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FEDERAL ENERGY  
REGULATORY COMMISSION

**State Water Resources Control Board**

**AUG 08 2011**

Andrew Fecko, Resource Planning Administrator  
Placer County Water Agency  
P.O. Box 6570  
Auburn, CA 95604

Dear Mr. Fecko:

**APPLICATION FOR WATER QUALITY CERTIFICATION, MIDDLE FORK AMERICAN RIVER PROJECT, FERC NO. 2079**

Thank you for your letter to Tom Howard, Executive Director of the State Water Resources Control Board (State Water Board), received in our office on July 18, 2011, requesting water quality certification pursuant to section 401 (a)(1) of the Federal Clean Water Act (33 USC §1341 et seq.), for the Middle Fork American River Project (Project), Federal Energy Regulatory Commission (Commission) Project No. 2079. Placer County Water Agency (PCWA) has applied to the Commission for a new license for the Project. Prior to Commission issuance of a new license, a water quality certification or waiver will be required (18 C.F.R. § 16.8 (d)(7)(i).) The PCWA letter, received July 18, 2011, initiates a one-year time clock for the State Water Board to act on the request for water quality certification.

**Basin Plan**

Under section 303 of the Clean Water Act and under the Porter-Cologne Water Quality Control Act, the Central Valley Regional Water Quality Control Board has adopted, and the State Water Board and U.S. Environmental Protection Agency (USEPA) have approved, the *Water Quality Control Plan for the Sacramento and San Joaquin Rivers* (Basin Plan) (Central Valley Regional Water Quality Control Board, 2007). The Basin Plan designates the beneficial uses of waters to be protected along with the water quality objectives necessary to protect those uses. California water quality standards consist of both beneficial uses and the water quality objectives based on those uses. Beneficial uses designated for the Middle Fork American River, source to Folsom Lake, include municipal and domestic supply, irrigation, stock watering, power generation, contact and non-contact recreation, canoeing and rafting, cold freshwater habitat, cold spawning, and wildlife habitat. Warm freshwater habitat is listed as a potential beneficial use.

The water quality objectives set or describe the water quality limits necessary to achieve and protect the beneficial uses. PCWA must demonstrate whether the Project complies with all applicable water quality objectives in the Basin Plan and whether the Project impairs the established beneficial uses of Middle Fork American River and tributaries. PCWA must evaluate its project for compliance with all water quality objectives in the Basin Plan, as well as other applicable objectives and criteria. If the Project does not comply with one or more of the water quality objectives or criteria, then PCWA must describe the actions that it will take to bring its project into compliance with the applicable water quality limits in order to protect and maintain the beneficial uses.

CHARLES R. HOPPIN, CHAIRMAN | THOMAS HOWARD, EXECUTIVE DIRECTOR

Application

The application for water quality certification (Application) includes the Commission license application and other documents from the Commission files that are incorporated by reference in the certification application. A complete Application must include a description of any steps that have been, or will be taken to avoid, minimize, or compensate for loss of, or significant adverse impacts to beneficial uses of water. (Cal. Code Regs. tit. 23, §3856(h)(6).)

State Water Board staff have determined the Application is complete for filing. (Cal. Code Regs. tit. 23, §3856(h)(6).) State Water Board staff may request additional information to clarify or supplement the Application. Cal. Code Regs. tit. 23, §3836(a). If a final California Environmental Quality Act (CEQA) document or other requested information is not available at the end of the one year time period for the State Water Board to act on the request for water quality certification, the Application will be denied without prejudice, unless PCWA withdraws the request for certification. (Cal. Code Regs. tit. 23, §3836(b,c).)

California Environmental Quality Act

Issuance of water quality certification is a discretionary action that requires the State Water Board to comply with the CEQA. In this case the State Water Board is the responsible agency for preparation of environmental documents. As stated in your letter, PCWA will be the lead agency for preparation of the CEQA document. State Water Board staff are available to assist in the development of the CEQA document.

Conclusion

PCWA, State and Federal agencies, non-governmental agencies, and stakeholders have been collaborating on the development of a set of protection, mitigation and enhancement (PM&E) measures for the Project. To date, agreement has been reached on a majority of measures including minimum flows, pulse flows, reservoir elevations, recreation improvements, and facility modifications. Only a few issues remain outstanding before a comprehensive PM&E measure package can be compiled. State Water Board staff appreciates your efforts to facilitate the successful development of the PM&E package. We look forward to continuing to work with PCWA staff, agencies, and stakeholders on the relicensing of the Project.

Sincerely,



Russ J. Kanz, Staff Environmental Scientist  
**Division of Water Rights**  
(916) 341-5341

cc: See next page.

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