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April 26, 2013
File No. 01030A

Electronically Filed

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

SUBJECT: Notice of Availability of the Final CEQA Supplement to the FERC Final EIS for the Middle Fork American River Project (FERC Project No. 2079-069)

Dear Secretary Bose:

Placer County Water Agency (PCWA) has prepared the Final California Environmental Quality Act (CEQA) Supplement for the Middle Fork American River Project (MFP) in compliance with CEQA (California Public Resources Code § 21000 et. seq.). This letter serves as the Notice of Availability (NOA) of the document.

BACKGROUND: On July 23, 2012, the Federal Energy Regulatory Commission (FERC or Commission) issued a *Draft Environmental Impact Statement for Hydropower License, Middle Fork American River Hydroelectric Project—FERC Project No. 2079-069, California* (DEIS). On August 10, 2012, PCWA provided public notice of its intention to rely on FERC's DEIS, in combination with a supplement analysis, to meet the requirements of CEQA.

On December 6, 2012, PCWA distributed a Draft CEQA Supplement for the MFP for public review. The NOA was mailed to interested parties and published in the Auburn Journal and Mountain Democrat on December 11, 2012 and December 10, 2012, respectively. The Draft CEQA Supplement was posted on PCWA's website at <http://relicensing.pcwa.net> and hard copies of the document were made available for review at PCWA's Business Center, Placer County Library, and El Dorado County Library. The comment period ended on January 25, 2013. PCWA received four comment letters on the Draft CEQA Supplement.

On February 22, 2013, FERC distributed the *Final Environmental Impact Statement for Hydropower License, Middle Fork American River Hydroelectric Project—FERC Project No. 2079, California* (FEIS). On March 7, 2013, PCWA provided public notice of its intention to rely on FERC's FEIS, in combination with a Final CEQA Supplement, to meet the requirements of CEQA.

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MFP OVERVIEW AND LOCATION: PCWA owns and operates the MFP under a 50-year FERC license that expired on February 28, 2013. On March 7, 2013, FERC issued an order authorizing PCWA to continue to operate the MFP under an annual license that is automatically renewed until action is taken by FERC on PCWA's Application for New License filed on February 23, 2011. Using FERC's Integrated Licensing Process, PCWA is seeking the renewal of its license to continue operation and maintenance of the MFP.

The MFP serves as a multi-purpose water supply and hydro-generation project designed to conserve and control waters of the Middle Fork American River, the Rubicon River, and several associated tributary streams. The MFP is located on the west slope of the Sierra Nevada range primarily in Placer County, California. A small component of the MFP (a portion of Ralston Afterbay Dam) is located in El Dorado County, California. The MFP is almost entirely in the Tahoe and Eldorado National Forests, with a small portion located on PCWA-owned or private land. The MFP seasonally stores and releases water to meet consumptive demands within western Placer County and to generate power for the California electrical grid. Water for hydroelectric generation and consumptive use is diverted and stored under permits and licenses issued by the State Water Board. The MFP, which began operation in 1967, includes two major storage reservoirs (French Meadows and Hell Hole that have a combined capacity of approximately 342,000 acre-feet), five smaller regulating reservoirs and diversion pools, and five powerhouses (combined capacity of approximately 224 megawatts).

PROJECT DESCRIPTION: The project under consideration is PCWA's operation and maintenance of the MFP under proposed new license conditions.

CONTENTS OF FINAL CEQA SUPPLEMENT: The Final CEQA Supplement addresses: (1) public comments received on PCWA's Draft CEQA Supplement during the review period (December 6, 2012 through January 25, 2013); and (2) changes in FERC's FEIS based on: (a) comments received on the DEIS during the review period (July 23, 2012 through October 2, 2012); (b) Final Section 4(e) Terms and Conditions filed by the resource agencies; (c) FERC's staff recommendations; and (d) additional environmental analysis in the FEIS.

SIGNIFICANT EFFECTS: PCWA has determined that all potential impacts associated with implementation of proposed new license conditions for the MFP are considered less than significant under CEQA.

DOCUMENT AVAILABILITY: A copy of the Final CEQA Supplement is available for review on PCWA's website at <http://relicensing.pcwa.net>, and at the following locations:

PCWA Business Center
 144 Ferguson Road
 Auburn, CA 95603

Placer County Library
 350 Nevada Street
 Auburn, CA 95603

El Dorado County Library
 345 Fair Lane Drive
 Placerville, CA 95667

A copy of FERC's FEIS is also available at the locations identified above.

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DISTRIBUTION: CEQA requires that PCWA provide written responses to public agency comments on the Draft CEQA Supplement at least 10 days prior to certifying the Final CEQA Supplement (Public Resource Code § 21092.5(a)). This was accomplished by sending a copy of the Final CEQA Supplement that included written responses to all parties that commented on the Draft CEQA Supplement.

In addition, PCWA mailed a copy of the NOA of the Final CEQA Supplement to each person designated on the official service list compiled by FERC, and other stakeholders to the relicensing proceedings, as set forth in the distribution list. Refer to the attached Certificate of Service (Attachment 1) and Distribution List (Attachment 2).

The NOA and Final CEQA Supplement for the MFP were also eFiled to the Commission's Secretary utilizing the Commission's eFiling system, and courtesy copies were provided to the Commission's Office of Energy Projects and the Commission's Office of General Counsel-Energy Projects

DECISION PROCESS: On May 16, 2013, PCWA's Board of Directors will make a decision whether to certify the Final CEQA Supplement. Once certified, PCWA will file a Notice of Determination with the Placer and El Dorado county clerks. After the Notice of Determination is filed, a 30-day statute of limitations for court challenges commences.

If you have any questions regarding this NOA, please contact me at (530) 823-4889 or by e-mail at bransom@pcwa.net.

Sincerely,



Benjamin Ransom
Environmental Scientist

Attachments

Attachment 1 – Certificate of Service
Attachment 2 – Distribution List

Enclosure

Final CEQA Supplement for the Middle Fork American River Project

Attachment 1
Certificate of Service

CERTIFICATE OF SERVICE

Pursuant to the provisions of 18 C.F.R. § 385.2010, I hereby certify that I have this day served the foregoing document to the Federal Energy Regulatory Commission (FERC) by eFiling and have mailed via courier service, one courtesy copy of this document to FERC's Office of Energy Projects and one courtesy copy to FERC's Office of General Counsel-Energy Projects.

In addition, I hereby certify that I have this day served a copy of the Notice of Availability to each person designated on the official service list compiled by the Secretary, and other stakeholders to the relicensing proceedings for Project No. 2079, as set forth in the attached distribution list, by hard copy mailing.

Dated at Auburn, CA this 26th day of April 2013.



Benjamin Ransom
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Attachment 2
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**Placer County Water Agency
Middle Fork American River Project
(FERC Project No. 2079-069)**

Final CEQA Supplement



Placer County Water Agency
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April 2013

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1.0 INTRODUCTION

1.1 PURPOSE OF THIS DOCUMENT

This Final California Environmental Quality Act (CEQA) Supplement, in combination with the Federal Energy Regulatory Commission (FERC or Commission) *Final Environmental Impact Statement for Hydropower License, Middle Fork American River Hydroelectric Project—FERC Project No. 2079, California* (FEIS), has been prepared to meet the requirements of CEQA and support the future discretionary action of Placer County Water Agency's (PCWA) Board of Directors of accepting the new FERC license for the Middle Fork American River Project (MFP or Project).

The Final CEQA Supplement addresses: (1) public comments received on PCWA's Draft CEQA Supplement; and (2) changes in FERC's FEIS based on: (a) comments received on the Draft Environmental Impact Statement (DEIS); (b) Final Section 4(e) Terms and Conditions filed by the resource agencies; (c) FERC's staff recommendations; and (d) additional environmental analysis in the FEIS.

1.2 PROJECT BACKGROUND

PCWA owns and operates the MFP (FERC Project No. 2079) under a 50-year license that was issued on March 13, 1963 by the Federal Power Commission, predecessor of the current FERC. The existing license expired February 28, 2013. On March 7, 2013, FERC issued an order authorizing PCWA to continue to operate the MFP under an annual license that is automatically renewed until action is taken by FERC on PCWA's Application for New License filed on February 23, 2011.

The MFP serves as a multi-purpose water supply and hydro-generation project designed to conserve and control waters of the Middle Fork American River, the Rubicon River, and several associated tributary streams. The MFP is located on the west slope of the Sierra Nevada range primarily in Placer County, California. A small component of the MFP (a portion of Ralston Afterbay Dam) is located in El Dorado County, California. The MFP is almost entirely in the Tahoe and Eldorado National Forests, with a small portion located on PCWA-owned or private land. The MFP seasonally stores and releases water to meet consumptive demands within western Placer County and to generate power for the California electrical grid. Water for hydroelectric generation and consumptive use is diverted and stored under several permits and one license issued by the State Water Resources Control Board (State Water Board). The MFP, which began operation in 1967, includes two major storage reservoirs (French Meadows and Hell Hole, that have a combined capacity of approximately 342,000 acre feet [AF]), five smaller regulating reservoirs and diversion pools, and five powerhouses (combined capacity of approximately 224 megawatts [MW]).

1.3 PROCESS OVERVIEW

To formally initiate the MFP relicensing process, PCWA filed its Notice of Intent (NOI) to seek a new license and Pre-Application Document with FERC on December 13, 2007.

On September 28, 2010, PCWA filed its Draft License Application for the MFP. Following a 90-day review and comment period, PCWA revised the Draft License Application and filed its Final License Application on February 23, 2011. As a result of further stakeholder negotiation and additional information becoming available, PCWA submitted a Supplemental Filing on November 30, 2011.

On July 23, 2012, FERC issued a *Draft Environmental Impact Statement for Hydropower License, Middle Fork American River Hydroelectric Project—FERC Project No. 2079-069, California* (DEIS) (FERC 2012). Following a public review period, FERC issued a FEIS on February 22, 2013 (FERC 2013). The DEIS and FEIS were prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended. Compliance with NEPA must be demonstrated prior to FERC undertaking a federal action, namely issuance of a new license to PCWA for continued operation and maintenance of the MFP.

Similarly, compliance with CEQA is necessary to support the future discretionary action of PCWA's Board of Directors of accepting the new license issued by FERC. When a project action requires compliance with both CEQA and NEPA, and when NEPA will be completed first, state and local agencies are encouraged to use the NEPA document to comply with CEQA rather than preparing an independent CEQA document.¹ However, if the NEPA document does not fully meet all the requirements of CEQA (i.e., noticing, distribution, and analysis), in order to rely on the EIS, the CEQA lead agency must complete the necessary actions to fulfill these requirements.² Therefore, PCWA, acting as the CEQA lead agency, provided notice of the availability and distributed FERC's DEIS for the MFP consistent with the CEQA Guidelines and made copies available for public review (PCWA 2012). PCWA prepared a Draft CEQA Supplement to augment the analysis in FERC's NEPA document.

The Draft CEQA Supplement for the MFP was distributed by PCWA and the State Clearinghouse for public review and comment on December 6, 2012. The comment period ended on January 25, 2013. The Notice of Availability (NOA) was mailed to interested parties and published in the Auburn Journal and Mountain Democrat on December 11, 2012 and December 10, 2012, respectively. The Draft CEQA Supplement was posted on PCWA's website at <http://relicensing.pcwa.net> and hard copies of the document were made available for review at PCWA's Business Center, Placer County Library, and El Dorado County Library.

FERC distributed and noticed the availability of the FEIS for the MFP on February 22, 2013. To ensure compliance with the CEQA Guidelines, PCWA completed the following actions related to the FEIS (Appendix A1-A3):

- Distributed a letter to interested parties, including relicensing participants, FERC, and the State Clearinghouse to provide notice of PCWA's intention to rely on FERC's FEIS, in combination with a supplemental analysis to satisfy CEQA

¹ CEQA Guidelines, California Code of Regulations, Title 14 § 15221(a).

² CEQA Guidelines, California Code of Regulations, Title 14 § 15221(b).

(March 7, 2013). Copies of FERC's FEIS were also provided to the State Clearinghouse.

- Posted notices in the office of Placer County Clerk and El Dorado County Clerk (March 8, 2013);
- Published a notice in the Auburn Journal and Mountain Democrat (March 8, 2013); and
- Made copies of FERC's FEIS available for public review at PCWA's Auburn office, Placer County Library, El Dorado County Library, and on PCWA's website.

PCWA distributed this Final CEQA Supplement on April 26, 2013. The Final CEQA Supplement addresses: (1) public comments received on PCWA's Draft CEQA Supplement; and (2) changes in FERC's FEIS.

After issuance of this Final CEQA Supplement, PCWA's Board of Directors will issue a Notice of Determination (NOD) completing the CEQA process. The State Water Board will subsequently issue its 401 Water Quality Certification for the MFP based on this CEQA analysis. FERC will then incorporate conditions in the 401 Certification into the new license and issue the license to PCWA.

1.4 PROJECT DESCRIPTION

The project under consideration in this Final CEQA Supplement is PCWA's operation and maintenance of the MFP under the new license conditions identified in Appendix C of FERC's FEIS (FERC 2013).

1.5 ORGANIZATION OF THE FINAL CEQA SUPPLEMENT

The Final CEQA Supplement is organized as follows:

Section 1.0 Introduction

Section 2.0 Response to Comments Received on the Draft CEQA Supplement

Section 3.0 Findings

Section 4.0 Literature Cited

2.0 RESPONSE TO COMMENTS RECEIVED ON THE DRAFT CEQA SUPPLEMENT

A total of four comments were received on the Draft CEQA Supplement during the public comment period (December 6, 2012 through January 25, 2013). Table 1 identifies persons, organizations, and public agencies that provided comments. Appendix B1-B4 includes a copy of each comment letter. Each letter and each comment within a letter has been given a number in Appendix B1-B4 to facilitate tracking of comments and responses.

Table 1. List of Persons, Organizations and Public Agencies Commenting on the Draft CEQA Supplement.

Letter No.	Date	Commenter	Affiliation
1	Jan 25, 2013	Michael Maher, Environmental Scientist Division of Water Rights	State Water Resources Control Board
2	Jan 16, 2013	Trevor Cleak Environmental Scientist	Central Valley Water Board
3	Jan 23, 2013	Scott Morgan, Director State Clearinghouse	State of California, Governor's Office of Planning and Research (OPR), State Clearinghouse and Planning Unit
4	Dec 18, 2012	Bill Carnazzo Member of Public	Spring Creek Guide Service

The following provides a summary of each comment received on the Draft CEQA Supplement and PCWA's response. If the comment required modification to a section in the Draft CEQA Supplement, the revised text is provided in [redline/strikeout](#) in PCWA's response.

Comment Letter 1. State Water Resources Control Board, Michael Maher

COMMENT 1-1: Full Development of Water Rights

"In the Supplement, PCWA states that it expects to use its full allocation of water pursuant to water rights 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."

RESPONSE 1-1:

PCWA has modified Section 7.1 – Growth-Inducing Effects, Obstacles to Growth subsection of the CEQA Supplement to include additional information regarding PCWA's American River Water Rights Extension Project and its relationship to the MFP relicensing proceeding.

Draft CEQA Supplement Revised Text

SECTION 7.1 GROWTH-INDUCING EFFECTS

Obstacles to Growth

Consumptive Water and Power Demands

The MFP is operated to meet PCWA's consumptive water demands and generate power to help meet California's energy demand and provide valuable support services to maintain the overall quality and reliability of the state's electrical supply system. PCWA provides water for consumptive uses from water diverted and/or stored at MFP facilities. Currently, water for consumptive purposes is released from the MFP and rediverted at two locations: (1) the American River Pump Station (ARPS), located on the North Fork American River near the City of Auburn; and (2) Folsom Reservoir. Both points of rediversion are downstream of MFP facilities and neither diversion is subject to the FERC license or FERC jurisdiction.

To support consumptive water use, PCWA maintains Water Right Permits 13856 and 13858 issued by the State Water Rights Board (predecessor to the current State Water Resources Control Board or State Water Board) on January 10, 1963 (State Water Rights Board Decision D-1104). These complementary permits, as amended in 1975 and 2000, allow for the diversion, storage, and rediversion of water from the North Fork American River, Middle Fork American River, and select tributaries for irrigation, domestic, recreational, municipal, and industrial use in PCWA's Place of Use.

The time initially provided by the State Water Board to place these waters to beneficial use expired December 1, 2007. The need for water in PCWA's service area grew slower than originally anticipated and several key federal water facilities were not constructed in a timely manner, and as a result, PCWA did not fully utilize the water supply entitlements described in Water Right Permits 13856 and 13858 prior to their expiration. To preserve its water rights, PCWA timely filed petitions for extension of time with the State Water Board in November 2007 requesting an additional 36 years (until the year 2043) in which to put water allocated under these permits to full beneficial use. These petitions were accepted by the State Water Board in January 2008.

To support the State Water Board's decision on the petition for extension of time, PCWA must prepare an environmental document under CEQA that clearly demonstrates the future need for water and discloses potential environmental effects of increasing future consumptive deliveries.

The CEQA document for the American River Water Rights Extension will focus on identifying potential environmental impacts of increasing consumptive water

deliveries from baseline deliveries prior to expiration of the water right (41,991 ac-ft)³ to future build-out deliveries in the year 2043. The American River Water Rights Extension analysis will incorporate the conditions set forth in the new license issued by FERC, the Final Section 4(e) Terms and Conditions filed by the resource agencies, and the 401 Water Quality Certification issued by the State Water Board.

The formal CEQA process for PCWA's petition for extension of time will be initiated with the release of the Notice of Preparation (NOP) anticipated in late 2013. Following the CEQA process, the State Water Board will use the American River Water Rights Extension CEQA document to support its decision regarding PCWA's Petitions for Extension of Time including any new conditions, if appropriate, placed on the water right permits.

Under the new FERC license conditions, PCWA is able to meet both current and future consumptive water demand within its service area. Because the availability of water for future growth is unchanged under the new license conditions, the project action does not remove any existing significant obstacle to growth within PCWA's service area.

COMMENT 1-2: 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.”

³ In the five years preceding PCWA's petitions for extension of time (dated November 2007), the year of highest total water use in the areas served by water authorized in Water Right Permits 13856 and 13858 was 2004, with 41,991 ac-ft put to beneficial use.

RESPONSE 1-2:

PCWA is aware of the requirement to obtain a Construction General Permit for projects disturbing one or more acres, including development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Prior to modification or enhancement of existing Project facilities or Project recreation facilities, or construction of new Project facilities or Project recreation facilities associated with new license conditions, PCWA will review the action and determine if the criteria requiring coverage under the Construction General Permit is met. If the criteria are met, PCWA will obtain a Construction General Permit from the Central Valley Water Board.

CEQA Supplement, Section 10.0 – Permits, was revised to include the Central Valley Water Board storm water permits as regulatory permits that may be required as a result of construction, enhancement, or modification of Project facilities and Project recreation facilities.

Draft CEQA Supplement Revised Text

10.0 PERMITS

The new license conditions for the MFP include construction and maintenance activities that may require permits from other entities. PCWA will obtain all required regulatory permits, prior to undertaking these activities. The required permits may include the following:

- USACE Clean Water Act Section 404 Permit;
- USDA-FS Road Use Permit and Special Use Permits;
- State Water Board 401 Water Quality Certification;
- CDFWG Section 1600 Streambed Alteration Agreement; ~~and~~
- Caltrans Transportation Permit;
- Central Valley Water Board Storm Water Permits; and
- Central Valley Water Board Waste Discharge Requirement Permit.

COMMENT 1-3: 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.”

RESPONSE 1-3:

No anadromous species are currently present in bypass or peaking reaches associated with the MFP. Anadromous species were extirpated in the vicinity of MFP as a result of the construction of impassable dams on the lower American River [Nimbus and Folsom dams were constructed by the United States Bureau of Reclamation (Reclamation) in approximately 1955 and 1956, respectively].

Although the reintroduction of Central Valley steelhead above Folsom Dam has been proposed in the Biological and Conference Opinion on the Long-term Operations of the Central Valley Project and State Water Project, the feasibility is uncertain at this time. In addition, the potential for reintroduction of anadromous fish and long-term management above Folsom Dam are unknown at this time. There are a number of actions that would need to be completed prior to reintroduction above Folsom Dam, including planning and scheduling, permitting, evaluations, and funding. These include, but are not limited to:

- Evaluation of potential habitat in all three forks of the American River above Folsom and Nimbus dams;
- Development of a fish passage pilot plan;
- Development of a 3-year pilot program;
- Implementation of a pilot reintroduction program, including construction and collection of handling facilities, adult release sites above dams, trapping of juvenile downstream migrating fish, etc.; and
- Conducting a pilot program effectiveness monitoring and evaluation.

However, to date, most of the actions associated with this evaluation have not been implemented. Elements of the potential reintroduction are “virtually untested” and “prototype” [pg. 666, National Oceanic and Atmospheric Administration (NOAA) 2009]. The results of the pilot program will be used to determine the feasibility of long-term passage alternatives and evaluate whether comprehensive fish passage programs should be pursued. During the pilot program, steelhead introduced above Folsom Reservoir would likely be designated as an experimental population under Section 10 [16 U.S.C. 1539] (a)(1)(j) of the Endangered Species Act.

PCWA is committed to collaborate with the NMFS regarding potential reintroductions into the American River Basin, including the Fish Passage Committee. PCWA acknowledges the potential need to reevaluate the new License Order if a viable population of steelhead is established in reaches of the North Fork American River or Middle Fork American River affected by MFP operations and the population is determined to be essential for the continued existence of Central Valley steelhead.

COMMENT 1-4: 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.”

RESPONSE 1-4:

The new license conditions include new environmental programs, measures, and facilities designed to protect, maintain, or enhance environmental and cultural resources over the term of the new license. These environmental programs, measures, and facilities also include avoidance and protection measures and best management practices. Because these components are already incorporated into the Project, no additional mitigation measures are required. Therefore, no additional column has been added to Table 12 for impacts that are “Less-Than-Significant with Mitigation Incorporated”.

Comment Letter 2. Central Valley Water Board, Trevor Cleak**COMMENT 2-1: Construction Storm Water General Permit**

“Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, 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. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).”

RESPONSE 2-1:

Refer to Response 1-2.

COMMENT 2-2: Phase I and II Municipal Separate Storm Sewer System (MS4) Permits

“The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits

also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.”

RESPONSE 2-2:

The MFP does not include MS4s, therefore, a permit under Phase I or Phase II of the Municipal Storm Water Permitting Program will not be necessary.

COMMENT 2-3: Industrial Storm Water General Permit

“Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.”

RESPONSE 2-3:

The Industrial Storm Water General Permit regulates discharges associated with industrial activities including:

- Facilities subject to Storm Water Effluent Limitation Guidelines, New Source Performance Standards or Toxic Pollutant Effluent Standards Found in 40 C.F.R., Chapter I, Subchapter N;
- Manufacturing facilities;
- Oil and gas/mining facilities;
- Hazardous waste treatment, storage, or disposal facilities;
- Landfills, land application sites, and open dumps;
- Recycling facilities;
- Steam electric power generating facilities;
- Transportation facilities; and
- Sewage or wastewater treatment works.

The MFP does not include industrial activities; therefore, a Storm Water General Industrial Permit will not be necessary for implementation of actions included in the new license conditions identified in FERC's FEIS.

COMMENT 2-4: Clean Water Act Section 404 Permit

“If the Project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit Requirements.”

RESPONSE 2-4:

Prior to implementation of any Project activities that would result in discharges of dredged or fill material into Jurisdictional Waters of the U.S., PCWA will obtain a Section 404 Permit from USACOE. As part of the Section 404 permitting process, a copy of the permit application will be provided to the Central Valley Water Board for review to ensure that discharges will not violate water quality standards. In addition, if a Project activity would substantially modify a river, stream, or lake, a Streambed Alteration Agreement (SAA) would be obtained from the California Department of Fish and Wildlife (CDFW) under Section 1600 of the Fish and Game Code.

COMMENT 2-5: Clean Water Act Section 401 Permit – Water Quality Certification

“If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.”

RESPONSE 2-5:

On July 15, 2011, PCWA applied to the State Water Board for a 401 Water Quality Certification for the MFP. On June 12, 2012, PCWA simultaneously withdrew and re-filed its request for 401 Water Quality Certification for the MFP. The State Water Board received this request on June 12, 2012 and has until June 12, 2013 to act on the request. A 401 Certification is necessary for FERC to issue a new license for the MFP.

The Water Quality Certification for the MFP from the State Water Board will cover operation and maintenance of the MFP including, but not limited to, the following:

- New Project facility and Project recreation facility construction;
- Modification and enhancement at existing Project recreation facilities and water supply facilities;
- Modification of existing Project facilities;

- Recreation facility maintenance (annual and heavy);
- Road and trail maintenance (annual and periodic) and improvements; and
- Sediment management.

Obtaining Water Quality Certification from the State Water Board as part of the FERC process will ensure compliance with the state water quality standards during operation and maintenance of the MFP. Activities that may require a USACOE permit or any other federal permit under the new license will be addressed in the State Water Board's 401 Certification for the MFP. Therefore, an additional Water Quality Certification from the Central Valley Water Board will not be necessary.

COMMENT 2-6: Waste Discharge Requirements

"If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by the Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation."

RESPONSE 2-6:

Prior to implementation of any Project activities that result in discharges to non-federal waters of the state, PCWA will obtain a WDR from the Central Valley Water Board.

CEQA Supplement, Section 10.0 – Permits, was revised to include the Central Valley Water Board Waste Discharge Requirement as a regulatory permit that may be required as a result of construction, enhancement, or modification of Project facilities and Project recreation facilities. For specific edits to this section, refer to Response 1-2.

Comment Letter 3. State Clearinghouse, Scott Morgan

COMMENT 3-1: General Comment

"On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 22, 2013, and the comments from the responding agency (ies) is (are) enclosed."

RESPONSE 3-1:

As a result of its distribution of the Draft CEQA Supplement, State Clearinghouse received one comment from the Central Valley Water Board. The identical comment letter was also directly submitted to PCWA. The comments are addressed in Response Nos. 2-1 through 2-6.

COMMENT 3-2: General Comment

“This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.”

RESPONSE 3-2:

Comment noted.

Comment Letter 4. Spring Creek Guide Service, Bill Carnazzo**COMMENT 4-1: General Comment**

“I looked the draft CEQA document over and it looks fine to me. Thanks.”

RESPONSE 4-1:

Comment noted.

3.0 FINDINGS

PCWA has determined that impacts associated with implementation of new license conditions are less than significant. The Final CEQA Supplement does not include any “significant new information” that requires recirculation of the document. Further, the comments received on PCWA’s Draft CEQA Supplement did not identify new Project impacts or result in changes to impact conclusions. Further, changes in FERC’s FEIS based on comments received on the DEIS, Final Section 4(e) Terms and Conditions filed by the resource agencies, and FERC’s staff recommendations, and additional environmental analysis in the FEIS did not result in new Project impacts or result in changes to impact conclusions under CEQA.

The new license conditions were developed to ensure that the Project, as licensed, in the judgment of the Commission, “be best adapted to a comprehensive plan for improving or developing the water for beneficial public purposes.” The new license conditions are consistent with the beneficial uses defined in the State Water Board’s Basin Plan. In conclusion, the new license conditions for the MFP protect and enhance environmental, recreational, and cultural resources.

4.0 LITERATURE CITED

Federal Energy Regulatory Commission (FERC). 2012. Draft Environmental Impact Statement for Hydropower Relicense, Middle Fork American River Hydroelectric Project – FERC Project No. 2079-069. July 23, 2012.

_____. 2013. Final Environmental Impact Statement for Hydropower Relicense, Middle Fork American River Hydroelectric Project – FERC Project No. 2079-069. February 22, 2013.

Placer County Water Agency (PCWA). 2012. Draft CEQA Supplement. December 2012.

_____. 2011. Final Application for New License. February 23, 2011.

_____. 2011. Supplemental Filing. November 30, 2011.

Appendix A
Final EIS Circulation Documentation

Appendix A-1

**Letter from PCWA to Interested Parties, Including Relicensing Participants, FERC,
and the State Clearinghouse, to Provide Notice of PCWA's Intention to Rely on
FERC's FEIS, in Combination with a Supplemental Analysis to Satisfy CEQA
(March 7, 2013)**



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File No. 01030A

Electronically Filed

SUBJECT: Notice of PCWA's Intent to Rely on FERC's Environmental Impact Statement, in Combination with a Supplemental Analysis prepared by PCWA, to Satisfy CEQA

Notice of Availability of FERC's Final Environmental Impact Statement for the Middle Fork American River Hydroelectric Project (FERC Project No. 2079-069)

Dear Interested Party,

Placer County Water Agency (PCWA), a public agency, wishes to provide notice to the Middle Fork American River Project (MFP) relicensing participants of its intention to rely on the Environmental Impact Statement (EIS) prepared by the Federal Energy Regulatory Commission (FERC or Commission) for the relicensing of the MFP, in combination with a supplemental analysis prepared by PCWA, to meet the requirements of the California Environmental Quality Act (CEQA). PCWA is the lead agency for compliance with CEQA and, as such, will be responsible for preparing the CEQA Supplement to support acceptance of the new license order by PCWA's Board of Directors. The State Water Resources Control Board (State Water Board), also a public agency, will be a responsible agency to the CEQA process. The State Water Board may use the CEQA document to support issuance of a Water Quality Certification under Section 401 of the Clean Water Act for the MFP.

The CEQA process was initiated by PCWA with two public scoping meetings held on March 4, 2008. PCWA distributed a Draft CEQA Supplement for public review on December 6, 2012. The comment period ended on January 25, 2013. State CEQA Guidelines § 15225 provides that a lead agency (i.e., PCWA) may rely on a National Environmental Policy Act (NEPA) document (i.e., FERC's EIS) to satisfy CEQA provided that the NEPA document is circulated for public review as broadly as state law requires and its availability is noticed consistent with CEQA standards. To satisfy CEQA requirements, PCWA is hereby noticing the availability of FERC's Final Environmental Impact Statement (FEIS) for the MFP to the relicensing participants (Attachment A).

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Background

PCWA owns and operates the MFP under a 50-year FERC license, which expired on February 28, 2013. PCWA is currently operating the MFP under an annual license. Using FERC's Integrated Licensing Process, PCWA is seeking the renewal of its license to continue operation and maintenance of the MFP. The MFP serves as a multi-purpose water supply and hydro-generation project designed to conserve and control waters of the Middle Fork American River, the Rubicon River, and several associated tributary streams. The MFP is located on the west slope of the Sierra Nevada range primarily in Placer County, California. A small component of the MFP (a portion of Ralston Afterbay Dam) is located in El Dorado County, California. The MFP is almost entirely in the Tahoe and Eldorado National Forests, with a small portion located on PCWA-owned or private land. The MFP seasonally stores and releases water to meet consumptive demands within western Placer County and to generate power for the California electrical grid. Water for hydroelectric generation and consumptive use is diverted and stored under permits and licenses issued by the State Water Board. The MFP, which began operation in 1967, includes two major storage reservoirs (French Meadows and Hell Hole, that have a combined capacity of approximately 342,000 acre feet [AF]), five smaller regulating reservoirs and diversion pools, and five powerhouses (combined capacity of approximately 224 megawatts [MW]).

To formally initiate the MFP relicensing process, PCWA filed its Notice of Intent (NOI) to seek a new license and Pre-Application Document with FERC on December 13, 2007. Two CEQA scoping meetings followed on March 4, 2008. On September 28, 2010, PCWA filed its Draft License Application for the MFP. Following a 90-day review and comment period, PCWA revised the Draft License Application and filed its Final License Application on February 23, 2011. PCWA later issued a Draft CEQA Supplement on December 6, 2012. The Final CEQA Supplement will be distributed in April 2013.

Notice of Availability

On February 22, 2013, FERC issued a FEIS for the MFP that was prepared in accordance with the NEPA of 1969, as amended, and the FERC regulations contained in the Code of Federal Regulations (CFR)(18 CFR Part 380 [FERC Order No. 486, 52 FR 47897]). Attachment A provides a copy of FERC's formal notice of availability of the document. The FEIS incorporates changes resulting from comments submitted during the comment period on the Draft Environmental Impact Statement (DEIS) (July 23, 2012 through October 2, 2012) and revisions by FERC.

In addition to the locations where FERC has made the FEIS available for public review (Attachment A), a copy of FERC's FEIS is available for review on PCWA's website at <http://relicensing.pcwa.net> and at the following locations:

Placer County Water Agency
144 Ferguson Road
Auburn, CA 95603

Placer County Library
350 Nevada Street
Auburn, CA 95603

El Dorado County Library
345 Fair Lane Drive
Placerville, CA 95667

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FERC's DEIS identified unavoidable adverse impacts, based on implementation of the proposed project (new environmental measures), to the following resources areas:

- Water Quality and Aquatic Biota,
- Fish,
- Riparian,
- Special-status Plants,
- Recreation Opportunities,
- Traffic,
- Noise, and
- Visual Resources.

FERC's analysis determined that all of these unavoidable adverse effects would be minor. FERC received comments on the DEIS and addressed these comments in the FEIS. None of the comments received on the DEIS identified additional impacts under NEPA. Based on FERC's impact conclusions in the FEIS, PCWA does not anticipate that the Proposed Project would result in significant environmental effects under CEQA.

PCWA distributed a Draft CEQA Supplement for public review from December 6, 2012 through January 25, 2013. PCWA's Final CEQA Supplement will be revised to address: (1) comments received on FERC's DEIS; and (2) comments received on the Draft CEQA Supplement. PCWA anticipates submitting the Final CEQA Supplement to its Board of Directors for approval in April 2013 and subsequently distributing to the public. Following the completion of CEQA, the State Water Board will issue a Draft 401 Water Quality Certification for public comment.

If you have any questions, please do not hesitate to contact me at (530) 823-4889.

Sincerely,



Benjamin Ransom
Environmental Scientist

c: State Clearinghouse
Placer County Clerk
El Dorado County Clerk

Attachment A: FERC's Notice of Availability of the Final Environmental Impact Statement for the
Middle Fork American River Hydroelectric Project

Attachment B: Distribution List

Attachment A

**FERC's Notice of Availability of the Final Environmental Impact Statement
for the Middle Fork American River Hydroelectric Project**

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Middle Fork American River Project

Project No. 2079-069

NOTICE OF AVAILABILITY OF THE
FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE MIDDLE FORK
AMERICAN RIVER HYDROELECTRIC PROJECT

(February 22, 2013)

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations contained in the Code of Federal Regulations (CFR)(18 CFR Part 380 [FERC Order No. 486, 52 FR 47897]), the Office of Energy Projects has reviewed the application for license for the Middle Fork American River Hydroelectric Project (FERC No. 2079), located on the Middle Fork of the American and Rubicon Rivers and Duncan and North and South Fork Long Canyon Creeks in Placer and El Dorado Counties, California, and has prepared a final environmental impact statement (EIS) for the project. The project occupies 3,268 acres of federal lands administered by the U.S. Department of Agriculture - Forest Service.

The final EIS contains staff's analysis of the applicant's proposal and the alternatives for relicensing the Middle Fork American River Hydroelectric Project. The final EIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicant, and Commission staff.

A copy of the final EIS is available for review at the Commission or may be viewed on the Commission's website at <http://www.ferc.gov>, using the "e-Library" link. Enter the docket number, excluding the last three digits, to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866)208-3676, or for TTY, contact (202)502-8659.

You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

For further information, please contact Matt Buhyoff at (202) 502-6824 or at matt.buhyoff@ferc.gov.

Kimberly D. Bose,
Secretary.

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Steve Hallmark
7845 Jeannie Ct.
Loomis, CA 95650

West Yost

Max Colorado
2281 Lava Ridge Court, Suite 100
Roseville, CA 95661

Public**Canyon Raft Rentals**

John Hauschild
133 Borland Avenue
Auburn, CA 95603

Dunlap Group

John Dunlap
231 Cherry Avenue, Suite 202
Auburn, CA 95603

FROG

Sherry Wicks
P.O. Box 568
Foresthill, CA 95631

Leupp & Woodall

Tim Woodall
149 Court Street
Auburn, CA 95603

Northern CA Council/Fed of Fly Fishers

Gary Flanagan
8459 Lakeland Drive
Granite Bay, CA 95746

Spiegel & McDiarmid LLP

Frances Francis
1333 New Hampshire Ave., NW
Washington, DC 20036

Tibbs Consulting

Dean Tibbs
2927 La Salle Avenue
Concord, CA 94520

Upper American River Foundation

John Donovan
741 Commons Dr.
Sacramento, CA 95825

Bob Center

10794 Arrow Point Place
Grass Valley, CA 95959

Dan Crandall

P.O. Box 828
Lotus, CA 95651

Anthony DeRiggi

932 46th Street
Sacramento, CA 95819

Patricia Gibbs
5425 Lake Forest Dr
Loomis, CA 95650

Chris Shackleton
2359 Sonata Drive
Rancho Cordova, CA 95670

Cramer Fish Sciences

Bradley J. Cavallo
13300 New Airport Road, Suite 102
Auburn, CA 95602

Foresthill Messenger

Jim Linsdau
5830 Sunset Drive #70
Foresthill, CA 95631

Jones & Associates

Tom Jones
12331 Incline Drive
Auburn, CA 95603

Lone Star Timber

Larry Gonzales
Mason, Bruce, & Girard, Inc.
13620 Lincoln Way, Suite 380
Auburn, CA 95603

Sierra Pacific Industries

Tim Feller
P.O. Box 496028
Redding, CA 96049-6028

Stoel Rives, Attorney at Law

Attn: Denise Morison
500 Capitol Mall, Suite 1600
Sacramento, CA 95814

Troutman Sanders LLP

Clifford Sikora
401 Ninth St., NW, Suite 1000
Washington D.C. 20004-2134

Roger Canfield

7818 Olympic Way
Fair Oaks, CA 95628

Neil Cochran

5344 Crestline Drive
Foresthill, CA 95631

Craig Crouch

5307 Hawkhaven Court
Rocklin, CA 95765

Charlie Fullerton

135 Mering Court
Sacramento, CA 95864

John Greene

P.O. Box 465
Meadow Vista, CA 95722
Donna Williams
4170 Auburn Folsom Road
Loomis, CA 95650

Appendix A-2

**PCWA Notices Posted in the Office of the Placer County Clerk and
El Dorado County Clerk
(March 8, 2013)**

**Placer County Water Agency
Middle Fork American River Project Relicensing**

**Notice of PCWA's Intent to Rely on FERC's Environmental Impact Statement, in
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PROJECT DESCRIPTION AND LOCATION: PCWA owns and operates the MFP under a 50-year FERC license, which expired on February 28, 2013. PCWA is currently operating the MFP under an annual license. Using FERC's Integrated Licensing Process, PCWA is seeking the renewal of its license to continue operation and maintenance of the MFP. The MFP serves as a multi-purpose water supply and hydro-generation project designed to conserve and control waters of the Middle Fork American River, the Rubicon River, and several associated tributary streams. The MFP is located on the west slope of the Sierra Nevada range primarily in Placer County, California. A small component of the MFP (a portion of Ralston Afterbay Dam) is located in El Dorado County, California. The MFP is almost entirely in the Tahoe and Eldorado National Forests, with a small portion located on PCWA-owned or private land. The MFP seasonally stores and releases water to meet consumptive demands within western Placer County and to generate power for the California electrical grid. Water for hydroelectric generation and consumptive use is diverted and stored under permits and licenses issued by the State Water Board. The MFP, which began operation in 1967,

03/08/2013
POSTED _____
Through _____
JIM McCADLEY, COUNTY CLERK
By *[Signature]*
Deputy Clerk

FILED

MAR 08 2013

JIM McCADLEY
COUNTY CLERK
BY *[Signature]*
Deputy

includes two major storage reservoirs (French Meadows and Hell Hole that have a combined capacity of approximately 342,000 acre-feet), five smaller regulating reservoirs and diversion pools, and five powerhouses (combined capacity of approximately 224 megawatts).

SIGNIFICANT EFFECTS: FERC's DEIS (July 2012) identified unavoidable adverse impacts to eight resource areas, however, FERC's analysis determined that all of these unavoidable adverse effects would be minor. FERC received comments on the DEIS and addressed these comments in the FEIS (February 2013). None of the comments received on the DEIS identified additional impacts under NEPA. Based on FERC's impact conclusions in the FEIS, PCWA does not anticipate that the Proposed Project would result in significant environmental effects under CEQA.

DOCUMENT AVAILABILITY: A copy of the FEIS is available for review at the Commission or may be viewed on the Commission's website at <http://www.ferc.gov>, using the "e-Library" link. In addition, a copy of the FEIS is available for review on PCWA's website at <http://relicensing.pcwa.net> and at the Placer County Water Agency, Business Center, 144 Ferguson Road, Auburn, California 95603; Placer County Library, 350 Nevada Street, Auburn, California 95603; El Dorado County Library, 345 Fair Lane Drive, Placerville, California 95667.

CONTACT: For questions regarding FERC's FEIS for the MFP, please contact Matt Buhvoff at (202) 502-6824 or at matt.buhvoff@ferc.gov. For questions or comments regarding PCWA's intent to rely on FERC's FEIS, in combination with a supplemental analysis to satisfy CEQA, please contact: Benjamin Ransom, Environmental Scientist, Placer County Water Agency, P.O. Box 6570, Auburn, CA 95604, Phone (530) 823-4889, Fax (530) 823-4960, bransom@pcwa.net.

AFTER POSTING DEADLINE IS COMPLETE
PLEASE RETURN STAMPED COPY WITH DATE TO:
PLACER COUNTY WATER AGENCY
ATTN: BEVERLY BELL
P.O. BOX 6570
AUBURN CA 95604



**Placer County Water Agency
Middle Fork American River Project Relicensing**

Notice of PCWA's Intent to Rely on FERC's Environmental Impact Statement, in Combination with a Supplemental Analysis Prepared by PCWA, to Satisfy CEQA.

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Appendix A-3

**PCWA Notices Published in the Auburn Journal and Mountain Democrat
(March 8, 2013)**

PUBLIC NOTICE

16494335

PUBLIC NOTICE

**Placer County Water Agency
Middle Fork American River Project Relicensing
Notice of PCWA's Intent to Rely on FERC's Environmental
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PUBLISHED IN AUBURN JOURNAL: MARCH 8, 2013

The above space is reserved for Court/County Filed Date Stamp

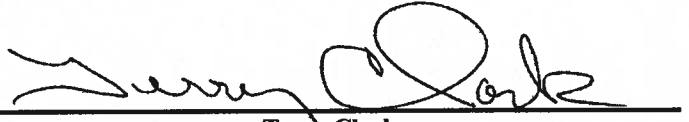
**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF CALIFORNIA
County of Placer**

I am a citizen of the United States and employed by a publication in the County aforesaid. I am over the age of eighteen years, and not a party to the mentioned matter. I am the principal clerk of **The Auburn Journal**, a newspaper of general circulation, in the **City of Auburn**, which is printed and published in the **County of Placer**. This newspaper has been judged a newspaper of general circulation by the Superior Court of the State of California, in and for the **County of Placer**, on the date of May 26, 1952 (Case Number 17407). The notice, of which the attached is a printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

MARCH 8

I certify, under penalty of perjury, that the foregoing is true and correct.


Terry Clark

Dated in Auburn, California

MARCH 8, 2013

**PROOF OF PUBLICATION
THE AUBURN JOURNAL
1030 High Street
Auburn, CA 95604-5910**

Mountain Democrat

PROOF OF PUBLICATION
(2015.5 C.C.P.)

Proof of Publication of PUBLIC NOTICE

STATE OF CALIFORNIA
County of El Dorado

I am a citizen of the United States and a resident of the County aforesaid; I'm over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am principal clerk of the printer at the Mountain Democrat, 1360 Broadway, a newspaper of general circulation, printed and published Monday, Wednesday, and Friday, in the City of Placerville, County of El Dorado, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court to the County of El Dorado, State of California, under the date of March 7, 1952, Case Number 7258; that the notice, of which the annexed is a printed copy (set in type no smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

02/22, 03/01, 03/08

All in the year 2013.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Placerville, California, this 8th day
of **MARCH, 2013**



Signature

Placer County Water Agency
Middle Fork American River Project Relicensing
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03/0832013

06539670

Appendix B
Comment Letters on Draft CEQA Supplement

Appendix B-1

**Comment Letter No. 1
State Water Resources Control Board
January 25, 2013**



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

JAN 25 2013

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.

1-1

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.

1-2

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.

1-3

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.

1-4

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
Rancho Cordova, CA 95670

Appendix B-2

**Comment Letter No. 2
Central Valley Water Board
January 16, 2013**

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

16 January 2013

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

CERTIFIED MAIL
7012 0470 0000 9904 4199

COMMENTS TO REQUEST FOR REVIEW FOR THE CEQA SUPPLEMENT TO THE ENVIRONMENTAL IMPACT STUDY, MIDDLE FORK AMERICAN RIVER PROJECT, SCH NO. 2012082046, PLACER COUNTY

Pursuant to the State Clearinghouse's 7 December 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the CEQA Supplement to the Environmental Impact Study* for the Middle Fork American River Project, located in Placer County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, 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. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

2-1

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

2-2

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

2-3

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

2-4

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

2-5

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Waste Discharge Requirements

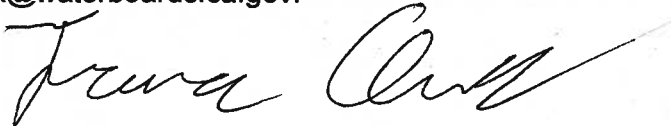
If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

2-6

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Appendix B-3

Comment Letter No. 3

**State of California, Governor's Office of Planning and Research, State
Clearinghouse and Planning Unit
January 23, 2013**



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

January 23, 2013

Ben Ransom
Placer County Water Agency
PO Box 6570
Auburn, CA 95604

Subject: Middle Fork American River Project Relicensing
SCH#: 2012082046

Dear Ben Ransom:

The State Clearinghouse submitted the above named Draft EIS to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 22, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

3-1

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

3-2

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report State Clearinghouse Data Base

SCH# 2012082046
Project Title Middle Fork American River Project Relicensing
Lead Agency Placer County Water Agency

Type EIS Draft EIS
Description Placer County Water Agency owns and operates the Middle Fork American River Project under a 50-year Federal Energy Regulatory Commission license, which will expire on February 28, 2013. Using FERC's Integrated Licensing Process, PCWA is seeking the renewal of its license to continue operation and maintenance of the MFP. The MFP serves as a multi-purpose water supply and hydro-generation project designed to conserve and control waters of the Middle Fork American River, the Rubicon River, and several associated tributary streams. The MFP is located on the west slope of the Sierra Nevada range primarily in Placer County, CA.

Lead Agency Contact

Name Ben Ransom
Agency Placer County Water Agency
Phone 530 823 4889 **Fax**
email
Address PO Box 6570
City Auburn **State** CA **Zip** 95604

Project Location

County Placer, El Dorado
City
Region
Lat / Long 39° 0' 14" N / 120° 44' 39" W
Cross Streets Mosquito Ridge Road and Blacksmith Flat Road (near Ralston Afterbay)
Parcel No. Tahoe and Eldorado National Forest
Township **Range** **Section** **Base**

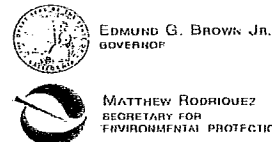
Proximity to:

Highways
Airports
Railways
Waterways American R., Rubicon R., Duncan Crk, Long Cyn Crk
Schools
Land Use Timerland

Project Issues Archaeologic-Historic; Biological Resources; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Agricultural Land; Wetland/Riparian; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Boating and Waterways; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; Caltrans, District 3 N; Caltrans, District 3 S; CA Department of Public Health; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Bd., Region 5 (Sacramento); California Energy Commission; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Tahoe Regional Planning Agency

Date Received 12/07/2012 **Start of Review** 12/07/2012 **End of Review** 01/22/2013



Central Valley Regional Water Quality Control Board

16 January 2013

EIS
1/22/13
e

RECEIVED

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

JAN 18 2013

STATE CLEARING HOUSE

CERTIFIED MAIL
7012 0470 0000 9904 4199

COMMENTS TO REQUEST FOR REVIEW FOR THE CEQA SUPPLEMENT TO THE ENVIRONMENTAL IMPACT STUDY, MIDDLE FORK AMERICAN RIVER PROJECT, SCH NO. 2012082046, PLACER COUNTY

Pursuant to the State Clearinghouse's 7 December 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the CEQA Supplement to the Environmental Impact Study* for the Middle Fork American River Project, located in Placer County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, 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. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

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Middle Fork American River Project
Placer County

- 3 -

16 January 2013

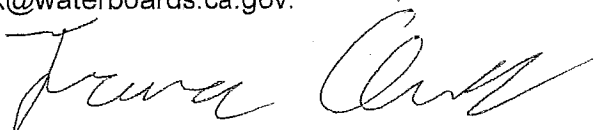
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If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Appendix B-4

**Comment Letter No. 4
Spring Creek Guide Service
December 18, 2012**

From: [Ben Ransom](#)
To: [Beverly Bell](#); [Ed Bianchi](#); [Mary Preuss](#)
Subject: Fwd: Re: Draft CEQA Supp
Date: Tuesday, December 18, 2012 11:41:07 AM

For the Project record.

----- Original Message -----

Subject: Re: Draft CEQA Supp
 From: Bill Carnazzo <bcarnazzo@sebastiancorp.net>
 To: Ben Ransom <bransom@pcwa.net>
 CC:

Ben--I looked the draft CEQA document over and it looks fine to me. Thanks.

4-1

On Mon, Dec 10, 2012 at 6:12 AM, Ben Ransom <bransom@pcwa.net<<mailto:bransom@pcwa.net>>> wrote:

Bill, I don't think that should be a problem. Let me check with Bev.

~BR

From: Bill Carnazzo [bcarnazzo@sebastiancorp.net<<mailto:bcarnazzo@sebastiancorp.net>>]
 Sent: Saturday, December 08, 2012 5:02 AM
 To: Andy Fecko; Ben Ransom
 Subject: Draft CEQA Supp

Andy and Ben...Would it be possible for me to pick up a hard copy of this document? Thanks.

--

Bill Carnazzo
 Spring Creek Guide Service
 5209 Crestline Drive
 Foresthill CA 95631
 (530) 367-5209<<tel:%28530%29%20367-5209>> (H) (916) 295-9353<<tel:%28916%29%20295-9353>>
 (C)

"I fear the day when the technology overlaps with our humanity. The world will only have a generation of idiots." Albert Einstein, who was clearly right, made this prediction. Just look around at the automatons that surround you, eyes riveted to cell phone screens, ears flooded with noise disguised as music.

Web site: www.billcarnazzo.com<<http://www.billcarnazzo.com/>><<http://www.billcarnazzo.com/>>
 Email: bcarnazzo@ftcnet.net<<mailto:bcarnazzo@ftcnet.net>><<mailto:bcarnazzo@ftcnet.net>< A>>>

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[Bill Carnazzo](#)
[Spring Creek Guide Service](#)
[5209 Crestline Drive](#)
[Foresthill CA 95631](#)
[\(530\) 367-5209](tel:%28530%29%20367-5209)<<tel:%28530%29%20367-5209>> (H) (916) 295-9353<<tel:%28916%29%20295-9353>>
 (C)

["I fear the day when the technology overlaps with our humanity. The world will only have a generation of idiots." Albert Einstein, who was clearly right, made this prediction. Just look around at the automatons that surround you, eyes riveted to cell phone screens, ears flooded with noise disguised as music.](#)

[Web site: www.billcarnazzo.com](http://www.billcarnazzo.com)<<http://www.billcarnazzo.com/>>

Document Content(s)

P-2079_FinalCEQASupplementFiling_042613.PDF.....1-78