



United States  
Department of  
Agriculture

Forest  
Service

Eldorado  
National  
Forest

100 Forni Road  
Placerville, CA 95667  
530-622-5061  
530-626-4552 (TTY)

File Code: 2770

Date: November 8, 2000

Dear Interested Citizen:

Enclosed is Regional Forester Bradley Powell's Decision Notice, Finding of No Significant Impact, Response to Public Comment, and Errata to the Revision to the EA related to the amendment for the El Dorado Hydroelectric Project Amendment of License. The El Dorado Irrigation District proposes to amend their license for the El Dorado Hydroelectric Project, FERC No. 184. The proposed amendment includes (1) construction of a diversion dam to replace the diversion dam near Kyburz, California, that was washed out in the floods of 1997, (2) construction of a tunnel that is approximately 2 miles long and replaces a section of the existing El Dorado Canal, and (3) restoration of the portion of the El Dorado Canal that is being replaced by the tunnel. The Federal Energy Regulatory Commission is the lead agency with decision-making authority for the amendment; however, the Forest Service has authority under section 4(e) of the Federal Power Act (16 U.S.C.A. § 797(e)) to include conditions in the amendment to ensure adequate protection of national forest resources.

The Regional Forester's decision is to (1) issue necessary special use permits related activities that will occur on National Forest System lands as a result of the amendment to the license for the El Dorado Hydroelectric Project and (2) condition the license amendment under section 4(e) of the Federal Power Act to ensure protection and utilization of the Forest.

If you have questions about the decision, please contact Beth Paulson at 530-642-5174. Thank you for your interest in the Eldorado National Forest.

Sincerely,

*for* JOHN D. BERRY  
Forest Supervisor

cc: District Ranger, Placerville  
Bob Hawkins, RHAT  
Jack Gipsman, OGC



## Decision Notice

USDA Forest Service  
Eldorado National Forest  
El Dorado County, California

### Amendment to Project License to Construct Tunnel and Restore Portions Of the El Dorado Canal El Dorado Irrigation District FERC No. 184

#### Decision and Reasons for Decision

Based on my review of the final environmental assessment (EA) for the amendment completed by the Federal Energy Regulatory Commission (July 2000), pursuant to 40 CFR § 1506.3, I have decided to adopt the EA. Based on the EA, the revision to the EA (September 2000), the Errata to the revision to the EA (October 2000), the response to public comments (October 2000), and the finding of no significant impact (October 2000), I have decided to implement the Proposed Action described in the Revision to the EA. The Proposed Action includes (1) issuing special use permits for certain activities on National Forest System lands related to the license amendment and (2) conditioning the license amendment under section 4(e) of the Federal Power Act to ensure protection and utilization of the Forest.

The licensee will implement all conditions in the EA and revision to the EA. The specific conditions included in my decision are listed in the revision to the EA (conditions 1-34). The licensee will also implement and comply with all additional measures identified required by other agencies, including the Regional Water Quality Control Board, the State Water Resources Control Board, the California Department of Fish and Game, and the State Historic Preservation Office. All necessary permits from other agencies will be obtained prior to beginning operations.

Implementation of this decision will provide protection of Forest resources during construction and during hydroelectric power generation in compliance with the hydroelectric license for the project. See attached finding of no significant impact for details on my reasons for determining that Forest resources will be protected. In addition, the proposed action reserves the authority of the Forest Service to set new stream flows or require modifications to the diversion structure once information specified in the 4(e) conditions is collected, which provides further protection of resources.

#### Alternatives Considered

Alternatives analyzed in detail included:

1. Issuing the necessary special use permits for certain activities on National Forest System lands related to the license amendment and conditioning the license amendment under section 4(e) of the Federal Power Act to ensure protection and utilization of the Forest (Proposed Action).
2. Restoring full flow to the canal by repairing the section between Mill and Bull Creeks.
3. No Action.

#### Alternatives Considered but not in Detail

One alternative was considered but not in detail. This alternative would have provided a bicycle path along the old canal bench. Due to slope stability concerns in this area, this alternative was dropped from detailed study.

#### Public Involvement

The Federal Energy Regulatory Commission scoping and public involvement process is described in Section D of the EA (Consultation).

The Forest Service sent the proposed 4(e) conditions and recommendations for public scoping on May 15, 2000. Four comment letters were received. Copies of the letters and responses to the letter are available in the project file.

The proposed project was included in the March, June, and September 2000 Eldorado National Forest Schedule of Proposed Actions.

The EA and revision to the EA were sent for public review pursuant to 36 CFR 215 on September 8, 2000. Comments on the EA were received from El Dorado County Citizens for Water, Scollay C. Parker, and Myrriah Ellis. The response to comments is attached, and resulting changes to the EA are included in the attached Errata.

#### Finding of No Significant Impact

A finding of no significant impact has been prepared and is attached to this decision notice.

#### Findings Required by Other Laws and Regulations

The EA was completed pursuant to Council on Environmental Quality Regulations at 40 CFR 1500. The revision to the EA was completed pursuant to Forest Service Handbook 1909.15. The EA and revision to the EA are sufficient for me to determine whether special use permits should be issued and whether the conditions under Section 4(e) of the Federal Power Act are sufficient to provide for protection and utilization of Forest resources.

My decision is consistent with the National Forest Management Act and the Eldorado National Forest Land and Resource Management Plan.

- Soil and water resources will be conserved. The Proposed Action includes erosion control measures and monitoring, and compliance with requirements from other water quality agencies.
- Streams, shorelines, lakes, and fisheries in the project area will be protected. The Proposed Action includes provisions for fish passage, a reserve condition to change streamflows if necessary, and protection of water quality.
- As shown in the EA and revision to the EA and determined in the wildlife and plant biological evaluations, the viability of populations of proposed, threatened, endangered, and sensitive species will be maintained.
- No effects to heritage resources are anticipated.
- The project will not affect the eligibility of the South Fork American River for wild and scenic river status.

#### Implementation Date

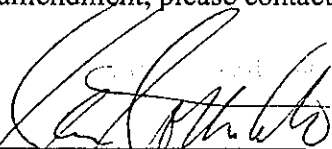
The Federal Energy Regulatory Commission allowed the licensee to begin work on the diversion dam in September 2000; no special use permit is required for the portions of the project located at the diversion site, since it is not on National Forest System lands. The licensee agreed to collect information requested by the Forest Service prior to implementation of the diversion dam construction. The tunnel construction is expected to begin in late 2000 or early 2001. The canal restoration is expected to take place after the tunnel is constructed.

#### Administrative Review or Appeal Opportunities

Pursuant to 36 CFR 215.7, this decision is subject to appeal. Any appeals must be filed with Mike Dombeck, Chief, Forest Service, U. S. Department of Agriculture, Sidney R. Yates Federal Building, 201 14<sup>th</sup> Street at Independence Avenue, S.W., Washington, DC 20250, within 45 days after publication of the notice of decision in the Sacramento Bee. Appeals must be received or postmarked on or before the last day of the appeal filing period. It is the appellant's responsibility to comply with 36 CFR 215.14, Content of a Notice of Appeal.

Contact Person

If you have any questions about the Forest Service section 4(e) conditions for the license amendment, please contact Beth Paulson at 530-642-5174.

  
(cc) BRADLEY E. POWELL  
Regional Forester

11/6/00  
Date:

## Finding of No Significant Impact

USDA Forest Service  
Eldorado National Forest  
El Dorado County, California

### Amendment to Project License to Construct Tunnel and Restore Portions Of the El Dorado Canal El Dorado Irrigation District FERC No. 184

I have reviewed the Federal Energy Regulatory Commission's final environmental assessment (EA) (July 2000), which I am adopting (see attached Decision Notice), revision to the EA (September 2000), and Errata for revision to the EA (October 2000) for the non-capacity related amendment of license for the El Dorado Hydroelectric Project, FERC No. 184. The EA analyzes (1) construction of a diversion dam to replace the old diversion dam near Kyburz, California, that was washed out in the floods of 1997; (2) construction of a tunnel that is approximately 2 miles long and replaces a section of the existing El Dorado Canal, and (3) restoration of the portion of the El Dorado Canal that is being replaced by the tunnel. The Federal Energy Regulatory Commission (FERC) is the lead agency with decision-making authority for the amendment; however, the Forest Service has authority, under section 4(e) of the Federal Power Act (16 U.S.C. §797(e)), to include conditions in the amendment to ensure protection of national forest resources. These conditions are subject to Council on Environmental Quality and Forest Service regulations for implementing the National Environmental Policy Act.

Based on my review of the EA, revision to the EA, and response to comments, I have determined that the amendment with implementation of the proposed 4(e) conditions is not a major federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement is not needed. This determination is based on the following factors:

The Proposed Action is limited in time and scope:

- The direct effects of the proposed action are limited to impacts in the immediate project area. The project area includes the diversion dam site, the tunnel site and spoils pile, and the canal restoration areas.
- It is anticipated that construction of the diversion dam will take approximately 5 months and will be completed by the end of 2000. The tunnel construction will take approximately 9 months and is expected to begin in late 2000 or early 2001. The canal restoration is expected to take approximately 5 months and is planned to occur after the tunnel construction.

There will be beneficial effects that are of limited intensity and are not considered significant:

- The canal bench will be restored and stabilized in a zone particularly prone to failure.
- Removal and restoration of the canal and associated facilities will improve wildlife movement.
- The tunnel will provide a more stable water conveyance system for hydroelectric and consumptive water.

Public health and safety should not be adversely affected:

- Potential effects to public safety are addressed by 4(e) Conditions 19, 21, 22, 26, 28, and 29 (construction noise, traffic safety, and other measures to address public health and safety). EID will comply with all applicable noise and occupational safety standards to protect workers and other persons from the health effects of loud noise levels from the use of heavy equipment. Trucks and equipment used will have standard noise control devices.
- Potential adverse effects to public health due to hazardous materials are addressed by adherence with water quality standards (Conditions 10, 11, 12, and 13) and through implementation of practices related to hazardous substances (Condition 14) and herbicide use (Condition 30).

No known unusual circumstances exist:

- The project will result in no effect to archaeological sites in the project area.
- The wildlife biological evaluation prepared for this project concluded that the project may result in disturbance to nesting California spotted owls and their young, and Pallid bats. The wildlife BE also concluded that construction activities could affect foothill yellow-legged frog and northwestern pond turtle. Conditions 5, 6, and 15 provide measures that are expected to address these potential effects.

The Proposed Action will not produce any significant irretrievable, irreversible, or cumulative effects:

- There is the potential for slope failure at the spoils site. Adherence to requirements of the Regional Water Quality Control Board and Conditions 15 are expected to address this potential effect.
- There is the potential for erosion and sedimentation at the spoils site, especially if the pile were to fail; at the diversion dam construction site; and during restoration of the canal. Adherence to requirements of the Regional Water Quality Control Board and Conditions 10, 11, 12, 14, 15, 16, and 17 are expected to address this potential effect.

- There is the potential for the project to affect water quality. Adherence to requirements of the Regional Water Quality Control Board and State Water Resources Control Board requirements and Conditions 10, 11, 12, 14, 15, and 17 are expected to address this potential effect. A cumulative watershed effects analysis was completed and concluded that adherence to these requirements would result in no anticipated measurable adverse impacts to downstream beneficial uses of water resources.
- There is the potential for the tunnel to capture groundwater. Condition 13 is expected to address this potential effect.
- The biological evaluation for proposed, threatened, endangered, and sensitive wildlife species determined that there is a potential to displace or disturb wildlife as a result of construction operations. Implementation of Conditions 5, 6, and 7 and Recommendations 2 and 3 are expected to address these potential effects. Recommendations 2 and 3 have been implemented by the licensee.
- The biological evaluation for sensitive plants concluded that there would be no affect on any sensitive plant species.
- There is a risk that noxious weeds may be imported during implementation of the proposed action. Condition 9 is expected to address this potential effect.
- The proposed action includes use of herbicides to control existing noxious weeds. Conditions 10 and 30 are expected to address the potential effects of using herbicides.
- There is the potential for the diversion dam to limit fish passage. Recommendation 1 is expected to address this potential effect. The licensee has agreed to implement Recommendation 1.
- There is the potential for project operation to result in adverse effects to aquatic biota and channel condition. Conditions 5 and 16 are expected to address this potential effect.
- There are no effects to heritage resources anticipated.
- There is the potential for construction activities to result in adverse effects to visual quality. Condition 18 and Recommendation 5 are expected to address this potential effect. The licensee has agreed to implement Recommendation 5.
- There is the potential for construction activities to result in adverse effects to recreationists. Condition 19 and Recommendation 6 are expected to address this potential effect. The licensee has agreed to implement Recommendation 6.



- The project has the potential to affect public safety. Conditions 21, 22, 26, 28, 29, and 30 are expected to address this potential effect.
- The project may affect traffic patterns and result in effects to roads on National Forest System lands. Conditions 23, 24, 25, 26, and 27 are expected to address these potential effects.

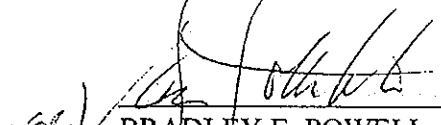
The Proposed Action is not likely to cause highly controversial effects:

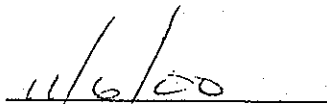
- Three letters were received in response to release of the 4(e) conditions for public review. Most of the comments indicated that the Forest Service was too stringent in their application of 4(e) conditions. One letter disagreed with use of herbicides. I do not consider the effects to be highly controversial.

The effects from the Proposed Action are not highly uncertain and there are no unique or unknown risks:

- The EA and revision to the EA provide sufficient information for determining the effects from the proposed action. I have determined that with implementation of the Proposed Action and adherence to the requirements of other agencies, the effects are not highly uncertain, and the risks are not unique or unknown.

The Proposed Action will not establish a precedent for future actions.

  
BRADLEY E. POWELL  
Regional Forester

  
Date: 11/6/00

## Appendix B

### El Dorado Hydroelectric Project License Amendment Public Comment and Response

October 23, 2000

Scollay C. Parker (Parker)  
1684 Union Ridge Road  
Placerville, CA 95667

El Dorado County Citizens for Water (ECCW)  
3122 Serrano Court  
Camino, CA 95709

#### 1. General Comments

ECCW Comment: The word "land" is omitted in your first paragraph under "GENERAL."

Response: Thank you; we will correct this omission.

#### 2. Bat Species

Parker Comment: I have built bat houses on my own place and never found bats living in them. They know better than I where they want to live. In the area of concern there are numerous large dead trees that were never salvaged after the Cleveland Fire. They are now rotting and would be good homes for bats.

ECCW Comment: Your stated requirements are so specific they largely mask the end result intended. In many cases such specificity doesn't accomplish the end objective because bats may likely be more responsive to weather conditions than to May 1, August 15, or other specific dates. Why not clearly state the objectives and require activities to give reasonable protection to maternal colonies or whatever element needs protection? The requirements, as stated, give the impression that bats are more date responsive than weather sensitive. The other question to raise here is how much of these requirements are reasonable and necessary through experience and research elsewhere?

Response: The licensee proposed these measures to mitigate potential effects to bat species due to project construction activities. Forest Service biologists reviewed and approved the proposed actions to reduce the potential for impacts to bat species. Please see pp. 13-14 of the wildlife biological evaluation and pp. 4-5 of the revision to the EA.

### 3. Noxious Weeds

Parker Comment: Have you tried to buy some "locally-adapted native seed" lately? What is so wrong with non-native species that have been used by the BLM and the Forest Service for years...and have not proven to be deleterious to the land?

ECCW Comment: Your conditions related to noxious weeds are difficult to accept when off the project site we observed, only a week ago, such a widespread occurrence of yellow starthistle, for example, on national forest lands. That weed and others are well distributed along roads near the Project. Will Forest Service vehicles be steam cleaned each time before they enter the Project area to ensure weed seeds are not transported? What about the public's travel in and around the Project area? We request you reconsider the plan for absolute control of noxious weeds or undertake a similar control effort on all national forest lands within a substantial area surrounding the Project. We are aware that the forest has identified the need for a comprehensive program to control noxious weeds over substantial areas unrelated to Project activities. Is it reasonable to construct an island of no noxious weeds within the Project? We think not. There must be a more sensible approach. As to seed requirements, wouldn't it be more reasonable to include non-native seeds, as approved by the forest service, if native seed were not reasonable available? Use the same species the forest applied to the Cleveland fire areas.

Response: The spread of noxious weeds across National Forests is a great concern. We are fighting weeds whenever possible, usually in conjunction with implementation of a project, or by working with a permittee. This issue is of particular concern during construction projects when weed seeds are likely to be introduced through the importation of material from off forest such as gravel or hay, or on construction equipment, and given a good chance to become established in disturbed soil. The conditions we are placing on the licensee are the same that we require on all construction projects.

It has been regional policy since 1994 to use native seed mix for revegetation, whenever feasible. We have provided the licensee with seed mix specifications and sources from which to procure this seed mix. FERC adopted the requirement for native seed mix for this project in an order issued August 31, 2000.

### 4. Restoration of Canal Bench

Parker Comment: Restoration of canal bench. Beyond watershed protection, requirements here seem excessive... After all, the canal is a historic structure. Would you propose doing this to the historic travel routes nearby? What will be accomplished? "Providing for full ecological restoration includes (1) assisting in the re-establishment of the preexisting plant community." Don't you suppose it is on the upper side and lower side of the canal project, except for whatever modification occurred as a result of the Cleveland fire. Won't it return after reasonable slope stabilization measures are taken?

ECCW Comment: We agree that natural drainage should be restored along the abandoned section. We like the beginning of this section because you require a plan be prepared, meeting certain objectives, to be approved by the Forest Service and the State Water Resources Control Board. We have looked at sections of the canal, which predate the national forest, and believe there should be consideration given to retention of certain sections for a historical trail. That issue doesn't have to be resolved immediately as to how much and what part(s) but we ask that you consider that possibility in the plan to be prepared by the licensee. This would modify your objective to restore the bench back to the pre canal condition, at least for some of the canal. Otherwise your requirements would destroy the historical features dating back to the 1870s. The restoration of plant communities will quickly follow the examples offered by the Cleveland fire aftermath, once structures are removed and the area is drained. This will almost certainly not by the pre-existing plant community, if that is intended to be a late seral stage. Scarifying the soil should not be undertaken where vegetation has already been established naturally.

Response: Our goal for the restoration of the canal bench is to establish as much stability as possible for the hillside, while protecting the historical features along the canal and restoring the area to pre-canal conditions if possible. Please see pp. 9-10 of the revision to the EA. Final plans will be outlined in the plan that the licensee is currently working on. The licensee will be required to preserve the sections of historic stone walls.

The Forest Service analyzed an alternative of constructing a trail along a portion of the canal bench (see attached Errata), but it appeared unfeasible for several reasons: concern over public safety given the instability of the hillside (a major reason for the construction of the tunnel in the first place); high cost of trail maintenance due to unstable soils; and lack of good public access to either end of this section of the canal. There are other sections of the canal that provide excellent hiking trails. We have made the reconstruction of the Pony Express route a priority to provide a low elevation, historic trail, which provides excellent opportunities for interpreting the EID canal, located across the South Fork American River Canyon.

## **5. Visual Quality**

Parker Comment: Cal Trans has done this forever (stored materials in sites along Highway 50) in the very near view of the traveler. The view from the Ice House Road will be in mid to far view and hardly of notice to the traveler.

ECCW Comment: This requirement appears to be unreasonable. Think back to the logging by helicopter following the Cleveland fire and the various flood damage highway repairs. People enjoyed watching the helicopter logging activity on the south side of the canyon from the Icehouse road. Highway construction material is commonly in sight along the highway in several locations in the near view. Wouldn't it be more reasonable to simply require approval for equipment of construction material stored on national forest land if it will be stored in the near view area? The distant view storage will have minimal effect on visual quality. The project activities will only last for a season or two. Why not create a visitor interest rather than try to hide all activities? The information

stop along the Icehouse road could easily accommodate a project display. This requirement and the following one will increase costs and lengthen the construction period for the project for naught. Isn't it in the public interest to minimize the construction period and only apply reasonable conditions?

Response: The Eldorado National Forest Land and Resource Management Plan requires that visual character of foreground retention areas be maintained for the pleasure of the viewing public. The licensee has located storage sites on private land and has been able to meet this requirement.

## **6. Construction Noise**

Parker Comment: (The construction noise requirements) are completely absurd requirements when you consider the residence tracts and picnic area are much more influenced by noise pollution from highway 50. Did whoever wrote this section ever have any experience or association with construction projects and unforeseen needs for supplies? Can you imagine waiting two weeks before getting a delivery you need the next day?

ECCW Comment: Some of these conditions are extremely restrictive and may increase construction cost substantially without any real gain considering the Highway 50 normal noise levels.

Response: The licensee proposed the noise abatement plan, which was reviewed and approved by the Forest Service and FERC. The plan provided the licensee's proposed mitigation measures to lessen the impacts of project activities on residents and visitors to the area. The licensee's proposal was adopted for the 4(e) condition. The licensee and the Forest Service have been providing information to the Homeowner's tracts throughout the planning process. The formal notification would probably only occur once, at least two weeks prior to the beginning of construction. This has already successfully occurred with the construction of the diversion dam; information was provided to the public about the project at the Sand Flat Campground and Indian Springs Picnic Area.

## **7. Pesticide and Herbicide Use Restrictions**

ECCW Comment: Why rule out materials registered in California, but not by the EPA, when superior and with less potential environmental impact? Some materials may be registered by EPA and not approved for use in California. How will those be handled under your guidelines?

Response: Your comment is appreciated. We will amend the condition to read that only materials that are registered by the state of California may be used. This list is more restrictive than the Federal EPA list, and it is regional policy to follow the more restrictive state listing.

## 8. Surrender of License

ECCW Comment: We wonder why this is included at the time of license amendment. Isn't it a standard clause in the existing license? Has the Standard Clause been revised by the working in this clause?

Response: This clause is included to ensure that the canal bench is satisfactorily restored before it is removed from the license boundary and becomes the responsibility of the American public.

Myrriah Ellis  
1630 Edgewood Lane  
Santa Rosa, CA 95401

### 1. Fish Passage, Northwestern Pond Turtle, Foothill Yellow-Legged Frog

Comment: I feel that the recommendations for fish passage, northwestern pond turtle, and foothill yellow-legged frogs are not strong enough. I think they should perform the survey at least a month before any construction for a mile within the diversion site. If any individuals are sited the construction should stop.


Response: FERC issued an order on August 15, 2000, approving, in part, the license amendment. The part that was approved was the diversion dam construction. The licensee was ordered to complete surveys for Button's Sierra sideband snail survey, northwestern pond turtle, and foothill yellow-legged frog survey prior to construction. The licensee completed these surveys and did not find any individuals. In addition, the licensee was ordered to conduct a fish salvage effort in the de-watered stream work area. The licensee completed the fish salvaging effort.

### 2. Herbicides

Comment: I feel that herbicides should be prohibited due to their toxic effect.

Response: An herbicide risk assessment was completed for treatment of yellow starthistle and sweetclover in the project area (approximately 2.5 acres of treatment area). The risk assessment concluded that all proposed applications pose an acceptable or low risk to human health and safety. Please see pp. 24-20 of the revised to the EA.

1684 Union Ridge Rd  
Placerville, CA 95667  
September 18, 2000

  
John Berry  
Forest Supervisor  
Eldorado National Forest

Dear John:

I received a copy of the Revision to Final Environmental Assessment pertaining to El Dorado Hydroelectric Project, FERC No. 184. I read it and find it disappointing. You signed the letter of transmittal. I assume you read it before signing. If not, you should have.

Some of the requirements border on absurdity, others are down right absurd. Following direction laid out by your staff for these items will incur unnecessary expense for the utility district and fall onto the taxpayer.

I call your attention to some:

Pages 4 and 5, Bat houses. I have built bat houses on my own place and never found bats living in them. They know better than I where they want to live. In the area of concern there are numerous large dead trees that were never salvaged after the Cleveland Fire. They are now rotting and would be good homes for disturbed bats.

Page 6. "The areas treated with yellow star thistle shall be over-sown with locally-adapted native seed, as approved by the local botanist." Page 10 has a similar requirement. Have you tried to buy some "locally-adapted native seed" lately? What is so wrong with non-native species that have been used by the Bureau of Land Management and Forest Service for years on range and stabilization projects, and have proven not to be deleterious to the land. Sometimes you can be too pure!

Page 9. Restoration of canal bench. Beyond watershed protection, requirements here seem excessive ---"The final slope shape should resemble the natural contours had no excavation taken place." After all, the canal is a historic structure. Would you propose doing this to the historic travel routes nearby? What will be accomplished?

On to page 10 and the penultimate paragraph where your staff requires, "Providing for full ecological restoration includes (1) assisting in the re-establishment of the pre-existing" plant community." Don't you suppose it is on the upper side and lower side of the canal project, except for whatever modification occurred as a result of the Cleveland fire. Won't it return after reasonable slope stabilization measures are taken?

Page 11. Visual Quality Standards. "No construction material or debris shall be stored or deposited on National Forest System lands in areas that are visible to travelers on

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John Berry - Forest Supervisor - Page 2

Highway 50 or Ice House Road." Now how about that! Can-Trans has done this forever in the very near view of the traveler. Take look at the old Fred's Place site and a number of other locations. The view from the Ice House Road will be in mid to far view and hardly of notice to the traveler.

Page 11. Construction Noise.

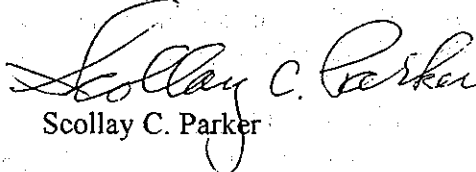
"The licensee shall implement the following measures to address construction noise. (1) during materials transport and construction activity periods, no vehicle shall idle with the engine running for more than 5 minutes, (2) Notify home owners' associations of each residence tract at least 2 weeks in advance of any materials transport and construction activities with 0.5 miles of the tract, (3) Post a notice to residents at each tract indicating the nature, timing and duration of all materials transport and construction activities occurring within 0.5 miles of that tract--". The same is indicated for the Indian Springs Picnic area.

These are completely absurd requirements when you consider the residence tracts and picnic area are much more influenced by noise pollution from highway 50 ---aggressive tire treads and car engines, jake brakes on trucks and the noise of their engines. Visit a tract on a weekend and listen to the "song of the highway."

Did whoever wrote this section ever have any experience or association with construction projects and unforeseen needs for supplies? Can you imagine waiting two weeks before getting a delivery you need the next day?

John, I find this report disturbing and indicating a need for staff direction. During my over 23 years of district rangers, I worked for a number of forest supervisors, and all of them were there to give guidance to rangers and forest staff. That's their job -- supervising. I trust you will take my criticism in the spirit it is given - to help you and the Eldorado to become an entity the public and others will respect rather than ridicule.

Sincerely,

  
Scollay C. Parker



El Dorado County Citizens for Water

3122 Serrano Court

Camino, CA 95709

October 11, 2000

El Dorado Project, FERC No. 184-060

John Berry

Forest Supervisor

El Dorado National Forest

Dear John:

We received a copy of the Revision to the Final Environmental Assessment for Project 184. Our comments are related entirely to the proposed conditions for the license amendment under section 4(e) of the Federal Power Act. Your September 2000 Revision stated these are necessary to ensure adequate protection and utilization of the land and resources of the Eldorado National Forest. Actually the word "land" (we assume) is omitted in your first paragraph under "GENERAL".

The 1905 Use of the NATIONAL FOREST RESERVES regulations provide (page 6) that "the forest reserves are for the use of the people. They may be obtained under reasonable conditions, without delay. Legitimate improvements and business enterprises will be encouraged." We pray that these original purposes for the national forest lands are not forgotten or abandoned in the selective sorting of the many laws that provide a shelter for almost any conditions your specialists may construct. Please review our comments on the sections we found excessively restrictive and consider whether more reasonable measures might be employed.

Page 4, Condition No. 7 – Bats. Your stated requirements are so specific they largely mask the end result intended. In many cases such specificity doesn't accomplish the end objective because bats may likely be more responsive to weather conditions than to May 1, August 15, or other specific dates. Why not clearly state the objectives and require activities to give reasonable protection to maternal colonies or whatever element needs protection? The requirements, as stated, give the impression that bats are more date responsive than weather sensitive. The other question to raise here is how much of these requirements are reasonable and necessary through experience and research elsewhere?

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Page 5, Condition No. 9 – Noxious Weeds. Your conditions relating to noxious weeds are difficult to accept when off the project site we observed, only a week ago, such a widespread occurrence of yellow starthistle, for example, on national forest lands. That weed and others are well distributed along roads near the Project. Will Forest Service vehicles be steam cleaned each time before they enter the Project area to ensure weed seeds are not transported? What about the public's travel in and around the Project area? We request you reconsider the plan for absolute control of noxious weeds or undertake a similar control effort on all national forest lands within a substantial area surrounding the Project. We are aware that the forest has identified the need for a comprehensive program to control noxious weeds over substantial areas unrelated to Project activities. Is it reasonable to construct an island of no noxious weeds within the Project? We think not. There must be a more sensible approach. As to seed requirements, wouldn't it be more reasonable to include non-native seeds, as approved by the forest service, if native seed were not reasonably available? Use the same species the forest applied to the Cleveland fire areas.

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Page 9 Condition No. 17 – Restoration of Canal Bench. We agree that natural drainage should be restored along the abandoned section. We like the beginning of this section because you require a plan be prepared, meeting certain objectives, to be approved by the Forest Service and the State Water Resources Control Board. We have looked at sections of the canal, which predate the national forest, and believe there should be consideration given to retention of certain sections for a historical trail. That issue doesn't have to be resolved immediately as to how much and what part(s) but we ask that you consider that possibility in the plan to be prepared by the licensee. This would modify your objective to restore the bench back to the original pre-canal condition, at least for some of the canal. Otherwise your requirements would destroy the historical features dating back to the 1870s. The restoration of plant communities will quickly follow the examples offered by the Cleveland fire aftermath, once structures are removed and the area is drained. This will almost certainly not be the pre-existing plant community, if that is intended to be a late seral stage. Scarifying the soil should not be undertaken where vegetation has already been established naturally.

4

Page 11 Condition No. 18 – Compliance with visual Quality Standards. This requirement appears to be unreasonable. Think back to the logging by helicopter following the Cleveland fire and the various flood damage highway repairs. People enjoyed watching the helicopter logging activity on the south side of the canyon from the Icehouse road. Highway construction material is commonly in sight along the highway in several locations in the near view. Wouldn't it be more reasonable to simply require approval for equipment or construction material stored on national forest land if it will be stored in the

5

near view area? The distant view storage will have minimal effect on visual quality. The project activities will only last for a season or two. Why not create a visitor interest rather than try to hide all activities? The information stop along the Icehouse road could easily accommodate a Project display. This requirement and the following one will increase costs and lengthen the construction period for the project for naught. Isn't it in the public interest to minimize the construction period and only apply reasonable conditions?

Page 11 Condition No. 19 – Construction Noise. Some of these conditions are extremely restrictive and may increase construction cost substantially without any real gain considering the Highway 50 normal noise levels. Item (1) restricts engine idle which will be at lower decibel than the highway truck traffic. (2) requires 2 weeks notice to homeowners in advance of any materials transport and construction activity. Item (3) and (4) notification are also excessively restrictive. Those requirements are completely inconsistent with the restrictions for highway repairs or reconstruction, or construction work. Why should there be any difference? The restoration work associated with recovering a water supply is quite as critical as any highway construction work. Why not establish delivery days during the week, avoiding week ends, so that homeowners and recreation users alike will know the pattern? Require the licensee to prepare a noise abatement plan and identify objectives; e.g., attempt to stay within the noise level associated with highway travel rather than set arbitrary and unreasonable restrictions. Homeowners should be contacted and briefed by the Forest Service and contractor.

6

Page 15 Condition No. 30 – Pesticide and Herbicide Use Restrictions. Condition 30 requires the licensee use only those materials registered by the EPA. Why rule out materials registered in California, but not by EPA, when superior and with less potential environmental impact? Some materials may be registered by EPA and not approved for use in California. How will those be handled under your guidelines/?

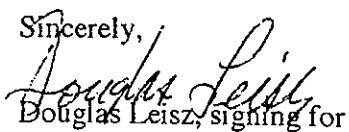
7

Page 15 Condition No. 32 – Surrender of License. We wonder why this is included at the time of license amendment. Isn't it a standard clause in the existing license? Has the Standard Clause been revised by the wording in this clause?

8

We request you give our suggestions consideration as you finalize the 4(e) conditions. We appreciate the opportunity to comment.

Sincerely,

  
Douglas Leisz, signing for

Eldorado County Citizens for Water

Oct 10, 2000

US Forest Service  
100 Forni Rd  
Placerville CA 95667

Dear Mrs Paulson

1 In reviewing the documents related to the licensing of the El Dorado Hydroelectric project, I am very concerned that there are not enough safeguards in place for the at least species. I feel that the recommendations for fish passage, New pond Tunnel & Foothill yellow legged frogs are not strong enough. I think they should perform the survey at least a month before any construction for a mile within the diversion site.

If any individuals are sexed the construction should stop.

2 I also feel that herbicide should be prohibited due to their toxic effects.

I thank you sincerely,

Myraiah Ellis 1030 Edgewood Ln  
C. H. H. 95667

**Errata**  
**Revision to the Environmental Assessment for**  
**El Dorado Hydroelectric Project License Amendment**  
October 23, 2000

Page 1, under NOTE: Add at the end of this paragraph:

The Forest Service also assumes that the project is as described in the FERC final environmental assessment unless otherwise noted in this revision. If this is not the case, the licensee must provide the Forest Service with revised plans for review prior to undertaking activities on National Forest System lands.

Page 1, under "GENERAL." Add "land" between "the" and "and" in the fourth sentence.

Page 6, fourth paragraph. Change the fifth sentence to:

The optimum treatment period is after the last expected rainfall, as significant post treatment rainfall can trigger the germination of a new flush of yellow starthistle seedlings, necessitating further treatment.

Page 7, Condition 13. Change the second sentence to:

Prior to undertaking activities on National Forest System lands, the licensee shall file with the Commission a plan approved by the Forest Service for managing groundwater inflows during construction and for groundwater monitoring.

Page 8, Condition 13. Change item 2 to:

(2) monitoring of the springs and creeks for at least 5 years after the tunneling operation is completed with monitoring data submitted to the Forest Service monthly and written monitoring reports submitted to the Forest Service biannually by June 1 and December 1 of each year;

Page 8, Condition 13. After number 4, delete the "and" between numbers 4 and 5. After number 5, add

; and (6) the the monitoring program must also include mitigation of any and all identified impacts.

Page 8, Condition No. 15. Replace with:

Prior to undertaking activities on National Forest System lands, the licensee shall develop a spoils disposal site plan that includes a test pit to determine foundation conditions and a stability model analysis that is approved by the Forest Service. The

plan shall include an overall internal drainage system. The plan must be approved by the Forest Service prior to construction activities occurring on National Forest System lands and must be filed with the Commission. The licensee shall also develop a plan for restoration of the spoils site that is approved by the Forest Service prior to filing the plan with the Commission.

Disposal of spoils shall be limited to within the boundaries of the existing spoils site unless the licensee provides an alternative plan to the Forest Service. The FERC license boundary shall be adjusted to include the spoils site.

Page 15, under Condition No. 30. Change the first sentence in the second paragraph:

The license shall use on National Forest System lands only those materials registered for use in California for the specific purpose planned.

Page 17, add a section after "Correction to Applicant's Proposed Action" called "Alternatives Considered but not in Detail" and under that heading add:

An alternative was considered that would require the licensee to construct a recreational trail along the canal bench that is proposed for restoration. Due to stability concerns in the area, the high cost of trail maintenance due to unstable soils, and lack of good public access to either end of this section of the canal, this alternative was dropped from detailed analysis.

Page 22, paragraph 1. Change item 2:

(2) Develop a spoils disposal site plan that includes a test pit to determine foundation conditions and a stability model analysis that is approved by the Forest Service. The plan shall also include an overall internal drainage system. The plan must be approved by the Forest Service prior to construction activities occurring on National Forest System lands.