

**FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426**

OFFICE OF ENERGY PROJECTS

Project No. 184-000 - California
El Dorado Hydroelectric Project
El Dorado Irrigation District

April 28, 2014

Mr. Brian Mueller
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667

Subject: Response to El Dorado Irrigation District's March 31, 2014 letter regarding operating emergencies.

Dear Mr. Mueller:

We have reviewed your response to our February 10, 2014 letter concerning our interpretation of what constitutes an operating emergency beyond the control of a licensee for the purposes of article 404 of your license for the El Dorado Project No. 184. Our letter concluded that drought, per se, does not constitute an operating emergency allowing you to make unilateral changes to licensed operating requirements without prior resource agency consent.

We have reviewed the cases you cited in your March 31, 2014, letter, and we maintain our previous conclusion that a drought, in and of itself, does not constitute an operating emergency, because a drought does not pose an imminent threat to life and property or environmental resources.

As we stated in our February 6, 2014, letter to all California licensees, the Commission is prepared to act swiftly to review requests to amend licenses on a temporary or longer term basis, as appropriate, in order to conserve water resources at Commission-licensed hydroelectric projects. Commission staff explained that licensee's with license articles stating the licensee may make temporary modifications for short periods of time upon mutual agreement with specified agencies may begin to implement water conservation measures immediately upon reaching agreement with the specified agencies while the licensee develops with project stakeholders a long-term flow regime, for Commission approval, to remain in effect for the duration of the drought.

We look forward to working with you to expeditiously consider any application to amend your license to implement temporary measures to preserve water resources for future, as well as current public health, safety and environmental needs at the El Dorado Project.

Thank you for your cooperation. If you have any questions regarding this matter, please contact Mark Pawlowski at (202) 502-6052.

Sincerely,

Edward A. Abrams
Director
Division of Hydropower Administration
and Compliance