

DEPARTMENT: Administration

BY: Rick Benson

PHONE: 966-3222

**RECOMMENDED ACTION AND JUSTIFICATION:** Approve comment letter to the Federal Energy Regulatory Commission regarding the study plan associated with the relicensing of the Merced Irrigation District Exchequer Dam facility.

In order to ensure that the services provided to the Merced irrigation district by Mariposa County are addressed, this letter formally requests that the impacts be studied. This is a follow-up to our previous request which, in response, the district represented that there are no impacts upon the County.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:** Your Board previously commented to the commission regarding the impacts to Mariposa County.

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:** Without a formal request, it would be unlikely that the Federal Energy Regulatory Commission would address the impacts to Mariposa County.

Financial Impact? ( ) Yes (x) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		
Source:		
Internal Transfer		
Unanticipated Revenue	_____ 4/5's vote	
Transfer Between Funds	_____ 4/5's vote	
Contingency	_____ 4/5's vote	
( ) General ( ) Other		

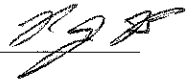
**CLERK'S USE ONLY:**

Res. No.: 09-351 Ord. No. \_\_\_\_\_  
 Vote - Ayes: 5 Noes: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Approved  
 Minute Order Attached  No Action Necessary

**COUNTY ADMINISTRATIVE OFFICER:**

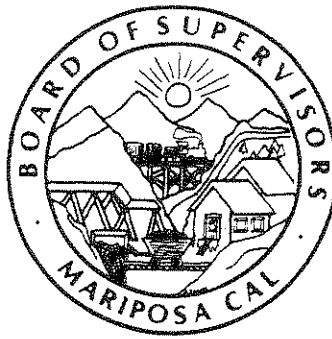
Requested Action Recommended  
 No Opinion  
 Comments:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this office.  
 Date: \_\_\_\_\_  
 Attest: MARGIE WILLIAMS, Clerk of the Board  
 County of Mariposa, State of California  
 By: \_\_\_\_\_  
 Deputy

CAO: 

# Mariposa County Board of Supervisors

District 1 ..... BRAD ABORN  
District 2 ..... LYLE TURPIN  
District 3 ..... JANET BIBBY  
District 4 ..... KEVIN CANN  
District 5 ..... JIM ALLEN



RICHARD J. BENSON  
County Administrative Officer

MARGIE WILLIAMS  
Clerk of the Board

P.O. Box 784  
MARIPOSA, CALIFORNIA 95338  
(209) 966-3222  
1-800-736-1252  
FAX (209) 966-5147  
[www.mariposacounty.org/board](http://www.mariposacounty.org/board)

July 14, 2009

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E., Room 1A  
Washington, DC 20426

REF: MERCED IRRIGATION DISTRICT (MID) HYDROELECTRIC PROJECT PROPOSED  
STUDY PLAN - FERC PROJECT NO. 2179

Dear Ms. Bose:

We have reviewed the proposed study plan for the referenced Project. Mariposa County submitted comments as well as study requests to FERC on February 24, 2009. The study plan dated April 29, 2009 includes MID's response to the study requests made thus far by Mariposa County. MID and Mariposa County agreed to discuss Mariposa concerns and study requests as project socio-economic impacts. A "study plan meeting" was held to discuss socio-economic impacts on June 25, 2009.

MID did not adopt in their proposed study plan the studies requested by Mariposa. Reasons given are that MID believes that Mariposa County did not meet FERC's study request requirements at 18CFR5.9(b)(5)(6) and (7). Specifically, MID does not agree that Mariposa County demonstrated the Project has a measurable effect on County services and the County has not described a nexus between the Project operations and effects to be studied.

### **Law enforcement, fire protection and socio-economic impacts:**

Mariposa County provides law enforcement services within the project area. The law enforcement services have been primarily boat patrol. The County Boat Patrol Program is not provided or required anywhere else in the County. If the MID Project did not exist, Mariposa would not have developed the boat patrol service with the associated special requirements (boats, special staff training and associated infrastructure). The MID Project is unique in Mariposa County. There is clearly a nexus between Project operations and effects on Mariposa County services.

Mariposa County fire protection, as well as general county-wide provided services, are all automatically available to the Project area. Due to the varied and unique activities in the Project area, there is more demand on County services than if the Project area were developed consistent with the existing and designated land uses listed in the Mariposa County General Plan for the surrounding area.

Some of the statements made within the proposed study plan are not accurate. On Page 3.4, the study plan includes the statement "considering the Merced ID provides law enforcement and fire protection services within the Project area." MID does not employ sworn peace officers to perform

law enforcement related activities within the Project area. MID may have rangers patrolling campgrounds and other recreational facilities, however, Mariposa County has the ultimate responsibility for the provision of law enforcement and other Sheriff-related services and are regularly called in to do so within the project area.

Mariposa County is not aware of any MID provided fire protection services outside of automatic suppression devices within MID owned structures. The Project area benefits from the services provided by the Mariposa County Fire Department as well as special fire protection services provided through a non fire season contract between Mariposa County and Cal-Fire for areas adjacent to the Project.

**Implementation of the 1960 agreement:**

During the planning and permitting phase of the New Exchequer Project (1950s to early 1960s) the MID and County of Mariposa executed an agreement (1960 agreement) that discusses future water needs of Mariposa from the river tributaries and sharing of hydroelectric revenues after 2014. The agreement document is included in the MID re-licensing web site. MID's Study Plan includes an acknowledgement of the 1960 agreement yet there are no assurances as to the implementation of the agreement terms. MID and Mariposa County have scheduled meetings to discuss the implementation of the agreement specifically. These meetings will take place after the comment period on the proposed study plan. The 1960 agreement is clearly a result of the project development. The agreement impacts on both Mariposa County and MID will continue through the term of the new license.

Proceeding with the studies requested is important to the continued cooperation between Mariposa County and MID. We realize the gathering of data to complete the studies requested will require a significant amount of Mariposa County staff effort. The Board of Supervisors is willing to direct County staff to proceed with the gathering of data for the studies requested and provide analysis of the current Project impacts for MID and FERC review. The completion of the Mariposa requested studies can be completed at minimum cost if any to MID. In addition, there may be PM&Es required through the current re-license process which may have additional impacts on Mariposa County. Evaluation of these impacts may take place as the PM&Es are identified. It is important that continued coordination and communication between the two entities take place throughout the re-licensing process. Until such time that any differences between the two agencies are resolved, Mariposa County wishes to maintain the study request submitted to FERC.

Sincerely,



BRAD ABORN  
Chair

cc: Dan Pope, Merced Irrigation District  
Ken Robbins, Merced Irrigation District General Counsel