



El Dorado Irrigation District

In Reply Refer To: E0497-150

April 10, 1997

Mr. Noel Folsom
Regional Director
Federal Energy Regulatory Commission
901 Market Street, Suite 350
San Francisco, CA 94103-1778

Subject: Weber Dam, Project No. 7454-CA
Notice of Noncompliance

Dear Mr. Folsom:

This is in regards to your letter dated April 3, 1997, notifying the District of a noncompliance to your previous directive. I discussed your letter over the telephone with Messrs. Gus Tjoumas, Jim Goris, and Jerry Lutticken. We discussed your statement that the District has ignored your directive to provide an additional 300 cfs of discharge capacity. The District has not ignored your directive. On February 26, 1997, I met with your staff and discussed using the tunnel. I believe we were in agreement that this was an appropriate solution. The March 7, 1997 and the March 14, 1997 letters clearly indicated our intentions and schedule. It was understood that a more specific schedule could not be finalized until our Board authorizes this alternative. After much discussion, our Board of Directors, on April 7, 1997, did authorize funds to proceed with using the tunnel to provide the additional discharge capacity. We do not feel that it was necessary to consider the District to be in noncompliance.

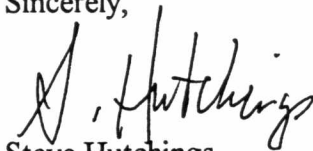
Enclosed is the anticipated schedule for removing the tunnel's concrete plug and constructing an outlet channel. I realize that this schedule extends beyond the schedule contained in your letter. The two controlling items that contribute to the extended schedule are right-of-way acquisition and California State public bidding codes. State code requires those construction projects more than \$25,000 be advertised for at least three consecutive weeks before opening bids. The contract is then awarded at the next scheduled Board meeting. The minimum time for this process is 5 weeks. The schedule shows the contract to be awarded on July 28, 1997, which is a scheduled Board meeting. Based on this award date, the plans and specifications are to be reviewed and approved by June 16, 1997. The State Department of Safety of Dams will require an alteration permit which takes 10 days to process.

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Construction cannot begin without access rights to the tunnel. The outlet of the tunnel is not on District property nor does the District have an easement for discharging flows from the tunnel to the creek. The time required to obtain easements for the tunnel depends on the disposition of the property owner. Based on our experience the minimum time to acquire construction and permanent easements, from a cooperative property owner, is 8 weeks considering surveying work and documentation. April and May are scheduled for this work.

We feel that the enclosed schedule is reasonable and accomplishes the goal of providing the additional discharge capacity before the next storm season. We have 88 years of rainfall records. These records show that the significant storm events occur between December and March. Our schedule is well ahead of the next rain season. It is my understanding with Mr. Tjoumas that we are in agreement that the tunnel needs to be in place before the next storm season.

Sincerely,



Steve Hutchings
Senior Engineer

SH:dlm

Enclosure

cc: Mr. Stafford Lehr, California Dept. of Fish and Game, Region 2
1701 Nimbus Road, Suite A, Rancho Cordova, Ca. 95670
Mr. Vernon Persson, California Department of Safety of Dams
2200 X Street, Suite 200, Sacramento, CA 95818
Mr. Gary Taylor, U.S. Fish and Wildlife Service, Sacramento Field Office
3310 El Camino Avenue, Suite 130, Sacramento, CA 95821-6340

WEBER DAM BY-PASS TUNNEL
 PROJECT NO. 96003; WORK ORDER NO.2696

