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May 23, 2008
File No. 01030A
Electronically Filed

The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Re: Request to Expedite Study Plan Determination Process
Middle Fork American River Project (FERC Project No. 2079)

Dear Secretary Bose:

The Placer County Water Agency (PCWA) is requesting the Federal Energy Regulatory Commission (FERC or Commission) to expedite the Study Plan Determination Process for the Middle Fork American River Project (MFP or Project), FERC Project No. 2079. This request would require the FERC to waive the requirements specified in 18 CFR § 5.11 (Potential Applicant's Proposed Study Plan and Study Plan Meetings) and 18 CFR § 5.12 (Comments on Proposed Study Plan). This request is based on the fact that PCWA and the MFP stakeholders have already completed these phases of the relicensing process. Expediting the approval process would: (1) provide certainty in the scope of work for studies currently being implemented in 2008 by PCWA based on early stakeholder consensus, and (2) allow the relicensing participants to focus their efforts on completing the technical studies early in the process to provide sufficient time for PCWA and the stakeholders to fully evaluate Project effects and collaboratively develop new license conditions.

PCWA believes that the intent of the aforementioned regulations has already been met during early collaboration efforts completed as part of the MFP relicensing process. Specifically, PCWA and MFP stakeholders successfully collaborated on the development of 28 individual Technical Study Plans (TSPs) early in the relicensing process. The 28 stakeholder-approved TSPs were included in the Pre-Application Document (PAD, which was filed with FERC on December 13, 2007 and distributed to the stakeholders for review and comment. The stakeholders were provided a 120-day period to review and comment on the PAD (including the TSPs), ending on April 11, 2008. PCWA received seven comments from the stakeholders and a Request for Additional Information (RAI) from the FERC.

Resolution of Technical Study Plan Comments

The comments received on the PAD and TSPs resulted in only minor revisions to Supporting Document (SD) H - Proposed Technical Study Plans (introductory text only) and the AQ 1 - Instream Flow TSP. (see letter from PCWA to FERC electronically filed May 23, 2008). Comments on the TSPs were discussed and resolved at the 2007 Study Implementation Progress Report Meeting held on February 4, 2008 and at the MFP Plenary meeting held on May 5, 2008. Proposed revisions to SD H and the AQ 1 - Instream Flow TSP were provided to the MFP Plenary on April 30, 2008 for review and comment. The Plenary approved these revisions on May 5, 2008. PCWA filed the revised SD H - Proposed Technical Study Plans (introductory text only) and the AQ 1 - Instream Flow TSP with FERC on May 23, 2008 (see letter from PCWA to FERC electronically filed May 23, 2008).


Consultation Regarding Request to Expedite the Study Plan Determination Process

Prior to filing this request to expedite the Study Plan Determination Process, PCWA notified the MFP Plenary of the proposed request by email on April 30, 2008 for review and comment. The proposed request was discussed and approved by the Plenary at the May 5, 2008 meeting. As directed by the Plenary, PCWA sent an email on May 13, 2008 to Plenary members not present at the May 5, 2008 meetings to inform them of the request. A seven-day comment period was provided to the Plenary, which ended on May 20, 2008. No comments were received, therefore, the decision by the Plenary to approve the FERC request is deemed final.

PCWA believes this request to expedite the Study Plan Determination Process, if approved by FERC, would shorten the study plan process by approximately four months. This approach would allow relicensing participants to focus on completing the technical studies earlier in the process and provide additional time for PCWA and the stakeholders to fully evaluate Project effects and collaboratively develop new license conditions. Attachment A provides a revised Relicensing Process Schedule for the MFP assuming FERC approval of this request. If approved by FERC, this revised schedule would replace Table SD A-1 Proposed Relicensing Process Schedule filed in Supporting Document A - Relicensing Process Plan of the PAD.

If you have any questions, please feel free to call me at (530) 823-4889.

Sincerely,
PLACER COUNTY WATER AGENCY

A handwritten signature in black ink that reads "Mal Toy". The signature is written in a cursive style with a long horizontal stroke above the "y".

Mal Toy
Director of Resource Development

MT:bb

Attachments:

- Attachment A: Revised Table SD A-1 Relicensing Process Schedule for the MFP
- Attachment B: Distribution List

ATTACHMENT A

Revised Table SD A-1 Relicensing Process Schedule for the MFP

Table SD A-1. Revised Proposed Relicensing Process Schedule for the Middle Fork American River Project (FERC Project No. 2079).
(Relicensing activities that are shown in bold represent key milestone activities in the relicensing process.)

FERC 18 CFR §	Relicensing Activity	Responsible Party	Activity Time Frame	Deadline
Initiation of Relicensing Process				
5.5	Filing of Notification of Intent (NOI)	PCWA	Five to five and one half years prior to existing license expiration. Filed concurrent with Pre-application Document.	12/13/2007
5.5(e)	Request to be Non-Federal representative under Section 7 of the Endangered Species Act (ESA)	PCWA	Provide simultaneously with filing of NOI.	12/13/2007
5.5(e)	Request to initiate consultation under Section 106 of the National Historic Preservation Act (NHPA)	PCWA	Provide simultaneously with filing of NOI.	12/13/2007
5.6	Filing of Pre-application Document (PAD)	PCWA	Five to five and one half years prior to existing license expiration. Filed concurrent with NOI.	12/13/2007
FERC Scoping				
5.7	Initial Tribal Consultation Meeting	FERC	Within 30 days following filing of NOI/PAD .	1/14/2008
5.8	Notice of Commencement of Proceeding and Scoping Document	FERC	Within 60 days of filing NOI/PAD	2/11/2008
5.8(a)(b)	Issue notice of NOI/PAD and request for comments	FERC	Concurrent with notice of commencement of proceeding.	2/11/2008
5.8(b)	Decision regarding licensee request to initiate informal consultation under Section 7 of the ESA, or Section 106 of the NHPA	FERC	Concurrent with notice of commencement of proceeding.	2/11/2008
5.8(c)	Issue Scoping Document 1 (SD1)	FERC	Concurrent with notice of commencement of proceeding.	2/11/2008
5.8(b)(3)(viii)	Conduct public scoping meeting and site visit	FERC	Within 30 days of the notice of commencement of proceeding.	3/4-5/2008
5.9 (a)	File comments on PAD and SD1, and provide study requests	Participants	Within 60 days following the Commission's notice of commencement of proceeding.	4/11/2008
5.10	Issue Scoping Document 2 (if necessary)	FERC	Within 45 days following the deadline for filing of comments on SD1.	5/27/2008

Table SD A-1. Revised Proposed Relicensing Process Schedule for the Middle Fork American River Project (FERC Project No. 2079) (continued). (Relicensing activities that are shown in bold represent key milestone activities in the relicensing process.)

FERC 18 CFR §	Relicensing Activity	Responsible Party	Activity Time Frame	Deadline
Study Plan Development				
5.11 5.12	Proposed Study Plan and Study Requests - <i>Technical Study Plans were included in the PAD and Study Requests were addressed in consultation with stakeholders from February through May 2008.</i>			
5.13	Revised Study Plan and Study Plan Determination			
5.13(a)	Issue Revised Study Plan	PCWA	Within 30 days following the deadline for filing comments on the Proposed Study Plan.	5/23/2008
5.13(b)	File comments on Revised Study Plan	Participants	Within 15-days following filing of the Revised Study Plan.	6/9/2008
5.13(c)	Issue Study Plan Determination	FERC	Within 30 days following filing of the Revised Study Plan.	6/23/2008
5.13(d) 5.14(a)	File notice of study dispute	Mandatory conditioning agencies	Within 20 days of the Study Plan Determination.	7/14/2008
5.13(d)	Study Plan approved, if no notice of study dispute is filed	FERC	Within 20 days of Study Plan Determination	7/14/2008
5.14	Formal Study Dispute Resolution Process			
5.14(d)	Convene Dispute Resolution Panel, if notice of Study Plan dispute is filed	FERC	Within 20 days of the notice of study dispute.	8/4/2008
5.14(i)	File with Commission and serve upon panel members comments and information regarding dispute	PCWA	No later than 25 days following the notice of study dispute.	8/8/2008
5.14(k)	Issue findings and recommendations regarding the study plan dispute to Director of the Office of Energy Projects	Dispute Resolution Panel	No later than 50 days following the notice of study dispute.	9/2/2008
5.14(l)	Issue written determination on study plan dispute	FERC	No later than 70 days from the date of filing of the notice of study dispute.	9/22/2008

Table SD A-1. Revised Proposed Relicensing Process Schedule for the Middle Fork American River Project (FERC Project No. 2079) (continued). (Relicensing activities that are shown in bold represent key milestone activities in the relicensing process.)

FERC 18 CFR §	Relicensing Activity	Responsible Party	Activity Time Frame	Deadline
Conduct Studies				
5.15(a)	Conduct First Year Studies	PCWA	May 2007 through December 2007	12/31/2007
5.15(b) 5.15(c)(1)	File progress report and Initial Study Report	PCWA	Within one year after Commission approval of the study plan. <i>Due to early implementation of studies, this activity was completed prior to approval of the Technical Study Plans</i>	1/22/2008
5.15(c)(2)	Conduct Initial Study Report Meeting	PCWA	Within 15 days of filing the Initial Study Report. <i>Due to early implementation of studies, this activity was completed prior to approval of the Technical Study Plans</i>	2/4/2008
5.15(c)(3)	File Initial Study Report Meeting Summary including any study modifications or new studies	PCWA	Within 15 days following the Initial Study Report Meeting. <i>Due to early implementation of studies, this activity was completed prior to approval of the Technical Study Plans</i>	2/19/2008
5.15(c)(4)	File disagreement with Initial Study Report Meeting Summary	FERC and participants	Within 30 days following the filing of the Initial Study Report Meeting Summary.	3/20/2008
5.15(c)(7)	If no disagreements are filed, approve proposed amendment to study plans	FERC	Thirty days following the filing of the Initial Study Report Meeting Summary.	3/20/2008
<i>No disagreements with the Initial Study Report Meeting Summary were filed.</i>				
5.15(f)	Conduct Second Year Studies	PCWA	January 2008 through December 2008	12/31/2008
5.15(f)	File progress report and Updated Study Report	PCWA	Within two years after Commission approval of the study plan.	1/22/2009
5.15(c)(2)	Conduct Updated Study Report Meeting	PCWA	Within 15 days of filing the Updated Study Report.	2/6/2009
5.15(c)(3)	File Update Study Report Meeting Summary including any study modifications or new studies	PCWA	Within 15 days following the Updated Study Report Meeting.	2/23/2009
5.15(c)(4)	File disagreement with Updated Study Report Meeting Summary	FERC and Participants	Within 30 days following the filing of the Updated Study Report Meeting Summary.	3/25/2009
5.15(c)(7)	If no disagreements are filed, approve proposed amendment to study plans	FERC	Thirty days following the filing of the Updated Study Report Meeting Summary.	3/25/2009

Table SD A-1. Revised Proposed Relicensing Process Schedule for the Middle Fork American River Project (FERC Project No. 2079) (continued). (Relicensing activities that are shown in bold represent key milestone activities in the relicensing process.)

FERC 18 CFR §	Relicensing Activity	Responsible Party	Activity Time Frame	Deadline
Conduct Studies (continued)				
5.15(c)(5)	If disagreements are filed, file responses to disagreement with Updated Study Report Meeting Summary	FERC, PCWA and Participants	Within 30 days of the filing of a disagreement with Updated Study Report Meeting Summary	4/24/2009
5.15(c)(6)	Resolve disagreement and amend approved study plan	FERC	Within 30 days following the due date for responses to disagreement.	5/25/2009
5.15(f)	Promptly proceed with any remaining undisputed studies or amended studies	PCWA		Starting: 3/25/2009 (undisputed) 5/25/2009 (disputed)
Filing of License Application				
5.16(a)	File Preliminary Licensing Proposal or Draft Application	PCWA	No later than 150 days prior to the deadline for filing a new license application.	10/1/2010
5.16(e)	File comments on Preliminary Licensing Proposal or Draft License Application	FERC and Participants	Within 90 days of the filing date of the Preliminary Licensing Proposal or Draft Application.	12/30/2010
5.17(a)	File License Application	PCWA	Must be filed no later than 24 months before the existing license expires.	2/28/2011

ATTACHMENT B
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