



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W-2605
Sacramento, California 95825-1846

In Reply Refer To:
08ESMF00-2013-I-0429-1

MAY 21 2013

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

Subject: Informal Endangered Species Act Consultation for the Middle Fork American River Project, El Dorado and Placer Counties, California (Docket Number P-2079-069)

Dear Ms. Bose:

This is in response to your July 24, 2012 request for concurrence from the U.S. Fish and Wildlife Service (Service) that the proposed operations and maintenance of the Middle Fork American River Hydroelectric Project (Project) is not likely to adversely affect the threatened Layne's butterweed [ragwort] (*Senecio layneae*). The Federal Energy Regulatory Commission (FERC) is proposing to issue a new license to Placer County Water Agency to operate and maintain the 223,753 kilowatt hydroelectric Project which currently consists of five developments (French Meadows, Hell Hole, Middle Fork, Ralston, and Oxbow) located on the Middle Fork of the American and Rubicon Rivers, and Duncan, North and South Fork Long Canyon Creeks in Placer and El Dorado Counties, California. Your request was received by this office on May 3, 2013. Our response is based on the July 2012 *Draft Environmental Impact Statement for Hydropower License: Middle Fork American River Hydroelectric Project – FERC Project No. 2079-069, California*, the March 2013 *Final Environmental Impact Statement for Hydropower License: Middle Fork American river Hydroelectric Project – FERC Project No. 2079-069*, other information available to the Service, and is issued under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(Act).

The Project is located within the range of Layne's butterweed and contains the appropriate soils to support this listed plant. Project implementation will require adherence to the U.S. Department of Agriculture – Forest Service's (USDA-FS) final 4(e) conditions, some of which provide protection for Layne's butterweed. Specific 4(e) conditions that would apply to Layne's butterweed are as follows:

1) Final 4(e) Condition No. 34, 44, and 46

Protection During Heavy Maintenance, Facility Modification or New Facility Construction

- If a new special-status plant population that could be affected by heavy maintenance, facility modification, or new facility construction is detected during required inventory (baseline) surveys, the Licensee will consult with USDA-FS, USFWS, and CDFG [California Department of Fish and Wildlife], as appropriate, to determine a site-specific protective buffer around the population considering the special-status plant species, location of the population, and topography of the site.

2) Final 4(e) Condition No. 47

Protection of Potential Habitat

- Implementation of noxious weed management activities.
- Implementation of USDA-FS Water Quality Best Management Practices when applying herbicides.
- Establishment of protective buffers around streams and special aquatic features (including reservoirs when applying pesticides).

Special Status Plant Inventory Surveys

- Licensee will conduct Protocol-level surveys for terrestrial special status plants including mosses, fungi, and lichens consistent with *Guidelines for Assessing the Effects of Proposed Project on Rare, Threatened, and Endangered Plants and Natural Communities* (CDFG 2009). Surveys will be conducted every five years with the first survey beginning in year 1 following license issuance.

Employee Training

- Licensee will develop and implement an Environmental Training Program to educate PCWA personnel and contractors (as appropriate) about special status biological resources.

Newly Identified Special Status Species

- If a new special-status plant species is detected during the term of the license, the Licensee will consult with USDA-FS, USFWS, and CDFG, as appropriate, to determine a site-specific protective buffer around the population considering the vegetation management activity, special-status plant species, location of the population, topography of the site, and health and safety of field personnel.

3) Final 4(e) Condition No. 27

Identification of a New Special Status Species

- If new occurrences of state or federally listed or proposed threatened or endangered species are detected prior to or during ongoing construction, operation, or maintenance of the Project or during Project operations, the Licensee shall immediately notify USDA-FS and the relevant Service Agency (United States Fish and Wildlife Service or National Marine Fisheries Service or CDFG) for consultation or conference in accordance with the Endangered Species Act. If state listed or fully protected species are affected, CDFG shall be notified.

Ms. Kimberly D. Bose, Secretary

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Since the above measures will be implemented over the term of the license, and surveys conducted during the appropriate time period did not result in the identification of any Layne's butterweed within the Project area, we concur with your determination that the proposed operations and maintenance of the Middle Fork American River Hydroelectric Project is not likely to adversely affect Layne's butterweed.

Unless new information reveals effects of the proposed project that may affect listed species in a manner or to an extent not considered; or the project is modified in a manner that causes an effect to the listed species that was not considered; or a new species or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Act, is necessary.

Please address any questions or concerns regarding this response on the proposed operations and maintenance of the Middle Fork American River Hydroelectric Project to Jeremiah Karuzas, Senior Biologist, or Ryan Olah, Coast Bay/Forest Foothill Division Chief, at (916) 414-6600.

Sincerely,



~~For~~ Eric Tattersall
Deputy Assistant Field Supervisor

cc:
Service List

**BEFORE THE
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

CERTIFICATE OF SERVICE

I hereby certify that U. S. Fish and Wildlife Service Informal Endangered Species Act Consultation for the Middle Fork American River Project, El Dorado and Placer Counties, California (Docket Number P-2079-069), Federal Energy Regulatory Commission Project No. 2079-069 has this day been electronically filed with the Federal Energy Regulatory Commission and electronically served on Parties indicating a willingness to receive electronic service and served, via deposit in U.S. mail, first-class postage paid, upon each other person designated on the service list for Project #2079-069 compiled by the Commission Secretary.

Dated at Sacramento, California, this 21st of May, 2013.

Name:

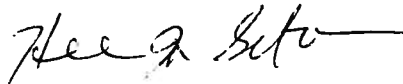
Heeja Seto

U.S. Fish and Wildlife Service

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Document Content(s)

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