

Memo of Teleconference

To: Public Files
From: Carolyn Templeton
Date: January 17, 2013
Docket: P-2079-069
Project: Middle Fork American River Hydroelectric Project
Subject: Telephone conference among Federal Energy Regulatory Commission (Commission), The Louis Berger Group (LBG) (Commission contractor), U.S. Department of Agriculture - Forest Service (Forest Service), Placer County Water Agency (PCWA), and Cardno ENTRIX (PCWA contractor) representatives.

On January 9, 2013, at 1:00 p.m. (EST), a conference call was convened to clarify some of the provisions of the U.S. Department of Agriculture - Forest Service's (Forest Service) final section 4(e) conditions filed with the Federal Energy Regulatory Commission (Commission) on December 3, 2012. The final conditions were developed after extensive consultation with PCWA and other stakeholders. Attendees included: Commission – Carolyn Templeton; LBG – Douglas Hjorth, Carol Efird, Ken Hodge; PCWA – Ben Ransom; Cardno ENTRIX– Craig Addley, Sandra Perry Katie Ross-Smith; and Forest Service – Beth Paulson, Dan Teater, Amy Lind. The agenda for the meeting (attachment 1) was provided by Carolyn Templeton in advance of the meeting.

Final Condition No. 23 – Pulse Flows

The clarification sought by Commission staff pertains to the specified pulse flows from French Meadows and Hell Hole dams. PCWA clarified the statement in the condition: “Once initiated, average daily flows (average of 15-minute flow data) must, at all times, be compliant with the required pulse flow or target pulse flow.” The intent of this statement regarding target pulse flow is to have daily flows averaged over a 24-hour period at the target flow ± 10 percent. The average daily flow would be computed from 15-minute interval flow data. The Forest Service stated that the primary reason it wanted the change in the pulse flow requirement from a set minimum flow standard to a daily average target flow with a 10 percent boundary above and below this target was that with a set minimum flow standard, PCWA could release substantially more flow than the minimum standard and then rapidly scale back flows to the specified minimum pulse flow and still be in compliance with the condition. This could result in stranding of aquatic biota. Setting upper and lower bounds around a daily average target flow would better ensure that such rapid decreases in flow would not occur on a regular basis. Commission staff stated that with a daily average target flow compliance criteria, it would be possible for instantaneous flows to range from nearly no flow to very high flows as long as the daily average values fell within the designated margins around the target flow. The Forest Service and PCWA clarified that the minimum pulse flows

would be the minimum flows specified in final condition no. 22. In response to questions from Commission staff, PCWA stated that the revised requirement could conceivably allow PCWA to vary the flows within a day, but that is not the intent and would not likely happen because there is no easy mechanism to vary flows at the French Meadows Dam low level outlet and no incentive because the required daily volume of water would be the same whether flows are released steadily or variable within a day. Flow would typically be set once a day to keep the average daily flow at the target level. In addition, the pulse flow condition requires that the pulse flows from the Middle Fork American River must pass through Middle Fork Interbay so there is no mechanism to use the water for power generation. Commission staff indicated that the data reported to the agencies and the Commission from the recommended Streamflow and Reservoir Elevation Gaging Plan would enable confirmation that flow fluctuations within a day are not excessive.

PCWA clarified the pulse flow requirement for the Middle Fork American River downstream of Middle Fork interbay dam. The following phrase is used throughout this section of the final condition: “allow Middle Fork American River inflows to bypass Middle Fork Interbay...” The intent of this phrase is that all flows from the Middle Fork American River that enter Middle Fork interbay would be passed downstream of Middle Fork interbay dam to the bypassed reach. It is not intended to include flows to the Middle Fork American River that pass through the Middle Fork powerhouse. All inflows from the Middle Fork powerhouse to Middle Fork interbay would be passed through the Middle Fork-Ralston tunnel to the Ralston powerhouse. PCWA stated that the modified pulse flow requirements would have very little effect on the flows through Middle Fork powerhouse. The existing gage upstream of the Middle Fork interbay dam would be used to gage inflows and the proposed gage downstream of the dam would be used to gage downstream flows for compliance purposes with the bypass requirement. PCWA further stated that although a minor decrease in generation may occur with the pulse flows specified in the final condition, the changes would not substantively affect the overall project generation specified by PCWA for Alternative 1.

Commission staff asked how the proposed revisions in pulse flow requirements would affect environmental resources in the bypassed reach downstream of Middle Fork interbay dam, in particular the hydrograph and habitat for the foothill yellow-legged frog. The Forest Service stated that the frog habitat was always the main concern in this reach and it was agreed that the revised pulse flows would “better protect” the frog habitat than current operations. PCWA stated that the overall hydrograph in the bypassed reach would be similar to that which would occur under Alternative 1.

Final Condition No. 24 – Ramping Rates

It was agreed that the clarifications about the pulse flow releases downstream of French Meadows and Hell Hole dams apply to similar questions about ramping rates.

Final Condition No. 28 – Monitoring Program

It was agreed that there are references in the final 4(e) conditions that are out of date because they refer to preliminary 4(e) conditions that have been superseded. It was suggested

that the Forest Service file a letter with the Commission to correct these errors. Commission staff said the Commission would not necessarily need a corrected version of the entire 4(e) package, but the Forest Service could file an errata or correction letter that would be sufficient to address the outdated cross-references. Ultimately, it is up to the Forest Service on how it plans to resolve these discrepancies.

Final Condition No. 34 – Recreation Plan

It was noted that there are three versions of a Recreation Plan for the project that have been filed with the Commission. PCWA has clearly stated in the past that the proposed project is defined in the final license application, including environmental measures. Therefore, the Recreation Plan filed with the license application remains as part of the proposed project unless PCWA changes their position in a new filing. The second Recreation Plan was filed with the preliminary Forest Service conditions and is included in Alternative 1. The third Recreation Plan was filed with the Forest Service final conditions. PCWA indicated that the latest revision of the Recreation Plan might now be considered to be PCWA's proposed measure and the reasons for its previous insistence that the measures in the final application represented its proposed project may no longer be a factor, but that would need to be confirmed by PCWA internally. Commission staff stated that the Commission would appreciate PCWA filing a statement that indicates which versions of the various monitoring and management plans and other environmental measures PCWA includes in its proposed project as soon as possible. The Commission intends to continue moving forward with the relicensing process and a prompt filing would keep the process on schedule. PCWA agreed to pursue this as soon as possible.

Discussion then turned to the provisions for public access downstream of Middle Fork interbay dam. The Recreation Plan filed with the Forest Service final conditions removes the requirement to construct a trail that would provide public access to the bypassed reach downstream of Middle Fork interbay dam and includes a requirement to construct a catwalk that the public can use to access National Forest System lands upstream of the Middle Fork powerhouse. The trail to the bypassed reach was removed from the plan because an engineering analysis determined it is not feasible to construct a suitable public access trail at this location (e.g., steep slope with unconsolidated material). Although the catwalk provides access to different locations than a trail downstream of the dam, the catwalk would fulfill the same objective of providing public access in the vicinity of Middle Fork interbay. PCWA stated that the cost of the catwalk would be comparable to the cost of the proposed trail to the bypassed reach.

Final Condition No. 37 – Recreation Work Station and Storage Facility

Commission staff stated that it was unclear as to whether or not the recreation work station and storage facility specified in the final conditions would be available for public rental by recreationists. Although the agency comments filed October 2, 2012, indicate the Forest Service would not consider this type of use for the facility, the final condition did not change the scope of facility use in either the 4(e) condition or the rationale document. The Forest Service clarified that the scope of facility use would not include public vacation rentals.

Commission staff suggested that the Forest Service file a clarification letter with the Commission that revises the rationale document to clarify the scope of the facility required by the final condition.

Final Condition No. 38 – Reservoir Minimum Pool Elevations and Reservoir Levels Recreation Objectives

It was noted that this condition includes a reference to the original Recreation Plan version filed with the license application. Similar to the discussion of the monitoring plans specified in final condition 28, if the condition is intended to be tied to the latest version of the Recreation Plan, the Forest Service would need to clarify this in a filing with the Commission so there is a basis for including this revision in the record.

Final Condition No. 40 – Recreation Streamflows in the Middle Fork American River below Oxbow Powerhouse

Preliminary Forest Service condition no. 39 included a provision for releasing flows for class IV whitewater boating on Sundays of extreme critical water years except for one Sunday in July. This is consistent with the Bureau of Land Management (BLM) preliminary 10(a) recommendation. On December 3, 2012, BLM confirmed that its preliminary 10(a) recommendations should now be considered final. The Forest Service final condition no. 40 does not include a provision for releasing flows for class IV boating on Sundays of extreme critical water years. Commission staff wanted confirmation that this change was intended. The Forest Service confirmed that this was the case. Commission staff then stated that there was a conflict between the Forest Service final condition and the BLM final 10(a) recommendation. This difference would need to be addressed in the final EIS unless it was resolved prior to final EIS issuance. The Forest Service and PCWA agreed to consult with BLM to attempt to resolve this issue as soon as possible and to provide an update to the Commission on this matter.

The call concluded at 2:23 p.m.

Attachment 1

**CLARIFICATIONS AND CORRECTIONS REQUESTED REGARDING CHANGES
FROM THE FOREST SERVICE PRELIMINARY 4(e) CONDITIONS, ALSO
INCLUDED IN ALTERNATIVE 1, AND THE FINAL 4(e) CONDITIONS FILED ON
DECEMBER 3, 2012**

Final Condition No. 23 – Pulse Flows

1. Please provide more clarification for the statement on page 22 of your final conditions relative to the new pulse flow release requirements at French Meadows and Hell Hole dams: “Once initiated, average daily flow (average of 15-minute flow data) must at all times be compliant with the required pulse flow or target pulse flow.” Does this mean that if the target is 150 cubic feet per second (cfs) \pm 10 percent, the flow at all times must be at the target \pm 10 percent, or does it mean that the daily flow averaged over a 24-hour period must be at the target \pm 10 percent?

Middle Fork American River below French Meadows Dam (pages 23-25 of final conditions)

1. Why did the requirement change from a set minimum pulse flow to a target mean daily flow of x cfs \pm 10 percent after year 2? The proposed permanent gage downstream of interbay dam would be installed by year 2, which presumably would allow for more detailed real time flow data to be prepared, but we would like to know the rationale for why this changed from the set compliance values, which would be readily enforceable, to vague compliance values. No updated rationale document accompanied the final conditions. Would the change allow PCWA to vary flows from 0 cfs to a maximum value over the course of a day as long as the target mean daily flow \pm 10 percent is met?
2. Could this operating regime result in more extreme peaking operations through the Middle Fork powerhouse by varying daily releases from French Meadows dam to enable mean daily flow criteria to be met?

Middle Fork American River below Middle Fork Interbay Dam (page 25 of final conditions)

1. Please provide the rationale as to why the requirement at the Middle Fork Interbay Dam was changed from a set minimum flow to what appears to be all of the available inflow (\pm 10 percent of average daily flow). Does this mean that the Ralston powerhouse would essentially be shut down during the 10 to 17 day pulse flow period? Have the cost ramifications in terms of lost generation been quantified by PCWA?
2. Provide clarification of the term “bypass” in the context of this requirement. Does this mean that all flows would bypass the interbay dam and enter the bypassed reach below the dam? As written, the Middle Fork interbay development would be bypassed, which is not possible.
3. What are the environmental benefits of these revisions to the reach downstream of the Middle Fork interbay dam compared to the benefits of the preliminary 4(e) conditions

(Alternative 1)? How would the hydrograph in the bypassed reach change from what is specified in the preliminary conditions?

4. Would flow data through the Middle Fork powerhouse be reported at 15 minute intervals and synched with the 15 minute intervals of the new gage on the Middle Fork upstream of the interbay? To determine compliance, FERC would need records from both sources of inflow and the math would need to be done for each 24 hour period to determine compliance, which seems extremely awkward compared to having set compliance values.

Final Condition No. 24- Ramping Rates

1. Downramping of spills at French Meadows dam beginning after year 2 would be based on a target mean daily flow rate \pm 10 percent. Please clarify how compliance with these criteria would be determined (page 32 of final conditions).
2. Please clarify the intent of the new downramping provision below Middle Fork interbay dam: “During the down ramp of French Meadows Reservoir spill flows, allow Middle Fork American River inflows to bypass Middle Fork Interbay (\pm 10 percent average daily flow).” We assume this means all inflows to the interbay would be released from interbay dam to the bypassed reach. Please confirm.
3. Please confirm that Ralston powerhouse would receive no flow during the 7 days associated with each downramp of spills from French Meadows dam (page 32 of final conditions). If so, have the cost ramifications of lost generation been quantified by PCWA?
4. What are the environmental benefits of this new measure compared to the preliminary 4(e) condition and Alternative 1?

Final Condition No. 28- Monitoring Program

1. Provisions for monitoring sensitive plants are referred to the Vegetation and Integrated Pest Management Plan (VIPMP) (see condition no. 46). However, condition no. 46 does not require the VIPMP; it is now condition no. 47.
2. Provisions for monitoring cultural resources are referred to the Historic Properties Management Plan (see condition no. 31). However, condition no. 31 does not require the Historic Properties Management Plan; it is now condition no. 42.

Final Condition No. 34 – Recreation Plan

1. The Recreation Plan referenced in this condition states that related information for implementing this plan is contained in several plans and measures for which there are multiple versions in the project record; several which have been superseded by subsequent plans. For example, the Recreation Plan references the Transportation System Management Plan filed with the license application however, PCWA filed another version of this plan with its

Alternative 1 filing on November 30, 2011, and another version of this plan was filed with the final 4(e) conditions. In such instances, the Commission could be placed in a position of enforcing the provisions of both plans, and if there is conflicting information in each, this would present compliance issues. Please clarify which versions of all plans are the correct versions that should be referenced in the Recreation Plan.

2. The Recreation Plan filed with the preliminary conditions and included in Alternative 1 includes provisions for a trail for recreational visitors to access the bypassed reach downstream of Middle Fork interbay dam. The Recreation Plan filed with the final 4(e) conditions no longer specifies constructing a trail downstream of Middle Fork interbay dam and it now includes constructing a trail upstream of the Middle Fork powerhouse. Because your rationale statement remains unchanged, there is no explanation of why the downstream trail was eliminated or why the new trail is included. Additionally, there is no description of the new trail in terms of length and the recreational points of interest or use that the trail would provide to the public. It is also unclear if there would be an additional cost to PCWA associated with constructing this new trail that we would need to balance against the benefits of the new trail. So that we can assess the benefits of trails in the vicinity of the Middle Fork interbay development, please provide the following: (1) the rationale for the new trail; (2) a description of the new trail in terms of length, surfacing, types of trail use that would be allowed (e.g., pedestrian, bicycle, equestrian, motorized vehicles), and point(s) of interest to which the trail would provide access; (3) the rationale for eliminating the trail specified in the preliminary 4(e)/Alternative 1 Recreation Plan; (4) whether the trail specified in the Alternative 1 Recreation Plan would still be constructed to access the proposed new streamflow gage downstream of interbay dam and, if so, whether it would be available to the public for recreational access to the river; and (5) the additional cost associated with constructing the newly specified recreation trail (assuming the previously provided cost to construct the trail to the new gage would still be incurred).

Final Condition No. 37 – Recreation Work Station and Storage Facility

1. In agency comments on the draft EIS files on October 2, 2012, there is a statement that the Forest Service has removed the reference to having a portion of the facility available for public rental by recreationists and has limited the facility to storage and workspace for operation and maintenance of the recreation facilities. The potential for this facility to be used for public rental was included in the rationale document for the preliminary conditions. In its transmittal letter of the final conditions, the Forest Service states that the final conditions have not changed substantially from the preliminary conditions and therefore, it does not plan to resubmit a rationale document. Consequently, we have no basis to assume the specified facility would not be used for recreational visitor rental. Is our assumption correct?

Final Condition No. 38- Reservoir Minimum Pool Elevations and Reservoir Levels Recreation Objectives

1. On page 45 of the final conditions, the reference document for providing information to the public via the internet or other appropriate technologies "...as specified in the Recreation Plan (PCWA, 2011a)." There are now three PCWA Recreation Plans that have been filed with the Commission; one in the license application, one with the preliminary conditions, and one with the final conditions. All have differences. It is unclear which Recreation Plan is intended by this citation and this should be clarified.

Final Condition No. 40 – Recreation Streamflows in the Middle Fork American River below Oxbow Powerhouse

1. Preliminary condition no. 39 (page 45) includes a table of weekend class IV run recreation flow releases that would provide releases of 1,000 cfs under extreme critical water year types on Sundays except one Sunday in July. This measure is consistent with BLM's and Reclamation's preliminary 10(a) recommendation which Interior confirmed in a letter filed on December 3, 2012, are now considered final. However, final condition no. 40 includes no provisions for releasing any class IV boating flows on Sundays during extreme critical water years. No rationale is provided as to why these whitewater boating opportunities are no longer included in the final condition. Please provide this rationale.

Document Content(s)

Middle Fork American River Teleconference Memo 01092013.DOC.....1-9