

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 184-000 - California
El Dorado Hydroelectric Project
El Dorado Irrigation District

February 10, 2014

Mr. Brian Mueller
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667

Subject: El Dorado Irrigation District's notification of minimum stream flow modification

Dear Mr. Mueller:

On February 7, 2014, we received El Dorado Irrigation District's (District) notification of modifications made to the minimum flow discharges downstream of Kyburz diversion, Caples Lake main dam, Silver Lake dam and Echo Lake dam. In your letter, you explain that on February 5, 2014, the District elected to maintain the required January critically dry year 15 cubic feet per second (cfs) minimum flow downstream of Kyburz diversion; maintain the required 2 cfs minimum flow, or inflow whichever is less, from Aloha Dam; reduce the minimum flow downstream from Caples Lake main dam from 5 cfs to 2 cfs; reduce the minimum flow downstream of Silver Lake dam from 4 cfs to 2 cfs, or inflow whichever is less; and reduce the minimum flow downstream of Echo Lake dam from 6 cfs to 2 cfs, or inflow whichever is less. The required minimum flow downstream of Kyburz diversion is set to increase to 30 cfs on March 1, and the minimum flows downstream of Aloha dam, and Caples Lake main dam are scheduled to increase to 3 cfs and 10 cfs, respectively. You asserted that current drought conditions in the project area constitute an "operating emergency," pursuant to Article 404 of the project license, that allow you to take these unilateral steps.

Although droughts may be severe and beyond the control of the licensee, the Commission does not consider drought to be an operating emergency. Operating emergencies are unexpected events consisting of things such as logs jamming in gates, gate failures, or other things that may pose an imminent threat to the integrity of the dam, or boaters crossing a breached boat barrier, anglers endangered by unscheduled flow

releases downstream from a dam, and other things that may pose an imminent threat to life and property. While a drought does not fit into this category, it may, however, provide a reason for a licensee to alter operations for a short period of time, with the agreement of state and federal resource agencies, as provided in Article 404.

On February 6, 2014, due to the extreme or exceptional drought conditions in California, the Commission sent a letter informing all California licensees that the Commission is prepared to act swiftly to review requests to amend licenses on a temporary or longer term basis, as appropriate, in order to conserve water resources at Commission-licensed hydroelectric projects. In the letter, the Commission also stated that licensee's with license articles stating the licensee may make temporary modifications for short periods of time upon mutual agreement with specified agencies may begin to implement water conservation measures immediately upon reaching agreement with the specified agencies.

In your letter, you state you will work with the U.S. Forest Service (FS), California State Water Resources Control Board (SWRCB), California Department of Fish and Wildlife (CDFW), and the members of your ecological resources committee (committee) to develop a long-term flow regime to remain in effect for the duration of the drought. You indicate that you will be meeting with the committee on February 13, 2014 to discuss a drought flow regime.

You also indicate that you notified the FS, SWRCB, CDFW, and the committee of your proposed actions via e-mail on February 3 and 5. Your letter, however, did not provide any information indicating whether the agencies or committee agreed with the flow reduction you initiated on February 5. As a result, you have not complied with the requirement to secure mutual agreement among the agencies prior to initiating the flow reduction at the El Dorado Project. Accordingly, we are requiring you to provide the Commission with documentation of agreement with the FS, SWRCB, CDFW or return to normal operations within seven days of the date of this letter. Further, you should file, for Commission approval, any long-term drought flow regime developed in consultation with the FS, SWRCB, CDFW, and the committee within 14 days of the date of this letter.

Your responses may be filed electronically using the Commission's e-filing procedures under the "Documents & Filings" tab on the Commission's webpage (<http://www.ferc.gov>).

Thank you for your cooperation. If you have any questions regarding this matter, please contact Mark Pawlowski at (202) 502-6052.

Sincerely,

Edward A. Abrams
Director
Division of Hydropower Administration
and Compliance

cc Tom Kinney
Director of Operations
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