh); and it is estimated that the average annual energy generation under the Proposed Action will be 991,384 MWh. This loss of generation under the Proposed Action (4.59% average annual loss of generation) is a result of new instream flow measures developed to benefit resources in the Middle Fork American River Watershed (Watershed). The following describes resource effects under the Proposed Action and No-Action Alternative.

12.1.1 Proposed Action

Overall, the Proposed Action maintains and enhances resource conditions in the vicinity of the MFP. The key consideration in developing the Proposed Action was to ensure that future operation and maintenance of the MFP maximizes the benefits to the people of Placer County. These benefits include power generation, consumptive water supply, system capability and reliability, public services, and resource stewardship. Environmental programs, measures, and facilities included under the Proposed Action were specifically developed to promote resource stewardship in the Watershed. Resource effects under the Proposed Action are described in detail in Section 8.0 – Environmental Effects, and are summarized below.

The Proposed Action will result in the following benefits compared to the No-Action Alternative, organized by resource area:

Aquatic Resources

- Restores a portion of the natural hydrograph (spring high flows).
- Increases aquatic habitat year-round (in most locations and water year types) which enhances the aquatic community.
- Enhances sediment supply and maintains transport in small streams and the Middle Fork American River.
- Maintains healthy stream channel conditions (initiation of motion and scouring flows).

- Improves aquatic habitat and reduces fish stranding in peaking reach by increasing minimum instream flows, and reducing magnitude, and rate of flow fluctuations.
- Protects special-status aquatic species (hardhead, foothill yellow-legged frog, and western pond turtle).

Water Use and Water Quality

- Protects Placer County Water Agency's (PCWA) current and future consumptive water supply.
- Maintains existing water uses and water rights.
- Provides for high water quality.
- Maintains beneficial uses as defined by State Water Resources Control Board (State Water Board).

Geomorphology and Riparian Resources

- Maintains channel forming flows (scouring flows).
- Increases riparian recruitment flows in bypass reaches.
- Increases natural sediment supply and maintains transport in small bypass reaches, the Middle Fork American River downstream of Middle Fork Interbay, the Lower Rubicon River, and the peaking reach.
- Maintains or enhances healthy substrate conditions.
- Enhances the riparian resources.

Botanical and Wildlife Resources

- Enhances vegetation communities and wildlife habitats.
- Establishes buffers and limited operating periods to protect special-status species.
- Reduces the potential risk of raptor electrocutions.
- Establishes a noxious weed management program.
- Provides employee training program on protection of special-status species.
- Requires surveys prior to implementation of construction activities.
- Specifies periodic special-status species surveys and reporting.
- Increases consultation with resource agencies.

Recreation Resources

- Increases recreational boating opportunities in the bypass and peaking reaches.
- Provides information that will allow recreational visitors to better utilize existing opportunities.
- Improves stream-based angling experience (enhances aquatic habitat and aquatic species).
- Provides greater access to Project reservoirs by extending Hell Hole and French Meadows boat ramps.
- Facilitates trip planning by providing publically available real-time flow information, reservoir water surface elevations, and informational brochures and maps.
- Enhances recreation opportunities by providing additional group camping and appropriately scaled facilities, while protecting sensitive resources.
- Relieves congestion and improves recreational experience at Indian Bar Rafter Access.
- Improves dispersed recreation opportunities (new facilities and trail signage).

Cultural and Tribal Resources

- Increases involvement of Native American Tribes.
- Establishes protective buffers around sensitive resources.
- Specifies measures for new resource discovery.
- Provides employee resource awareness training.
- Increases public education.
- Requires periodic resource condition monitoring and reporting.

Land Use

- Maintains consistency with land use designations and comprehensive plans.

Socioeconomics

- Increases expenditures that support the local economy.
- Maintains recreation-based tourism in local economies.

Visual Quality

- Improves the visual condition at select Project facilities and recreation facilities.

Air Quality

- Protects air quality and continues production of clean renewable energy.

MFP Upgrades

- Hell Hole Reservoir Seasonal Storage Increase Improvement
 - Increases reservoir storage capacity.
 - Provides for down ramping of spills.
 - Enhances recreational boating opportunities.
- Small Diversion Modifications
 - Reduces sediment removal activities.
 - Enhances natural sediment supply.
- Outlet Works Modifications
 - Provides for release and monitoring of instream flows and recreation flows.

12.1.2 No-Action Alternative

The No-Action Alternative maintains the existing baseline conditions, with no additional benefits to resources (status quo). The MFP would continue to operate under the current license conditions. No new environmental or cultural measures would be implemented.

12.2 COMPREHENSIVE DEVELOPMENT AND RECOMMENDED ALTERNATIVE

Section 4(e) of the Federal Power Act (FPA) requires the Federal Energy Regulatory Commission (FERC or Commission) to, in addition to the power and development purposes for which licenses are issued, give equal consideration to the purposes of energy conservation; the protection, mitigation of damage to, and enhancement, of fish and wildlife (including related spawning grounds and habitat); the protection of recreational opportunities; and the preservation of other aspects of environmental quality. Further, Section 10(a) of the FPA requires that a project, as licensed, be in the judgment of the Commission, best adapted to a comprehensive plan for improving or developing a waterway for beneficial public purposes. The following describes the basis for selecting the Proposed Action as the preferred alternative.

The Commission could choose the No-Action Alternative, with a few additional mitigation measures designed to protect sensitive species, as the preferred alternative. The status quo would be maintained and resources in the area would remain at current conditions, without any additional degradation, and power generation would be maximized. However, the Proposed Action results in greater overall benefits to the People of Placer County (as described in Section 12.1.1) and is better adapted to a comprehensive plan for improving or developing a waterway for beneficial public

purposes based on the Commission's mandate under the FPA. The Proposed Action results in a better balance between developmental and non-developmental resources compared to the No-Action Alternative.

The Proposed Action is recommended as the preferred alternative because: (1) issuance of a new hydropower license by the Commission will allow PCWA to continue operating the MFP as a beneficial and dependable source of clean renewable electric energy; (2) the public benefits of the Proposed Action far exceed those of the No-Action Alternative; and (3) the recommended environmental measures will protect and enhance fish and wildlife resources, protect cultural resources, and improve recreation opportunities in the vicinity of the MFP.

12.3 UNAVOIDABLE ADVERSE EFFECTS

There are no unavoidable adverse effects as a result of implementation of the Proposed Action (refer to Section 8.0 – Environmental Effects).

12.4 RECOMMENDATIONS OF FISH AND WILDLIFE AGENCIES

The Proposed Action considers input from state and federal resource agencies, Native American Tribes, non-governmental organizations, members of the public (collectively referred to as MFP relicensing participants) acquired during extensive consultation activities completed for relicensing of the MFP. However, the Proposed Action represents only PCWA's recommended protection, mitigation, and enhancement measures.

12.5 CONSISTENCY WITH COMPREHENSIVE PLANS

Section 10(a)(2) of the FPA requires the FERC to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, and conserving waterways associated with the project.

The following describes the comprehensive plans that are relevant to the relicensing of the MFP, based on a review of the FERC's List of Comprehensive Plans (List) dated January 2011 (FERC 2011) and other documents. This section summarizes the content of each relevant comprehensive plan, discusses the plans applicability to the MFP, and provides a statement of the Project's consistency with each plan. The purpose of the evaluation is to ensure that operation and maintenance of the MFP under the Proposed Action is consistent with pertinent goals and objectives outlined in each comprehensive plan.

The Draft Application for New License was submitted to resource agencies and Tribes for a 90-day comment period to allow review of the consistency determinations. To date, no comments were received related to the consistency determinations included in this Application for New License (License Application).

Subsequent to PCWA's filing of the Draft License Application, FERC's List was updated and two additional plans were added that are relevant to the MFP: (1) Final Fish

Hatchery and Stocking Program Environmental Impact Report/Environmental Impact Statement (CDFG 2010); and (2) California Wildlife: Conservation Challenges, California's Wildlife Action Plan (CDFG 2007). These plans are described in Section 12.5.1.

In addition, two documents were identified by National Marine Fisheries Service (NMFS) as being applicable to the MFP and were added to Section 12.5.2: (1) the Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and California State Water Project (OCAP BiOP) (NMFS 2009a); and (2) Public Draft Recovery Plan for Central Valley Winter-run and Spring-run Chinook Salmon and Steelhead (NMFS 2009b).

12.5.1 Relevant Plans from FERC's List of Comprehensive Plans

The FERC's List includes 14 plans, which are relevant to the MFP. These plans are identified below. In some cases, updated versions of the plans identified in FERC's List were available and are used in this document. Planning documents that have been updated since FERC published their List are identified with an asterisk (*). The List includes the following plans:

- California Department of Fish and Game. 1979. Rubicon River Wild Trout Management Plan. Sacramento, California. July 1979. 46 pp.
- California Department of Fish and Game. U.S. Fish and Wildlife Service. 2010. Final Hatchery and Stocking Program Environmental Impact Report/Environmental Impact Statement. Sacramento, California. January 2010.
- California Department of Fish and Game. 2007. California Wildlife: Conservation Challenges, California's Wildlife Action Plan. Sacramento, California. 2007.
- *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. 1980. Recreation Outlook in Planning District 3. Sacramento, California. June 1980. 82 pp.
- *California Department of Parks and Recreation. 1994. 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 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. Eldorado National Forest Land and Resource Management Plan. Department of Agriculture, Placerville, California. December 1988.
- *Forest Service. 1990. Tahoe National Forest Land and Resource Management Plan. Department of Agriculture, Nevada City, California. March 1990.
- State Water Resources Control Board. 1999. Water Quality Control Plans and Policies Adopted as part of the State Comprehensive Plan. April 1999.
- United States Fish and Wildlife Service. Undated. Fisheries USA: The Recreational Fisheries Policy of the United States Fish and Wildlife Service. Washington, D.C.

Each of these documents and their relevance to the MFP is briefly summarized in the following subsections. In addition, a determination is made on whether the Project is consistent with each plan. The Proposed Action includes a wide-range of environmental measures. Under each plan only the specific environmental measure(s) that may affect consistency are identified.

12.5.1.1 Rubicon River Wild Trout Management Plan

In 1971, the California Department of Fish and Game (CDFG) established the California Wild Trout Program (Program) to protect and enhance wild trout fisheries. The primary purpose of the Program is to preserve stream trout fisheries which are naturally sustained by wild strains of trout. The general management objectives of the Program are summarized as follows:

- Maintain wild trout population levels necessary to provide satisfactory recreational angling opportunities for wild trout.
- Maintain and enhance, where possible, the habitat required for optimum wild trout production.
- Preserve the natural character and aesthetic beauty of the streamside environment.

Between 1971 and 1979, CDFG designated 18 streams as wild trout streams. The Rubicon River was included in the Program following the recommendations of the

Eldorado National Forest (ENF). The designated wild trout section of the river extends from Hell Hole Dam to Ralston Afterbay.

In 1979, the CDFG Inland Fisheries Branch published the Rubicon River Wild Trout Management Plan (RRWTMP) as required by the California Wild Trout Program. The RRWTMP sets forth a detailed management program including goals, major assumptions, management direction, recommendations for nearby land management, a monitoring program, and a program implementation schedule. The RRWTMP also includes a description of existing water development in the watershed including flow releases from Hell Hole Reservoir, future water development, and sedimentation from water development operations.

The updated policies of the Program are described on CDFG's website <<http://www.dfg.ca.gov/fish/Resources/WildTrout/Waters/index.asp>>. According to this website, the Rubicon River remains a designated Wild Trout Stream (also referred to as Wild Trout Water) from Hell Hole Reservoir to Ralston Afterbay. Designated Wild Trout Waters are managed in accordance with the following stipulations:

- Domestic strains of catchable sized trout shall not be planted in designated Wild Trout Waters.
- Hatchery-produced trout of suitable wild and semi-wild strains may be planted in designated waters, but only if necessary to supplement natural trout reproduction.
- Habitat protection is of utmost importance for maintenance of wild trout populations. All necessary actions, consistent with State law, shall be taken to prevent adverse impact by land or water development projects affecting designated Wild Trout Waters.

The regulations cited on the CDFG website also note that CDFG must prepare and periodically update a management plan for each designated Wild Trout Water. However, the CDFG website did not identify that the RRWTMP, first published in 1979, has been updated. Through additional consultation with CDFG it was determined that the RRWTMP had not been updated.

The environmental measures included in the Proposed Action (Section 4.0) were designed to protect and enhance wild trout habitat, water quality, riparian habitat, recreation, and the natural and aesthetic character of the Rubicon River reach designated as a Wild Trout Water. These measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans; and
- Recreation Plan.

Implementation of the Proposed Action is consistent with the goals, management direction, and recommendations included in the RRWTMP. Further, the Proposed Action improves environmental conditions for wild trout in the Rubicon River compared to the No-Action Alternative.

12.5.1.2 Final Hatchery and Stocking Program Environmental Impact Report/Environmental Impact Statement

The CDFG is the principal agency with responsibility to manage and conserve the biological resources of the state, including fish, wildlife, and plants. The mission of CDFG is to manage California's diverse fish, wildlife, and plant resources and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. As part of its responsibility, CDFG operates a statewide system of fish hatchery facilities that rear and subsequently release millions of trout, salmon, and steelhead of various age and size classes into state waters.

In 2006, a lawsuit was filed by the Pacific Rivers Council and the Center for Biological Diversity against CDFG claiming that CDFG's fish stocking operation did not comply with the California Environmental Quality Act (CEQA). In July, 2007, CDFG was ordered by the Sacramento Superior Court to comply with CEQA regarding its fish stocking operations.

A joint environmental impact report/environmental impact statement (EIR/EIS) was prepared in compliance with the above-mentioned court order. The EIS was prepared jointly with the EIR in compliance with the provisions of National Environmental Policy Act (NEPA) in support of the United States Fish and Wildlife Service (USFWS), which is acting as co-lead agency. The Final EIR/EIS was released January 2010.

The fundamental objectives of CDFG's Fish Hatchery and Stocking Program are to continue the rearing and stocking of fish from its existing hatchery facilities for the recreational use of anglers; for mitigation of habitat loss attributable to dam construction and blocked access to upstream spawning areas; for mitigation of fish losses caused by operation of the state-operated Sacramento-San Joaquin River Delta pumps; and for conservation and species restoration.

Several alternatives were considered in the EIR/EIS. Alternative 2 (Continue to Operate Hatcheries as in the Past Five Years and Stock Fish Based on New Guidelines) was identified as the preferred alternative under CEQA and the environmentally preferable alternative under NEPA. Alternative 2 allows CDFG to continue stocking fish for the express purposes of providing recreational opportunities to anglers and provides a mechanism for CDFG to implement guidelines that will allow for the protection of native species. A pre-stocking evaluation protocol (PSEP) includes steps to provide for restoration of native species in those areas where stocking is not consistent with CDFG's goals to manage and protect multiple species. Alternative 2 also provides a mechanism for continuing to improve the management of CDFG-operated anadromous hatcheries to minimize impacts on salmon and steelhead, as well as other native species. The alternative includes steps to reduce impacts from the private stocking

program by eliminating permit exclusions and requiring certification for hatchery operations as well as by providing for species surveys at planting locations.

Implementation of the Proposed Action, including fish stocking activities specified in the Recreation Plan, is consistent with the fundamental objectives included in the Final Hatchery and Stocking Program EIR/EIS. Under the Proposed Action, fish stocking activities will be coordinated with CDFG to provide recreation opportunities, reduce CDFG stocking costs, and protect native aquatic species in the vicinity of the MFP.

12.5.1.3 California Wildlife: Conservation Challenges, California's Wildlife Action Plan

In 2000, Congress enacted the State Wildlife Grants Program to support state programs that broadly benefit wildlife and habitats but particularly "species of greatest conservation need." As a requirement for receiving funding under this program, state wildlife agencies were to have submitted a Wildlife Action Plan (comprehensive wildlife conservation strategy) to the USFWS in 2005. The CDFG, working in partnership with the Wildlife Health Center, University of California, Davis, directed the development of the California Wildlife: Conservation Challenges, California's Wildlife Action Plan.

California's Wildlife Action Plan is focused on answering three primary questions:

- What are the species and habitats of greatest conservation need?
- What are the major stressors affecting California's native wildlife and habitats?
- What are the actions needed to restore and conserve California's wildlife, thereby reducing the likelihood that more species will approach the condition of threatened or endangered?

California's Wildlife Action Plan identified statewide and regional conservation actions based on stressors and circumstances. Statewide actions are those actions that are important across most or all regions. Regional actions are based on the state's physiographic characteristics (i.e., watersheds and vegetation communities) coupled with consideration of wildlife- and natural-resources management areas of responsibility. The regional approach facilitated the discussion of habitats, ecosystems, and conservation issues at a scale appropriate for conservation planning and compatible with resource management jurisdictions and decision making authorities. The MFP is situated in the Sierra Nevada and Cascades region of the Plan.

The environmental measures included in the Proposed Action (Section 4.0) were designed to support statewide and regional actions contained in California's Wildlife Action Plan. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;

- Sediment Management Plan;
- Recreation Plan;
- Fire Prevention and Suppression Plan;
- Vegetation and Integrated Pest Management Plan; and
- Bald Eagle Management Plan.

Implementation of the Proposed Action is consistent with statewide and regional actions included in the Plan intended to restore and conserve California's wildlife.

12.5.1.4 Public Opinions and Attitudes on Outdoor Recreation in California

The FERC's List cites the 1998 Public Opinions and Attitudes on Outdoor Recreation in California, which was published in March 1998 by the California Department of Parks and Recreation (DPR). This survey has since been updated with data obtained in 2007, the results of which were included as an Element of the 2008 California Outdoor Recreation Plan (CORP).

The survey of Public Opinions and Attitudes on Outdoor Recreation in California is a key component of the California Outdoor Recreation Planning Program, evaluating the demand for outdoor recreation resources and facilities in the state. The survey focuses on Californians' participation in and demand for a variety of outdoor recreation activities and their opinions, attitudes, and values relating to outdoor recreation experiences. The collection of this data provides park and recreation professionals an insight into the evolving recreation needs of Californians.

The survey was first conducted in 1987 and has been repeated at five-year intervals. The methodologies, and most of the current survey questions, are consistent with the earlier data collection efforts. This allows any significant recreation trends to be addressed through long-range planning efforts. The survey also quantifies unmet or latent demands, which are those activities that the survey respondent would do more frequently if given the opportunity. Parks and recreation providers will be better able to accommodate California's future recreation needs by focusing their efforts on these unmet demands.

The 2007 survey addressed a broad range of topics, but in general it found that most Californians believe outdoor recreation areas are important to their quality of life and most support protecting the natural environments within outdoor recreation areas.

The environmental measures included in the Proposed Action (Section 4.0) were designed to maintain and enhance recreation opportunities and protect the natural environment in the vicinity of the MFP. These measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;
- Sediment Management Plan;
- Recreation Plan; and
- Visual Resource Management Plan.

Implementation of the Proposed Action is consistent with the recommendations identified in the 2007 opinion surveys.

12.5.1.5 Recreation Outlook in Planning District 3

In 1980, the DPR published the “Recreation Outlook in Planning District 3” (Recreation Outlook). District 3 covers the northeastern portion of central California, which is made up of eight counties, including Placer and El Dorado counties. The MFP is primarily located in Placer County, with a small portion in El Dorado County; so this document is considered a relevant comprehensive plan.

The Recreation Outlook is an element of the CORP. Planning district studies are conducted as part of the CORP process, providing an in-depth look at recreation in California on a regional basis. The purpose of the CORP is to coordinate and guide activities of state, local, and federal agencies; and the private sector in planning, developing, operating, and maintaining outdoor recreation areas and facilities. The plan is also used to form the basis for obtaining grant funds and as a guide in allocating funds to state and local government agencies.

The Recreation Outlook describes the land ownership, recreation lands and resources, and adequacy of recreation lands in District 3. The Recreation Outlook also presents 17 bulleted findings, 15 bulleted recommendations, and describes the management concerns in the region. Most of the findings are general to the entire District 3 planning area, but some are specific to the foothill and Sierra Nevada regions. The study found that District 3, in general, is a prime tourist and recreation area with adequate total acreage of natural resource lands open to recreation to meet the foreseeable needs of residents and tourists. However, the study also found insufficient facilities for certain recreation activities throughout the region, including boating access, wetland and waterfowl observation, and hunting.

The study findings and recommendations relevant to the foothill and Sierra Nevada regions are summarized below.

- The study found that the foothills have the potential to provide for expanded year-round recreation opportunities, and there is a need to provide improved public transportation to the major foothill and Sierra Nevada recreation areas. An emphasis was placed on provision of services to heavily visited winter recreation areas.

- The study recommended that various organizations work cooperatively to develop a Recreation Plan for the foothill area. The Recreation Outlook recommended that this Plan examine the possibility of increasing the recreational appeal of Highway 49.
- The United States Department of Agriculture-Forest Service (USDA-FS or Forest Service) should continue to expand the number of developed picnic areas and campgrounds, along with providing areas for dispersed recreation.
- The study found that the two most popular year-round sightseeing routes in District 3 follow Highway 50 and 80 from the Sacramento Valley to the Lake Tahoe area. Highway 49 is also noted as a popular route. The study notes that camping and picnicking are often associated with sightseeing, which creates a strong demand for these facilities along these routes.

The environmental measures included in the Proposed Action (Section 4.0) were designed to maintain and enhance recreation facilities and access in the vicinity of the MFP. These measures include implementation of:

- Recreation Plan;
- Transportation System Management Plan; and
- Visual Resource Management Plan.

Implementation of the Proposed Action is consistent with the recommendations described in the Recreation Outlook study.

12.5.1.6 California Outdoor Recreation Plan

The FERC's List cites the 1993 CORP which was published in 1994 by the DPR. This plan has since been updated with the 2008 CORP, published in 2009. The following description relies on the most recent survey results and report.

The 2008 CORP is a comprehensive statewide outdoor recreation planning document that reflects the current and projected changes in California's population, trends, and economy. The primary objective of the current CORP is to determine the outdoor recreation issues, the problems and the opportunities most critical in California, and to develop a comprehensive strategy by which state, federal, and local agencies can address these challenges. This plan is comprehensive in its scope, considering the full range of outdoor recreation issues and needs throughout the entire state. The plan is based on information collected from 2003 through 2008; takes into consideration the current demographic, economic, political, and environmental conditions; and then explores and provides analyses of the outdoor recreation issues that will be of concern to public agencies in the next five years.

Under the Proposed Action, new recreation measures are included to further enhance recreational opportunities and experiences in the vicinity of the MFP (Section 4.0). These measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Recreation Plan; and
- Visual Resource Management Plan.

Implementation of the Proposed Action is consistent with the guidance and actions of the CORP.

12.5.1.7 The California Water Plan and the California Water Plan Updates

The FERC's List identifies two California water planning documents: the 1983 California Water Plan; Projected Use and Available Water Supplies to 2010 (referred to as Bulletin 160-83) (DWR 1983) and the California Water Plan Update: Bulletin 160-93 (DWR 1994). These documents are part of a series of documents that are periodically updated to accommodate California's changing water supply and demands. For instance, the Bulletin 160-93 series has been updated by Bulletin 160-98 (DWR 1998) and the most recent update to the California Water Plan is entitled, "California Water Plan: Update 2009" (Update 2009). The description below relies on the Update 2009.

The California Water Plan provides a framework for water managers, legislators, and the public to consider options and make decisions regarding California's water future. The Plan, which is updated every five years, presents data and information on California's water resources including water supply evaluations and assessments of agricultural, urban, and environmental water uses to quantify the gap between water supplies and uses. The Plan also identifies and provides an evaluation of existing and proposed statewide demand management and water supply augmentation programs and projects to address the State's water needs.

Using a 2050 planning horizon, "California Water Plan: Update 2009" follows the Update 2005 roadmap of strategies for sustainable water use. Update 2009 discusses the need to follow the principles of integrated water management, statewide and regionally, and to use water efficiently, improve water quality and reliability, and integrate environmental stewardship into every aspect of how federal, state and local entities manage our water.

Major themes and objectives of Update 2009 include:

- **Strategic Plan:** Update 2009 updates and expands strategic plan elements included in the 2005 Plan. A central feature of the current update is the oversight of a 21-member steering committee which helped identify companion state plans that have a direct connection with the Water Plan. The strategic plan also includes chapters on challenges of managing California's extreme and variable resources; details on water uses and supplies on a statewide basis; planning

approach for future management of regional and statewide water resources; integrated data and analysis; and an implementation plan.

- **Resource Management Strategies:** In the context of climate change and increased urban demand, a key objective is to present a diverse set of resource management strategies to meet the water-related resource management needs of each region and statewide. Update 2009 sets forth 27 resource management strategies intended to help meet various water plan objectives including: reduce water demand; improve operational efficiency and transfers; increase water supply; improve water quality; practice resource stewardship; and improve flood management.
- **Regional Reports:** Focusing on California's ten hydrologic regions, which correspond to the state's major water drainage basins, and two areas of special interest, the Delta and Mountain Counties, Update 2009's regional reports describe regional conditions related to water use, supply, quality, and management.

Water management for instream uses is acknowledged in Chapter 22 entitled, "Ecosystem Restoration". This chapter briefly addresses the future need to protect and enhance instream water uses such as fisheries, wildlife, aesthetics, and recreation. The plan update acknowledges that the data and analytical tools used to measure the adequacy of instream flows are insufficient to address ecosystem restoration and it provides a list of five recommendations to improve water management for ecosystem restoration. These recommendations include:

- Devise climate change adaptations that benefit both ecosystems, water, and flood management;
- Promote multidisciplinary approaches to water and flood management;
- Expand financial incentives for farmers to grow and manage habitat (e.g., Environmental Quality Incentives Program administered by the USDA, Natural Resources Conservation Service [NRCS], California's Williamson Act subventions, and Department of Water Resource's [DWR] Flood Corridor Grant Program);
- Provide a comprehensive and appropriately funded program to identify instream flow needs, perform the necessary studies, and make scientifically defensible recommendations for instream flows to protect fish and wildlife; and
- Conduct research to reduce human and ecosystem exposure to mercury without preventing other efforts to improve ecosystem health through wetland restoration.

The operation and maintenance of the MFP under the license articles defined in the Proposed Action is consistent with the resource management strategies and

recommendations contained in the California Water Plan (1983) and the most recently approved update, California Water Plan: Update 2009.

The environmental measures included in the Proposed Action (Section 4.0) were designed to protect and enhance aquatic habitat, water quality, riparian habitat, recreation, and the natural and aesthetic character of the river reaches associated with the MFP. The increased environmental stewardship under the Proposed Action reduces overall annual and peak generation from the MFP, but protects current and future consumptive water supply (volume and timing) for the people of western Placer County. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;
- Sediment Management Plan; and
- Recreation Plan.

Implementation of the Proposed Action is consistent with the goals, management direction, and recommendations included in the Update 2009.

12.5.1.8 Water Quality Control Plan (Basin Plan) – Central Valley Region, the Sacramento River Basin and San Joaquin River Basin

The FERC's List identifies a water-planning document entitled Water Quality Control Plan Report (SWRCB 1995). This report includes nine volumes, organized by region, that are periodically updated to reflect changes in policies and regulations. The most recent update relevant to the MFP is entitled, The Sacramento River Basin and San Joaquin River Basin Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board – Central Valley Region (Fourth Edition revised September 2009). The updated version is available on the RWQCB website <<http://www.swrcb.ca.gov/>>. The Basin Plan identifies nine beneficial uses that apply to the surface waters in the Watershed. These beneficial uses are defined as follows:

- Municipal and Domestic Supply (MUN) – Uses of water for community, military, or individual water supply systems including, but not limited to, drinking water supply.
- Agricultural Supply (AGR) – Uses of water for farming, horticulture, or ranching including, but not limited to, irrigation (including leaching of salts), stock watering, or support of vegetation for range grazing.
- Hydropower Generation (POW) – Uses of water for hydropower generation.
- Water Contact Recreation (REC-1) – Uses of water for recreational activities involving body contact with water, where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-

skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.

- Water Contact Recreation (REC-2) – Uses of water for recreational activities involving proximity to water, but where there is generally no body contact with water, nor any likelihood of ingestion of water. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.
- Cold Freshwater Habitat (COLD) – Uses of water that support coldwater ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
- Warm Freshwater Habitat (WARM) - Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
- Spawning, Reproductive, and/or Early Development (SPWN) – Uses of water that support high quality aquatic habitats suitable for reproduction and early development of fish.
- Wildlife Habitat (WILD) – Uses of water that support terrestrial or wetland ecosystems including, but not limited to, preservation and enhancement of terrestrial habitats or wetlands, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, and invertebrates), or wildlife water and food sources.

The Basin Plan also provides a list of water quality objectives that set limits or levels of water quality constituents or characteristics that are established for the protection of the beneficial uses of the river. The achievement of these objectives depends on applying them to controllable water quality factors. The applicant is responsible for: (1) identifying the water quality impacts caused by controllable factors from operation of the Project; and (2) recommending measures that may be reasonably applied to control impacts to beneficial uses (including water quality). The water quality parameters identified for waters in the basin include bacteria, biostimulatory substances, chemical constituents, color, dissolved oxygen (DO), floating material, oil and grease, pH, pesticides, radioactivity, salinity, sediment, settleable materials, suspended material, taste and odor, temperature, toxicity, and turbidity. Basin Plan water quality parameters are evaluated in Section 8.3 – Water Quality Environmental Effects. Detailed results of the water quality surveys are provided in AQ 11 – Contingency Water Quality Technical Study Report (TSR): Methylmercury Fish Tissue Sampling (2007–2009) (AQ 11 – TSR), included in Supporting Document (SD) B of this Draft Application (PCWA 2011; SD B).

The environmental measures included in the Proposed Action (Section 4.0) were designed to protect beneficial uses and meet water quality objectives as defined in the Basin Plan. The environmental measures enhance aquatic habitat (cold freshwater habitat, warm freshwater habitat, spawning, reproduction and early development),

riparian/wildlife habitat, contact and non-contact recreation, and water quality. The Proposed Action protects current and future consumptive water supply but results in a modest reduction in annual and peaking generation from the MFP. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;
- Sediment Management Plan;
- Recreation Plan;
- Vegetation and Integrated Pest Management Plan; and
- Bald Eagle Management Plan.

In addition, the Proposed Action includes development and implementation of construction Best Management Practices (BMPs) and a Water Quality Protection Plan prior to modification of existing facilities or construction of new facilities.

Implementation of the Proposed Action is consistent with the goals and management direction included in the updated Basin Plan.

12.5.1.9 Recreation Needs in California

This document was published in 1983 by the DPR. The DPR report summarizes a statewide recreation needs analysis conducted between 1976 and 1982 and recommends that the California legislature consider the following:

- To meet increasing demand for outdoor recreation, opportunities for activities such as camping, fishing, hiking, and nature appreciation need to be provided in and near metropolitan areas.
- Accelerated development of State Park System facilities and programs near metropolitan areas is necessary to keep pace with projected increases in demand for outdoor activities.
- Legislative action is needed to modify the Roberti-Z'berg Open Space and Recreation program criteria to reflect current needs analysis findings.
- Private recreation suppliers will need to assume a much larger role in satisfying recreation desires of California's urban residents. Studies need to be conducted by the legislature to develop incentives for the private sector to provide additional recreation services.
- The DPR needs to implement pilot programs to alleviate constraints to full and equitable access to recreation opportunities.

Under the Proposed Action, new recreation measures are included to further enhance recreational opportunities, experiences, and access in the vicinity of the MFP (Section 4.0). These measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Recreation Plan; and
- Transportation System Management Plan.

Implementation of the Proposed Action is consistent with the Recreation Needs recommendations.

12.5.1.10 Eldorado National Forest Land and Resource Management Plan

The FERC's List identifies the document entitled, ENF Land and Resource Management Plan (LRMP), which was developed by the USDA-FS to direct the management of the ENF (USDA-FS 1988). The goal of this plan is to provide management direction that reflects a variety of activities, allows use and protection of Forest resources, and fulfills legislative requirements while addressing local, regional, and national issues. The ENF-LRMP describes the desired future state of the ENF, provides forestwide management direction and prescriptions for individual management areas, and includes management standards and guidelines. The ENF-LRMP applies to all National Forest System lands administered by the ENF.

The ENF-LRMP recognizes water management and recreation as two important beneficial uses of the ENF. The management guidelines that apply to Project recreation facilities are described as part of Management Area 9 of the ENF-LRMP. The management emphasis for developed recreation facilities focuses on providing recreation opportunities for the public, maintaining recreation facilities, and preserving the natural forest setting surrounding these facilities. The protection of water quality is also emphasized through the implementation of BMPs. The ENF-LRMP recognizes hydropower as an important beneficial use of the ENF.

The ENF-LRMP formally recommended that the United States Congress designate three segments of the Rubicon River between Hell Hole Dam and Ralston Afterbay under the Wild and Scenic Rivers (W&SR) system (refer to Section 6.0 – Statutory and Regulatory Requirements). However, Congress has not yet acted to officially designate the river. Regardless, the ENF manages the Rubicon River, and a 0.25-mile corridor, to protect the “outstandingly remarkable values” (ORV) identified in their W&SR Eligibility Study.

The environmental measures included in the Proposed Action (Section 4.0) were designed to support management direction, prescriptions, standards, and guidelines contained in the ENF-LRMP. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;
- Sediment Management Plan;
- Historic Properties Management Plan;
- Recreation Plan;
- Transportation System Management Plan;
- Visual Resource Management Plan;
- Fire Prevention and Suppression Plan;
- Vegetation and Integrated Pest Management Plan; and
- Bald Eagle Management Plan.

In addition, the Proposed Action includes development and implementation of construction BMPs and a Water Quality Protection Plan prior to modification of existing facilities or construction of new facilities.

Implementation of the Proposed Action is consistent with the management direction, goals, and objectives included in the ENF-LRMP.

12.5.1.11 Tahoe National Forest Land and Resource Management Plan

The FERC's List cites the Tahoe National Forest- (TNF)-LRMP published by the USDA-FS in March 1990. This plan was amended in 2005 to provide direction for managing the TNF for the next 10–15 years. In general, the 2005 amended plan embraces the goals identified in the 1990 plan, particularly with respect to water resources.

As with the ENF-LRMP, the TNF-LRMP was developed by the USDA-FS to direct the management of the TNF. In general, the goals of this plan are similar to those contained in the ENF-LRMP, with the following additional water resource management direction, as described below.

The TNF-LRMP discusses a “water program” designed to address management direction for water resources and development. The purpose of the water program is described as follows:

“To afford optimum protection to the water resources compatible with other program practices, including timber, wildlife, fisheries, range, recreation, engineering, and mining. Where opportunities arise, watershed improvement measures will be implemented and water quantities and timing of flow will be improved. The water program on the TNF has primarily served as a support function for other resource

activities. The various types of support include planning, inventories, analyzing project proposals, monitoring, and administration.”

As with the ENF-LRMP, a strong emphasis is placed on implementing BMPs to protect water quality. The following summarizes the TNF’s primary objectives regarding water quality and quantity as identified in the 2005 TNF-LRMP Record of Decision (ROD):

“The Forest Plan emphasizes the protection of water quality through implementation of Best Management Practices and streamside management zone standards presented in this Forest Plan. Remedial actions will be taken during the first two decades to eliminate the backlog of historically disturbed or damaged watersheds resulting from early day mining activities at a rate of approximately 100-acres per year. Restoration of degraded riparian and streamside management zones is a high priority.”

The environmental measures included in the Proposed Action (Section 4.0) were designed to support management direction, prescriptions, standards, and guidelines contained in the TNF-LRMP. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;
- Sediment Management Plan;
- Historic Properties Management Plan;
- Recreation Plan;
- Transportation System Management Plan;
- Visual Resource Management Plan;
- Fire Prevention and Suppression Plan;
- Vegetation and Integrated Pest Management Plan; and
- Bald Eagle Management Plan.

In addition, the Proposed Action includes development and implementation of construction BMPs and a Water Quality Protection Plan prior to modification of existing facilities or construction of new facilities.

Implementation of the Proposed Action is consistent with the goals and management direction included in the TNF-LRMP.

12.5.1.12 Water Quality Control Plans and Policies Adopted as Part of the State Comprehensive Plan

The 1999 filing of water quality control plans and policies adopted as part of the State Comprehensive Plan included an additional policy (Water Quality Control Policy for Guidance on Development of Regional Toxic Hot Spot Cleanup Plans), one policy amendment (Water Quality Enforcement Policy and Guidance Amendments), and six water quality control plan amendments (two for the San Francisco Bay Regional Water Quality Control Board (RWQCB); two for the Los Angeles RWQCB; and two for the Santa Ana RWQCB). These policies, policy amendments, and plan amendments were adopted or approved by the California State Water Board and are part of the State Implementation Plan (SIP) for the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state.

The SWRCB and the RWQCBs (together “Water Boards”) have primary responsibility for the coordination and control of water quality in California. In the Porter-Cologne Water Quality Control Act (Porter-Cologne), the Legislature declared that the “state must be prepared to exercise its full power and jurisdiction to protect the quality of the waters in the state from degradation....” (Water Code § 13000). Porter-Cologne grants the Water Boards the authority to implement and enforce the water quality laws, regulations, policies, and plans to protect the groundwater and surface waters of the State.

Subsequent to the 1999 filing, there have been numerous plans and policies related to California’s water quality control plans and state policies for water quality control that have been approved or adopted by the Water Boards and several that are currently in development.

The environmental measures included in the Proposed Action (Section 4.0) were designed to protect and enhance aquatic habitat, water quality, riparian habitat, and recreation associated with the MFP. The increased environmental stewardship under the Proposed Action reduces overall annual and peak generation from the MFP, but protects current and future consumptive water supply (volume and timing) for the people of western Placer County. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;
- Sediment Management Plan; and
- Recreation Plan.

In addition, the Proposed Action includes development and implementation of construction BMPs and a Water Quality Protection Plan prior to modification of existing facilities or construction of new facilities.

Implementation of the Proposed Action is consistent with the current water quality control plans and polices approved or adopted for the state.

12.5.1.13 Fisheries USA, the Recreational Fisheries Policy of the USFWS

The National Recreational Fisheries Policy (National Policy) was adopted in 1988. The USFWS issued Fisheries USA to identify its responsibilities and role under the auspices of the National Policy (USFWS 1989). Policy elements relevant to recreational fisheries associated with the MFP include the following:

- Protect, restore, and enhance fish populations and their habitats.
- Serve as an active partner with other federal governmental agencies, states, tribes, conservation organizations, and the public in developing recreational fisheries programs.

The environmental measures included in the Proposed Action (Section 4.0) were designed to protect and enhance aquatic habitat, water quality, riparian habitat, recreation, and the natural and aesthetic character of the bypass and peaking reaches. The MFP ILP provided a venue for the USFWS to collaborate with other governmental agencies, Native American Tribes, non-government organizations, and the public during the development of recreational fisheries objectives and associated environmental measures. The measures incorporated into the Proposed Action include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;
- Sediment Management Plan; and
- Recreation Plan.

Implementation of the Proposed Action is consistent with the National Policy by protecting and enhancing fish populations and their habitats in the vicinity of the MFP, and supporting recreational fishing. The Proposed Action improves environmental and recreation resources related to recreational fishing compared to the No-Action Alternative.

12.5.2 List of Other Applicable Plans

As part of this evaluation, eleven additional planning documents that are not included on the FERC's List were determined applicable to the MFP including:

- National Park Service. 2006. The Nationwide Rivers Inventory. U.S. Department of Interior.

- Placer County. 1994. Placer County General Plan: Countywide General Plan Policy Document.
- Placer County Planning Department (PCPD). 2000. Placer Legacy: Open Space and Agricultural Conservation Program - Implementation Report.
- PCPD. 2008. Foresthill Divide Community Plan: Placer County, California.
- United States Bureau of Reclamation (USBR). 1992. Auburn State Recreation Area Interim Resource Management Plan.
- USBR. 1993. American River Water Resources Investigation: Wild and Scenic River Eligibility Study and Preliminary Classification.
- United States Department of Agriculture-Forest Service (USDA-FS). 1993. Granite Chief Wilderness Management Plan, Wilderness Implementation Schedule and Decision Notice.
- USDA-FS. 1998. Desolation Wilderness Management Guidelines – Land Management Plan Amendment.
- USDA-FS. 2004. Sierra Nevada Forest Plan Amendment, including final environmental impact statement and record of decision. Department of Agriculture, Vallejo, California. January 2004.
- United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS). 2009a. Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and California State Water Project (OCAP BiOP).
- NMFS. 2009b. Public Draft Recovery Plan for Central Valley Winter-run and Spring-run Chinook Salmon and Steelhead.

Each of these documents and their relevance to the MFP is briefly summarized in the following subsections. In addition, a determination is made on whether the Project will comply with each plan.

12.5.2.1 The Nationwide Rivers Inventory

The National Park Service has compiled and maintains a Nationwide Rivers Inventory (NRI), a register of river segments that potentially qualify as national wild, scenic or recreational river areas. The NRI is considered relevant because it identifies the Rubicon River as a candidate for W&SR status.

The NRI is a listing of more than 3,400 free-flowing river segments in the United States that are believed to possess one or more ORVs that are judged to be of more than local or regional significance. Under a 1979 Presidential directive and related Council on Environmental Quality procedures, all federal agencies must seek to avoid or mitigate

actions that would adversely affect one or more NRI segments (NPS 2006). The NRI is a source of information for statewide river assessments and federal agencies involved in stream-related projects.

In order to meet the criteria for “outstandingly remarkable”, a river value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale (NPS 2006). The eligibility criteria set minimum thresholds and are designed to foster greater consistency within federal river-administering agencies. There are nine eligibility criteria used to assess a river’s status, these include: scenery, recreation, geology, fish, wildlife, prehistory, history, cultural, and other values.

Of the three eligible segments of the Rubicon River (between Hell Hole Dam and Ralston Afterbay), none are located within the existing MFP boundary with the exception of a small segment below the Hell Hole Dam (0.48 mile) and a small section above Ralston Afterbay (0.12 mile). While not formally designated, state and federal resource agencies are required to manage the river and the area within 0.25 mile of the river to protect the ORVs that cause it to be considered eligible (Section 6.0 – Statutory and Regulatory Requirements).

The Middle Fork American River is not currently listed on the NRI; although, portions of the Middle Fork American River were determined to be eligible for National W&SR status by USBR, which is discussed below.

The environmental measures included in the Proposed Action (Section 4.0) were developed to maintain the designations identified in the NRI. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Sediment Management Plan; and
- Recreation Plan.

Implementation of the Proposed Action is consistent with designations identified in the NRI. Further, the Proposed Action enhances environmental resources in the Rubicon River including the natural and aesthetic character of the river reaches associated with the MFP, compared to the No-Action Alternative.

12.5.2.2 Placer County General Plan: Countywide General Plan Policy Document

The Placer County General Plan (Placer County 1994) is considered relevant because the MFP is primarily located in Placer County.

The Placer County General Plan includes information regarding land uses and transportation in the vicinity of the MFP. In addition, it provides management goals and policies relevant to the Watershed. In accordance with State law and case law, all zoning, subdivision approvals, and public works projects must be consistent with the General Plan.

The General Plan is designed to comply with various state regulations and policies for land use and development. As required, it addresses seven topics or “elements” including land use, circulation (transportation), housing, conservation, open space, noise, and safety. The General Plan consists of two types of documents: the Countywide General Plan and a set of more detailed community plans covering specific areas of the unincorporated county. The Foresthill Divide Community Plan, described below, is an example of a community plan, which provides detailed focus on a specific geographic region.

The Countywide General Plan provides an overall framework for development and protection of the County’s natural and cultural resources. The goals and policies are applicable throughout the County, except to the extent that County authority is pre-empted by cities within their incorporated limits. The General Plan identifies five land uses in the vicinity of the MFP including Agriculture, Resource Protection, Rural Residential, Timberland, and Urban uses. Although all five of these designations occur in the Watershed, all of the MFP facilities are located on lands designated as “Timberland.” Necessary public utility facilities are an allowed use on lands designated as “Timberland”.

The environmental measures included in the Proposed Action (Section 4.0) were designed to support the management goals and policies identified in the Placer County General Plan. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;
- Sediment Management Plan;
- Historic Properties Management Plan;
- Recreation Plan;
- Transportation System Management Plan;
- Visual Resource Management Plan;
- Fire Prevention and Suppression Plan;
- Vegetation and Integrated Pest Management Plan; and
- Bald Eagle Management Plan.

Implementation of the Proposed Action is consistent with the goals and policies identified in the Placer County General Plan. Further, the Proposed Action enhances environmental and cultural resources in the vicinity of the MFP, compared to the No-Action Alternative.

12.5.2.3 Placer Legacy Open Space and Agricultural Conservation Program – Implementation Report

The Placer Legacy Open Space and Agricultural Conservation Program is managed by Placer County. The program pertains to Placer County and is, therefore, considered relevant to the MFP. The Program is designed to protect and conserve open space and agricultural lands in Placer County in perpetuity. The Program was developed to implement the goals, policies, and programs of the 1994 General Plan including the open space and conservation elements of the General Plan. Placer Legacy's 2000 Implementation Report takes a proactive approach to conserve open space and agricultural lands without eliminating opportunities for economic growth and expansion.

For planning and management purposes, the Implementation Report subdivides Placer County into ten separate geographic regions or study areas. The MFP falls within two study areas: the "American River Canyon" and "West Slope Sierra". The Implementation Report describes each of these geographic regions. In addition, it analyzes the land management trends in each of these areas, including stressors and conflicts, and concludes with a detailed analysis of conservation opportunities for each study area.

A Placer Legacy Program Summary was published in January 2009. The following objectives, identified in the Placer Legacy Program Summary, are pertinent to the MFP:

- Maintain a viable agricultural segment of the economy;
- Conserve natural features necessary for access to a variety of outdoor recreation opportunities;
- Retain important scenic and historic areas;
- Preserve the diversity of plant and animal communities;
- Protect endangered and other special-status plant and animal species; and
- Separate urban areas into distinct communities, and ensure public safety.

The environmental measures included in the Proposed Action (Section 4.0) were developed to support objectives contained in the Placer Legacy Open Space and Agricultural Conservation Program – Implementation Report. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;
- Sediment Management Plan;
- Historic Properties Management Plan;

- Recreation Plan;
- Transportation System Management Plan;
- Visual Resource Management Plan;
- Fire Prevention and Suppression Plan;
- Vegetation and Integrated Pest Management Plan; and
- Bald Eagle Management Plan.

Implementation of the Proposed Action is consistent with the objectives included in the Placer Legacy Open Space and Agricultural Conservation Program – Implementation Report.

12.5.2.4 Foresthill Divide Community Plan – Placer County, California

The Foresthill Divide Community Plan (FHDP) is considered pertinent to the MFP because it contains management direction regarding the Watershed.

The FHDP, in combination with the Placer County General Plan, is designed to satisfy the requirements of the California Planning and Zoning Law by setting forth the goals, policies, assumptions, guidelines, standards, and implementation measures for the planning area. The FHDP was adopted in August 2003 and later updated in December 2008. The updated FHDP provides overall direction for future growth in Foresthill Divide to approximately the year 2030. The planning area comprises approximately 109 square miles including the northern portion of the Middle Fork American River Watershed in the Foresthill Divide region.

The Community Development Elements that are most relevant to the MFP include Public Facilities (e.g., Water Supply and Drainage/Water Quality) and Parks and Recreation (e.g., Auburn State Recreation Area [ASRA] and French Meadows/Hellhole Reservoir). The goals and policies described in these Elements address topics such as the availability of an adequate and safe water supply, the maintenance of high quality water in water bodies and aquifers used as sources of domestic supply, and providing recreation facilities/opportunities for the residents of the FHDP area.

The environmental measures included in the Proposed Action (Section 4.0) were developed to support the goals and policies contained in the FHDP. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plan;
- Sediment Management Plan;

- Fire Prevention and Suppression Plan;
- Recreation Plan; and
- Visual Resource Management Plan.

In addition, the Proposed Action includes development and implementation of construction BMPs and a Water Quality Protection Plan prior to modification of existing facilities or construction of new facilities.

Implementation of the Proposed Action is consistent with the goals and policies included in the FHDP. Further, the Proposed Action enhances recreation resources, protects current and future consumptive water supply, and results in only a modest decrease in annual and peak Project generation compared to the No-Action Alternative.

12.5.2.5 Auburn State Recreation Area Interim Resource Management Plan

The peaking reach bisects Auburn Project Lands, which consist of federal lands and private lands reserved for the Auburn Dam and Reservoir Project (totaling 41,000 acres) that was Congressionally–authorized in 1965. Construction of the Auburn Dam and Reservoir Project, initiated by the USBR in 1967, was halted in the 1980’s. In 2008, the State Water Board revoked the USBR’s water rights permits for the Auburn Dam, however, the Auburn Dam and Reservoir Project remains a Congressionally-authorized project.

The Auburn Project Lands include USBR fee title lands (26,000 acres), and other lands (15,000 acres) owned by Bureau of Land Management (BLM), USDA-FS, United States Army Corps of Engineers (USACE), and private land owners (USBR 1992). Land use planning and resource management on all federal lands within Auburn Project Lands has been granted to the USBR in accordance with interagency agreements (Section 7.1 – Description of the River Basin, Attachment 7.1-1). The Auburn Project Lands boundary is shown on Map 7.1-4 (Section 7.1 – Description of the River Basin).

In 1977, the USBR entered into an interim agreement with California State Parks to assume responsibility for management of public use on Auburn Project Lands. California State Parks continues management of public use on these lands at the discretion of USBR. Funding to manage public use and provide recreational opportunities and service within the Auburn Project Lands is provided in part from USBR, State of California, and user fees.

In 1978, the USBR developed a General Plan for the Auburn Project Lands, which designated that the area be managed as a reservoir-based recreation area, following construction of the Auburn Dam and reservoir. In 1979, the State of California incorporated Auburn Project Lands into the State park system as the ASRA (USBR 1992). Lands reserved for the Auburn Project Lands, as managed by California State Parks, are referred to in this License Application as ASRA.

In 1992, due to the delays in constructing Auburn Dam and Reservoir Project, the USBR developed an Interim Resource Management Plan (IRMP), which was designed to guide use of ASRA, consistent with its “interim status” as a river-based recreation area. In 2006, USBR and California State Parks began collaborating on a joint Updated General Plan and Resource Management Plan for ASRA. However, in a letter dated May 11, 2010, California State Parks notified the stakeholders involved in the planning process that the “planning process to develop a new General Plan and Interim Resource Management Plan (GP/IRMP) for ASRA and the Auburn Dam Project Lands has been suspended indefinitely at the request of the U.S. Bureau of Reclamation (Reclamation)”. California State Parks also stated in the letter that “Reclamation had indicated that it would not be prudent to proceed with the preparation of the GP/IRMP until the future management is resolved, therefore the GP/IRMP process is suspended” (DPR 2010). Therefore, public use in ASRA is currently managed in accordance with the IRMP (USBR 1992).

The ASRA IRMP includes three broad planning goals: (1) provide for health and safety of the public; (2) minimize and correct environmental damage caused by recreational use and development; and (3) allow and encourage active volunteerism for projects or programs where feasible.

The environmental measures included in the Proposed Action (Section 4.0) were developed to support planning goals contained in the ASRA IRMP. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;
- Sediment Management Plan; and
- Recreation Plan.

Implementation of the Proposed Action is consistent with the goals included in the ASRA IRMP.

12.5.2.6 American River Water Resources Investigation: Wild and Scenic River Eligibility Study and Preliminary Classification

In January 1993, USBR published a report entitled, “American River Water Resources Investigation, W&SRs Eligibility and Preliminary Classification” (USBR 1993). In this study report, the USBR identified two segments on the North Fork American River and one segment on the Middle Fork American River as eligible for inclusion in the National W&SR system. These segments are all located downstream from the segment identified above and are delineated in the USBR report as follows:

- **North Fork American River:** From Colfax-Iowa Hill Bridge to the upper end of Lake Clementine (approximately 16 miles).

- **North Fork American River:** From the North Fork Debris Dam to the intake of the Auburn Dam diversion tunnel (approximately 5 miles).
- **Middle Fork American River:** From Oxbow Dam to the confluence with the North Fork American River (approximately 23 miles).

These river segments are not located within the existing FERC Project boundary, with the exception of a small segment of the Middle Fork American River below Ralston Afterbay Dam (0.5 mile). MFP operations affect streamflow in the Middle Fork American River and a portion of the North Fork American River.

According to the USBR, a suitability study has not been conducted on any of these segments and there are no plans to conduct a suitability study at this time (R. Schroeder, pers. comm. 2010). Regardless, federal agencies, including the USBR, manage the river and the area within 0.25 mile either side of the river to preserve the values for which the river is considered eligible under the WSRA.

Continued operation and maintenance of the MFP will not result in any changes in status or management of the three segments on the North and Middle Forks of the American River identified in this study as being eligible for Wild and Scenic designation. All of these areas, with the exception of a small portion of the Middle Fork American River below the Ralston Afterbay Dam (0.5 mile), are located outside the existing MFP boundary. The Proposed Action will not conflict with the findings of this study or the provisions of the Wild and Scenic Rivers Act. All eligible river segments in the vicinity of the MFP will continue to be managed and protected until such time as suitability studies are completed. Therefore, the Proposed Action is consistent with the American River Water Resources Investigation: W&SR Eligibility Study and Preliminary Classification.

12.5.2.7 Granite Chief Wilderness Management Plan

The Granite Chief Wilderness Management Plan is considered pertinent to the MFP because the Project is situated immediately west of and just outside the Wilderness boundary. At its closest points, the Wilderness boundary is approximately 0.25 mile east of the Hell Hole Reservoir and approximately 4.5 miles east of French Meadows Reservoir.

The Granite Chief Wilderness is located west of Lake Tahoe and south of Highway 80 along the crest of the Sierra Nevada. The Wilderness includes high elevation glaciated peaks, steep river canyons, and is bordered by the Rubicon River to the south. The natural environment is predominantly unmodified, providing opportunities for visitors to enjoy isolation and solitude. The Granite Chief Wilderness is administered by the TNF, Truckee and American River Ranger Districts, in accordance with the Wilderness Act of 1964.

In 1993, the USDA-FS adopted the Granite Chief Wilderness Management Plan (GCMP) and Wilderness Implementation Schedule (USDA-FS 1993). The GCMP amended the TNF-LRMP providing specific direction for management of the Granite

Chief Wilderness. The GCMP strongly emphasizes sustaining and enhancing the natural ecosystem.

While the GCMP does not specifically address land management activities outside of the Wilderness boundary, the Forest Service wilderness management objectives generally considered activities on lands contiguous to the Wilderness boundary. The GCMP emphasizes sustaining and enhancing the natural ecosystem.

The environmental measures included in the Proposed Action (Section 4.0) were developed to support management direction, prescriptions, standards, and guidelines contained in the GCMP. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measure;
- Recreation Plan; and
- Fire Prevention and Suppression Plan.

Implementation of the Proposed Action is consistent with the goals and management direction included in the GCMP.

12.5.2.8 Sierra Nevada Forest Plan Amendment, Final Supplemental Environmental Impact Statement and Record of Decision

The Sierra Nevada Forest Plan Amendment (SNFPA), Final Supplemental Environmental Impact Statement (FSEIS) and ROD are relevant to the MFP because it updates the ENF-LRMP and TNF-LRMP cited on the FERC List. This set of documents was published in 2004 and augments the previously published 2001 SNFPA, FSEIS, and ROD. This discussion relies on both amendments, which must be used in tandem.

The 2001 SNFPA augments the Pacific Southwest Regional Guide, the Intermountain Regional Guide, and the LRMPs for National Forests in the Sierra Nevada and Modoc Plateau, including the ENF and TNF (USDA-FS 2001). The Forest Plan Amendment addresses the need to: (1) sustain the desired condition of old forest ecosystems; (2) protect and restore riparian, aquatic, and meadow ecosystems; (3) combat noxious weeds; (4) improve fire and fuels management, and (5) sustain desired conditions of lower west side hardwood ecosystems in the affected National Forests. The ROD was submitted with the FSEIS and includes rationale for decisions included in the preferred alternative. The preferred alternative applies a cautious approach for vegetation and fuels management in habitats for sensitive wildlife species, particularly those associated with old forest ecosystems, while recognizing the need to reduce the threat of fire to human communities.

The 2004 SNFPA and associated documents address in more detail three problem areas that were not adequately analyzed in the 2001 Forest Plan Amendment. These problem areas include: (1) old forest ecosystems and associated species; (2) aquatic, riparian and meadow ecosystems, and associated species; and (3) fire and fuels management. The 2004 SNFPA adopts an integrated strategy for vegetation

management designed to reduce the threat of wildfire to communities in the urban-wildland interface. It is also designed to modify fire behavior over the broader landscape. The 2004 SNFPA does not address all management activities on National Forest System land. For example, the 2004 SNFPA does not address recreation management or W&SR management. These topics are addressed in the individual forest LRMPs.

The environmental measures included in the Proposed Action (Section 4.0) were developed to support goals and guidelines contained in the 2001 and 2004 Sierra Nevada Forest Plan Amendments. The environmental measures include implementation of:

- Instream Flow and Reservoir Minimum Pool Measures;
- Aquatic Monitoring Plans;
- Sediment Management Plan;
- Historic Properties Management Plan;
- Recreation Plan;
- Transportation System Management Plan;
- Visual Resource Management Plan;
- Fire Prevention and Suppression Plan;
- Vegetation and Integrated Pest Management Plan; and
- Bald Eagle Management Plan.

Implementation of the Proposed Action is consistent with the goals and guidelines included in the 2001 and 2004 Sierra Nevada Forest Plan Amendments.

12.5.2.9 Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and California State Water Project

NMFS's OCAP BiOP, issued on June 4, 2009, reviewed proposed long-term operations of the Central Valley Project and State Water Project (referred to as CVP/SWP operations) in the Central Valley, California, and its effects on listed anadromous fishes and marine mammal species, and designated and proposed critical habitats, in accordance with Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). NMFS's opinion concluded that planned long-term CVP/SWP operations would jeopardize the continued existence of federally listed species and would also likely eliminate or adversely modify designated critical habitat for these species. Included in NMFS' OCAP BiOP is a reasonable and prudent alternative (RPA),

which they believed would remove jeopardy and allow the proposed long-term CVP/SWP operations to precede. The following discusses elements of the OCAP BiOP the relevant to the MFP.

Folsom Dam and Reservoir are located within the American River basin, downstream of the MFP, and is one of seven dam/reservoir complexes included within CVP/SWP operations. Folsom Reservoir has a water storage capacity of 966,000 acre-feet, representing about 6% of the total CVP/SWP storage capacity.

The RPA included in NMFS's OCAP BiOP describes lower American River flow and temperature management standards, improvements to an existing temperature control structure on Folsom Dam and, in the future, evaluation of potential passage at Nimbus and Folsom Dams to restore Central Valley (CV) steelhead, (*Oncorhynchus mykiss*), to native habitat within the American River basin, upstream of Folsom Reservoir.

NMFS listed the CV steelhead distinct population segment (DPS) as "threatened" under the ESA. CV steelhead presently occur in the lower American River, downstream of the USBR's Folsom and Nimbus dams, which was designated critical habitat for this DPS on September 2, 2005. The RPA in NMFS's OCAP BiOP includes the development of a Fish Passage Program to reintroduce steelhead above Shasta Dam in the Sacramento River and CV Steelhead above Folsom Dam in the American River.

During the pilot program, steelhead introduced above Folsom Reservoir would likely be designated as an experimental population under Section 10 [16 U.S.C. 1539] (a)(1)(j) of the ESA. PCWA is committed to collaborate with the NMFS regarding potential reintroductions into the American River Basin, including the Fish Passage Committee. PCWA acknowledges the potential need to reevaluate the new License Order if a viable population of CV steelhead is established in reaches of the North Fork American River or Middle Fork American River affected by MFP operations and the population is determined to be essential for the continued existence of CV steelhead.

12.5.2.10 Public Draft Recovery Plan for Central Valley Winter-run and Spring-run Chinook Salmon and Steelhead.

The Federal ESA mandates that NMFS develop and implement plans (i.e., recovery plans) for the conservation and survival of NMFS listed species. Winter-run Chinook salmon are listed as endangered under the Federal ESA (as well as the California ESA [CESA]), and spring-run Chinook salmon and steelhead are listed as threatened. Implementation of the Recovery Plan for the Sacramento River winter-run Chinook salmon Evolutionarily Significant Unit (ESU), CV spring-run Chinook salmon ESU, and CV steelhead DPS is important to the continued persistence and recovery of these populations. The Draft Recovery Plan serves as a guideline for achieving recovery goals by describing the steps that must be taken to improve the status of the species.

The Draft Recovery Plan includes a conceptual recovery scenario which among other actions includes the reintroduction of steelhead above Folsom Dam into the North, Middle, and South forks of the American River (as also identified above in the OCAP

BiOP). The OCAP BiOP states that by January 2011, USBR, with the assistance from a Steering Committee, shall complete a three-year plan for a Fish Passage Pilot Program, including the American River Basin.

The Draft Recovery Plan identifies recovery actions specific to the American River including:

- 1.9.7.1 Develop and implement a phased approach to steelhead reintroduction planning to re-colonize historic habitats above Folsom Dam.
 - Conduct feasibility studies;
 - Conduct habitat evaluations;
 - Conduct 3-5 year pilot testing program; and
 - Implement long-term fish passage program.
- 1.9.7.2 Implement physical and structural modifications to the American River Division of the CVP in order to improve water temperature management.

However, to date, most of the actions associated with this evaluation have not been implemented. Elements of the potential reintroduction are “virtually untested” and “prototype” (NMFS 2009a, pg. 666). The results of the pilot program will be used to determine the feasibility of long-term passage alternatives and evaluate whether comprehensive fish passage programs should be pursued. During the pilot program, CV steelhead introduced above Folsom Reservoir would likely be designated as an experimental population under Section 10 [16 U.S.C. 1539] (a)(1)(j) of the ESA. PCWA is committed to collaborate with the NMFS regarding potential reintroductions into the American River Basin, including the Fish Passage Committee. PCWA acknowledges the potential need to reevaluate the new License Order if a viable population of CV steelhead is established in reaches of the North Fork American River or Middle Fork American River affected by MFP operations and the population is determined to be essential for the continued existence of CV steelhead.

LITERATURE CITED

California Department of Fish and Game (CDFG). 1979. Rubicon River Wild Trout Management Plan.

_____. 2007. California Wildlife: Conservation Challenges, California’s Wildlife Action Plan.

_____. 2010. Final Fish Hatchery and Stocking Program Environmental Impact Report/Environmental Impact Statement.

California Department of Parks and Recreation (DPR). 1980. Recreation Outlook in Planning District 3. An Element of the California Outdoor Recreation Resources Plan.

- _____. 1994. California Outdoor Recreation Plan – 1993.
- _____. 1998. Public Opinions and Attitudes on Outdoor Recreation in California.
- _____. 2007. Public Opinions and Attitudes on Outdoor Recreation in California.
- _____. 2009. California Outdoor Recreation Plan – 2008.
- California Department of Water Resources (DWR). 1983. The California Water Plan: Projected Use and Available Water Supplies to 2010. Bulletin 160-83.
- _____. 1994. California Water Plan Update: Bulletin 160-93.
- _____. 1998. California Water Plan Update: Bulletin 160-98.
- _____. 2006. California Water Plan Update 2005: Bulletin 160-05.
- _____. 2010. California Water Plan Update 2009: Bulletin 160-09.
- California State Water Resources Control Board. 1995. Water Quality Control Plan Report.
- Federal Energy Regulatory Commission (FERC). 2010. List of Comprehensive Plans.
- National Park Service (NPS). 2006. The Nationwide Rivers Inventory: NPS Website Report.
- Placer County. 1994. Placer County General Plan: Countywide General Plan Policy Document.
- _____. 2000. Placer Legacy: Open Space and Agricultural Conservation Program. Placer County Planning Department.
- _____. 2008. Foresthill Divide Community Plan. Placer County Planning Department.
- _____. 2009. Placer Legacy Program Summary. Placer County Planning Department.
- Placer County Water Agency (PCWA). 2011. AQ 11 – Contingency Water Quality TSR: Methylmercury Fish Tissue Sampling (2007–2009). Available in PCWA's Application for New License – Supporting Document B.
- Regional Water Quality Control Board (RWQCB). 2004. The Sacramento River Basin and San Joaquin River Basin Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board - Central Valley Region (Fourth Edition revised September 2009).
- United States Bureau of Reclamation (USBR). 1992. Auburn State Recreation Area Interim Resource Management Plan.

_____. 1993. American River Water Resources Investigation: Wild and Scenic Rivers Eligibility Study and Preliminary Classification.

United States Fish and Wildlife Service (USFWS). 1988. Fisheries USA: The Recreational Fisheries Policy of the United States Fish and Wildlife Service. Washington, D.C.

United States Department of Agriculture Forest Service (USDA-FS). 1988. Eldorado National Forest Land and Resource Management Plan.

_____. 1990. Tahoe National Forest Land and Resource Management Plan.

_____. 1993. Granite Chief Wilderness Management Plan, Wilderness Implementation Schedule and Decision Notice.

_____. 1998. Desolation Wilderness Management Guidelines - Land Management Plan Amendment.

_____. 2001. Sierra Nevada Forest Plan Amendment, Final Environmental Impact Statement and Record of Decision.

_____. 2004. Sierra Nevada Forest Plan Amendment, Final Environmental Impact Statement and Record of Decision.

_____. 2005. Tahoe National Forest Land and Resource Management Plan as Amended.

United States Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS). 2009a. Biological Opinion and Conference Opinion on the Long-Term Operations of the Central Valley Project and California State Water Project (OCAP BiOP).

_____. 2009b. Public Draft Recovery Plan for Central Valley Winter-run and Spring-run Chinook Salmon and Steelhead.

PERSONAL COMMUNICATION

California Department of Parks and Recreation (DPR). Gold Fields District. 2010, March. Telephone and e-mail correspondence with Jim Michaels.

United States Bureau of Reclamation (USBR). Folsom Office. 2010, Feb. 10. E-mail correspondence with Rob Schroeder of the Folsom Office.