



PLACER COUNTY WATER AGENCY
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Ed Tiedemann, General Counsel 800.464.0030

WWW.PCWA.NET

September 2, 2011
File No. 01030A (P-2079-069)

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

Re: Placer County Water Agency's Submittal of a Response to the California Department of Fish and Game Section 10(j) and 10(a) Recommended Conditions for the Middle Fork American River Project (FERC Project No. 2079-069)

Dear Secretary Bose:

Enclosed for filing in the above-referenced docket is Placer County Water Agency's (PCWA) response to the California Department of Fish and Game (CDFG) submittal of Section 10(j) and 10(a) Recommended Conditions with respect to the Middle Fork American River Project, FERC Project No. 2079, as transmitted today to the CDFG and parties included on the FERC Service List. This filing includes:

- One original and seven paper copies of PCWA's response letter.

If you have any questions regarding this filing, please contact me at (530) 823-4889 or by e-mail at afecko@pcwa.net.

Sincerely,
PLACER COUNTY WATER AGENCY

Andrew Fecko
Resource Planning Administrator
P.O. Box 6570
144 Ferguson Road
Auburn, CA 95604



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September 2, 2011
File No. 01030A (P-2079-069)

Kent A. Smith, Regional Manager
State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
North Central Region
1701 Nimbus Rd., Ste. A
Rancho Cordova, CA 95670

Subject: Placer County Water Agency's Response to Section 10(j) and 10(a) Recommended Conditions Submitted by the California Department of Fish and Game for the Middle Fork American River Project (FERC Project No. 2079-069)

Dear Mr. Smith:

Placer County Water Agency (PCWA) is the existing Licensee and applicant for a subsequent license for the Middle Fork American River Project (Federal Energy Regulatory Commission (FERC) Project No. 2079) (MFP or Project). Pursuant to 18 C.F.R. § 5.23, PCWA hereby submits reply comments to Federal Power Act (FPA) § 10(j) and 10(a) Recommended Conditions submitted by the California Department of Fish and Game (CDFG) to FERC in a letter dated August 4, 2011 (CDFG Letter) for the MFP.

PCWA filed its Draft License Application for the MFP on September 28, 2010 and its Final License Application on February 23, 2011. FERC issued its Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions on June 7, 2011. Pursuant to the FPA § 10(j), § 10(a), and 18 C.F.R. § 4.34(b)(2), the CDFG filed its Recommended Conditions for Fish and Wildlife Protection, Mitigation, and Enhancement with FERC on August 5, 2011 for the MFP.

As provided in its August 2011 letter, CDFG's Section 10(j) and 10(a) Recommended Conditions:

“State and federal agencies participating in their ILP [Integrated Licensing Process] have coordinated to provide a common set of preliminary terms, conditions, and recommendations at this time. The proposed terms, conditions, and recommendations are supported by a preliminary rationale document prepared jointly by the Department and other state and federal agencies, including U.S. Forest Service, U.S. Bureau of Land Management, National Park Service, California State Parks and Recreation, along with guidance shared by the State Water Resources Control Board.”

As such, the CDFG’s Section 10(j) and 10(a) Recommended Conditions are identical to those provided by the United States Department of Agriculture-Forest Service (USDA-FS or U.S. Forest Service) Preliminary Section 4(e) Terms and Conditions filed with FERC on August 5, 2011.

PCWA incorporates by reference and directs CDFG to PCWA’s submittal of alternative conditions for USDA-FS preliminary Section 4(e) conditions which it filed with FERC on September 2, 2011, as applicable comments on the CDFG Section 10(j) and 10(a) Recommended Conditions. These comments were distributed to applicable “license parties”, including CDFG. PCWA requests that the CDFG revise its Section 10(j) and 10(a) Recommended Conditions to be consistent with PCWA’s alternative conditions submitted to the USDA-FS.

Specifically, PCWA provides comments for 16 of the recommended conditions submitted by the USDA-FS and CDFG for the MFP, including:

- Condition No. 15 – Pesticide-Use Restrictions on National Forest System Lands
- Condition No. 19 – Use of National Forest System Roads for Project Access
- Condition No. 22 – Minimum Streamflows
- Condition No. 23 – Pulse Flows
- Condition No. 24 – Ramping Rates
- Condition No. 25 – Outages
- Condition No. 26 – Spawning Habitat Improvement Plan for the Middle Fork American River Below Ralston Afterbay Dam
- Condition No. 37 – Reservoir Minimum Pool Elevations and Reservoir Levels Recreation Objectives
- Condition No. 39 – Recreation Streamflows in the Middle Fork American River Below Oxbow Powerhouse
- Condition No. 45 – Erosion and Sediment Control and Management
- Condition No. 28 – Monitoring Program
- Condition No. 31 – Streamflow and Reservoir Elevation Gaging Plan

- Condition No. 41 – Historic Properties Management Plan
- Condition No. 43 – Transportation System Management Plan
- Condition No. 44 – Fire Prevention and Suppression Plan
- Condition No. 46 – Vegetation and Integrated Pest Management Plan

PCWA has consulted with State and Federal resource agencies, including CDFG staff, and a broad array of stakeholders since 2005. This collaboration has resulted in substantial consensus on license terms for PCWA's MFP. PCWA looks forward to working with CDFG on the resolution of Section 10(j) and 10(a) recommended conditions for the MFP. If you have any questions regarding this letter, please contact me at (530) 823-4889 or by e-mail at afecko@pcwa.net.

Sincerely,

PLACER COUNTY WATER AGENCY



Andrew Fecko
Resource Planning Administrator
P.O. Box 6570
144 Ferguson Road
Auburn, CA 95604

ENCLOSURES

Attachment A: Distribution List

Attachment B: Certificate of Service

Attachment A
Distribution List

FERC Service List**American Whitewater**

Dave Steindorf
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Pacific Gas and Electric Company

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Superv. Program Mgr
1108 Murphys Grade Rd.
Angels Camp, CA 95222

Pacific Gas and Electric Company

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San Francisco, CA 94120-7442

Placer County Water Agency

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Placer County Water Agency

Board of Directors
Chairman
P.O. Box 6570
Auburn, CA 95604-6570

FERC Service List (continued)**Placer County Water Agency**

Jay L'Estrange
Director, Power Gen Services
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Foothills Water Network

Julie Leimbach
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Physical Address

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CA Sport Fishing Protection Alliance

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FERC Projects Director
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Berkeley, CA 94703

Upper American River Foundation

John Donovan
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Sackheim Consulting

Kelly Sackheim, Principal
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Downey Brand LLP

David Aladjem
El Dorado Water & Power Authority
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Sacramento, CA 95814

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USFWS

Field Supervisor
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Sacramento, CA 95825

Foothills Angler Coalition

Thomas Bartos, President
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Granite Bay, CA 95746

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Berkeley, CA 94710

Bureau of Reclamation

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San Francisco, CA 94105

Bureau of Land Management

James Michael Eicher
Associate Field Manager
5152 Hillside Circle
El Dorado Hills, CA 95762

Other Interveners**Upper American River Foundation**

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Carmichael, CA 95608

Private Boater

Hilde Schweitzer
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Physical Address

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Richard Wantuck
National Oceanic and Atmospheric Administration
NMFS –Santa Rosa Area Office
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Santa Rosa, CA 95404-4731

Granite Bay Flycasters

Federation of Flyfishers
Spring Creek Guide Service
Bill Carnazzo, Vice President
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US Department of Commerce

Kathryn Kempton, Office of General Counsel
National Oceanic and Atmospheric Administration
NMFS –SW Regional Office
501 W. Ocean Blvd., Suite 4470
Long Beach, CA 90802

Attachment B
Certificate of Service

CERTIFICATE OF SERVICE

Pursuant to the provisions of 18 C.F.R. § 385.2010, I hereby certify that I have this day served the foregoing document to the Federal Energy Regulatory Commission, upon each person designated on the official service list compiled by the Secretary, and interveners in the relicensing proceedings for Project No. 2079, as set forth in the attached distribution list, by courier service.

Dated at Auburn, CA this 2nd day of September 2011.



Andrew Fecko
Placer County Water Agency
Resource Planning Administrator