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PUBLIC MEETING

RE:

DRAFT ENVIRONMENTAL IMPACT STATEMENT
MIDDLE FORK AMERICAN RIVER HYDROELECTRIC PROJECT
NO. 2079-069

TUESDAY, AUGUST 28, 2012

9:10 A.M. - 10:10 A.M.

HELD AT:
THE HOLIDAY INN AUBURN
120 GRASS VALLEY HIGHWAY
AUBURN, CALIFORNIA

REPORTED BY: CAROLE W. BROWNE
RPR, CSR NO. 7351

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PANEL MEMBERS

CAROLYN R. TEMPLETON

Environmental Scientist

Federal Energy Regulatory Commission

Office of Energy Projects

DOUGLAS A. HJORTH

Principal Scientist

The Louis Berger Group, Inc.

CAROL EFIRD

Sr. Recreation Land Use Planner

The Louis Berger Group, Inc.

JAY D. STALLMAN

Senior Geomorphologist

Stillwater Sciences

ALSO PRESENT:

YUBA COUNTY WATER AGENCY:

Andrew Fecko, Resource Planning Administrator

Ben Ransom, Environmental Scientist

Beverly Bell

CALIFORNIA DEPARTMENT OF FISH & GAME:

Sharon Stohrer

1 provide a summary of what our analysis and
2 recommendations were in the document.

3 And please keep in mind that what you'll see in
4 the presentation is not necessarily all-encompassing. We
5 tried to highlight some of the major or key-component
6 analyses and recommendations per resource area, so what
7 you see up there is not everything.

8 And then in conclusion of the meeting, we'll just
9 go through what happens next, key milestones and target
10 dates from here on out.

11 I'm Carolyn Templeton, again, with FERC, out of
12 Washington, D.C. And on this Draft Environmental Impact
13 Statement there are also several other FERC players that
14 were essential in preparing the document. They are not
15 here today with me. It's just me from FERC.

16 We also had our consultants from the Louis Berger
17 Group that were very instrumental and key in leading the
18 development of this document. And at this time I'm going
19 to hand the microphone down and they can introduce
20 themselves and identify the resource areas that they
21 worked on.

22 MR. HJORTH: Well, welcome. And it's a pleasure
23 to have you here. My name is Doug Hjorth with the
24 Louis Berger Group. I was the manager for the
25 preparation of the EIS on behalf of the contractors.

26

1 I'm by training a fishery biologist, but I've been
2 delving in just about everything within the EIS, so I'm
3 an omnivore at the moment.

4 MR. STALLMAN: My name is Jay Stallman. I'm with
5 Stillwater Sciences. I'm a geologist, geomorphologist,
6 and I supported the analysis through geology and soils
7 and water quantity with Stillwater Sciences, and I'd be
8 happy to answer any questions, if you have any.

9 MS. EFIRD: Hi. My name is Carol Efird, and I'm
10 with the Louis Berger Group. I'm a forester, and I
11 handled the recreation, land use, and aesthetics portion
12 of the document.

13 MS. TEMPLETON: And for the DEIS -- this is
14 Carolyn again -- I was the reviewer of the terrestrial
15 resources and threatened and endangered species.

16 And with the people that are here today, we tried
17 to sense some of the key resource areas that we thought
18 might have questions or comments from the audience, so we
19 tried to have a broad representation of the document, of
20 the resource areas.

21 And just for your knowledge, if you're not aware,
22 there's -- for every FERC staff person, there's a
23 counterpart from the consultant's side. So we have
24 resource areas represented by FERC people and then the
25 counterparts so that we work hand in hand in the
26

1 preparation of the document and developing our analyses.

2 And if you guys don't mind, I would like if you
3 could perhaps come up and introduce yourselves just so we
4 know who is here today, if you don't mind doing that.

5 MR. FECKO: Thanks, Carolyn.

6 Andy Fecko, Placer County Water Agency. I help
7 the agency with regulatory and legislative affairs and,
8 along with my partner, Ben Ransom, ran the Middle Fork
9 Project relicensing.

10 MR. RANSOM: Ben Ransom, Placer County Water
11 Agency, environmental scientist. I helped navigate the
12 relicensing process for the Middle Fork Project.

13 MS. TEMPLETON: Okay. So the purpose of this
14 morning's meeting, as well as the evening meeting that's
15 going to be held tonight, is to receive oral and written
16 comments and recommendations from agencies,
17 nongovernmental organizations, and interested persons, on
18 the Commission's Draft Environmental Impact Statement for
19 the Middle Fork Project.

20 This does not preclude anybody who wished to file
21 written comments, but it's simply just another way to
22 collect comments, have a face-to-face discussion, and if
23 anybody's interested in providing verbal comments,
24 they're more than welcome to do so. But there is an
25 official comment period established, and you can wait and
26

1 file your comments within that time frame.

2 So at this point we are well into the
3 post-licensing stage of the integrated licensing process,
4 which is the process that Placer County chose to pursue
5 for the relicensing of the Middle Fork Project.

6 And there were a couple key dates and milestones
7 that have happened up until this point, and I'm going to
8 touch briefly on those just so -- for those of you that
9 aren't familiar with the things that have to happen in
10 order for an integrated licensing process to go on, to
11 get a better understanding of how it worked.

12 So on December 13th, 2007, Placer County filed a
13 Pre-Application Document, which at the Commission we also
14 refer to that as the PAD.

15 In 2008, February, the Commission staff came out
16 to the area and helped scoping and -- I think it was just
17 scoping meetings, actually, the first part. We had site
18 visits later due to weather constraints.

19 So we issued the scoping document in February, and
20 then in March is when we came out and had the scoping
21 meetings. I think I misspoke just briefly there.

22 Anybody here that participated in the scoping
23 meetings that were held?

24 MR. FECKO: Yes, I did.

25 MS. TEMPLETON: Sharon, were you there?

26

1 MS. STOHRER: No, I was not.

2 MS. TEMPLETON: Okay.

3 So moving along, in April of 2008, we issued an
4 additional information request based on the PAD, and this
5 was simply just a document to clarify some of the
6 information that may have been provided or to get some
7 additional information that goes a little bit beyond what
8 was provided.

9 In September 2010, Placer County filed a draft
10 license application, and during this time there was a
11 period for comment that people could provide -- identify
12 any concerns or missing information that they thought
13 needed to be included, and the Commission staff also
14 provided comments on that document.

15 In February 2011, Placer County filed a final
16 license application.

17 June 7th, 2011, FERC issued a notice accepting the
18 application and requesting comments, interventions,
19 recommendations, preliminary terms and conditions, and
20 preliminary fishway prescriptions.

21 And then in November of 2011, Placer County
22 submitted a supplemental filing, which they refer to as
23 Alternative 1, and the desire for this alternative was to
24 have the Commission evaluate that as another alternative
25 above and beyond the ones that they typically do.

26

1 And because this document that was filed contained
2 quite a bit of information, and at that point Commission
3 staff was working on the Draft Environmental Impact
4 Statement, we actually waived the integrated licensing
5 process regulations, because with those regulations there
6 are certain time frames and milestones that need to be
7 met, and we did waive that schedule so that we could
8 fully evaluate Alternative 1 and incorporate that into
9 our Draft Environmental Impact Statement, so we issued a
10 letter stating as such, and we provided a revised
11 relicensing processing schedule.

12 In June 2012, the California State Water Board
13 received the most recent application for water quality
14 certificate -- or certification from Placer County, and
15 this restarted the one-year clock that the Water Board
16 has to take action on Placer County's request.

17 On August 3rd, 2012, we issued the Draft EIS for
18 the Mid Fork Project.

19 Now, some of you may have noticed on the
20 Commission's eLibrary site that the document actually was
21 issued on July 23rd, but with Environmental Impact
22 Statements, the EPA, Environmental Protection Agency, is
23 sort of the keeper of the process for EISes, and so they
24 actually issue documents about a week or a week and a
25 half afterwards. So even though our date shows up as
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1 July 23rd, the official date for the issuance of the
2 draft document is actually August 3rd.

3 And that brings us to today, August 28th, where
4 we're having two public meetings, in the morning and
5 later on this evening, to again collect any verbal or
6 written comments from those of you that are
7 participating.

8 In our Draft EIS we use a number of bases to come
9 to our recommendations and our conclusions. The first
10 one is the National Environmental Policy Act, which
11 requires the Commission to conduct an independent
12 analysis of environmental and developmental issues.

13 In the document, our analysis considers the
14 geology and soils aspect, water quality, water quantity,
15 fish and wildlife resources, recreation, land use,
16 aesthetics, cultural, other nondevelopmental values of
17 the waterway, as well as the electric energy component
18 and other developmental values.

19 We also give a strong consideration to
20 environmental measures developed in a collaborative
21 setting and the terms and conditions provided by resource
22 agencies, so in the case of the Mid Fork, the
23 Alternative 1, by the way it was filed, appeared that it
24 was something that was developed after several months of
25 meetings, lots of collaboration, so we did look at that
26

1 very heavily. And then we also looked at the
2 4(e) conditions that were provided by the Forest Service.
3 And our conclusions and recommendations are based on
4 public record for this project, so any filings or
5 issuances or concerns, comments that may have been
6 provided back from 2008 on, we considered all of those
7 equally in preparing our document.

8 In the Draft Environmental Impact Statement there
9 were four alternatives that we evaluated. The first one
10 was the proposed action alternative, which is simply
11 relicensing the project as Placer County proposed in
12 their final license application.

13 We also evaluated staff's alternative, which is
14 comprised of Placer County's proposed action with
15 modified or additional staff-recommended measures,
16 Alternative 1, which was the separate standalone
17 alternative that was provided by Placer County, which
18 also included most of the agency environmental measures,
19 and then typically in all of our documents we have a
20 no-action alternative, which would be evaluating how
21 would the project operate and what would be the effects
22 if no action was taken, if we did not relicense the
23 project.

24 At this point I'm going to turn the microphone
25 over to Doug Hjorth, and he is going to go through the
26

1 resource areas that were evaluated in the DEIS.

2 And if there's any comments or questions after
3 each resource, please feel free to raise your hand and we
4 can have a discussion about that.

5 And once again, I did want to mention, if you do
6 happen to comment or provide discussion, if each time you
7 talk, if you could identify yourself and your affiliation
8 so that the court reporter can capture your name and your
9 comments accurately, that would be great.

10 And after we're done with the resource section
11 we'll open up the floor, if there's any general
12 overarching process questions or comments that maybe it
13 wasn't appropriate to address them under the resource
14 section, we'll have an open-floor discussion and can take
15 those comments, as well.

16 MR. HJORTH: Okay. Thank you, Carolyn.

17 The format here will be, we're going to highlight
18 some of our key findings in each of the resource areas,
19 we'll pause after each resource area and open the floor
20 to comments on that resource area. That will keep you
21 more engaged in the meeting instead of going through
22 everything and then trying to remember what you were
23 going to say 15 minutes ago. So that's the format we're
24 going to use.

25 Again, as Carolyn said, these are just highlights

26

1 of our findings. Section 5.2 of the EIS has all of the
2 proposed measures. Again, those are proposed measures by
3 PCWA in their license application, those additional
4 measures that we felt were warranted as recommendations
5 beyond what PCWA proposed, which includes, in some cases,
6 Alternative 1 measures, and finally, an explanation of
7 those environmental measures proposed by others that we
8 did not accept, at least as a recommendation in our Draft
9 Environmental Impact Statements.

10 So we'll start out with geology and soils. And
11 basically, our recommendations in the EIS are consistent
12 with PCWA's proposed sediment management, geomorphology
13 and riparian monitoring, and erosion control plans.

14 We added onto that a couple of Forest Service
15 4(e) conditions, the first being a plan to evaluate flow
16 conduit release points and protocols for draining, which
17 is Forest Service condition number 32.

18 We'd be interested in seeing if we can get a
19 little dialogue about the appropriateness of that
20 article. We didn't have a whole lot on the record
21 supporting that recommendation.

22 We have made several recommendations to the
23 El Dorado Project, which is also in the El Dorado
24 National Forest, so perhaps we can have a little dialogue
25 about that during this discussion.

26

1 Secondly, we also agreed with the Forest Service
2 condition number 29 to develop a large woody debris plan.
3 However, we took it -- in reading the record, we felt it
4 was appropriate to focus that on Hell's Canyon. We felt
5 that the existing large woody debris -- excuse me --
6 Hell Hole. Thank you. No, we don't want to go to
7 Hell's Canyon this morning.

8 Okay. So what we felt was that at Ralston
9 Afterbay and Middle Fork Interbay the existing large
10 woody debris practices that PCWA uses is about all you
11 could expect to enhance large woody debris transports
12 downstream of the project dams.

13 The reason we focused on Hell Hole was they
14 currently do gather large woody debris, store it, and in
15 most cases, burn it onsite, and so we felt it was
16 appropriate to at least explore options for whether it's
17 feasible to place that in the main channel of the
18 Rubicon River downstream of Hell Hole Dam and bring back
19 in a plan the feasibility of doing so, and if so, whether
20 the plan warranted implementation, and so the Commission
21 would then evaluate that and decide how to proceed on
22 that particular measure.

23 So those are the key geology and soils measures
24 that we -- or findings that we had in the Draft EIS. And
25 if there's any further discussion of any of those items,
26

1 this is the time to do it.

2 MR. FECKO: Perhaps I could talk about the tunnel
3 and penstock draining portion of it?

4 MR. HJORTH: That would be wonderful.

5 MR. FECKO: Should I use the mic or is this okay?

6 So first, thanks for the insight there. I think
7 the large woody debris plan for the Hell Hole area, we
8 saw that in the document, and we're evaluating that now.
9 It's likely something that we can look at and take a stab
10 at.

11 The Tunnel and Penstock Draining Plan, we
12 typically don't drain our tunnel except for emergency
13 situations. And because most of the project relies on
14 excavated tunnels, it's usually not a good idea to drain
15 those in any way.

16 But we have an emergency -- I think the last time
17 the Middle Fork Project tunnel was drained was 1974 when
18 we had a partial collapse.

19 So we don't have a lot of open canals like the
20 El Dorado Project does. We've got -- most everything is
21 either in a tunnel or in a penstock, and so for service
22 and emergencies I suppose we could forward or perhaps in
23 our comments talk about the protocols we use for draining
24 those things, draining emergency actions, and then we
25 could -- that could somehow be incorporated.

26

1 MR. HJORTH: And one of the things we didn't
2 really have clearly on the record, it was pretty clear
3 that the conduits are drained infrequently, and we did
4 pick up on the fact that it's only done in emergency
5 cases. What was unclear to me is that there are certain
6 removable segments in some of the flow conduits --

7 MR. FECKO: Mm-hmm.

8 MR. HJORTH: -- which I presume are to accommodate
9 inspections and things like that. What we couldn't
10 really get a good handle on, based on the record before
11 us, was, were there options on how you drain a particular
12 segment of flow conduit.

13 In many cases, from what we could see in the
14 application, there may not be any options as to how you
15 drain a conduit. In some cases, perhaps there are. We
16 did not have a good sense for that, and so we really did
17 not have a basis to challenge whether that was a sound
18 basis for that 4(e) condition.

19 MR. FECKO: Okay.

20 MR. HJORTH: So what we're looking for is, are
21 there options that could be used. Again, ultimately
22 we're looking at the water quality protection as well as
23 prevention of erosion/sedimentation, are there any
24 options that could have flow running over bare soil
25 surfaces as opposed to going into heavily armored stream
26

1 channels where sedimentation and adverse water quality or
2 water -- aquatic habitat effects could be implemented.
3 So there is where we were a little bit light on
4 information to get too deeply into that, so any
5 details --

6 MR. FECKO: Yeah, we can provide some details
7 about the methods we use to drain the tunnels and
8 penstocks.

9 And I will say that all of our current plans in
10 that regard would drain them into things like Middle Fork
11 Interbay and Ralston Afterbay, and so we expect -- and we
12 have designed it that way to keep the environmental
13 conditions appropriate in the stream channels. And so we
14 can expand on that a little bit in the comments. Is the
15 best way to do that in the comments to that document
16 perhaps?

17 MS. TEMPLETON: This is Carolyn with FERC again.

18 And I was going to point out that as we go through
19 the resources in this presentation, you might hear again
20 about the information that was provided to us perhaps not
21 being as comprehensive in the information that was there,
22 and so FERC staff and our contractors did the best we
23 could with what we had and what was on the record, and
24 perhaps we may have misinterpreted the intent; and so
25 going forward, and preferably in a written comment, Andy,
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1 on Placer County's comments on the Draft Environmental
2 Impact Statement, if you have information that can
3 further give us some background on our recommendations,
4 that will certainly be useful as we move forward and
5 prepare the Final Environmental Impact Statement. So you
6 might hear that theme from Doug going forward on some
7 other recommendations.

8 So again, we're just -- you know, we don't want to
9 misinterpret what was given to us, but we did the best we
10 could with what we had. So if there's further
11 information out there for clarification, that would be
12 great.

13 MR. FECKO: Thank you.

14 MR. HJORTH: Okay. So to wrap up, being explicit
15 about where drainage would occur if -- on those emergency
16 situations, where it needs to occur is what we're after.

17 MR. FECKO: Okay.

18 MR. HJORTH: And if it's more than one place, let
19 us know.

20 All right. Moving on to aquatic resources. Our
21 recommendations in the Draft EIS are consistent with the
22 Alternative 1 flow and minimum reservoir elevation
23 measure and proposed water quality, water temperature,
24 and benthic macroinvertebrate monitoring plans. And we
25 agreed with most elements of the proposed Fish Population
26

1 Monitoring Plan. However, the objectives and the goals
2 of the hardhead monitoring aspect of that plan were not
3 clear to us from the plan itself.

4 We recognize that hardhead are a Forest Service-
5 sensitive species. We weren't exactly sure why we were
6 monitoring those populations.

7 There is a potential for stressing the fish when
8 you're putting radio tags on them. There could be either
9 some stress and maybe even possibly mortality associated
10 with that, although the techniques for doing that are
11 pretty well established.

12 As we put in our Draft EIS, we would expect -- it
13 sounds like a lot of the hardhead monitoring was supposed
14 to identify behaviors during the periodic reservoir
15 drawdowns that do occur.

16 Our feeling is there is a conservation pool
17 maintained at Ralston Afterbay. As that reservoir is
18 drawn down, we would expect some of the hardhead to stay
19 in that conservation pool, and upon drawdown we would
20 expect some to move perhaps upstream into either Middle
21 Fork or Rubicon River.

22 So what that buys us in terms of management or
23 information that we can do something with was unclear,
24 and so we did not recommend in the Draft EIS why -- that
25 particular element of the Fish Population Monitoring
26

1 Plan.

2 We also agreed with most elements of the
3 Alternative 1 Streamflow and Reservoir Gaging Plan.
4 However, there are two gages that we could not establish
5 a nexus to the hydro project, on the Rubicon River and
6 also one gage on the North Fork American River which we
7 could not establish a nexus to the hydro project.

8 We recognize those gages will be important for
9 other purposes, such as water delivery to downstream
10 users, recreationists that do use those reaches of water;
11 however, there are gages that are included in that plan
12 that are upstream of those gages that we feel would
13 enable the Commission to determine compliance with the
14 designated flow releases that we are recommending, which
15 is basically the Alternative 1 flow regime.

16 In addition, we did not find a nexus of the
17 Proposed Mercury Bioaccumulation Monitoring Plan to
18 hydro project purposes. And these monitoring plans are
19 part of -- I believe it's Forest Service condition 28.
20 This is one plan that they suggested be finalized.
21 However, the mercury issue, methylmercury accumulation,
22 the source of that we could not determine was
23 project-related or to a change in the project from its
24 existing operational procedures, so we did not recommend
25 that being included in the Draft EIS as a recommendation,
26

1 a staff recommendation.

2 We did agree with Forest Service condition
3 number 26 that a Spawning Habitat Improvement Plan be
4 developed for the Ralston Afterbay bypass reach. And the
5 reason we did that is because there are opportunities to
6 have a relatively constant flow being released from
7 Ralston Afterbay, which in turn presents a stable habitat
8 for salmonid rearing to a certain point, and therefore,
9 they can provide stock to downstream portions on the
10 peaking reach, which, admittedly, is not ideal spawning,
11 rearing, and adult habitat, even though there are
12 populations that are utilized by anglers downstream in
13 the peaking reach.

14 And finally, we agreed with the National Marine
15 Fisheries Service that PCWA file annual reports regarding
16 the status of anadromous fish restoration in the American
17 River watersheds.

18 There are a number of plans that are on paper.
19 Some elements of those plans are underway. Full-scale
20 restoration of anadromous fish upstream of Folsom
21 Reservoir are still very much, well, uncertain. We'll
22 say that. It's not that they're not going to happen, but
23 the Commission, as the responsible agency for Section 7
24 consultation under the Endangered Species Act, needs to
25 be kept informed of the latest status of potentially
26

1 threatened -- or, well, the reintroduction of federally
2 listed species, which in this case is steelhead. They
3 could be restored in the future to project waters.

4 And those are the key highlights of aquatic
5 habitat, so if anybody has comments, clarifications
6 they'd like to make, this is the time to do it.

7 MR. FECKO: Andy Fecko, Placer County Water
8 Agency.

9 Clarification on the reintroduction of anadromous
10 salmonids.

11 Just for the record, Folsom Reservoir is a
12 U.S. Bureau of Reclamation facility that is below the
13 project downstream of the Middle Fork Project. It
14 impounds the -- both the South and North Fork American
15 Rivers and has blocked anadromous salmon from entering
16 the upper watershed for right about 60 years or so.

17 They are currently -- they have received
18 biological opinion for the operation of the CVP, Central
19 Valley Project, the U.S. Bureau has, and they are
20 evaluating their options for improving salmonid habitat
21 in a number of waterways in California.

22 And so the clarification on this part is that PCWA
23 does not own or operate that facility and we are
24 currently not under any mandate by any agency to
25 reintroduce salmonids. That mandate is on the Bureau of
26

1 Reclamation.

2 We're happy to continue to communicate with the
3 Commission on the status of that, but it is not our
4 responsibility, nor is that under our control.

5 MR. HJORTH: And just for informational purposes,
6 we had a similar recommendation in McCloud-Pit EIS, so
7 this is not unusual. It's mainly, as Andy said, for
8 communicating with the Commission regarding the status of
9 those restoration plans.

10 Okay. Terrestrial resources. We recommended
11 implementation of the Alternative 1 Vegetation and
12 Integrated Pest Management Plan. We felt that was really
13 well organized compared to the proposed Vegetation and
14 Integrated Pest Management Plan, so the collaboration
15 that's been occurring between the agencies was pretty
16 evident there, at least to us.

17 We also recommended implementation of the proposed
18 Foothill Yellow-Legged Frog and Western Pond Turtle
19 Monitoring Plans as well as Proposed Bald Eagle
20 Management Plan.

21 We also expanded the area that would be
22 periodically surveyed for special status plants to
23 include the French Meadows Campground water supply access
24 road.

25 In the application, the key to -- and in both the
26

1 proposed and Alternative 1 Vegetation and Integrated Pest
2 Management Plan, the areas to be surveyed for special
3 status plants was keyed into the study reports for
4 special status plants which were filed, I believe, in
5 two thousand and -- or were dated 2009.

6 In the application, the final license application,
7 when they're discussing proposed road improvements,
8 there's a statement in section 8.6.1.1 of the application
9 which states that in addition, a portion of one road,
10 French Meadows Campground water supply facility access
11 road was not included in the terrestrial one special
12 status plan surveys conducted in the relicensing of
13 that -- for the relicensing of that project, and
14 therefore, because maintenance along this road could
15 potentially affect special status plants, this road --
16 the end survey portion of that road should be surveyed
17 prior to making any recommended improvements to that
18 road. But that is tied into the transportation system
19 management plan. And I believe what it says in that plan
20 is that prior to maintenance of those roads, surveys
21 would be conducted for special status plant species.

22 So we have a little -- in our opinion, we have a
23 disconnect there between what is specified in the
24 Vegetation and Integrated Pest Management Plan that at
25 five-year intervals a number of designated project
26

1 features would be surveyed for special status plants for
2 this little unsurveyed part, because we tied it back to
3 that survey, which, admittedly, a portion of that road
4 was not surveyed during those.

5 So what we're looking for is to make this a little
6 cleaner if we possibly can. There are, I believe, five
7 different campground water supplies that are designated
8 as being surveyed for special status plants as well as
9 noxious weeds, but none of the access roads to those are
10 specified in the survey reports for special status
11 species. So a statement saying that yes, the access
12 roads to those are included -- would be included would
13 kind of wrap into that and clean up that little
14 disconnect.

15 So in the DEIS we felt we had to make a
16 recommendation, well, if there's unsurveyed parts, we
17 need to make a recommendation that that little unsurveyed
18 part be included not only prior to maintenance but in the
19 five-year surveys that are committed to in the
20 Alternative 1 Vegetation and Integrated Pest Management
21 Plan.

22 That's kind of a long explanation for our
23 confusion. We recognize it's a relatively minor part,
24 but we want to try and tie this up and make it as tight
25 as we possibly can, so maybe we can dialogue a little bit
26

1 about how we can make that a little cleaner.

2 We also expanded the scope of the raptor nest
3 surveys prior to construction. PCWA does commit to
4 conducting raptor nest surveys prior to any
5 project-related construction. We felt that it would be a
6 relatively simple add-on to have qualified biologists not
7 only conduct the raptor nest surveys but also make notes
8 on any evidence of other special status wildlife that
9 might be observed during those raptor nest surveys.
10 Because they need to do a walkover of areas within
11 proximity to the construction, we didn't think it would
12 be particularly onerous to the licensee or the applicant
13 to make notes of any other evidence by either direct
14 sightings or indirect signs, tracks, scat, other evidence
15 of special status species that might be there.

16 We did not find any need or a nexus to the project
17 for the Forest Service 4(e) condition for a -- that a
18 Bear Management Monitoring Plan be developed. We could
19 not quite understand the basis for that, what they had in
20 mind with the Bear Management Monitoring Plan. Were they
21 monitoring bear populations? Were they monitoring the
22 effectiveness of bear-proofing measures that are
23 currently used at project-related recreation sites? And
24 we just did not have a basis for recommending that
25 measure.

26

1 We also, in our developmental analysis, we had no
2 basis to establish a cost to that. We are charged to do
3 an evaluation of what the environmental benefits might be
4 relative to the cost of implementing that specific
5 measure, and we had no basis for establishing a cost,
6 because what would be involved in that monitoring plan
7 were not at all clear to us.

8 And finally, we did not establish the need to
9 prepare biological evaluations and/or a biological
10 assessment for future project-related construction not
11 addressed in the current EIS. The primary reason for
12 this is that type of construction that is not foreseen at
13 this time would be expected to require a license
14 amendment, and any kind of biological evaluation or
15 assessment that might be required, in our opinion, would
16 be addressed during that license amendment proceeding as
17 opposed to this relicensing proceeding.

18 And those are the highlights of our terrestrial
19 resource findings. Any thoughts, comments,
20 clarifications from those in attendance?

21 MR. FECKO: Andy Fecko, Placer County Water
22 Agency.

23 Let's see. We'll look at the water system road.
24 That may have been an oversight, and we'll get back to
25 you in comments. I think we had all the other roads in
26

1 there. We'll get with our terrestrial person and check
2 that.

3 MR. HJORTH: Yeah, Andy, if you could have a clear
4 statement in your comments that there are partial
5 listings of access roads to some of the stream gages --

6 MR. FECKO: Right.

7 MR. HJORTH: -- and that type of thing, just a
8 listing of either, you know, the water supply includes
9 the access roads to those water supplies or, you know, a
10 listing of the access roads that will be surveyed, that
11 would really help us out a whole bunch.

12 MR. FECKO: Okay. Yeah, we can do that.

13 And I will say that we're very sensitive -- and
14 you may have picked up on this -- in delineating road
15 sections. There are several project roads that cross
16 private property, and we are sensitive that some private
17 property owners do not want special status surveys on
18 their private property where we have an easement perhaps
19 to get to the project. So when we review this, we'll be
20 very explicit. If there are road segments that we
21 excluded because they're on private property, there is
22 probably sensitivity there with private property
23 landowners, so we'll make that known.

24 On the -- I won't comment on the Bear Management
25 Plan. The first time we saw the proposed Bear Management

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1 Plan was in the preliminary terms and conditions, and so
2 we haven't had a lot of dialogue with resource agencies
3 about that.

4 We are planning several meetings in late September
5 with resource agencies, hopefully mid September, to talk
6 about some of these plans and perhaps come to some
7 conclusions on them, but we will likely comment on our
8 view of the necessity of the Bear Management Plan on the
9 EIS comments.

10 And then I don't have any comment -- Ben, do
11 you? -- on the last issue.

12 MR. RANSOM: The raptor nest surveys incorporating
13 just observational notes, direct or indirect, is
14 something that we can do, and we'll include that in our
15 comments.

16 MR. FECKO: Right.

17 MR. RANSOM: And I think the last one was
18 addressing the future project construction.

19 MR. FECKO: Right.

20 MR. RANSOM: And we agree that that would be
21 addressed as the project need is identified and developed
22 in the future.

23 MR. FECKO: I think that's it for us on that
24 section. Thank you.

25 MR. HJORTH: Okay. Recreation, land use and
26

1 aesthetics.

2 The first bullet is a little more complicated than
3 it looks. We recommend some measures from the proposed
4 Recreation Plan and some measures from the Alternative 1
5 Recreation Plan. For a complete listing of which ones,
6 you'll need to look at the EIS.

7 We also recommend implementation of the
8 Alternative 1 Transportation Management Plan and the
9 proposed Visual Resources Management Plan. However, we
10 adjust the frequency of those visual assessments
11 associated with both of those plans from five years to
12 six years in order to match the six-year reporting
13 intervals for the Form 80 recreation reporting that FERC
14 requires of all -- well, of most licensees.

15 And finally, we also recommend implementation of
16 the proposed Fire Prevention and Suppression Plan.

17 So I think the only -- well, the slight wrinkle is
18 the changing in the yearly visual -- or the five-year
19 visual assessments to six years, and a lot of nuances in
20 the two recreation plans, so I'm not sure where we want
21 to go with that at this time, so I'll open it up for any
22 comments, clarifications, suggestions.

23 MS. TEMPLETON: And considering -- this is Carolyn
24 with FERC -- considering that the proposed Recreation
25 Plan and the Alternative 1 Recreation Plan and all of the
26

1 elements associated with that are pretty extensive, we
2 completely understand if at this point you just want to
3 digest what was written, go back and forth between the
4 two, see where we've taken information from each one and
5 provide comments later on would be fine with us.

6 And, Carol, I don't know if there's anything right
7 now specifically that you wanted clarification on or if
8 it can wait until the comment period, if there's anything
9 specific, because this is such an extensive part of the
10 document, let me know.

11 MS. EFIRD: Yeah. This is Carol Efird.

12 A couple things that were confusing to us, in
13 particular, the reconstruction of the campground, the
14 group campground, there was apparently some discussion
15 between -- back and forth on capacity, one at 225,
16 another plan had 125 and 150. There was a little bit of
17 confusion about the recreation level objectives. The
18 need for those weren't quite clear to us.

19 THE COURT: Reservoir.

20 MS. EFIRD: Reservoir. What did I say?

21 MS. TEMPLETON: You said --

22 MS. EFIRD: The objectives. Not the minimum pools
23 but the objectives. But that would be helpful.

24 Those are the only comments I had in mind.

25 MR. FECKO: Andy Fecko, PCWA.

26

1 Yeah, we're still -- as mentioned, we're still
2 digesting some of the changes, but certainly the
3 questions you asked today help us targeting our comments
4 when we get back to you, because I think we can probably
5 fill in some gaps. Thank you.

6 MR. HJORTH: Okay. And the last resource area is
7 Cultural Resources. We recommend implementing the
8 Alternative 1 Historic Properties Management Plan, which
9 is also a -- was agreed to by the Forest Service.
10 However, we make several additional provisions or we
11 recommended several additional provisions be included in
12 that Historic Properties Management Plan before it is
13 finalized. And those are outlined in the EIS.

14 And I'm not sure we need to elaborate on what
15 those are at this particular point in time, but those are
16 the elements that we're looking to clarify before we are
17 able to issue -- finalize the HPMP issue, property
18 management agreement, and move on with including it as
19 part of the license order.

20 Any thoughts, comments, questions?

21 MR. FECKO: Andy Fecko, PCWA.

22 We did receive the Commission's letter regarding
23 finalizing the HPMP, request for some clarification and
24 some additional consultation with the federal agency that
25 owns the property downstream of Ralston Afterbay where
26

1 there's a proposed project, where there's a proposed
2 enhancement project in the lower reach, and we are
3 working on that, and we'll have an answer back, I think a
4 fairly short turnaround, 30 days or so, we'll get an
5 answer back to the Commission forthwith.

6 MS. EFIRD: I did come up with a couple more that
7 we could use some clarification or some help to
8 understand. That had to do with the Hell Hole
9 multipurpose facility, the shared purpose of the
10 facility, as well as anything additional you could bring
11 up about the Ellicott Bridge access and Cache Creek.

12 MR. FECKO: Cache Rock.

13 MS. EFIRD: Cache Rock. Yes. Thank you. I'm
14 sorry. We just found that we didn't have a whole lot of
15 information on that.

16 MR. HJORTH: And those, I think, being
17 Forest Service preliminary 4(e) conditions, we are hoping
18 to get some input from the Forest Service on those.

19 MR. FECKO: Andy Fecko, PCWA.

20 I think FERC staff recommended that particularly
21 the Ellicott Bridge access would not be included. Is
22 that right? As well as Cache Rock?

23 MS. EFIRD: That's correct.

24 MR. FECKO: Okay. Well, we'll reserve our right
25 to comment on those things and get back to you. And we

26

1 may work with the Forest Service, and if they agree, we
2 might be able to do something outside of the license in
3 those places and not make the document -- make the
4 license murky with those.

5 MR. HJORTH: And just as a follow-up to that
6 particular one, there are elements in those recreational
7 facilities or proposed recreational facilities that
8 trickle down into other plans. For example, the
9 Transportation Management Plan includes maintenance of
10 the Ellicott Bridge recreation site in that plan.

11 Two comments: It seems like the access to a
12 recreational facility is part of that recreational
13 facility, so tying it into the transportation plan, which
14 generally we -- as we say, we recommend implementation of
15 that plan, but there are certain elements that we
16 concluded were not related to the project that we would
17 not expect to be included in the finalized Transportation
18 System Management Plan, so we're discussing those little
19 nuances in there, that some of these elements trickle
20 down into other plans, and we'll sort those out once we
21 find out what goes into the final license order.

22 MS. TEMPLETON: Okay. At this point that
23 concludes the resource play by play of the DEIS, and at
24 this time, if there's any other global, overarching
25 comments, clarifications, questions about process that
26

1 anybody has, please feel free to comment now.

2 (No response.)

3 MS. TEMPLETON: Okay. With that, I will move on
4 to what's next in terms of major milestones and target
5 dates that you all can look forward to.

6 Obviously, the DEIS was officially issued
7 August 3rd, again, going back to my explanation of how
8 the EPA is the keeper of all EIS processing, so that
9 makes our Draft EIS comments due October 2nd of this
10 year.

11 Modified 4(e) conditions filed by the Forest
12 Service would be due 45 days after October 2nd, and by my
13 calculation, that would be Friday, November 16th, 2012.

14 And if you recall, in our February revised
15 schedule that we issued this year, we did call for the
16 final EIS being issued approximately next February 2013,
17 and at this time we still foresee that as being the
18 appropriate date. You know, unless something major would
19 happen, I don't think that there would be a problem
20 meeting that deadline.

21 And before a license order can be issued, there's
22 several elements that would need to be received by the
23 Commission before we can move on to issuing a license
24 order. One of those would be a water quality
25 certificate. So there's a couple other things that we'll
26

1 need to have in our record before we can move forward to
2 a final decision.

3 But for your purposes, key dates to keep in mind
4 are, again, October 2nd of this year for comments, the
5 Forest Service would have 45 days after that to supply
6 their modified 4(e) conditions, and then the Commission
7 is looking to issue the final EIS in February of next
8 year.

9 And just as a matter of housekeeping, there are
10 cards back on the sign-in table that were actually mailed
11 out with CD copies, if you received any of those, but
12 there's extras.

13 And the reason that I provided those is because
14 the October 2nd date is listed on there. So if for some
15 reason you want an extra reminder of when comments are
16 due, that information is back there on the table for you
17 to take with you.

18 If you do choose to provide comments on the
19 Draft EIS, please mark all of your correspondence clearly
20 at the top with Middle Fork American River Project and
21 also include the FERC project number 2079-069.

22 You can file your comments in two ways. One is
23 electronically, efiling@ferc.gov, or you can file an
24 original and seven copies to the secretary of the
25 Commission, Kimberly D. Bose, and the address for her is
26

1 our main mailing address at FERC, 888 First Street NE,
2 Washington, D.C. 20426.

3 The public record, which we keep mentioning,
4 regarding this project can be accessed at www.ferc.gov by
5 using our eLibrary link.

6 If you go into the query and type in, under docket
7 number, P-2079, you can search for any and all
8 information that has either been filed by Placer County,
9 by an agency, by a person from the public, by an NGO, as
10 well as all Commission issuances, so it's a way to have
11 in a nice little package all of the correspondence that
12 has taken place to this date on the project.

13 And I encourage everybody to utilize all of the
14 elements on our FERC online site. As I said, you can
15 eFile, which I just mentioned. There's a way to provide
16 eComments. You can do eSubscription, which is a nice way
17 to sign up for the docket number for Middle Fork, and
18 anytime any new issuance or filing has been made for the
19 project, you are notified via e-mail that that is now
20 available, and you can view the document from a direct
21 link that is provided. And all of this is found on our
22 eLibrary site elibrary.ferc.gov.

23 MR. FECKO: Andy Fecko, PCWA.

24 I appreciate the process outline. Placer County
25 Water Agency is a public agency in California and we are
26

1 subject to the California Environmental Quality Act.

2 And I should note that as a follow-along to the
3 federal NEPA process, PCWA is required to produce a CEQA
4 document in order to accept a new license from FERC. The
5 document is being prepared currently and it relies
6 heavily on the NEPA document that has been produced.

7 The CEQA process has its own timelines, which are
8 well established, that we will publish when we send the
9 CEQA document out.

10 It's also anticipated that the CEQA document that
11 PCWA produces will be used by the State Water Resources
12 Control Board in the preparation and issuance of the
13 water quality certification. And so it's a multipurpose
14 document.

15 It will have -- it will reference the NEPA
16 document heavily. We're currently working on that, and
17 we're probably, I would say, 60 to 90 days behind the
18 NEPA document at this point, so look for that, all the
19 members of the public that are present.

20 MS. TEMPLETON: Your CEQA document is about
21 90 days behind the final?

22 MR. FECKO: No. It's actually -- so the draft
23 NEPA document is out. The draft CEQA document will be
24 about 90 days behind that. When the final NEPA document
25 comes out, the final CEQA document will be behind that.

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1 MS. TEMPLETON: Okay. That's good to know. And
2 as Commission staff, please know that we're here to aid
3 in the CEQA process as much as possible. If there's
4 anything that we can do, let us know. You know,
5 collaboration, correspondence along the way, will be
6 beneficial to all parties.

7 MR. FECKO: Thank you. We appreciate it.

8 MS. TEMPLETON: All right.

9 MS. STOHRER: Sharon Stohrer, Department of
10 Fish & Game.

11 Andy, can I make sure that I'm clear with you?
12 You say 60 to 90 days after the October 2nd deadline for
13 the NEPA document is when you expect that you may
14 actually be issuing your draft EIR?

15 MR. FECKO: Correct.

16 MS. STOHRER: Okay. Thank you. Good to know.

17 MR. FECKO: And just for clarity, the agency has
18 not made the determination whether it will be a draft
19 EIR. It could very well be a neg dec, a negative
20 declaration.

21 MS. STOHRER: With supplements to the draft EIS
22 that are --

23 MR. FECKO: That fill in the gaps, that will be an
24 analysis of whether there are any significant impacts to
25 the project. And if there are, there would have to be
26

1 some supplemental information provided.

2 I believe there's six elements in CEQA that are
3 not covered by NEPA, and we will have to do an impact
4 analysis at the checklist level to determine if there are
5 impacts in those areas.

6 If there are, we'll address them in an EIR. If
7 there are not, it will very likely end up with a negative
8 declaration. We have yet to make that determination.

9 MS. STOHRER: Thank you.

10 MR. FECKO: Mm-hmm.

11 MS. TEMPLETON: Are there any further questions
12 for Placer County, questions for FERC, or comments that
13 anybody would like to provide on today's meeting and the
14 Draft Environmental Impact Statement?

15 (No response.)

16 MS. TEMPLETON: Okay. With that, I'd like to
17 thank everybody for attending and participating in
18 today's meeting.

19 Just as a reminder, we will be having a second
20 evening public meeting tonight in the same room, same
21 facility, from seven to nine p.m., so those of you that
22 attended today are more than welcome to come back for
23 more fun later tonight, or if you know of anybody that
24 maybe didn't remember that today was the meeting date,
25 feel free to encourage them to attend tonight, as well.

26

