136 FERC ¶ 62,025

UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

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| United Water Conservation District | Project No. | 2153-023 |

ORDER APPROVING LAND RESOURCE MANAGEMENT PLAN

(Issued July 12, 2011)

1. On September 30, 2009, and supplemented on June 7, 2011, United Water Conservation District (licensee) filed a land resource management plan (plan) for the Santa Felicia Hydroelectric Project (FERC No. 2153) pursuant to license article 413.[[1]](#footnote-2) The project is located on Piru Creek in Ventura County, California. The project occupies 174.5 acres of federal lands, administered by the U.S. Forest Service (Forest Service).

BACKGROUND

1. License article 413 requires the licensee to file with the Commission for approval, a land resource management plan incorporating and consolidating the land resource plans required by Forest Service 4(e) conditions 17 and 20, that relate to land resource management on National Forest System lands. This single plan shall include the Fire Management and Response Plan [Condition No. 17(a)], Visual Management Plan [Condition No. 17(b)], Sign Plan [Condition No. 17(c)], and Roads and Facilities Management Plan (Condition No. 20). Also, in addition to addressing National Forest System lands at the Santa Felicia Project, the plan shall include all project lands within the project boundary.

DESCRIPTION OF PLAN

1. The proposed plan provides a description of the project facilities and project boundary, and provides for the four components of the plan required by license article 413. Each component outlines the specific license requirements; goals; and roles, responsibilities, and coordination. The fire management and response component describes fire suppression abilities, regulatory requirements, fire risks, precautionary measures, and fire hazard reduction measures. The visual management component describes the existing visual setting and implementation actions. The sign component describes the existing setting and project sign guidelines, provides for sign inspection and maintenance, and includes an appendix with pictures and detailed descriptions of all project signs. The roads and facilities maintenance component describes the project roads covered by the plan, road maintenance and rehabilitation measures, and operational plans with respect to roads. Each of the individual components meets the requirements of the applicable 4(e) condition. The roads and facilities maintenance component does not address any roads on Forest Service lands because the licensee does not conduct any project-related operations or maintenance that requires access to any roads on Forest Service lands.
2. The plan describes a process for consulting annually with the Forest Service with regard to updating the plan. Specifically, the plan proposes an annual consultation meeting, to be held between January 10 and March 15 of each year, to include: (1) a status report regarding implementation of license conditions; (2) results of any monitoring studies performed during the previous year; (3) a review of any non-routine maintenance; (4) discussion of foreseeable changes to project facilities; (5) discussion of any necessary revisions to the plan; (6) discussion of any needed protection measures or changes to the plan for species newly listed or de-listed as threatened, endangered, or sensitive; and (7) discussion of elements of current year maintenance plans. The licensee would file a report of the consultation meeting, including any recommendations by the Forest Service for the protection of resources on Forest Service lands, to the Commission within 60 days following the consultation meeting.

AGENCY CONSULTATION

1. The plan was developed in consultation with the Forest Service in July and August, 2009. On August 28, 2009, the licensee transmitted the draft plan to the U.S. Fish and Wildlife Service, California Department of Fish and Game, Forest Service, and National Marine Fisheries Service. By letter dated June 7, 2011, the Forest Service approved the plan. No comments were received from any other consulted agencies.

DISCUSSION

1. The proposed plan provides long-term protection for land resources on project lands and federal lands within the project boundary. Specifically, the plan provides a means for identifying and coordinating fire management measures at the project, protecting aesthetic resources, providing and maintaining appropriate signs, and coordinating road maintenance and rehabilitation. The plan meets the requirements of license article 413 and the applicable 4(e) conditions, has been approved by the Forest Service, and thus, should be approved.

The Director orders:

(A) The land resource management plan, filed by United Water Conservation District, for the Santa Felicia Hydroelectric Project on September 30, 2009, and supplemented on June 7, 2011, pursuant to license article 413, is approved.

(B) This order constitutes final agency action.  Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in  section 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission’s regulations at 18 C.F.R. § 385.713 (2011).  The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The

licensee’s failure to file a request for rehearing shall constitute acceptance of this order.

Robert J. Fletcher

Chief, Land Resources Branch

Division of Hydropower

Administration and Compliance

1. 124 FERC ¶ 62,193 (2008). [↑](#footnote-ref-2)