

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426
March 25 2008

OFFICE OF ENERGY PROJECTS

Project No. 2101-084--California
Upper American River Project
Sacramento Municipal Utility District

Cay C. Goude, Assistant Field Supervisor
Sacramento Fish and Wildlife Office
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W2605
Sacramento, CA 95825

Reference: Need to consult on future water storage and request for meeting

Dear Ms. Goude:

By letter dated September 25, 2007, we requested formal consultation with your office, as required by section 7 of the Endangered Species Act. By letter dated December 12, 2007, we provided additional information, including a discussion of why an evaluation of effects of future water storage and supply to El Dorado County and related growth on listed plant species was not appropriate. In your February 7, 2008, response, you clarify why you need additional information on the effects of future water before you could initiate formal consultation. The licensee, Sacramento Municipal Utility District (SMUD), provided comments on March 6, 2008.¹

Although El Dorado County may need additional water supply during the term of the license, we continue to believe that use of storage in project reservoirs is not reasonably certain to occur. As SMUD pointed out, it is uncertain whether El Dorado County will take advantage of its agreement with SMUD or will instead seek other water supplies. We do not know whether California State Water Resources Control Board would award the requisite water rights, or whether the additional water supplies will be used for agriculture or to support additional development. We do not know where any additional development might occur, or whether it will affect listed species or critical habitat. In our view, any such development is not reasonably certain to occur and cannot

¹ Letter from Michael A. Swiger, Counsel to SMUD, Van Ness Feldman, to Cay C. Goude, U.S. Fish and Wildlife Service and Kimberly D. Bose, Federal Energy Regulatory Commission.

be attributed, either directly or indirectly, to the Commission's action in relicensing the Upper American River Project.

Given that many economic and social factors will likely determine future development in El Dorado County, we do not believe that potential impacts can be sufficiently described and specified at this time; therefore, a meaningful evaluation of effects is not possible. When a specific action is before the Commission in the future, we would undergo any necessary Endangered Species Act consultation at that time.

We believe, however, that it would be useful to discuss means to move this consultation forward. We would like to set up a teleconference in the near future among our agencies, SMUD, and El Dorado County.² We will contact your office shortly to determine a mutually agreeable date.

If you have any questions, please call James Fargo at (202) 502-6095 or contact him by e-mail at james.fargo@ferc.gov.

Sincerely,

Ann F. Miles, Director
Division of Hydropower Licensing

cc: Mailing List
Public Files

² According to the Commission's regulations, all intervenors would have an opportunity to monitor the teleconference.

Document Content(s)

P-2101-084letterorder.DOC.....1-2