DEPARTMENT: Administration  

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.

<table>
<thead>
<tr>
<th>Financial Impact?</th>
<th>Yes</th>
<th>No</th>
<th>Current FY Cost: $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budgeted In Current FY?</td>
<td>Yes</td>
<td>No</td>
<td>Partially Funded</td>
</tr>
<tr>
<td>Amount in Budget:</td>
<td>$</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional Funding Needed:</td>
<td>$</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source:
- Internal Transfer
- Unanticipated Revenue
- Transfer Between Funds
- Contingency
  - General
  - Other

Annual Recurring Cost: $  

List Attachments, number pages consecutively

CLERK'S USE ONLY:
Res. No. [351]  
Vote – Ayes: 5  
Noes: 0  
Absent: 0

Approved

( ) Minute Order Attached  ( ) No Action Necessary

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

COUNTY ADMINISTRATIVE OFFICER:  

Requested Action Recommended  

No Opinion  

Comments:  

CAO:  

Revised Dec. 2002
July 14, 2009

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

REF: MERCEDE 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 18CFR$5.9(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