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FEDERAL ENERGY
REGULATORY COMMISSION

JAN 25 2013

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Ben Ransom
Environmental Scientist
Placer County Water Agency
P.O. Box 6570
Auburn, CA 95604

Dear Mr. Ransom:

COMMENTS ON THE DRAFT CALIFORNIA ENVIRONMENTAL QUALITY ACT SUPPLEMENT SUBMITTED BY THE PLACER COUNTY WATER AGENCY FOR THE MIDDLE FORK AMERICAN RIVER HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION (FERC) PROJECT NO. 2079; PLACER AND EL DORADO COUNTIES

Thank you for the opportunity to review and comment on the draft California Environmental Quality Act (CEQA) Supplement (Supplement) submitted by the Placer County Water Agency (PCWA) on December 6, 2012 for the Middle Fork American River Project (Project). When possible, state and local agencies are encouraged to use the environmental analysis performed under the National Environmental Policy Act (NEPA) to describe the impacts of the Project as a basis for CEQA analysis. In July of 2012 FERC submitted its draft Environmental Impact Statement (EIS) as required under NEPA. The Supplement is intended to augment the sections of the NEPA document which are insufficient to satisfy the level of analysis required under CEQA to disclose and whenever possible mitigate Project impacts. This letter provides comments and questions related to the Supplement.

Full Development of Water Rights

In the Supplement, PCWA states that it expects to use its full allocation of water pursuant to water right permits 13856 and 13858 to meet increasing consumptive demand. (Supplement, p. 25.) In order for the State Water Board to grant an extension of time to complete full beneficial use under those permits, PCWA must analyze the potential environmental impacts of increasing from current levels of usage to the full permitted amounts. Whether in the project description, the cumulative impacts analysis section, or the obstacles to growth section where the permits are currently referenced, the CEQA Supplement should include a more robust and helpful discussion of the separate environmental analysis for such extensions and how it is either related or unrelated to the current relicensing efforts for this Project.

Construction, Enhancement, or Modification of New and Existing Project Hydroelectric and Recreation Facilities and Features

Several times throughout the Supplement there is mention of construction, enhancement, and modification of Project and recreation facilities and features as part of the preferred Staff Alternative. During these activities it will be necessary to comply with water quality standards in the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan). In addition it may be necessary to comply with the requirements of the Construction General Permit during the construction, reconstruction, enhancement, or modification of Project and recreation features and facilities. Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, may need to obtain coverage under the General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; Water Quality Order 2009-0009-DWQ and NPDES No. CAS000002, as amended by Order No. 2010-0014-DWQ). Construction activity subject to the Construction General Permit includes clearing, grading and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

If appropriate, the Construction General Permit should be included in Section 10.0 - Permits, of the Supplement.

Reintroduction of Central Valley Steelhead

As described in the Biological and Conference Opinion on the Long-term Operations of the Central Valley Project and State Water Project, it is possible that during the span of the new Project license, a determination may be made by the National Marine Fisheries Service (NMFS) to move forward with a full-scale reintroduction of Central Valley steelhead into the waters above Folsom Lake. If such a determination is made, additional studies may be required of PCWA to evaluate the impacts of Project facilities, operations, and maintenance activities under any new FERC license on such a steelhead reintroduction effort.

Mitigated Impacts

Table 12 of the Supplement indicates the "Level of Significance Associated with Implementation of New License Conditions" and lists three category types: 1) No Impact, 2) Less-Than-Significant Impact and 3) Significant Unavoidable Impact. Were there any Project-related impacts to the resources examined under CEQA that required mitigation to reduce their effects to a less-than-significant level? If so, a column labeled Less-Than-Significant Impact with Mitigation should be added to Table 12 that shows which resource areas contained impacts that were reduced by mitigation.

Mr. Ben Ransom

- 3 -

JAN 25 2013

Thank you again for the opportunity to comment on your draft CEQA Supplement. If you have questions related to these comments please contact me at (916) 341-5408 or by email at mmaher@waterboards.ca.gov. Written correspondence should be directed to:

State Water Resources Control Board
Division of Water Rights
Attn: Michael Maher
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



Michael Maher
Environmental Scientist
Water Quality Certification Program

cc: Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Ms. Pamela Creedon
Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
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Document Content(s)

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