

UNITED STATES OF AMERICA 123 FERC ¶ 62,066  
FEDERAL ENERGY REGULATORY COMMISSION

EL DORADO IRRIGATION DISTRICT

PROJECT NO. 184 – 144

ORDER MODIFYING LICENSE APPENDIX B  
(Issued April 25, 2008)

The El Dorado Irrigation District (licensee) filed on March 17, 2008, its acceptance of a proposed amendment of the Water Quality Certification for the El Dorado Project. The project is located on the South Fork American River and its tributaries in El Dorado, Alpine, and Amador Counties, California.

BACKGROUND

The California State Water Resources Control Board (State Board) issued on April 4, 2006, its Water Quality Certification for the El Dorado Project. Paragraph E of the October 18, 2006, Order Issuing New License stated the project was subject to the conditions of the certification, which were included in that order as Appendix B<sup>1</sup>.

The State Board notified the licensee by letter dated September 20, 2007, that it was amending several conditions in the certification. The State Board made the amendments to make its monitoring and reporting requirements consistent with those of the U. S. Forest Service (USFS) Section 4 (e) conditions and with a Settlement Agreement filed with the Commission on April 29, 2003.

AMENDED CONDITIONS

The State Board notified the licensee that it was amending sections of Condition 13 as follows:

Condition 13a – The Frequency subheading in Ecological Resources Monitoring Programs, Fish Populations, is amended by the addition of the following as the last sentence:

*The Chief of the Division of Water Rights acknowledges that the EID, in consultation with the FS, ERC, and CDFG, has completed two additional years (2004 &*

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<sup>1</sup> See 117 FERC ¶ 62,004 (2006)

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2005) of hardhead monitoring to determine biomass indices within the hardhead reaches as determined by Payne (1998).

Condition 13c – The first sentence of the Methods subheading, Ecological Resources Monitoring Programs, Foothill Yellow-legged Frog (FYLF) Surveys is deleted and the second sentence amended to read:

*EID shall conduct protocol surveys for sensitive species using the procedures of the Pacific Gas and Electric Company (2002) methodology in a subsample of appropriate habitat types to document species presence and distribution.*

Condition 13c – The last paragraph of the Methods subheading, Ecological Resources Monitoring Programs, Foothill Yellow-legged Frog (FYLF) Surveys is amended to read:

*Frequency for known site presence monitoring at the sites listed above, if not modified by the Chief of the Water Rights Division in consultation with the FS, ERC, CDFG, shall be: years 5, 10, 15, 20, 25, 30 of the new license; and years 1, 2, and 3 for flow fluctuation monitoring. The Chief of the Water Rights Division acknowledges that EID, in consultation with the FS, ERC, and CDFG, completed two additional years (2004 and 2005) of known site presence monitoring. EID has agreed, in consultation with the FS, ERC, and CDFG, to complete one additional year of known site presence monitoring prior to year 5, following license issuance.*

Condition 13d – The first sentence of the Method subheading in Ecological Resources Monitoring Programs, Foothill Yellow-legged Frog (FYLF) Surveys is deleted, and the text under the Frequency subheading is amended to read:

*For the sites listed above, years 5, 10, 15, 20, 25, 30. For Lake Aloha ponds, year one and after any spill. The Chief of the Water Rights Division acknowledges that EID, in consultation with the FS, ERC, and CDFG, completed one additional year (2004) of known site presence monitoring. EID has agreed, in consultation with the FS, ERC, and CDFG completed the initial trout survey and removal at Lake Aloha ponds in 2004.*

Condition 13g – The last paragraph of the Method subheading in Ecological Resources Monitoring Programs, Geomorphology (Sensitive Site Investigation & Mitigation Plan Development is amended to read:

*EID shall provide annual site investigation reports in years when monitoring is required, to the FS, ERC, the Chief of the Water Rights Division and CDFG and shall*

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*include any recommended measures proposed by EID to correct channel stability problems.*

Condition 13h – The last paragraph of the Frequency subheading, Ecological Resources Monitoring Programs, Geomorphology (Continuing Evaluation of Representative Channel Area) is amended to read;

*EID shall provide annual site investigation reports in years when monitoring, to the FS, ERC, Chief of the Water Rights Division and CDFG, and shall include any recommended changes in the monitoring proposed by EID to correct channel stability problems.*

#### DISCUSSION AND COMMENTS

The licensee accepts the State Board proposal to change portions of the Water Quality Certification for the El Dorado Project. Appendix B of the October 18, 2006, Order Issuing License should be modified to reflect the amended conditions.

#### The Director Orders:

(A) Appendix B of the October 18, 2006, Order Issuing License, is modified to reflect the amendments of the April 4, 2006, Water Quality Certification described by the California State Water Resources Control Board in its September 20, 2007 letter to the El Dorado Irrigation District.

(B) This order constitutes final agency action. Request for rehearing by the Commission may be filed within 30 days from the date of the issuance of this order, pursuant to 18 CFR ' 385.713.

George H. Taylor  
Chief, Biological Resources Branch  
Division of Hydropower Administration  
and Compliance

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