



February 10, 2011
File No. 01030A
Filed Electronically

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Subject: Request for Additional Time for the Purpose of Completing Negotiations on Proposed PM&E Measures for the Middle Fork American River Project (FERC Project No. 2079); and

Request for Delayed Issuance of the Notice of Ready for Environmental Analysis

Dear Secretary Bose and Deputy Secretary Davis:

Placer County Water Agency (PCWA) and relicensing participants (comprised of state and federal resource agencies, Native American Tribes, non-governmental organizations, and members of the public) request that the Federal Energy Regulatory Commission (FERC or Commission): (1) provide additional time for the parties to complete negotiations on proposed protection, mitigation, and enhancement measures (PM&E measures) for the Middle Fork American River Project (MFP or Project); and (2) delay notice that the Application for New License (License Application) is Ready for Environmental Analysis (REA) until negotiations are complete. Specifically, as allowed under 18 CFR § 5.29(g), PCWA and the relicensing participants request FERC delay issuance of the REA on the MFP License Application until November 1, 2011 to allow the parties to complete PM&E negotiations and, if appropriate, for PCWA to prepare and file Supplemental Information to the License Application (Attachment A). The Supplemental Information filing would include any additional or revised license measures or management/monitoring plans developed in collaboration with the relicensing participants; a supporting rationale document; and an update of the environmental analysis included in the License Application, as appropriate.

A Plenary meeting was held on February 8, 2011 to discuss this request with relicensing participants. All relicensing participants attending the meeting strongly supported this request, including representatives from state and federal agencies, non-government organizations, and members of the public (Attachment B). A detailed negotiation

schedule was developed by PCWA and the relicensing participants during this meeting which dedicated 26 meeting days between March 1 and June 30, 2011 for continued collaboration on new license conditions (Attachment C). PCWA and the relicensing participants strongly support this request and believe that the additional time will allow the parties to resolve outstanding issues and avoid requests for trial-type hearings.

The additional negotiation time will not adversely affect timely action by the Commission on the License Application. Concurrent with the negotiation, the Commission can proceed on issuance of the tendering notice for the License Application; review the License Application for completeness; determine if any Additional Information Requests (AIRs) are appropriate; and issue the Notice of Acceptance of the License Application. All parties desire that the new license be issued on time, prior to the expiration date of the existing license. The additional negotiation time to resolve the outstanding issues will facilitate timely issuance of a new MFP license to PCWA by the Commission.

On September 28, 2010, PCWA filed the Draft Application for New License (Draft Application) for the MFP with the Commission. The Draft Application included PM&E measures proposed by PCWA for the MFP (draft license measures and draft management and monitoring plans). Concurrent with the filing, PCWA distributed the Draft License Application to the MFP relicensing participants for a 90-day review and comment period. The comment period ended on December 27, 2010. A total of 17 comment letters on the Draft Application were received including: Commission (2); resource agencies (5); non-governmental organizations (5); and members of the public (5).

PCWA is currently in the process of addressing comments on the Draft Application. A "Final" License Application will be filed with the Commission by March 1, 2011. A number of issues remain unresolved and the "Final" License Application will only incorporate PM&E measures supported by PCWA. However, PCWA and the relicensing participants are confident that given additional time, consensus can be reached on the outstanding issues. The continued negotiation between PCWA and the relicensing participants will primarily concentrate on four specific topic areas including:

- Instream Flow and Reservoir Minimum Pool Measure;
- Flow and Reservoir Monitoring Plan;
- Recreation Plan; and
- Vegetation and Integrated Pest Management Plan

As stated above, PCWA and the relicensing participants have scheduled a substantial number of negotiation sessions between March 1 and June 30, 2011 to meet and reach consensus on the outstanding issues in each topic area. During July–October, PCWA will: (1) update the impact analysis and supporting information, (2) develop a rationale document which clearly identifies the intent and benefit of each of the proposed measures and management and monitoring plans, and (3) verify consistency between proposed license conditions and draft preliminary terms and conditions. This

Supplemental Information to the License Application, consistent with the outcomes of the negotiation process, would be filed with the Commission by November 1, 2011.

PCWA and relicensing participants have successfully collaborated on numerous issues during the MFP relicensing and remain committed to continue this successful collaboration. We appreciate the Commission's consideration of this request. If you have any questions, 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

c: FERC Distribution List

Attachments:

- | | |
|---------------|--|
| Attachment A. | Short-term Relicensing Timeline. |
| Attachment B. | Meeting Schedule. |
| Attachment C. | Feb 8, 2011 Plenary Meeting Attendees. |

Attachment A

Short-term Relicensing Timeline

Attachment A. Short-term Relicensing Timeline.

February 24, 2011

File FLA with FERC
Request for continued
stakeholder negotiation

November 1, 2011

File Supplemental Information
with FERC
(if applicable)

February 2011

March 2011 to June 2011

July 2011 to October 2011

November 2011

March 1, 2011 to June 30, 2011

Continue Negotiations

- Instream Flow & Reservoir Minimum Pool Measure
- Flow and Reservoir Monitoring Plan
- Recreation Plan
- Vegetation & Integrated Pest Management Plan

July 1, 2011 to October 31, 2011

- Update the impact analysis and supporting information
- Develop rationale document
- Verify consistency between proposed license conditions and draft preliminary terms and conditions

Attachment B
Meeting Schedule

Attachment B. PCWA Middle Fork American River Project (FERC Project No. 2079) 2011 Proposed Meeting Schedule.

March						
S	M	T	W	T	F	S
		1	2 REC Plan 9am-4pm	3	4	5
6	7 REC Plan 9am-4pm	8 Instream Flow 9am-4pm	9	10	11	12
13	14 Instream Flow 9am-4pm	15 REC Plan 9am-4pm	16	17	18	19
20	21 REC Plan 9am-4pm	22 Instream Flow 9am-4pm	23	24	25	26
27	28 VIPMP 9am-4pm	29 Instream Flow 9am-4pm	30	31		

April						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11 Instream Flow 9am-4pm	12 Instream Flow 9am-4pm	13	14	15	16
17	18 REC Plan 9am-4pm	19 Instream Flow 9am-4pm	20 VIPMP 9am-4pm	21	22	23
24	25 REC Plan 9am-4pm	26 Instream Flow 9am-4pm	27	28	29	30

May						
S	M	T	W	T	F	S
1	2 REC Plan 9am-4pm	3 Instream Flow 9am-4pm	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18 VIPMP 9am-4pm	19	20	21
22	23	24	25	26	27	28
29	30 Holiday	31 Instream Flow 9am-4pm				

June						
S	M	T	W	T	F	S
			1	2	3	4
5	6 Other 9am-4pm	7 Instream Flow 9am-4pm	8	9	10	11
12	13	14	15 Instream Flow 9am-4pm	16	17	18
19	20	21	22 Instream Flow 9am-4pm	23	24	25
26	27	28	29 Instream Flow 9am-4pm	30 Other 9am-4pm		

Attachment C

Feb 8, 2011 Plenary Meeting Attendees

Attachment C. Feb 8, 2011 PCWA Plenary Meeting Attendee List.

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