Amendment to Upper American River Project, FERC No. 2101 for Proposed New Slab Creek Powerhouse

On December 1, 2011, SMUD conducted a FERC required public meeting related to a proposed New Slab Creek Powerhouse and an amendment to the UARP license renewal application. As with the proposed new Iowa Hill Pumped Storage project, I question why proposed “new projects” are included by SMUD in a license renewal process (and delaying the relicensing of existing UARP facilities) instead of being addressed through a separate stand-alone license process. It seems logical that a “license renewal” would relate to existing facilities and a separate license application would relate to totally new proposed projects.

I have served on the Iowa Hill Joint Advisory Committee (IHJAC) related to the proposed Iowa Hill Pumped Storage project (which is part of SMUD’s UARP license renewal application) since 2007. On October 5, 2011, a meeting of the IHJAC was conducted and that was the very first time the proposed New Slab Creek Powerhouse was discussed by SMUD with the IHJAC or, as far as I know, with the surrounding residents. This revelation at this late stage of the process of evaluating the impacts of the proposed Iowa Hill Pumped Storage project, including fire concerns, construction concerns, traffic concerns, NEPA and CEQA concerns, is unbelievable.

During the FERC required December 1, 2011 meeting for the proposed New Slab Creek Powerhouse, SMUD representative Scott Flake claimed that SMUD had conducted meetings on this proposed powerhouse for many years with other parties. If this is so, why did SMUD not ever mention this project to the IHJAC and the community surrounding the proposed project site while we were considering and evaluating impacts of the proposed Iowa Hill Pumped Storage project in the same area? It would have seemed appropriate that SMUD would have so advised us that in the same reservoir area location as the proposed Iowa Hill Pumped Storage project that another related multi-year construction project with similar issues and concerns was being planned by SMUD.

During the question/answer component of the December 1, 2011 SMUD meeting, I asked a simple question based on my understanding of how the current underground tunnels between reservoirs enhances the power generation of the downstream hydro plants. My question was, “Does the proposed powerhouse produce a net gain for SMUD for power generation?”

The answer was provided by SMUD’s civil engineer Chris Moffitt, Hydro Asset Owner, “Under the current configuration, the water goes to the White Rock powerhouse through the White Rock tunnel and makes more power at White Rock than (it will) at the new powerhouse. So this is a net loss for SMUD as far as revenue from generation.”
The above question and answer can be found on track #3, around the 21 minute mark on the recording of the December 1, 2011 meeting. SMUD’s answer deals with the planned diversion of what is now a more efficient water flow process that produces power at the White Rock powerhouse. Instead, SMUD plans to run the water (diverting it from the tunnel) directly to the proposed New Slab Creek Powerhouse. SMUD’s authoritative answer to this question is alarming. Is it not bad enough that the proposed Iowa Hill pumped storage project will require far more energy to pump water up to the storage reservoir than it can produce through the hydro’s when the water is returned to the Slab Creek Reservoir, but now the proposed New Slab Creek Powerhouse will also produce less energy than the current configuration and result in another net energy losing project for SMUD? My question is should FERC license these two back-to-back energy losing projects?

I previously wrote to FERC on September 30, 2008 (see attached) to advise of a discrepancy by SMUD regarding the proposed Iowa Hill pumped storage project because SMUD included in their license application that they were planning to use natural gas fired plants to power the proposed Iowa Hill pumped storage facility while they advised us they were planning to use wind mills to power the pumping process. I believe that discrepancy created a serious conflict between the Final Environmental Impact Statement and the Final California Environmental Quality Act Supplemental Analysis certified by SMUD, and impacted the reviews and also the cost analysis. Now SMUD advises that they propose yet another project, the new Slab Creek Powerhouse that appears inefficient in both cost and energy. Is there a better option?

Please review my comments in light of SMUD’s requested amendment of their license renewal of the existing UARP infrastructure. Is the licensing of the proposed New Slab Creek Powerhouse consistent with FERC’s Mission statement, which in part, is to promote the development of efficient energy infrastructure that serves the public’s interest? I don’t understand how FERC can license the proposed New Slab Creek Powerhouse when SMUD states that the new powerhouse will in fact be a net loss for SMUD as far as revenue from generation.

Respectfully Submitted,

______________________________
Michael DeBord, IHJAC Member and Camino Resident
6090 Keeble Lane
Camino, CA 95709

Date

______________________________

Michael DeBord, IHJAC Member and Camino Resident
6090 Keeble Lane
Camino, CA 95709

Date

cc. James Fargo, Civil Engineer, FERC
    Board of Directors, SMUD
    John DiStasio, General Manager, SMUD
    Dave Hanson, Project Manager, SMUD
Reference the Draft License Amendment Application for FERC Project No. 2101.

Mr. Hanson:

While I very much appreciate the opportunity to review the Draft Application, I must say it is incredibly frustrating to, once again, receive a SMUD document that seems so complete in areas relating to flora and fauna but so woefully incomplete or completely bereft in areas that will significantly and directly effect our local citizens. This Draft Application is inadequate in the areas of water quality, air quality, operating noise, traffic safety, and socioeconomics just to name a few. In the absence of necessary details, it is impossible for the citizens of El Dorado County and their elected representatives to make prudent judgments as to just how this proposed project will effect their lives. The net result is that instead of reducing local apprehension as required by CEQA, the continuing policy of misinformation, no information and delayed information just increases our skepticism. Be that as it may, after a cursory review of the Draft Application, I have listed my initial comments and questions below.

in the Application cover letter, as well as several other places in the Application, it is stated that the proposed project is needed to meet increased minimum and boating flows that will be required under SMUD's anticipated new license. It is further stated "The primary purpose of the new powerhouse and boating flow valve is to allow SMUD to comply with new license requirements to release minimum and boating flows." These statement are egregiously misleading and, in fact, are inaccurate. Under the provisions of the currently pending license SMUD will be authorized to create required minimum flows by modifying the existing valving at the dam. Additionally, on page 29 (Exhibit B) it states that "The use of spilled water (Appendix A, Photo 7) to provide boating flows will continue through Year 10, at which time SMUD must determine, in consultation with the UARP Relicensing Consultation Group, if facility modifications are necessary to release boating flows." If at that time "MODIFICATIONS ARE DEEMED NECESSARY, SMUD MUST IMPLEMENT THE BOATING FLOWS USING THE MODIFIED FACILITIES BY YEAR 15." (Emphasis is mine) In view of the fact that SMUD will have the authorization and the ability to meet the minimum downstream flow requirement by a relatively simple modification to existing facilities, and in view of the fact that provisions to review the boating flow requirements are already in place and agreed to (Settlement Agreement), and in view of the fact that the mandatory consultation contained in the Settlement Agreement that triggers that review will not take place until after year 10, please explain why this Application is not premature and why it must be approved at this time.

During public discussions it has been stated that, even with the new powerhouse operating, there will be a net loss of energy production due to the fact that boating releases will diminish the production at White Rock. The Application affirms that assessment by stating the new powerhouse will restore only a portion of the energy production lost due to boating flows. Explain why SMUD thinks it is
practical and economically prudent to spend at least $15 million more than necessary only to lose
some renewable energy production when it is possible to provide fishery flows by simple modification
of the existing valve at the dam and provide boating flows by continuing with spill events as in the
past. The cost difference could, in fact, be far greater than $15 million as it appears that the cost
estimates for the powerhouse do not include such items as a riverside drop-off site that will
accommodate vans and raft trailers, an all-weather surface on Slab Creek Road that will be required
to partially mitigate water quality and air quality impacts. (Recommended by FS, et. al.), unspecified
local road improvements, and the cost of restoring the roads after construction.

Page 3, Paragraph 2.1 states, in part, "A key feature of the process is a streamlined approach to the
FERC environmental review and consultation process." The Forest Service, along with a number of
concerned agencies, have sent FERC a letter dated February 13, 2012, which details just why this
"streamlined" process should not be considered. What is the status of the recommendations and
comments in that letter?

Page 1, Paragraph 1.0: The proposed powerhouse is located on SMUD-owned land. The Forest
Service has informed SMUD that any portion of the project on FS land will require a Special Use
Permit. Is it not the case that any portion of the project (or project components) on privately owned
land would require a Special Use Permit from the County?

Page 15, Paragraph 3.1.2: "While the option exists to physically separate minimum and boating
releases, the most efficient and economical method is to combine the two water release functions into
a single new powerhouse/boating valve at the adit." It states further, "This requires less construction,
increases efficiency, and is more economical than the construction of similar dual-purpose facilities at
the base of the dam." What methodology was used to arrive at the conclusion that continuing to spill
water to supply boating flows while supplying fishery requirements via a new valve at the Dam
requires more construction, is less efficient and is less economical? Are the engineering studies that
support such a conclusion available to the public?

The Storm Water Pollution Plan and the Erosion and Sedimentation Control Plan contained in
paragraphs 2 and 3 on Page 20 do not include any mention of North Canyon Creek which abuts Slab
Creek Road for almost 2,000'. What provisions will be made to eliminate pollution of North Canyon
Creek?

Page 24, Paragraph 3.1.4: "Meeting the new UARP license requirements for minimum releases and
boating flows can occur in a variety of ways." That statement seems to contradict previous
declarations that the powerhouse must be built to provide those flows. (See above) "Alternative
1, No Slab Creek Powerhouse" is misleading in that it implies if no powerhouse is built within the
next few years, it will never be built. Again, I refer you to the Settlement Agreement that details the
plan for boating flows to be provided by continuing the "spill" and that the acceptability of that
operation would be reviewed after 10 years. Additionally, this document states that "Slab Creek
Reservoir was not designed to, nor is it capable of, capturing large runoff events from the mostly
unregulated SFAR basin." It then goes on to cite the "flood of 1997" as an example of a large runoff
event. That is ironic in that that event was caused by a land-slip along the SFAR that temporarily
dammed the river. When that dam was breached, the resulting surge of water washed away houses,
trees and debris, much of which ended up in Slab Creek Reservoir. In other words, such an event
was approximately equal to a 1,000-year event. The irony is that the land-slip was caused by the
super-saturation of an area that a wildfire had devastated years before. That long ago fire emanated
during construction of SMUD's UARP. It must also be noted that contrary to the thought that the dam
is not capable of weathering large events, Slab Creek Reservoir and Dam withstood that once-in-a-
lifetime event.
Pages 29/30, Paragraph 3.2.1: The connection of spilling boating flows over the dam in spring months and the potential shutdown of the White Rock Powerhouse is unclear. If SMUD must spill more water than that which is safe for boaters, would it not be possible to simply notify the boaters?

At the first two public meetings regarding the proposed powerhouse, it was stated that the new flows would eliminate the need to spill water at the Slab Creek Dam. However, on Page 31, last paragraph, it states: "The Project, however, will not alter the incidence of spill events passing over Slab Creek Dam in spring of certain years. Spill magnitude, frequency and duration will be largely unaltered. The volume of water passing through the White Rock Tunnel for power generation at the White Rock Powerhouse will be unaltered." Again, if that is the case, why is this new powerhouse required?

Page 34, Paragraphs 3.3.3/3.3.4: The construction route listed involves portions of Carson Road, Larsen Road, North Canyon Roads and Slab Creek Road. I believe the Draft Application incorrectly classified these roads. While it is debatable that Carson Road might be a "rural minor arterial", identifying Larsen Road as a "rural local collector" and North Canyon Road as a "minor rural collector" overestimates their current use. Both of these roads are more appropriately labeled as "country lanes". In any case, these roads are not capable of handling major construction traffic. The later conclusion (Page 144) that "Overall, adding construction traffic to Camino roads used by residents and/or businesses will not adversely impact traffic congestion or safety on Camino roads." is simply without foundation and SMUD needs to reveal the methodology used to arrive at such a conclusion. The life blood of the agri-tourism ventures carried on in Camino/Apple Hill is the rural character of the area. Having a country day in Apple Hill means traveling on our tree-lined lanes, visiting our local farm sheds and sampling our homemade cuisine. That country experience is, to a large degree, dependent on a number of rural components but our tree-lined country lanes are a major and vital part of Apple Hill’s marketing effort. (I must add at this point the fact that several SMUD Directors, past and present, have stated that they would not be in favor of any project that would change the character of Apple Hill.) The proposed construction traffic associated with the new powerhouse, if routed as intended, WILL change the rural character of Apple Hill. That fact can be verified by any group that specializes in the study of agri-tourism, such as UC Davis. SMUD says they will restore the roads after damaging them. That is a meaningless statement as restoring the roads to a previous condition, which is impossible on its face, will do nothing insofar as mitigating the economic damage suffered by the local businesses. SMUD also says they must make some unspecified improvements to local roads prior to the start of construction. "Improving" our country lanes could very well create irreversible harm to our rural ambience and create, as an unintended consequence, a growth inducement. The simple fact is SMUD does not have to access their UARP facilities through the middle of our thriving agri-tourism and rural-tourism area. SMUD must justify, with substantiated facts, their insistence on using these roads and must produce a detailed study of the effects the proposed construction traffic will have on the socioeconomics of Apple Hill. Slab Creek Road, on the other hand, is not a part of the country lane system. SMUD adequately describes the road by a sign posted near the top gate. The sign says "WARNING Hazardous dead end road. Sharp turns - Steep Grade and Falling Rock" During the last decade there have been numerous accidents on that road due to its hazardous nature and two of those accidents resulted in fatalities. On top of the road hazards associated with the proposed project, Slab Creek Road is the only emergency egress from the lands that are recognized as having one of the highest wildfire potentials in El Dorado County. Therefore, Slab Creek Road must be widened in many areas, have substantial regrading to prevent pollutants from entering North Canyon Creek and, as recommended by the Forest Service, be paved to at least partially mitigate the air quality degradation that will surely occur. In addition, to aid in reducing noise, it is recommended that there be a strict restriction on the use of jake-brakes and, in the interest of safety, runaway truck lanes be installed.
More on the transportation issue: SMUD repeatedly assures the Camino citizens that a "van pool" will mitigate the traffic increases associated with construction into insignificance. That is nonsense. As an example, after stating that there will be 50 workers at the powerhouse project it is opined that, due to the van pool, there will be only 5 or 6 worker vehicle round trips per day. (The estimate is 3 to 5 trips per day in another part of the Application) A construction project such as a powerhouse involves people with many different disciplines. Heavy equipment owner/operators, cement finishers, masons, framers, electricians, plumbers, sheetrock hangers, finish carpenters, and roofers are but a few of the workers who will require specialized tools and will not be riding to work in a van pool. It is assumed that CH2MHILL is the consultant that prepared the transportation plan. The conclusions are debatable and, therefore, the methodology used and the information provided to the consultant by SMUD should be publicly evaluated to justify those conclusions.

Finally, I ask for a clarification: On the first page of the Draft Application, in bold letters over a beautiful picture of Slab Creek Dam during a spill event, the purpose of the Application is described as "TO AUTHORIZE THE CONSTRUCTION OF THE NEW SLAB CREEK POWERHOUSE AND BOATING RELEASE VALVE." It is my understanding that FERC is not in the business of issuing use permits or building permits. This headline gives the impression that should FERC approve the license SMUD would be free to proceed with construction without further permitting. I ask that it be made clear that the agencies controlling the lands on which any and all components of the proposed project sit will be asked to issue whatever permits are required by Federal, State and local regulations and that any approval on the part of FERC or the SMUD Board of Directors does not constitute a permit to build the proposed project.

Thanks you for your efforts.

Jim Summers
PO Box 923
Camino, Ca 95709
June 4, 2013

David Hanson, Program Manager
Licensing & Permitting
SMUD-Power Generation Department
6201 South Street, Mailstop B355
Sacramento, California 95817

Dear Mr. Hanson:

This is in response to your request for comments regarding the SMUD Draft License Amendment Application for the Non-Capacity License Amendment Process Upper American River Project FERC Project No. P-2101 in Eldorado and Sacramento Counties, California.

Please review the current effective countywide Flood Insurance Rate Maps (FIRMs) for the Counties of Eldorado (Community Number 060040), Maps revised April 3, 2012; and Sacramento (Community Number 060262), Maps revised August 16, 2012. Please note that the Counties of Eldorado and Sacramento, California are participants in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any development must not increase base flood elevation levels. The term development means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials. A hydrologic and hydraulic analysis must be performed prior to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.
Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA’s Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The Eldorado County floodplain manager can be reached by calling Roger Trout, at (530) 621-5775. The Sacramento County floodplain manager can be reached by calling George Booth, Senior Civil Engineer, at (916) 874-6484.

If you have any questions or concerns, please do not hesitate to call Michael Hornick and/or Frank Mansell at (510) 627-7057 or (510) 627-7191 respectively.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Roger Trout, Eldorado County
George Booth, Senior Civil Engineer, Sacramento County
Ray Lee, WREA, State of California, Department of Water Resources, North Central Region Office
Michael Hornick, NFIP Planner, DHS/FEMA Region IX
Frank Mansell, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX
Slab Creek Powerhouse on the Fast track

David Hanson
While other residents in the Apple Hill area will be commenting on specific, detailed aspects of the proposed Slab Creek powerhouse I want to focus primarily on Smuds apparent plan to expedite or Fast track approval and construction. If the intent, is to circumvent the NORMAL regulatory requirements such as noise, transportation, environmental, etc, etc, and most importantly in this case, public review and input, the application should be Side Tracked!

It is paramount that Smud honestly seek and utilize public review and input for the mitigation phase on this project. Studies conducted for the Iowa Hill project, totally separate as you state, are, I assume stale by now, and should not be considered applicable to the powerhouse site. Further, the relative size of the project does not negate the need for full compliance of all regulations, and in particular, community involvement!!

In an attempt to be brief I will address one MAJOR issue; FIRE!
It is not an understatement to state that Smuds history on Urap fire issues is not exemplary! Examples:
1. The ice house fire.
2. Refusal to remove the large, tinderbox log deck just below Slab Creek dam. This hazard is immediately adjacent to the proposed powerhouse site and has become no less a threat!
3. Correctly, Smud documents define the Slab Creek canyon as an area of "EX-TREME FIRE DANGER" yet interestingly fail to apply that label in their communications, describing the issue as "LESS THAN SIGNIFICANT."
4. A cavalier attitude on the topic and toward community fears! Several years ago, when asked, what Smud could do to help protect our homes from fire, the Smud risk management officer told the audience to ensure that their home fire policies were in force!
5. Earlier, in the mitigation on Iowa Hill, it was suggested that Smud execute an adequate bond to cover fire damage to homes, should Smud be at fault. That suggestion was not adopted.
6. Smud apparently does not plan to monitor rafting activities and the potential for rafters starting fires.

It should give added creditability to our fears, that many large home insurance companies now refuse to issue fire policies in our area code! This history does not give area residents a great deal of confidence in Smuds commitment to responsibly construct and manage facilities in our neighborhoods!

Finally, along with our new district three supervisor, Brian Veerkamp, we hope to
work with Smud to identify and find solutions to a myriad of problems a project like this presents, but please understand that we emphatically reject any attempt to Fast-track or bypass normal legal requirements for this project, especially those that provide for community participation!

Thank you for your time and attention.

BOB PENN
Chair. Iowa Hill Action Committee.(IHAC)
Comments on the DRAFT LICENSE AMENDMENT APPLICATION FOR THE NON-CAPACITY LICENSE AMENDMENT PROCESS; UPPER AMERICAN RIVER PROJECT; FERC PROJECT NO. P-2101

In SMUD's cover letter to FERC SMUD indicates that "...the project proposed in this amendment is needed to meet increased minimum and boating flows that will be required under SMUD's anticipated new license." If this project is needed to meet the increased flows and it is a new project how was SMUD going to meet the needs as stated in the various settlement agreements for the UARP license project currently under review by FERC.

Moving on in the list of notifications SMUD was advised that I have replaced Christa Campbell as the CCAC representative more than a year ago yet I was never sent the draft until after someone else told me it was out for review and I called to request a copy. Also in the list of recipients Andrea Tuttle has not been the Director of the California Department of Forestry and Fire Protection since 2004. I can only wonder how many other notifications are sitting in trash bins waiting to be reviewed due to changes in staffing.

In the purpose statement a number of things are stated. SMUD states that they are doing this in order to comply with increased flow requirements. If SMUD knew that this facility was necessary to comply with the proposed UARP settlement agreements why was it not discussed in the CEQA document or the NEPA document as actions to be taken?

As has already been stated by the State Water Quality Control Board the project as it relates to Iowa Hill portion of the project does not contain enough detail on the project in order to be evaluated for CEQA compliance and will require more specificity in the plan in order to do that. How can SMUD then propose to tier this New project off of CEQA document that does not satisfy the threshold to be evaluated under CEQA?

If this is truly a NEW project as SMUD states, how was SMUD going to comply with the required increase in flow as required in the UARP project as proposed by SMUD. What has changed to make the previous solution, and I assume there was a solution, now inoperable and this solution necessary to comply with the increased flow requirements? Perhaps this speaks more to the lack of detail in a plan or absence of a plan that the Water Quality Control Board refers to. Perhaps it is time for SMUD to have all their plans prepared and reviewed before...
asking regulatory and permitting authorizes to issue permits and license based on a promise that
great plans will be prepared. SMUD should be held to the same standards as everyone else.

In section 2.1 SMUD indicates that this project is included as part of the UARP project but
apparently it was not considered in the original submission. Figure G-1 page 153 clearly shows
that this was not in the UARP project boundary. How could this now be part of the UARP when
it was not included in the submitted license application? When several members of the Iowa Hill
Joint Advisory Committee have proposed that the IHJAC also be convened to address
mitigations for this New Project we have been told in no uncertain terms that this is not part of
the UARP and therefore the IHJAC will not be consulted. Why is it that SMUD says it is part of
the UARP in order for SMUD to request streamlining (fast tracking) of the environmental
portions of the process because it is part of the UARP and at the same time say that since it is a
NEW project and has nothing to do with Iowa Hill and that the IHJAC will not be involved. It
appears that SMUD again feels that they can roll the locals with doublespeak and legalese.

Page 5 states that the construction of this facility will benefit El Dorado and Placer county
residents displacing ton of carbon emissions. What is being shut down in these counties as a
result of the facility? What kinds of carbon emissions will be releases as part of the construction
of this facility? What other air quality, noise, and environmental impacts, rural quality of life,
and economic impacts to Apple Hill® will there be to the residents of the community where the
facility will reside? How will this facility positively impact Placer County that lies nearly 40
miles north of the project?

Section 3.1.3.1 states that, “Beginning as early as reasonably practical within three months
after the conclusion of construction activities...” minimum stream flows will be started in
order to meet the aquatic needs of species between the dam and the new powerhouse. What
happens to these aquatic resources during the 1.5, 2, 3-4 or 5-6 year construction period? All of
these construction times are used in various places in the document. By this statement it appears
that the flows out of the dam will be significantly reduced to a point of negatively impacting the
species dependent on at least minimal flows.

In the body of the document, SMUD describes preparing plans of various sorts, fire,
transportation, noise, etc., prior to starting work, but none of those activities are listed on the
timeline diagrams, nor are there any tasks for CEQA or NEPA compliance. As we have seen
with Iowa Hill it is very difficult to comment on transportation, fire, noise, aesthetic, dust, or any
other plan without having them to review or at least with enough specificity that are able to be
reviewed. The transportation plan for instance says there will be a park & ride area. Specifically
where will that be located, as this will affect the various routes of travel? It does say it will
comply with the laws. Is that the plan?

When does the public, which will be impacted by this project, get to see and substantively
comment to FERC or any other regulatory body on the specifics of the plans that will be
prepared in the future? All of these plans indicate that SMUD will coordinate with all of the
various regulatory agencies and owners of the lands SMUD will be operating on but again that
consultation is not listed anywhere in the timeline. It only lists the FERC permit being
completed on 7-13-2013. Does that mean that SMUD already has the plans done but are not
making them available to the public for review? SMUD has a very specific timeline for construction, purchase of equipment, etc., but don't have a clue when it will develop these specific plans? Are these more backroom deals that we will not be able to comment on or have a very short window of comment? There also seems to be some confusion in the construction time. Throughout the document various construction time are listed form 1.5 years to 2 years to 3-4 to 5-6 years. I understand that it is hard to estimate precisely how many days it will take but there is a range of 4.5 years between the 1.5 years stated in some places and the 5-6 years for the same project stated in section 3.3. What is the real estimated time of construction? A realistic or at least consistent estimate might be in order.

Section 5.8.1 discusses noise but never discusses what or how the project or project construction will affect noise. It has a table of noise measured on one day in August but does not say what that means. I am unclear on what the purpose of the table is if you are not comparing the current noise level on one day of the year to what the project noise or construction noise levels will be. There is also no mention of how the canyon acts like a megaphone amplifying the noise as it rises out of the canyon to the homes on the rim. I guess if you live in Sacramento the noise created by this project is considered negligible impact.

Page 142 describes fire responsibilities. First of all EDCFD does not have fire protection responsibilities in Amador County hence the name El Dorado County Fire District, and secondly its responsibilities are for structural fire protection not wildland. Since the area of the project is on SMUD property it falls under the jurisdiction of the California Department of Forestry and Fire Protection (CalFire) as it is classified as SRA or State Responsibility Area. The area in question that is USFS is also protected by Calfire under a traded acres agreement. As I have been saying to staff at SMUD for at least 6 years now, Calfire has wildland fire protection responsibilities in this area and therefore should be your primary point of contact but that somehow never sinks in with anyone.

Page 145 again talks about working with federal and local fire agencies but again no mention of Calfire which is the States responsible agency for the SRA, where the project is located. The document also states “Once construction is complete, SMUD will modify the Fire Prevention and Response Plan prepared for the UARP to incorporate the Project.” Iowa Hill is part of the UARP and both the IHJAC and the residents in Camino have been asking for a fire protection plan for Iowa Hill for many years now. SMUD has repeatedly been told the residents, that SMUD will prepare a fire protection plan prior to construction of Iowa Hill if it is ever built. I find it curious that SMUD proposed to modify a nonexistent plan when the project is completed, when apparently it has yet to be written. If it does exist why has it been kept under wraps?

I remember the SMUD attorney at a fire protection mitigation planning meeting for Iowa Hill, when asked about SMUD having a large insurance policy should a fire occur from construction. His response was that the residents better have our fire insurance policies up to date. Is this the SMUD fire plan? Again SMUD states it will obey the laws. This is the minimum not what is right for the residents at risk from fire in an extreme fire threat canyon. I can only wonder what provisions there would be if SMUD staff lived in the area that is at risk.
It is stated that impacts on local roads will be minimal but in the traffic study charts included has N/A listed as documentation of use on both North Canyon and Larsen Rd. How is it that you can predict no impact when there is a 125 parcel development in Audubon Hills accessed by North Canyon between Larson and Slab Creek Rd. SMUD also states that the road is dangerous due to sharp turns and narrow roads. How will large trucks and heavy equipment negotiate these "dangerous" spots without endangering resident drivers, walkers, bicyclists, etc.? Should we also have good car insurance and personal injury policies?

Much is described about the increase in recreational use of the area with better access to the river and a new boat launch. As is also stated in the document, Slab Creek Road is gated. How will all these new recreational users gain access? What will be the increased risk of fire from the additional recreation use be and how will this be mitigated? As witnessed by the fire in Mariposa that was started from an escaped campfire, carelessness of people, do pose a risk, for fire starts. The presence of people recreating, as well as construction activities increases the risk of fire in the area. In most if not all of the statements in the document, as far as mitigations are concerned, the statements basically says SMUD will do what the law requires, implying they will do the minimum and no more.

Pardon me for saying this but, I Do Not Trust SMUD to do anything except what benefits SMUD, and SMUD or SMUD staff could care less about impacts to the local community, or the environment. I believe the main concern is the checkbook. While costs are a legitimate concern it should not outweigh the impacts to either the environment or the residents of the local community who have to live with the project. This can be seen in all the settlement agreements negotiated prior to license submission by SMUD in order to solicit and require support for the license application to FERC for the UARP, without any consideration for contacting the local community, where all of the impacts and none of the benefits will occur. To the layperson this might be considered buying support from potentially contentious groups.

I would hope that the various regulatory, licensing, and permitting agencies would require SMUD to prepare complete plans, complete and valid monitoring studies, and public reviews prior to issuance of any such permits or licenses. I would also like to remind SMUD Board members that when staff indicates that they have settlement agreements with all the various interest groups that does not include the members of the community that will be impacted by this and the proposed Iowa Hill Pump Storage Project, and we are very interested in the impacts to our community and the potential of fires destroying our community, economy, and rural environment in the area.

Mark Stanley
Member, Iowa Hill Joint Advisory Committee, representing CCAC
Resident of Camino
Retired, Chief Deputy Director, California Department of Forestry and Fire Protection
Registered Professional Forester #1376

Cc:
Supervisor Brian Veerkamp
SMUD Board of Directors
To: Dave Hanson, Program Manager, Licensing and Permitting
From: Mike DeBord, Camino Resident and IHJAC Member
Subject: Response to Draft License Amendment for the Non-Capacity License Amendment Process; Upper American River Project; FERC Project No. P2101
Date: June 30, 2013

The following is my response to SMUD’s current amendment application to add a powerhouse to the Camino area. However, I must first address the omission by SMUD of my prior comments in this Draft Application. The powerhouse application prepared by SMUD does not include my prior comments that I prepared on January 26, 2012 and forwarded to Kimberly Bose, Secretary; FERC, James Fargo, Civil Engineer, FERC; each of the Board of Directors, SMUD; John Di Stasio, General Manager, SMUD; and Dave Hanson, Project Manager, SMUD. I know that SMUD received my written comments as I received a certified letter from Scott Flake, P.E., Manager Power Generation, SMUD dated February 3, 2012 that acknowledged my letter.

I request that my letter dated January 26, 2012 be included in the record as has been the case with 15 other letters from agencies and individuals shown on page 49 of the Draft License Amendment. Copies of each of these letters are referenced in the document to be included in Appendix B. However, when I went to Appendix B, its title was “Photographs of Wetland Delineation Sample Points”. I found this document to be very difficult to follow.

In Mr. Flake’s response on February 3, 2012, he states that “To be clear, this project is not in any way related to the proposed Iowa Hill Pumped Storage Development, nor was it part of the El Dorado/SMUD Cooperation Agreement that resulted in the formation of the Iowa Hill Joint Advisory Committee”. That’s interesting as most of the topics and concerns covered during the meetings of the IHJAC for the Iowa Hill project, such as those related to fire, noise, transportation and socio economic impacts are likely to be the same topics and concerns for the proposed powerhouse, in the same general area and impacting the same surrounding residents. In fact, I would expect that SMUD will utilize the work prepared during the IHJAC meetings related to the Iowa Hill project for the powerhouse project. If so, how are the two projects not related in any way?

SMUD utilized the IHJAC to introduce the topic to the community and used the IHJAC mailing list for attendees. Now SMUD says there is no relationship between the two projects and refuses to utilize the community’s only SMUD/community committee to address the issues related to the proposed powerhouse. That is unfortunate as the community no longer has a voice through the IHJAC to express themselves on the SMUD powerhouse project; a project that will impact our community with heavy construction for two years. Apparently, that is SMUD’s desire and approach.

From the beginning of the Iowa Hill proposal, I have expressed myself over and over again as to the concerns about SMUD taking steps that would increase the risk of a fire start in an “Extreme Fire Risk” area that includes many communities adjacent to or near the Slab Creek Reservoir. It seems that SMUD is bound and determined to propose back-to-back large and lengthy
construction projects as well as negotiate additional recreational activities in an area designated in the Iowa Hill proposal as an “Extreme Fire Risk”.

The following briefly are my continuing concerns with the current and past construction proposals by SMUD:

- SMUD knew that the option they chose for the pumped storage project was in an “Extreme Fire Risk” designated area, including the tourist-related Apple Hill area, and chose it anyway never mentioning it in their site selection criteria or evaluation.
- SMUD knew that the White Rock-Camino corridor was between 3 and 19 times the fire risk of the other five UARP segments and pursued this location for two large construction projects anyway.
- SMUD states that an “Extreme Fire Risk” is a rating of 1.5 or greater; this level predicts greater than one fire per 1,000 acres for every 1-10 years. The actual risk rating for the Camino-White Rock segment is “5.8-Extreme” and SMUD chose it anyway.
- SMUD was provided a letter by Doug Leisz, Registered Professional Forester, retired Associate Chief of the United States Forest Service and Regional Forester in California, regarding the very real wildfire threat of the Iowa Hill project, and SMUD merely continued to pursue not just one huge construction project, but now is adding another construction project to the same “Extreme Fire Risk” designated area.
- SMUD states that the risk of starting a fire in this “Extreme Fire Risk” area will increase during construction, and continues to pursue this site for both construction projects, as well as allowing “smoking” on site during construction.
- SMUD made an agreement during the UARP re-licensing process to add recreational rafting into the “Extreme Fire Risk” with knowledge that human activity increases the fire risk which is already designated as “Extreme Fire Risk”.
- SMUD, over the years of planning, has not taken any steps that were recommended by at least one community member of the IHJAC to begin the process of brush clearing on and around the Iowa Hill construction site and to work with surrounding neighbors on an unified fire prevention plan.
- SMUD continues, year after year, with no development of a fire plan stating they are not the “experts” in fire prevention planning while initiating and promoting activities that will increase the risk of a devastating wildfire fire for the surrounding communities.
- SMUD knows that fighting a wildfire in this canyon will likely not be effective by ground crews due to the steep terrain and heavily wooded landscape, and the extinguishing of a wildfire in these canyon walls will require immediate and sufficient air support, and a lot of luck.
- SMUD knows that the inadequate ingress and egress for the proposed construction sites will create conflicts by those trying to leave the site during an evacuation while fire responders will be trying to access the site.
- SMUD has never satisfactorily clarified who is responsible and liable for construction-related activities or SMUD-approved recreational activities in this canyon as the property ownership includes many parties.
• SMUD has never taken any action to remove the large “log pile” tinderbox that is in close proximity to the proposed projects.
• SMUD already is allowing an increased fire risk for the surrounding community by taking no action to prevent or monitor current recreational activity on their property including partying, drinking alcoholic beverages, and lighting fires—even after being provided pictures of such activities on their property (a fire previously occurred shortly after pictures were taken of such unsupervised activities).
• SMUD is now initiating rafting activities many years prior to contract requirements and SMUD still has no fire plans, and no emergency plans for access for rescue and recovery operations.
• SMUD has not demonstrated any plans for “ongoing”, on-site monitoring of recreational activities, including rafting, that would ensure fire prevention and protection for the surrounding community.
• SMUD states that the entire fire risk is “less-than-significant” even though surrounding neighbors could easily be overtaken by a wildfire initiated by SMUD’s construction activities or related to the new recreational activities in this “Extreme Fire Risk” designated area.

Mike DeBord
Camino Resident and Member of the IHJAC

c.c. Kimberly Bose, Secretary; FERC, James Fargo, Civil Engineer, FERC; each of the Board of Directors, SMUD; John DiStasio, General Manager, SMUD; Paul Lau, Assistant General Manager, SMUD; and Brian Veerkamp, Member of the Board of Supervisors of El Dorado County
July 11, 2013

Sacramento Municipal Utility District
Jim Shetler, Project Manager
Dave Hanson, Project Manager
6201 S St/P.O. Box 15830
Sacramento, CA 95852-0830

Reference: Proposed UARP Projects

Dear Jim and Dave:

We are recently in receipt of a Draft Amendment Application for a proposed powerhouse below Slab Creek Reservoir Dam. While we feel the Amendment is very premature, we are compelled to make the following observations:

The cover letter of the proposed Amendment states the purpose of the Application is for FERC “to authorize the construction of the new Slab Creek powerhouse and boating release valve.” That purpose would be better stated as to authorize SMUD to seek all required Federal, State and Local permits and certificates necessary for the construction of the new Slab Creek powerhouse and boating release valve.

Since 2007, the El Dorado County BOS, County Agencies, El Dorado Parties and the citizens of El Dorado County have come to rely on the boating flow schedule and monitoring provisions contained in the Settlement Agreement. Those provisions detail how the boating flows are to be provided during the initial years after issuance of the pending FERC license. They also spell out the time necessary to ascertain whether any modification to the existing facilities are necessary. Those schedules have not been met and, therefore, as stated above, the subject Application is premature. El Dorado County expects SMUD to adhere to the provisions of the Settlement Agreement.

The danger of fire emanating in the canyon in which SMUD has proposed two new developments is one of the environmental issues that creates widespread apprehension and fear among our citizens. SMUD has concluded, without any supporting data, that the fire danger is not significant. This conclusion is not only incorrect, it is unacceptable. It is just plain
wrong to put off developing a Fire Plan to some unspecified future date. SMUD has agreed to provide for a dramatic increase in the numbers of people that will recreate in an area that is recognized by all to have an extreme fire potential. Again, the required monitoring program which will start soon after the issuance of the pending FERC license must include an approved Fire Plan and strict overview of any activity that could exacerbate an already dangerous situation.

As you know, Apple Hill is one of El Dorado County’s major agri-tourism and rural tourism areas. People from many miles away come to Apple Hill to have a country day. That country day might include a visit to our farm-shed produce markets, our down-home country cuisine kitchens, our pick-your-own produce farms our pick your own pumpkin patches or our cut your own Christmas tree farms. These products have been marketed successfully due to the unique rural character for which Apple Hill is famous. That rural character is epitomized by our tree-lined country roads. These roads are not designed nor meant to carry the construction traffic SMUD is proposing. In fact, SMUD has concluded that in order to accommodate the proposed traffic patterns, road “improvements” will be necessary prior to any construction. Any such “improvements” could very well negatively impact our precious rural character and could also be growth-inducing. We must make it clear that the undersigned will not allow any project or project component to reduce the effectiveness of our long-standing rural atmosphere. It is well known that the UARP facilities can be accessed without routing construction traffic through the heart of Apple Hill.

Many new developments with multiple elements and moving parts as with the pending FERC license necessitate processing them individually by El Dorado County just as any independent project. With each passing year aspects have changed and continue to change with State, Federal, and local statutes thus increasing the importance of an independent review of a nearly ten year old proposed license/project. As you know project review is ever-changing in California and we all must work together to mitigate “all” impacts. I can’t emphasize enough the importance of keeping our Camino area whole, especially due to its economic significance to our local economy and the County. As the new Board representative and co-chair of the IHJAC committee I would respectfully request we re-evaluate the scope and purpose of the committee and expand its charge to encompass any and all projects related to the FERC license in El Dorado County. The importance of communication and proper outcomes to the benefit of SMUD and our constituents must be conveyed.

Finally, we are advised that SMUD is proposing a land swap with the Forest Service that will, for all intent and purposes, eliminate the Forest Service’s overview of the proposed projects. As in the case of the Settlement Agreement, El Dorado County has relied on the requirement that SMUD’s projects meet the El Dorado National Forest environmental restrictions and view shed requirements. Any land swap that would reduce or eliminate required Forest Service permits and/or certifications could have a significant impact on El Dorado County. Therefore, we ask that the County be included in any discussions or negotiations involving the potential land swap.
I look forward to getting together to discuss this proposal. We have enjoyed a collaborative working relationship through the years and look forward to the same in the future.

Sincerely,

Brian K. Veerkamp
Supervisor, District 3

Cc: SMUD Board
   El Dorado County Board of Supervisors
   John DiStasio, SMUD General Manager & CEO
   Ms. Kimberly Bose, FERC
July 17, 2013

David Hanson
Program Manager, Licensing and Permitting
SMUD-Power Generation Department
6201 S St., Mailstop B355
Sacramento, CA 95817

RE: Request for Comment on Draft License Amendment Application for the Non-Capacity License Amendment Process, Upper American River Project (FERC Project No. P-2101)

Dear Mr. Hanson:

Thank you for your May 8, 2013 letter offering the opportunity to comment on the Draft License Amendment Application for the Non-Capacity License Amendment Process, Upper American River Project. The amendment will be submitted to FERC and requests approval to add the New Slab Creek Powerhouse and Boating Flow Valve.

Per Section 106 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 800, any federal undertaking must take into account the effects of the undertaking on historic properties and afford the Advisory Council on Historic Preservation the reasonable opportunity to comment on the undertaking. As the Upper American River Project is receiving a license from the Federal Energy Regulatory Commission (FERC), it meets the definition of an undertaking as defined in 36 CFR Part 800.16(y).

I look forward to consulting with the FERC and SMUD on this project. Please direct any questions or concerns that you may have to Kathleen Forrest, Project Review Unit architectural historian, at 916-445-7022 or at kathleen.forrest@parks.ca.gov.

Sincerely,

Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer
Mr. David Hanson, Project Manager, Hydro Licensing & Permitting
New Slab Creek Powerhouse Project P-2101
Sacramento Municipal Utility District
P.O. Box 15830, Mail Stop B355
Sacramento CA 95852-0830

The Sacramento Municipal Utility District (SMUD) seeks an amendment to its license for the Upper American River Project (P-2101) to capture clean energy that would otherwise be lost; I request SMUD work cooperatively with the Forest Service and include the Brockliss Bridge project as a component of the license. Both of these projects have strong “green” benefits for our residents and potentially a much larger recreating public.

Currently the Crystal Basin can only be accessed from the greater Sacramento area by motor vehicle. SMUD has been a major source of financing this wonderful recreation complex, but recreationists wanting to travel to the area under their own power are excluded. I believe the Eldorado National Forest (Forest Service), El Dorado County, and SMUD have historically not recognized a barrier at the old Brockliss Bridge site is preventing many non-motorized recreationists from enjoying the recreation assets of our area. A new bridge is needed. The main component of the project is a bridge that spans the South Fork of the American and a smaller crossing of Brockliss Creek. El Dorado County recognized this barrier when it approved its 2012 Parks and Trails Master Plan and made the Brockliss Bridge a Tier 1 need.

The bridge is critical to facilitate non-motorized travel to the Crystal Basin, but it is also the missing link in the Pony Express National Historic Trail which stretches from Sacramento to Saint Joseph, Missouri. Construction of the bridge could help stimulate our local economy because it will allow non-motorized recreationists the ability to walk and ride to and from South Lake Tahoe and utilize associated business opportunities. At the Sierra Crest, the trail intersects the Pacific Crest Trail which stretches from Canada to Mexico. The cost of this project should not be borne exclusively by SMUD; the project needs a cooperative agreement with the Forest Service, El Dorado County, and SMUD.

I am a Parks and Recreation Commissioner for El Dorado County and have worked for the U.S. Forest Service in this area. I think I can be of assistance to you in developing a cooperative agreement that will lead to the construction of this missing link.

Sincerely,

Robert A. Smart, Jr.

cc: El Dorado County Board of Supervisors, Forest Supervisor, Eldorado National Forest
To Whom it may Concern:

Dear Sir/ Madam.

After attending the Board Of Supervisor Meeting on July 22,2013 upon request several residents from the Pevine/White meadow area voiced their concerns of traffic, garbage, medical response, a list go on and on.

Also the concerns on the bridge only being used for a specific group of people, as residents of this area (full time) our concerns also include the same. Medical response and FIRE EVACUATIONS being the top priority. If this is the case we all recommend placing POSTS in the center of the bridge approach with key access by local Sheriffs Officers or Forest Service Officials or give a key to people living in the area.

Any misuse, that resident will loose the key!

If the bridge is used in such a manner we all feel that the road up Pevine Ridge to Crystal Basin will would be in need of work, thusly

Access would have to be surfaced for Medical and Fire response vehicles, also would need to be Engineered to withstand that vehicle weight, which would also include our evac. Vehicle weight when necessary. We also feel that an impact study be done if not already done

Respectfully Submitted

Garry Dykstra

8009 Spring Valley Rd.
Pollock Pines, Ca.95726
dykstragarry@Gmail.com
August 5, 2013

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

RE: Comments on the Draft License Amendment Application for the Non-Capacity License Amendment Process; Upper American River Project; FERC Project No. P-2101

Dear Secretary Bose,

As signatories to the final Relicensing Settlement Agreement for the Upper American River Project, American Whitewater, the undersigned recreation/trade association organizations and private boaters submit these comments regarding the Draft License Amendment Application (DNLAA) for the non-capacity license amendment process to add the New Slab Creek Powerhouse.

Background

On July 11, 2001, the Sacramento Municipal Utility District (SMUD) filed a request with FERC to follow the procedures of the Alternative Licensing Process (ALP), as specified in FERC regulations (18 CFR Section 4.34(I)) to relicense the Upper American River Project (UARP), FERC No. 2101. FERC noticed the request in the Federal Register on July 19, 2001, and approved the request on August 29, 2001. The existing license for the UARP expired on July 31, 2007.

The UARP is a 688-megawatt project that consists of eleven reservoirs and eight powerhouses, located on the Rubicon River and its tributaries and the South Fork American River (SFAR) and its tributaries. In May 2003, SMUD decided to include the construction and operation of a new development – the proposed Iowa Hill Pumped Storage Project – in its relicensing proposal.
In November 2006, resource agencies (USDA Forest Service, USDI Bureau of Land Management, USDI National Park Service, USDI Fish and Wildlife Service, California Department of Fish and Game, California State Parks, California State Water Resources Control Board), non-governmental organizations (American River Recreation Association, Camp Lotus, American Whitewater, Friends of the River, California Outdoors, California Sportfishing Protection Alliance and private boaters Hilde Schweitzer & Theresa Simsiman) and the licensee participated in negotiations that led to an Agreement in Principle, which was filed with FERC on November 16, 2006. A Final Relicensing Settlement Agreement amongst the parties was finalized on January 29, 2007.

On October 28, 2011, SMUD released an Initial Consultation Document for a UARP License Amendment to add a new Slab Creek Powerhouse. Subsequently, American Whitewater, recreation/trade association organizations and private boaters submitted comments outlining concerns about the effects the new powerhouse would have on the Slab Creek put-in. These comments included an analysis by Ian Buckley (private boater) of possible effects and implications of the discharge of a proposed 72-inch diameter fixed cone valve on the river channel during boating releases.

**Comments**

Again, we applaud SMUD's willingness to engage the recreational community and actively pursue solutions to the issues within the scope and spirit of our settlement agreement. Building the New Slab Creek powerhouse will allow SMUD to meet the new minimum instream flow requirements and whitewater boating release requirements while generating additional hydropower.

After review of the DNLAA, we note that SMUD has addressed our initial concerns about the effects of the new powerhouse on the Slab Creek put-in with the addition of "common practice" use of a fixed cone valve with a reinforced concrete structure to dissipate flow energy before flows are released into the river channel. We ask that SMUD continue consultation with representatives of the boating community during the design and construction of this facility to meet the overall design goals of minimizing impact to instream boaters at the put-in and giving enough lead time before the first major rapid.

Another issue that has been identified is impact to the recreational flows and access during the construction phase. For instance, without further detail of the impacts to instream flow, the installation of the cofferdam to dewater the project area and allow the river to pass during construction raises concerns. We therefore ask that SMUD consult the boating community to mitigate any resulting effects to instream boaters at the put-in and any effects to boater access during the construction phase.
Sincerely,

Dave Steindorf
American Whitewater
California Stewardship Director

Theresa L. Simsiman
American Whitewater
California Stewardship Assistant
Private Boater

Nathan Rangel
California Outdoors

Ian Buckley
American Whitewater
Member
Private Boater

Bill Center
American River Recreation Association

Hilde Schweitzer
Private Boater
CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Commission’s Rules of Practice and Procedure, I hereby certify that I have this day caused the foregoing Comments of American Whitewater, California Outdoors, American River Recreation Association and private boaters on the Draft License Amendment Application for the Non-Capacity License Amendment Process on the Upper American River Hydropower Project (P-2101) to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 5th day of August 2013.

Megan Hooker
American Whitewater
Dear Mr. Hanson:

REQUEST FOR COMMENTS ON THE DRAFT NON-CAPACITY LICENSE AMENDMENT
APPLICATION FOR THE UPPER AMERICAN RIVER PROJECT, FEDERAL ENERGY
REGULATORY COMMISSION PROJECT NO. 2101, EL DORADO COUNTY

This letter is in response to a request for comments on the Second Stage Consultation Draft Non-Capacity License Amendment Application (DNLAA) issued by the Sacramento Municipal Utility District (SMUD) for the Upper American River Project (UARP), dated May 8, 2013. The proposed Federal Energy Regulatory Commission (Commission) license amendment would authorize addition of a Slab Creek Powerhouse and a Boating Flow Valve to UARP. The letter accompanying the DNLLA asks that comments be submitted within 90-days of the date of the transmittal or August 6, 2013. State Water Board staff has carefully considered the DNLLA and wish to submit the following questions and comments.

Project Description

The Slab Creek/White Rock Development is located in El Dorado County, California, approximately 50 miles east of Sacramento. In brief, it consists of Slab Creek Dam and Reservoir, Slab Creek Powerhouse located at the base of the dam, White Rock Tunnel and Penstock, and White Rock Powerhouse - the largest (224 megawatts [MW]) and most downstream UARP facility. The development uses water released from the UARP Camino Powerhouse, combined with inflow from the South Fork American River (SFAR). White Rock Powerhouse discharges into Chili Bar Reservoir, a component of the Pacific Gas & Electric Company (PG&E) Chili Bar Hydroelectric Project. Slab Creek Dam and Powerhouse are located on public land within the United States Forest Service Eldorado National Forest (ENF). Most of the remaining development facilities are located on private land adjacent to and beyond the western boundary of the ENF. Adit #2 and a small portion of the transmission line lie on Bureau of Land Management land within the UARP boundary.
The DNLAA includes the construction of a new powerhouse located directly adjacent to the existing Adit #3 portal of the White Rock Tunnel. The new powerhouse will be located on the south bank of the SFAR, approximately ½-mile downstream of Slab Creek Dam, on SMUD-owned land. A portion of the Slab Creek minimum flow and boating flow requirements will be made at the dam, with the balance emanating from the proposed adit complex. A single penstock from the White Rock Tunnel to the new powerhouse will deliver water through the adit for the balance of minimum flow and boating flow releases.

A boating release valve vault of reinforced concrete is proposed for construction directly downstream of the new powerhouse, near the edge of the SFAR. The vault will contain an isolation butterfly valve and a fixed cone valve with hood and energy dissipating baffles. The outlet works of the valve vault will be designed and oriented in a downstream direction along the left bank of the SFAR. Boating flows released from the valve will enter an energy dissipating structure designed to further minimize deleterious effects of water spray on whitewater boaters negotiating rapids adjacent to the facility.

DNLLA and UARP Background

The Commission license to generate hydropower for UARP expired on July 31, 2007. SMUD has operated UARP on a series of annual licenses since 2007 during the relicensing efforts. The draft water quality certification for UARP, issued October 7, 2011, included a condition that would require an increase in minimum instream flows and recreational boating flows. The DNLAA includes a proposed 2.7 MW New Slab Creek Powerhouse and adjacent boating flow valve, both of which would be located approximately ½-mile downstream of the existing UARP Slab Creek Dam. The primary purpose of the new powerhouse and boating flow valve is to allow SMUD to comply with the increased minimum instream and recreational boating flow requirements anticipated under the new license.

Because the DNLAA will result in less than a 15% increase in the maximum hydraulic capacity of UARP, it qualifies as a non-capacity amendment [18 CFR § 4.201(b)]. However, because SMUD is adding a new turbine, Commission regulations require SMUD to follow the Commission’s three-stage consultation process [18 CFR 4.38(iv)(C)]. In compliance with requirements of the first stage of consultation, SMUD released an Initial Consultation Document on October 28, 2011, received formal comments, and conducted public meetings and other consultations in 2012.

The release of the DNLAA represents the second stage of pre-filing consultation. SMUD will file the Final Non-capacity License Amendment Application after the new UARP license has been issued by the Commission.

State Water Resources Control Board Section 401 Authority

The federal Clean Water Act (CWA) (33 U.S.C. §§ 1251-1387) was enacted “to restore and maintain the chemical, physical and biological integrity of the Nation’s waters” (33 U.S.C. § 1251(a)). Section 401 of the CWA (33 U.S.C. §1341) requires every applicant for a federal license or permit which may result in a discharge into navigable waters to provide the licensing or permitting federal agency with certification that the project will be in compliance with specified provisions of the CWA, including water quality standards and implementation plans promulgated pursuant to section 303 of the CWA (33 U.S.C. § 1313). Section 401 of the CWA directs the agency responsible for certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the CWA and with any other appropriate requirements of
state law. Section 401 further provides that state certification conditions shall become
conditions of any federal license or permit for the project. The Commission's action on the
proposed amendment of the license for the UARP requires issuance of water quality certification
under section 401 by the State Water Resources Control Board (State Water Board) (Cal. Code
Regs., tit. 23, § 3855, subd. (b)(2)).

Throughout the license amendment proceedings, the State Water Board will maintain its
independent regulatory authority to condition the construction and operation of the Project to
protect the water quality and beneficial uses of the affected lakes and stream reaches
consistent with section 401 of the federal CWA, the Central Valley Regional Water Quality
Control Board's Water Quality Control Plan for the Sacramento and San Joaquin River Basins
(Basin Plan), State Water Board regulations regarding water quality certifications, the California
Environmental Quality Act, and any other applicable state law, which include an accounting of
the SMUD's water rights.

The Basin Plan designates the beneficial uses for the SFAR and the water quality objectives
designed to protect those uses. Section 303 of the CWA requires the states to develop and
adopt water quality standards (33 U.S.C. § 1313.). The beneficial uses together with the water
quality objectives contained in the Basin Plan and the state and federal anti-degradation
requirements constitute State water quality standards under section 303. The beneficial uses
designated in the Basin Plan for the SFAR from its source to Placerville include the following
existing uses: municipal and domestic supply; hydropower generation; contact, canoeing and
rafting, and non-contact water recreation; cold freshwater habitat; cold spawning habitat, which
includes habitat for spawning, reproduction, and/or early development; and wildlife habitat.
Warm freshwater habitat is designated as a potential use for this segment of the SFAR.

Water Rights

Operation of the project proposed in the DNLLA is likely to require changes to SMUD's state-
issued water rights. A place of use may need to be added that corresponds with the location of
the new powerhouse and boating release valve. Additional changes may be required for
SMUD's water rights licenses that currently require 36 cubic feet per second (cfs) to be released
into the SFAR "through a near streambed outlet of Slab Creek Dam." SMUD should consult
with Division of Water Rights Permitting and Licensing staff to determine what, if any, changes
are needed to remain in compliance with its water rights permits and licenses.

California Environmental Quality Act Compliance

California Environmental Quality Act (CEQA) Guidelines section 15221 provides that when a
project will require compliance with both CEQA and the National Environmental Policy Act
(NEPA), the lead agency can use a previously prepared environmental impact statement (EIS)
under certain circumstances. SMUD is the lead agency for the purpose of CEQA compliance,
while the State Water Board is a responsible agency. It will be necessary that a comprehensive
environmental document with suitable analysis of any alternative flows, construction impacts,
operational effects to SFAR resources, and mitigation measures (as necessary) be provided for
review and comment within the appropriate regulatory timeframe of the proposed project.

Project Construction Activities

Measures will need to be identified and implemented to ensure project construction activities do
not impact water quality or beneficial uses. It is anticipated that SMUD will develop and
implement a Storm Water Pollution Prevention Plan (SWPPP) for the proposed project. The
SWPPP should include the implementation of best management practices (BMP) to control all
pollutants and their sources, including sources of sediment associated with construction,
construction site erosion, and all other activities associated with construction. A Spill Prevention
and Control Plan (SPCP) may also be necessary. The purpose of the SPCP would be to
identify measures to be implemented to prevent, control, contain, and safely remove inadvertent
releases of hazardous substances during construction and operation of the proposed project.

A portable on-site concrete batching facility is proposed for possible use during construction of
the proposed project. If such a facility is to be used, BMPs specific to the batching facility
should be developed for inclusion in the SWPPP. Specific measures should also be developed
to manage the accidental discharge of unset concrete during project-related activities.

Project-related construction activities should be timed to prevent the disruption of spawning
periods or other sensitive life cycle stages of SFAR aquatic species.

Minimum Instream Flow Variance

The DNLAA (Section 3.3.6) states that during construction of the new Slab Creek Powerhouse,
"the powerhouse foundation and tailrace will be constructed on the left bank of the SFAR at a
riverbed bottom elevation of approximately 1,632 feet. This will require the construction of a
temporary cofferdam to dewater the construction area, while allowing the river to pass around
the area. While it is anticipated the cofferdam can be installed under normal low flow conditions
of the new license (63-70 cfs in August), SMUD may seek a short-term variance from the
minimum release requirements at Slab Creek Dam if necessary to achieve installation." Any
short-term variance from minimum flow requirements established in the UARP or proposed
project water quality certification would require the approval of the State Water Board.

Water Quality

It is unclear from the information provided for in the DNLAA whether studies or modeling have
been undertaken to determine if the operation of the proposed new powerhouse or boating
release valve will cause impairment to the water quality of the SFAR. If not already performed,
specific studies to determine the downstream effects of the proposed project on water
temperature, turbidity, and other relevant components of water quality will be necessary.

Water Quantity

Section 5.2.2.1 (page 75) of the DNLAA states: "Once the Project is operational, hydrology in
the 8.0-mile SFAR bypass reach from Slab Creek Dam to White Rock Powerhouse will be
unchanged except in the ¼-mile reach [below Slab Creek Reservoir Dam]. Minimum releases
from the dam into the ¼-mile reach will be reduced from the seasonally changing values of 63 to
263 cfs to a constant value of 10 cfs."

It is State Water Board staff's understanding that SMUD and other stakeholders agreed to a
different minimum flow schedule for the ¼-mile reach below Slab Creek Reservoir Dam in
January of 2013. This flow schedule appears on page 20 of the DNLAA in Table 3.1.3-1. and
includes a flow regime that varies from 15 to 36 cfs depending on water year type, except for
whitewater boating releases when the valve at Slab Creek Reservoir will be fully opened to
release a 250 cfs recreation flow.
Proposed Environmental Measures

SMUD has outlined environmental measures or plans to prevent, protect, or minimize the impact of construction and operations of the proposed project on the existing natural resources of the area. For many of the plans to be developed for the proposed project, the DNLAA states that "No later than 90 days before initiating ground-disturbing activities, SMUD will develop and file [the plan] with FERC for approval." State Water Board staff suggests that these plans be developed far in advance of the proposed deadline of "90-days before initiating ground disturbing activities."

A schedule should be developed, which will allow sufficient time for development and review of the plans. Each plan should clearly identify the measures that will be implemented to protect the environment. Each of these plans should include, as appropriate: (i) a statement of goals and objectives; (ii) a description of all proposed monitoring and mitigation efforts; (iii) specific, measureable success criteria that can be used in combination with monitoring data to objectively evaluate the effects of the proposed project on each of the associated resources and/or the success of any implemented mitigation treatments; and (iv) a monitoring, maintenance, and reporting schedule. Plans that contain water related elements should be submitted to the State Water Board for review and approval.

Post-Project Monitoring

As stated on page 87 of the DNLAA: "Construction and operation of the Project has the potential to adversely affect benthic macroinvertebrate (BMI) populations. These effects include sedimentation of the SFAR and Iowa Canyon Creek during construction as well as habitat reductions in the ¼-mile reach [below Slab Creek Reservoir Dam]." Page 89 of the DNLAA states "SMUD will monitor BMI and algae to examine the effect of the reduced-flow regime on these resources in the ¼-mile reach. BMI and algae monitoring will be conducted in the ¼-mile reach in conformance with monitoring requirements of the new UARP license." The draft water quality certification issued on October 7, 2011 includes a condition (Condition 8.B.8) that requires BMI sampling at a site on the SFAR below Slab Creek Reservoir Dam in order to examine the possible effects of UARP operations on BMI populations. This sampling will also help to determine the post-Project effects of construction and operation of the new powerhouse and boating release valve on existing BMI populations in the SFAR.

Because Project related construction activities have the potential to adversely affect BMI populations on Iowa Canyon Creek, it is recommended that post-Project BMI monitoring be performed on Iowa Canyon Creek. Monitoring could take place at the sites where ECORP Consulting Inc. previously conducted monitoring in the summer of 2010 (Page 79 of DNLAA). Such monitoring could be performed concurrently with the BMI monitoring described under Condition 8.B.8. of the draft UARP water quality certification. Such monitoring should be subject to adaptive management similar to those described in Condition 9 of the draft UARP water quality certification if it is determined that the BMI objectives will likely not be met without adjustment.
State Water Board staff appreciates the opportunity to comment on the DNLAA. If you have questions regarding this letter 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 – Water Quality Certification Program
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. Alexis Strauss
Water Division
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Ms. Pamela Creedon, Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670
Ms. Beth Livingston
U.S. Forest Service
100 Forni Road
Placerville, CA
Sacramento Municipal Utility District  
ATTN: Mr. David Hanson, Project Manager  
Hydro Licensing & Permitting  
New Slab Creek Powerhouse Project P-2101  
P.O. Box 15830, Mail Stop B355  
Sacramento, CA 95852-0830  

Dear Mr. Hanson:

The purpose of this letter is a sincere request, that the Sacramento Municipal Utility District (SMUD), with its amendment to the license for the Upper American River Project (P-2101), include the Eldorado National Forest, Brockliss Bridge Project. Through amendments and components special needs can be accomplished, and this (I believe) could be one of those grand opportunities. Upon completion of the Brockliss Project a vital link for trail access to the California, and Pony Express National Historic Trail, and the Crystal Basin recreation area would be fulfilled.

Having been personally involved with this project for approximately twenty-four years with the California Division of the National Pony Express Association, (NPEA), as well as a past board member on the El Dorado County Trails Advisory Committee, this project has always been considered a special need for completion for the recreation/trails community. The main problem is funding. Each year the project is not completed the estimated cost goes higher. The NPEA has some funding but minimal, considering the the projected cost by the Forest Service.

Enclosed are some important speaking points for the Brockliss Bridge Project. I wish to thank you in advance for consideration of this request, and I look forward to your response.

Sincerely

MELBA J. LEAL ~

Enclosure

CC: Eldorado NF Forest Supervisor  
Placerville & Pacific District Rangers  
El Dorado County Board of Supervisors  
El Dorado Trails Advisory Committee  
California Division of the National Pony Express Association  
El Dorado Chamber of Commerce
Brockliss Bridge Project
Speaking Points

- In 1992 Congress designated the Pony Express Route a part of the National Historic Trails System.
- The Federal Management and Use Plan by the National Park Service determined the Brockliss site on the Pony Express Trail to be a "high potential site."
- The historical site is approximately 167 miles East of San Francisco, CA, or approximately 67 miles East of Sacramento the State Capitol of CA, or 22 miles East of Placerville, CA and only 7/10th of a mile from Pacific House, CA and the State Highway 50 corridor.
- Within 2.5 hours there are approximately 5.5 million people, many of who enjoy recreation in El Dorado County, and on the Eldorado National Forest en-route to South Lake Tahoe, CA, and points beyond.
- Recreational needs on public lands in California are increasing at a tremendous rate as people seek refuge from metropolitan areas.
- People are recognizing the importance of multiple use trails for their health sake.
- The Brockliss project provides a tremendous opportunity to enhance an important piece of California history through trail use, plus revenue for the county with tourism.
- The El Dorado County 2012 Parks and Trails Master Plan approved the Brockliss Bridge Project a Tier 1 need.
- The Brockliss recreational area trails have the potential for even greater use than higher elevation trails, and offer a high quality recreational experience.
- This project lends itself to the vision in the El Dorado County Trails Master Plan, to connect the El Dorado Trail and the California and Pony Express National Historic Trails, and the Crystal Basin.
- It has greater than average scenic and historic value with the opportunity to "Step Back In Time Within Your Mind."
- This project will provide a continuous trail for this segment of the Pony Express National Historic Trail, and the California Trail.
- With the completion of this project visitors will be provided easy year-round access to a unique recreational area within El Dorado County.
- This project would complete a missing and major link of trail in the goal for multiple use trails from Sacramento, CA to South Lake Tahoe, CA.
- Since 1978 volunteer/members of the California Division of the National Pony Express Association have donated approximately $900,000 of in kind service.
- This project gives back to the community that which was taken away in 1988 with the removal of the Blair Bridge at the historical Brockliss Bridge Site.
VIA ELECTRONIC FILING

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

SUBJECT: Resource Agency Comments on Second Stage Consultation Document
New Slab Creek Powerhouse - Amendment to License
Upper American River Project, FERC No. 2101

August 6, 2013

Dear Ms. Bose:

The signatories to this letter (USDA Forest Service, USDI Bureau of Land Management, and California Department of Fish and Wildlife) (collectively, Resource Agencies) are participants in the new licensing proceedings presently pending before the Federal Energy Regulatory Commission (FERC) in Sacramento Municipal Utility District’s (SMUD or Licensee) Upper American River Project, FERC No. 2101 (UARP), and Pacific Gas and Electric Company’s (PG&E) Chili Bar Hydroelectric Project, FERC No. 2155 (Chili Bar). FERC has not yet issued a licensing decision for either of these projects.

With anticipation of a new Project No. 2101 License, SMUD has proposed new construction and modifications to existing UARP facilities. SMUD issued the Initial Consultation Document (ICD) for a new Slab Creek Powerhouse project on the South Fork American River (SFAR) (October 2011) in preparation for the filing of an Application for License Amendment. The Resource Agencies commented on the ICD in February 2012. SMUD released a Second Stage Consultation Document (SSCD) in May 2013. In response to the SSCD, Resource Agencies have prepared timely comments, which follow.

General Comment

The Resource Agencies appreciate that SMUD has incorporated the majority of comments previously submitted by Resource Agencies into the SSCD.

Modification of Settlement Agreement
On February 1, 2007, SMUD filed with FERC a Relicensing Settlement Agreement for the UARP that sought to resolve issues in the new licensing proceeding other than issues arising under the Endangered Species Act. The Settlement Agreement contained proposed license articles that the Parties sought to be included in any new license issued for the Project. Proposed Article 1-1 (Minimum Streamflows) provides that SMUD is to make a good faith effort to provide the specified minimum streamflows within the capabilities of the existing facilities. This is one of the provisions that the Resource Agencies as parties to the Settlement Agreement think would require modification with the filing of the proposed Application for License Amendment for a new Slab Creek Powerhouse. Some of the recreation measures may require modification as well.

There is protocol in the Settlement Agreement that the Licensee must adhere to in order to make changes to the Settlement Agreement. Parties to the Settlement Agreement requested that terms negotiated and agreed to in the Settlement be included in any new license issued for the Project. To avoid the potential disruption to the Settlement Agreement by license conditions that are inconsistent with its terms, any suggestion that these agreed-upon terms be altered may require an amendment to the Settlement Agreement, under Section 4.14 of its provisions, for which SMUD must give the Settlement Parties sixty days notice.

Resource Agency Authorities

SMUD anticipates that the Application for License Amendment shall be filed following issuance of a new license for the UARP. As such, it shall be considered an amendment proceeding, to which the regulations at 18 CFR Part 200 apply. The Resource Agencies are of the view that this proposed amendment would constitute a substantial change to the license, if issued, under section 6 of the Federal Power Act (16 U.S.C. 799) for which public notice must be provided. Moreover, the Resource Agencies plan to exercise their authorities under Sections 4(e), 10(a), and 10(j) of the Federal Power Act.

A special use permit will be required for any activities on National Forest System or Bureau of Land Management lands associated with this amendment, and cost recovery regulations will be utilized to collect reasonable fees for the processing of the application. Other authorizations necessary for implementation of the proposed project will include but not be limited to Clean Water Act section 401 Water Quality Certification and section 404 Permit, as well as Streambed Alteration Agreement under Fish and Game Code section 1600.

Environmental Compliance

Section 1.0 of the SSCD indicates that SMUD will tier off existing National Environmental Policy Act (NEPA) (42 USC §§ 4321, et seq.) and California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code §§ 21000, et seq.) reviews from the UARP relicensing. It is necessary that a comprehensive environmental document with suitable analysis of any alternative flows, construction impacts, operational effects to SFAR resources, and mitigation measures (as necessary) be provided for review and comment within the appropriate regulatory timeframe of the Amendment Process, and that the environmental document be adequate to support Resource Agency preliminary Terms and Conditions. Additionally, it is recommended that proper documentation of compliance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.) (ESA) be included within future environmental documents. This letter does not
constitute ESA consultation with the USDI Fish and Wildlife Service.

**Proposed Environmental Measures**

**Minimum Streamflows**

The Resource Agencies appreciate the inclusion of agreed-upon minimum streamflows in the SSCD.

**Storm Water Pollution Prevention Plan**

**Erosion and Sedimentation Control Plan**

**Iowa Canyon Creek Reconfiguration Plan**

**SFAR Habitat Improvement Plan**

**SFAR Gravel Augmentation Plan**

**Special-Status Plant Protection Plan**

**Invasive and Noxious Weeds Management Plan**

**New Slab Powerhouse Construction Transportation Management Plan**

**New Slab Powerhouse Construction Fire Protection Plan**

**New Slab Powerhouse Construction Noise Plan**

For each of the above ten plans, SMUD proposes to develop a plan no later than 90 days prior to construction. The Resource Agencies propose that SMUD develop and provide these plans well ahead of construction. Additionally, the plans shall be approved by CDFW, FS, and BLM, if applicable, prior to filing the plans with FERC.

**Whitewater Boating Protection**

The Resource Agencies agree with what is being proposed by SMUD for the Slab Creek Dam Reach Boating Put-In Facilities section of SSCD including developing the Boating Parking Area, Boater Gear Drop off area near the launch site, and improved access road to safely drive to the gear drop off area. SMUD also needs to provide a Kiosk sign at the Put-In site and Parking Area.

The Resource Agencies agree with SMUD’s proposal to provide Whitewater Boating Protection to minimize the spray from the release valve interfering with boaters navigating the river safely. The Resource Agencies need to be included in any decisions regarding the final design of this facility.

The Resource Agencies agree with the gravel augmentation proposal, but this program needs to insure that boaters can navigate the river during the boating release days.
The Resource Agencies previously provided the following bulleted comments. SMUD has remained silent in the SSCD on takeout facilities in general for this river reach. SMUD did not include in the SSCD any boating take-out facilities including vehicular access, parking, kiosk sign, or water gage at the boater takeout facility at Whiterock Powerhouse. White Rock Power House currently provides road access to the existing power house facility for SMUD workers, but the public is not allowed to use this access road from a vehicle. Allowing by permit or other authorization means for boaters to access and park their vehicles for taking out their gear is essential and must be addressed in the license amendment.

- SMUD agreed in Article 1-15 of the Settlement Agreement to prepare a Recreation Management Plan that addresses whitewater recreation needs in the Slab Creek Reservoir Dam to White Rock Powerhouse area within 2 years of obtaining a license. SMUD also agreed in Article 1-24 to develop a plan within 2 years that will provide easement for access and parking in the vicinity of the Whiterock Powerhouse for the recreational streamflows and must purchase or lease property for those facilities, if necessary. Constructing the put-in parking and beginning whitewater flows prior to resolving issues regarding public access at the takeout (including the construction of takeout facilities, permanent signing, emergency response or takeout, and other issues besides put-in parking) could result in problems as well as potentially affect the results of required use monitoring studies. A take-out for the boating run needs to be included as part of the License Amendment. A kiosk sign also needs to be placed at the put-in site and at the take-out site discussing river information. A standard Forest Service recreation sign should be included at Slab Creek Road marking the way to the Slab Creek Reservoir boat ramp and put-in.

- A manual water gage should be placed at the take-out. The gage should calculate river flow at the White Rock Powerhouse so boaters can see what the actual flows are when dropping off their shuttle vehicle.

Environmental Effects

Water Quality

The SSCD states on p. 78:

"...The above measures will be included in a Construction Plan SMUD will prepare for the Project. The plan will include a detailed description of all BMPs to be followed by the construction contractor. This plan will incorporate all requirements of federal and state resource agencies as identified in the Clean Water Act 401 Water Quality Certificate, Clean Water Act 404 Permit, and Streambed Alteration Agreement with the State of California, Department of Fish and Game. (SMUD, pg. 78)"

The following information is from the two guidance documents containing best management practices under which the Forest Service currently operates:

"Activities on lands withdrawn under authority of the Federal Energy Regulatory Commission (FERC) will be exempt from Forest Service administrative control through the
NFS permit system. When a FERC permit is issued, or renewed, the Forest Service makes a complete study of water quality and quantity needs, and provides FERC with recommended requirements and mitigation measures under which the permittee should operate to protect natural resources.” (See R5 FSH 2509.22, Soil and Water Conservation Handbook, Chapter 10, Water Quality Management Handbook, pg. 205)

“Facilities on lands withdrawn under authority of the Federal Energy Regulatory Commission (FERC) are exempt from Forest Service administrative control through the NFS permit system. When a FERC permit is issued or renewed, however, the Forest Service may provide FERC with recommended requirements and mitigation measures under which the permittee should operate to protect NFS resources. Such recommendations may include any BMPs necessary to avoid, minimize, or mitigate adverse effects to soil, water quality, and riparian resources.” (See National Best Management Practices for Water Quality Management on National Forest System Lands, National Core BMP Technical Guide, 2012 pg. 142)

Please ensure that the Forest Service is included in developing appropriate water quality standards.

Riparian Vegetation and Wetlands

The SSCD does not reference the Sierra Nevada Forest Plan Amendment ROD (2004), Riparian Conservation Areas, and Riparian Conservation Objectives, so it is not immediately clear if this direction has been addressed and appropriate analysis provided. There is also no reference to the Eldorado National Forest Land and Resource Management Plan.

If you have questions, please contact Beth Paulson at 925-407-7050.

Sincerely,
LAURENCE CRABTREE
Forest Supervisor
Eldorado National Forest
USDA Forest Service
WILLIAM HAIGH
Mother Lode Field Manager
USDI Bureau of Land Management
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August 6, 2013

David Hanson
Program Manager, Licensing and Permitting
SMUD -- Power Generation Department
Email: David.Hanson@smud.org
6201 S Street, Mailstop B355
Sacramento, CA 95817

Dear Mr. Hanson,

In submitting a license amendment application to build additional power generation facilities and generate additional power from water release mandated as part of its license, SMUD creates the need for additional mitigation.

Construction of SMUD's Slab Creek Generation facility will bring additional construction traffic. This construction traffic along with the resulting road wear will especially impact bicyclists, walkers, and equestrians, so I am requesting that SMUD provide mitigation for these additional impacts by replacing the historic Brockliss Bridge as an equestrian, bicycling, and hiking access to the Crystal Basin Recreational Area.

Non-motorized access to the 85,000 acre Crystal Basin Recreational Area was overlooked in the relicensing of SMUD's Upper American River Project (UARP). Although SMUD's consultants reported that 22% of visitors to Slab Creek Reservoir wanted a better non-motorized trail system, and 63.6% of Canyonlands visitors indicated that non-motorized trails are extremely important, non-motorized access improvements to the Crystal Basin Recreational Area have not as yet been included as part of SMUD's required mitigation.

Non-motorized access to the Crystal Basin via the Brockliss Bridge will create economic opportunity for the community of Pollock Pines to provide business services for non-motorized recreationalists. This additional business will help insure economic sustainability, so that needed visitor services are available for all users of the Crystal Basin Recreational Area.

The Brockliss Bridge is the only missing link in the Congressionally mandated Pony Express National Historic Trail. The Brockliss Bridge is part of the Cross State Bicycle Route developed by District 3 of
Caltrans. The Brockliss Bridge is in the highest priority level of El Dorado County’s Parks and Trails Master Plan, March 27, 2012. The Sierra Economic Development Corporation identifies the Brockliss Bridge to provide recreational opportunities for equestrians, bicyclists, historical recreationalists, and fishermen. Moreover, there is a USDA Forest Service Decision Notice for the Brockliss Segment of the Pony Express Trail.

In conclusion, I request that replacement of the historic Brockliss Bridge be included as part of SMUD’s mitigation.

Sincerely yours,

Lindell Price

cc: Duane Nelson, District Ranger
    Supervisor Norma Santiago
    Supervisor Ray Nutting
    Congressman Tom McClintock
    Senator Diane Feinstein
    Senator Barbara Boxer
August 6, 2013

David Hanson  
Program Manager, Licensing and Permitting  
SMUD – Power Generation Department  
E-mail: David.Hanson@smud.org  
6100 Folsom Blvd., Mailstop K203  
Sacramento, CA 95819

Dear Mr. Hanson,

While I missed the opportunity to participate as a party to the relicensing of SMUD’s Upper American River Project (UARP) and do appreciate the mitigation measures that were identified through that process, one important mitigation measure was overlooked: rebuilding the Brockliss Bridge. SMUD, for being licensed to generate additional power from water mandated for release, and when the dam is over-topping, should provide additional mitigation to stakeholders.

A very large and historical portion of the SMUD mitigation for the licensing of UARP power generation is the Crystal Basin Recreational Area. There is a barrier to the Crystal Basin for non-motorized users. Equestrians, hikers and cyclists seeking to travel across the mountains, or reach the Crystal Basin area do not have safe access from the populous areas of El Dorado County, and the west. Replacing the Brockliss Bridge would provide that non-motorized access, which would greatly enhance the usefulness of the Crystal Basin Recreational Area.

The Brockliss Bridge location is the only missing link of the Congressionally mandated Pony Express National Historic Trail. There is a USDA Forest Service Decision Notice for the Brockliss Segment of the Pony Express Trail. The Cross State Bicycle Route, developed by District 3 of Caltrans calls for this river crossing. The El Dorado County Parks and Trails Master Plan, March 27, 2012, has the bridge replacement as a highest level priority, Tier 1 (TR1.D.). The Brockliss Bridge links all these plans, as well as addressing a current need and demand for connectivity across the river.

Local Economic Development would be enhanced by a Brockliss Bridge which would assist the local community, individuals and businesses to enhance Geotourism through Visitor satisfaction, Community benefit,
Community Involvement, and Protection and enhancement of destination appeal. The adjacent community of Pollock Pines can provide visitor services for non-motorized travel and recreation.

A nexus exists the New Slab Creek Powerhouse and Boating Flow Release Valve and to access for non-motorized transport to the Crystal Basin Recreational Area. There is an omission.

The construction and construction workers at the work site create dust, noise, and heavy vehicle use that affects the neighbors and the entire community. Roads to the site are deteriorated, and the human and mechanical presence increases fire risk. Impacts need to be identified, and PM&E Measures (protection, mitigation, and enhancement measures), need to be provided.

As a cyclist, I ride North Canyon Road at least 6 times a year. The construction will affect me, by causing me to not ride on North Canyon Road to avoid the construction traffic. This is an effect the PM&E Measures do not address. This loss of my use is not mitigated against even if the road is as good as it presently is after construction is completed.

The Recreation Demand Technical Report, September 2004, prepared for SMUD, does not address hiking in the area of Canyonlands, one of their study areas, where the Brockliss Bridge was located. The extensive studies of the UARP (Upper American River Project), prepared for the FERC Project No. P-2101 leave out pertinent facts. These missing factors include Cultural Resources, Roads and Transportation, and Recreation. By not including historical trails (the Congressionally mandated Pony Express National Historic Trail, and access to the Crystal Basin Recreational Area by non-motorized transport, there were omissions by the consultants, Devine Tarbell & Associates, Inc., and The Louis Berger Group. Omitting these recreational uses initially prevented these uses from being discussed during the negotiations.

The missing historical transportation and recreation link for non-motorized transport to the Crystal Basin Recreational Area of the Brockliss Bridge is a major omission. The consultants determined 22% of visitors to Slab Creek Reservoir indicated they wanted a better non motorized trail system, and 63.6% of the visitors to the Canyonlands indicated that non-motorized trails were extremely important. The consultant did conclude that in 5.1.2, Activity Trends, "Summer activities projected to have the greatest growth that can be accommodated at and near the UARP include, in order of greatest to least: hiking/walking..." These findings did not result in non-motorized access being addressed adequately in the consultants subsequent reports.

The Pony Express National Historic Trail has only one gap in the entire length from Missouri to Sacramento, California. That gap is across the South Fork of the American River in the Canyonlands section of the study, on lands owned by the Forest Service. This is a missing Cultural Resource.

To propose an Amendment Application for a FERC Project that has flawed reports on Cultural Resources, and Recreation is continuing to play with an hidden advantage. If FERC does not require SMUD to construct the bridge prior to utilizing power from the new Slab Creek Powerhouse, new Recreation Reports should be required to be prepared, prior to granting the License Amendment.

The Brockliss Bridge would be the gateway for non-motorized use of the SMUD/Forest Service facilities in the Crystal Basin. The construction of the Brockliss Bridge would provide opportunities for whole new user groups. This is a recreational nexus between the project and SMUD's activities with the Upper American River Project for equestrians, hikers, bicyclists, historical recreations, and fishermen.

There is an existing need and demand for the Brockliss Bridge with its historical, recreational and economic benefits. I ask FERC to add the Brockliss Bridge to appropriate Section 4 (e) Terms and Conditions, Upper American River Project, FERC No. 2101. The completion of the Brockliss Bridge connection would be required prior to power generation from the Slab Creek Powerhouse and Boating Flow Release Valve.
Very Truly Yours

Stanley Price  
(530) 677-5052  
2stanleyprice@gmail.com

cc:  Duane Nelson, District Ranger  
Placerville District, El Dorado National Forest  
dnelson03@fs.fed.us