



SMUD

SACRAMENTO MUNICIPAL UTILITY DISTRICT
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Public Comment
USFS Waiver
Deadline: 8/24/11 by 12:00 noon

P.O. Box 15830, Sacramento, CA 95852-1830; 1-888-742-SMUD (7683)

August 24, 2011
DPG 11-453

Mr. Gaylon Lee
Division of Water Quality
State Water Resources Control Board
1001 I Street, 15th Floor
Sacramento, CA 95814



Re: Draft Statewide Conditional Waiver of Waste Discharge Requirements (Conditional Waiver) for Nonpoint Source Discharges Related to Certain Activities on National Forest System Lands

Dear Mr. Lee:

The Sacramento Municipal Utility District (SMUD) is pleased to submit these comments on the Draft Statewide Conditional Waiver of Waste Discharge Requirements (Conditional Waiver) for Nonpoint Source Discharges Related to Certain Activities on National Forest System Lands, and Draft Mitigated Negative Declaration, circulated on June 10, 2010 by the State Water Resources Control Board (SWRCB). SMUD conducts hydropower project operations within the Eldorado National Forest, and holds a license for such activities from the Federal Energy Regulatory Commission (FERC). Further, SMUD will also be subject to terms of 401 Certification issued by the SWRCB for SMUD's new FERC license when it is issued.

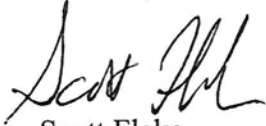
We understand that most discharges associated with SMUD's hydropower project will be exempt from coverage pursuant to Finding 36 of the Conditional Waiver. However, the Conditional Waiver broadly defines future procedures for collaboration between the United States Forest Service (USFS) and SWRCB and Regional Water Quality Control Boards, which could affect input of both agencies to hydropower licensing proceedings. The USFS is revising and implementing its own water quality improvement plans in accordance with the Conditional Waiver, in accordance with a draft Memorandum of Understanding to be entered into with the SWRCB. The Conditional Waiver also describes specific procedures for control of water quality impacts from vegetation management (including clearing by hand crews and application of herbicides), designation and protection of riparian zones, and prioritization of road management and legacy impact restoration projects which might be located within areas affecting SMUD's hydropower project.

SMUD notes that the Mitigated Negative Declaration and Conditional Waiver do not discuss impacts of this regulatory program on electric utility operations on National Forest Service lands, and requests that these impacts be considered. It is important for the Conditional Waiver to incorporate flexibility to allow water quality protection measures that facilitate and preserve

access, fire protection, and cost effective maintenance activities associated with utility operations and rights of way. SMUD requests that provision be made for stakeholder participation in future plan and program development called for in the Conditional Waiver.

We also draw your attention to comments submitted in this proceeding by the California Council for Environmental and Economic Balance, addressing some specific issues relating to utility activities on National Forest Service lands. We look forward to the opportunity to discuss these issues further, and I can be reached at (916) 732-6174. Thank you for the opportunity to comment on this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Flake". The signature is written in a cursive, flowing style.

Scott Flake
Manager, Power Generation