

UNITED STATES OF AMERICA 114 FERC ¶ 62, 105
FEDERAL ENERGY REGULATORY COMMISSION

Pacific Gas and Electric Company

Project No. 2105-096

ORDER APPROVING RECREATION ENHANCEMENTS

(Issued February 3, 2006)

On July 13, 2005, Pacific Gas and Electric Company (PG&E), licensee for the Upper North Fork Feather River Hydroelectric Project (project), filed an application requesting Commission concurrence with the development of the proposed Marvin Alexander Day Use Area public recreation site in advance of the issuance of a new license for the project. The proposed recreation site is located on Lake Almanor in Prattville, Plumas County, California.

DESCRIPTION OF THE PROPOSAL

The project, currently in the relicensing process, has no approved recreation plan. The licensee's request to develop the proposed Marvin Alexander Day Use Area, which was proposed for development within one to three years after issuance of the new license, is based on the existing demand for public recreation at Lake Almanor.

PG&E proposes to develop Marvin Alexander Day Use Area, currently the site of a private Pacific Service Employees Association camp, and open the area to broader public use. The existing restroom facilities will be replaced with new, universally accessible restroom facilities, and other improvements will include development of a gravel parking area, installation of ten picnic tables, development of a sandy beach above the high water line, and installation of a swim area delineator. Some trees and vegetation will need to be removed to accommodate the parking area; however, no disturbance will occur near the shoreline, except for the placement of imported sand for the beach above the maximum water surface elevation. The sand will be cleaned prior to arrival at the site.

Bald eagle nesting occurs at Lake Almanor and the proposed development is just outside a proposed management zone for a nearby bald eagle nest. Site activities will include clearing and grading but will not represent a significant increase in the normal activities that occur in the area. In addition, construction is planned outside of the bald eagle nesting period.

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No sensitive plant species were identified in the licensee's recent surveys conducted in the area, and all work will take place above the high water elevation for Lake Almanor. An existing road will be used for access to the beach area. Ground disturbing activities will include removal and replacement of the toilet facilities, installation of ten picnic tables and construction of a gravel parking lot. Areas disturbed during construction will be restored and erosion control measures implemented. The gravel parking area is anticipated to have a semi porous surface, and to handle heavy rainfall events, provisions will be made to provide a dispersed run-off distribution system to the surrounding vegetation to avoid direct run-off into Lake Almanor.

CONSULTATION

Comments on the proposed recreation enhancements were received from Susanville Rancheria and Greenville Rancheria (Tribes). Collectively, the Tribes requested that a Native American Monitor be onsite during any ground disturbing activities. By letter dated August 10, 2005, the SHPO provided comments that indicated that a determination of No Historic Properties Affected could be made.

DISCUSSION

After review of the application and the Final Relicensing Settlement Agreement, filed with the Commission on April 30, 2004, Commission staff has determined that the proposed development is consistent with the pending relicensing of the project. In the Final Environmental Impact Statement for the relicense, Commission staff recommended development of the Marvin Alexander Day Use Area recreation site. The recreation site will increase recreation opportunities at the project, and will serve the public by providing improved restroom facilities, parking, picnic tables, a sandy beach, and swimming area.

The Tribes requested that a Native American Monitor be onsite during any ground disturbing activities. The area has been surveyed, and the SHPO did not object to a determination of No Historic Properties Affected for this proposal. The proposed improvements are located within an existing recreation area that has been greatly disturbed in the past and was surveyed during recent relicensing studies; no unrecorded archeological resources were discovered. Consistent with license article 44¹, the licensee

¹ Article 44 was added to the project license on April 21, 1983, and requires that if any previously unrecorded archeological resources are discovered during the course of construction or development of any project works or other facilities at the project, the licensee shall halt construction activity in the vicinity of the discoveries, consult with a qualified archeologist to determine the significance of the sites, and cooperate with the State Historic Preservation Officer (SHPO) and the U.S. Forest Service (USFS) to

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stated that construction will be halted, and the appropriate actions taken, if any previously unrecorded archeological resources are discovered during site development. While Commission staff does not believe any cultural resources will be affected by this work, we do not object to PG&E notifying the Tribes of the work schedule and permitting a monitor, if provided by the Tribes, to be onsite during land disturbing activity.

The licensee has proposed provisions to restore any disturbed areas and control erosion, and has planned for construction to occur outside of the bald eagle nesting period. The licensee's application should be approved.

The Director orders:

(A) The licensee's July 13, 2005 filing, which requests Commission authorization to develop the proposed Marvin Alexander Day Use Area public recreation site in advance of the issuance of a new license for the project, is approved.

(B) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 CFR § 385.713.

John E. Estep
Division of Hydropower Administration
and Compliance

develop a mitigation plan for protection or recovery of significant archeological resources. If the licensee and the SHPO and USFS cannot agree on the amount of money to be expended on archeological work related to such discoveries, the Commission reserves the right to require the licensee to conduct, at licensee's own expense, any such work found necessary. See also: The errata notice issued August 24, 1983.