

**Forest Service Handbook
National Headquarters - Washington Office
Washington, DC**

**Forest Service Handbook 2709.15 – Hydroelectric Handbook
Chapter 50 - Section 4(E) and Other Reports**

Amendment: 2709.15-Amendment 1

Effective date: February 01, 1987

Duration: This amendment is effective until superseded or removed.

Approved by:

Date approved:

Responsible Staff:

Last Change:

Superseded Document(s):

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III. OPTIONAL FOREST SERVICE PROVISIONS

A. FISH AND WILDLIFE RESOURCE MANAGEMENT

Condition No. 5 - Minimum Streamflow Regime

During the construction and operation of the facilities authorized by this license, the Licensee shall maintain each year, immediately below the point of diversion in Bozo Creek, the following continuous, minimum flows or the natural flows, which ever are less, as measured immediately below the point of proposed diversion:

October 15 through December 15	10 cubic feet per second (cfs)
December 16 through May 15	7 cfs
May 16 through October 14	3 cfs

After notice to and concurrence by the Forest Service, the Licensee shall release the entire unrestricted flow in Bozo Creek down the channel for 8 consecutive days during the peak runoff period to maintain channel competence and to aggregate and flush the gravel.

The Licensee may temporarily modify minimum flows if required by operating emergencies beyond the control of the Licensee. The Licensee may also modify minimum flows for short periods upon written consent of the Forest Service.

Condition No. 6 - Guaranteed Priority Flow Bypass Device

The Licensee shall construct, operate, and maintain a guaranteed priority stream flow device as part of the diversion/intake structure. Required stream maintenance flows listed in Article <condition 5> shall be automatically released through this device, before any flow can be diverted into the conduit. The Licensee shall install a water measurement control section with a continuously-recording streamgage, downstream of the point of release of the bypass flow, that will accurately measure the bypass flow. The Licensee shall provide a stage-discharge chart to the Forest Service prior to commencement of operation of the project. Forest Service approval must be obtained for the design of the bypass mechanism and the design and location of the measuring control section and streamgage prior to construction. The Licensee shall file a report of the streamflow at the gaging station by December 31, of each year for the preceding water year. The report must be filed with the Eldorado National Forest.

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Condition No. 7 - Fish and Wildlife Mitigation Plan

Within 1 year from the issuance of this license and before starting any activities the Forest Service determines to be of a land-disturbing nature on National Forest System land, the Licensee shall file with the Director, Office of Hydropower Licensing, a fish and wildlife habitat mitigation plan approved by the Forest Service. This plan must identify requirements for construction and mitigation measures to meet Forest Service fish and wildlife habitat objectives and standards. The plan also must include dates for accomplishing these objectives and standards and must identify needs for and timing of any additional studies necessary.

The Licensee shall not commence activities the Forest Service determines to be affected by the plan until after 60 days following the filing date, unless the Director, Office of Hydropower Licensing, prescribes a different commencement schedule.

B. SOIL CONSERVATION AND PROTECTION OF WATER QUALITY

Condition No. 8 - Erosion Control Plan

Within 1 year following the date of issuance of this license and before starting any activities the Forest Service determines to be of a land-disturbing nature on National Forest System land, the Licensee shall file with the Director, Office of Hydropower Licensing, a plan approved by the Forest Service for the control of erosion, stream sedimentation, dust, and soil mass movement.

The Licensee shall not commence activities the Forest Service determines to be affected by the plan until after 60 days following the filing date, unless the Director, Office of Hydropower Licensing, prescribes a different commencement schedule.

Condition No. 9 - Hazardous Substances Plan

Within 1 year following the date of issuance of this license and at least 60 days before starting any activities the Forest Service determines to be of a land-disturbing nature on National Forest System land, the Licensee shall file with the Director, Office of Hydropower Licensing, a plan approved by the Forest Service for oil and hazardous substances storage and spill prevention and cleanup.

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At a minimum, the plan must require the Licensee to (1) maintain in the project area, a cache of spill cleanup equipment suitable to contain any spill from the project; (2) to periodically inform the Forest Service of the location of the spill cleanup equipment on National Forest System lands and of the location, type, and quantity of oil and hazardous substances stored in the project area; and (3) to inform the Forest Service immediately of the nature, time, date, location, and action taken for any spill.

The Licensee shall not commence activities the Forest Service determines to be affected by the plan until after 60 days following the filing date, unless the Director, Office of Hydropower Licensing, prescribes a different commencement schedule.

Condition No. 10 - Spoil Disposal

Within 1 year following the date of issuance of this license and before starting any activities the Forest Service determines to be of a land-disturbing nature on National Forest System land, the Licensee shall file with the Director, Office of Hydropower Licensing, a plan approved by the Forest Service for the storage and/or disposal of excess construction/tunnel spoils and slide material. At a minimum, the plan must address contouring of any storage piles to conform to adjacent land forms and slopes, stabilization and rehabilitation of all spoil sites and borrow pits, and prevention of water contamination by leachate and runoff. The plan also must include an implementation schedule and maintenance program.

The Licensee shall not commence activities the Forest Service determines to be affected by the plan until after 60 days following the filing date, unless the Director, Office of Hydropower Licensing, prescribes a different commencement schedule.

C. AESTHETICS

Condition No. 11 - Visual Resource Protection

Within 1 year following the date of issuance of this license and before starting any activities the Forest Service determines to be of a land-disturbing nature on National Forest System land, the Licensee shall file with the Director, Office of Hydropower Licensing, a plan approved by the Forest Service for the design and construction of the project facilities in order to preserve or enhance its visual character. The plan must consider facility configurations and alignments, building materials, color, conservation of vegetation, landscaping, and screening. Project facilities of concern to this plan include, among other things, clearings, diversion structures, penstocks, pipes, ditches, powerhouses, other buildings, transmission lines and corridors, and access roads.

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The Licensee shall not commence activities the Forest Service determines to be affected by the plan until after 60 days following the filing date, unless the Director, Office of Hydropower Licensing, prescribes a different commencement schedule.

D. TIMBER SALE CONTRACT COORDINATION

Condition No. 12 - Coordination With Timber Sale Purchaser

The project area may be under contract to the purchaser of the Clown timber sale. Before starting construction or removing any timber in the project area, the Licensee shall develop an agreement with that timber sale purchaser if the sale has not been closed. The agreement must stipulate the joint use of roads and the method of disposal for timber within the project boundary and under the existing sale contract. The agreement must be approved by the Forest Service before timber removal may begin. Removal of timber in addition to that already sold to the purchaser, must be authorized by amendment to the purchaser's contract or by a separate timber sale contract sold to the Licensee or another party.

E. ENDANGERED SPECIES

Condition No. 13 - Protection of Sensitive and T&E Species

Within 1 year from the issuance of this license and before starting any activities the Forest Service determines to be of a land-disturbing nature on National Forest System land, the Licensee shall file with the Director, Office of Hydropower Licensing, a detailed implementation plan approved by the Forest Service for the mitigation of impacts to sensitive, threatened, and endangered plant and animal species located within the area to be disturbed.

The Licensee shall not commence activities the Forest Service determines to be affected by the plan until after 60 days following the filing date, unless the Director, Office of Hydropower Licensing, prescribes a different commencement schedule.

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ENCLOSURE III

**DECISION NOTICE, FINDING OF NO SIGNIFICANT IMPACT,
AND ENVIRONMENTAL ASSESSMENT**

**FOR THE
CANYON CREEK HYDROELECTRIC PROJECT
FERC # 9999 - HYDROELECTRIC INC.
EL DORADO NATIONAL FOREST**

An environmental assessment, as identified in Enclosure I, documenting the results of the analysis for the subject project is available for review at the Forest Supervisors Office in []. Based on the results of the analysis, I have decided that if the Federal Energy Regulatory Commission (FERC) licenses the applicant's proposed project as outlined in alternative A of the Environmental Report (License Application Exhibit E) for the Canyon Creek Hydroelectric project, (1) that the Forest Service will issue the applicant a special-use permit for the project; (2) that the license conditions shown in Enclosure II of the 4(e) Report will be required in any license issued by FERC for the project; and (3) that the special-use permit will be of the type shown in Enclosure IV of the 4(e) report. This decision is made considering the following factors concerning the proposed project:

1. It provides for the development of a renewable energy source, needed by the country and developed in a manner having acceptable environmental impacts.
2. It provides for maintaining the stability of the slopes into Canyon Creek by using a tramway for access, rather than a road as considered in alternative D.
3. It provides for protection of the fisheries resource by bypassing adequate flows to the stream. It should be noted that alternatives B, C, and D did not provide for instream flows sufficient to adequately protect the fishery.
4. It provides adequate mitigation to the sensitive plant and animal species noted in the area, whereas alternatives C and D did not.
5. It is consistent with the El Dorado National Forest Plan implemented in 1986.

Based on the environmental analysis, I have determined that the subject project is not a major Federal action that would significantly affect the quality of the human environment. Therefore, an environmental impact statement is not required. This determination was made considering the following factors:

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1. The license conditions to be imposed by the Forest Service and FERC for this project will adequately mitigate or prevent significant adverse impacts to the quality of the National Forest environment.
2. The degree of ecosystem disturbance will be major but generally temporary and localized to small areas.
3. The cumulative and secondary effects will be mitigated to nonsignificant levels.
4. There are no known threatened or endangered species within the purposed project area.
5. There are both sensitive animal and plant species that will be affected by the project. These include spotted owls and goshawks, and the plants Phacelia stebbensii and Lewisia serrata. Mitigation measures are required that will provide for adequate protection of these species.
6. There will be a minor irretrievable loss of timber growth resulting from some land being used for the facilities of the project. The construction of the facilities will be essentially a minor irreversible land allocation, although the facilities could be removed and the land rehabilitated.
7. Public interest in projects in this area is believed to be low because of its remote location and lack of attractions for the general public.
8. Cultural resource surveys have been completed. There will be no effects on cultural resources because no sites are in an affected area.
9. There are no known effects on consumers, civil rights groups, minority groups or women; nor are there any adverse effects on prime farmland or rangeland, wetlands or floodplains. There will be a minor nonsignificant adverse effect on some prime forestland.

This decision will be implemented if and when FERC licenses the Canyon Creek Project (FERC #9999). After that occurrence, construction may begin after the approval of the required mitigation implementation plans, site plans, and compliance with the conditions of the permit and stipulations.

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This decision is subject to appeal pursuant to 36 CFR 211.18 from the date of signature, below.

/s/name/
Regional Forester

<date>
Date

**The environmental assessment would be attached here. No sample is necessary

INSTRUCTIONS: Please note that you should list other acceptable alternatives for which the license conditions and attached special-use authorization still apply.

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ENCLOSURE IV

ANTICIPATED SPECIAL-USE AUTHORIZATION

SEE SECTION 71.1 FOR SAMPLE