



**Via Electronic Submittal**

Hon. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

October 19, 2010

**Re: Comment on Due Process  
Middle Fork American Hydropower Project Relicensing #2079**

Dear Secretary Bose:

The Foothills Water Network is filing this letter to request that FERC address the compressed timeline for the Placer County Water Agency (PCWA) Hydropower Relicensing that requires relicensing participants to comment on the Draft License Application without the benefit of all relicensing study results and all management plans requested by FERC.

**Study Results:**

PCWA still has three outstanding relicensing studies that have not been completed. They include:

- Entrainment Study
- Bioenergetics Study
- Reservoir Fish Habitat Study

PCWA projects that these outstanding studies will be complete before the end of 2010.

As per FERC's Integrated Licensing Process, comments on PCWA's Draft License Application (DLA) are due December 27, 2010. Given the current timelines, it seems that the release of the study results will not be in time to inform our Comments on the PCWA's DLA nor the seven negotiation meetings scheduled between the release of PCWA's DLA and December 27, 2010.

These study results will provide key information that will enable us to formulate specific license conditions for the Middle Fork American Hydropower Project. By way of example: (i) the Entrainment Study results will provide information that will assist us in determining whether it is necessary to negotiate conditions related to modifications to intake valves and diversions to avoid entrainment of fish; and (ii) the Bioenergetics Study will provide information regarding the nature and extent of trout food resources, which in turn will provide a predicate for license conditions related to protection and mitigation of the fisheries in all river reaches affected by the project.

Without these study results, the Foothills Water Network cannot provide complete comments on PCWA's DLA on December 27, 2010.

Management Plans:

At FERC's request, PCWA has included many management plans in its Draft License Application. Since the Commission has required the licensee to develop these plans for inclusion in the license, we should have the opportunity to comment on them, with a reasonable amount of time for review. It is understandable that in this compressed timeline, PCWA could not complete three plans and so did not include them in the Draft License Application. The licensee should have a reasonable amount of time to draft the plans and relicensing participants have a reasonable amount of time to comment on them in Draft and Final forms. Three plans are still outstanding:

- Visual Management Plan
- Geomorphology Management Plan
- Riparian Monitoring Plan

PCWA is planning on including these management plans in its Final License Application. Without these management plans, the Foothills Water Network cannot provide complete comments on PCWA's DLA on December 27, 2010.

Perhaps the most obvious answer is for FERC to grant an extension of deadline for comments on the PCWA DLA. We ask the Commission propose a solution that addresses the issue of the compressed timeline and the unavailability of study results and management plans to inform our comments on the Draft License Application related to license conditions.

We ask the Commission to please address its response to the signatories of this letter, members of the Foothills Water Network. If you have any questions or comments on this letter, please contact Julie Leimbach at [julie@foothillswaternetwork.org](mailto:julie@foothillswaternetwork.org) or 530-622-8497.

Sincerely,

Julie Leimbach  
Coordinator, Foothills Water Network

Foothills Water Network Middle Fork American Work Group Members:

Bill Carnazzo, Northern California Federation of Flyfishers, Spring Creek Guide Service  
and Upper American River Foundation

Chris Shutes, California Sportfishing Protection Alliance

Gary Estes, Protect American River Canyons

Hilde Schweitzer, Private Boater

Nate Rangel, California Outdoors

Tom Bartos, Foothill Angler Coalition