



United States
Department of
Agriculture

Forest
Service

Pacific
Southwest
Region

Regional Office, R5
1323 Club Drive
Vallejo, CA 94592
(707) 562-8737 Voice
(707) 562-9240 Text (TDD)

File Code: 2770

Date: November 30, 2012

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

Dear Secretary Bose:

The Middle Fork American River Project (MFAR), FERC No. 2079, licensed to Placer County Water Agency (Licensee), is located on the Eldorado and Tahoe National Forests, managed by the USDA Forest Service. The purpose of this letter is to submit Final Terms and Conditions, pursuant to Section 4(e) of the Federal Power Act.

On August 8, 2011, the Forest Service filed Preliminary Terms and Conditions and a Rationale Report. Pursuant to Section 33 of the Federal Power Act, 16 U.S.C. § 823d, and Subpart O of the USDA Rules, 7 C.F.R. § 1.601 *et seq.*, the Licensee filed Alternative Conditions, mostly in the form of monitoring and other plans that participants had not been able to come to consensus on prior to filing the Preliminary Section 4(e) Conditions. After the filings, the resource agencies, non-governmental organizations, and the Licensee participated in negotiations that led to a Supplemental Filing, which articulated agreements made amongst the participants subsequent to the filing of the Preliminary Section 4(e) Conditions. The Licensee filed the Supplemental Filing with FERC on November 30, 2011. The Federal Energy Regulatory Commission (FERC) Office of Energy Products staff issued a Draft Environmental Impact Statement (DEIS) for relicensing of the MFAR in July 2012. The Forest Service and other resource agencies responded to the DEIS on October 2, 2012.

The Enclosure contains the Final Section 4(e) Terms and Conditions necessary for the protection and utilization of the National Forest System lands. The conditions are based on the Forest Service review of the application, extensive coordination with Federal and State agencies and others, public comment, and consultation with the Licensee. These conditions are consistent with the goals, objectives, standards, and guidelines of the Eldorado and Tahoe National Forest Land and Resource Management Plans and their amendments. The Forest Service has resolved all of the Alternative Conditions with the Licensee and other participants, and the Licensee has stated its intent to withdraw these Alternative Conditions to the Forest Service.

The Enclosure also contains the plans that have been finalized since the Preliminary Section 4(e) Conditions were filed:

- Bald Eagle Management Plan
- Benthic Macroinvertebrate Monitoring Plan



- Fish Population Monitoring Plan
- Foothill Yellow-Legged Frog Monitoring Plan
- Fire Prevention and Suppression Plan
- Geomorphology/Riparian Monitoring Plan
- Historic Properties Management Plan (privileged)
- Mercury Bioaccumulation Monitoring Plan
- Recreation Plan
- Sediment Management Plan
- Streamflow and Reservoir Elevation Gaging Plan
- Transportation System Management Plan
- Visual Resource Management Plan
- Water Quality Monitoring Plan
- Water Temperature Monitoring Plan
- Western Pond Turtle Monitoring Plan

In August 2011, the Forest Service filed the following documents:

- A Rationale Report for the Section 4(e) conditions and 10(a) recommendations.
- Supporting information used to develop Section 4(e) conditions and Section 10(a) recommendations.

Since the Section 4(e) conditions have not changed substantially, the Forest Service does not intend to re-submit these documents.

Sincerely,

/s/ Ronald G. Ketter (for)

RANDY MOORE
Regional Forester

Enclosure

cc: Beth A Paulson
Amy Lind
Dennis E Smith