

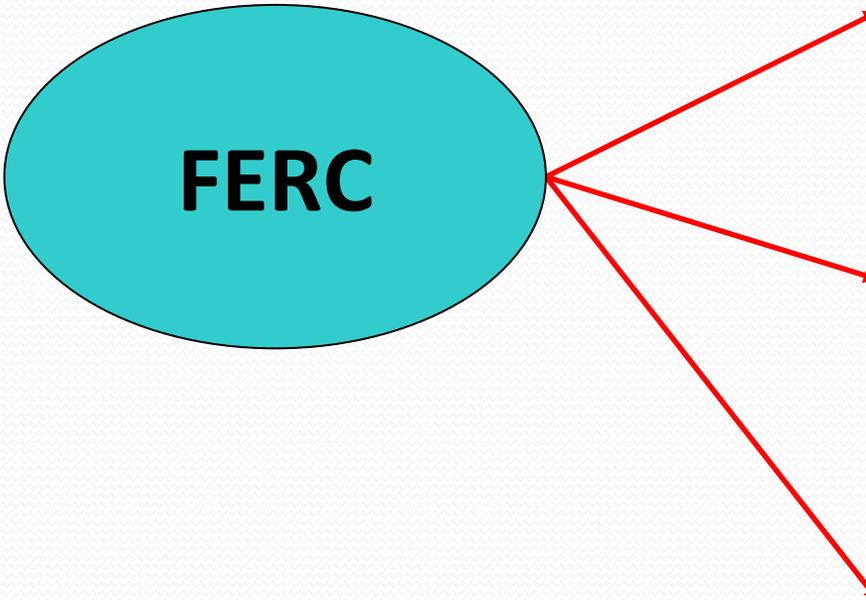


LEAPS PROJECT

**In the Matter of Petition for Reconsideration of
Water Quality Certification for the
Lake Elsinore Advanced Pump Storage Project (FERC No. 11858)**

**State Water Resources Control Board Meeting
Agenda Item #11
March 1, 2011**

LEAPS IS GOOD FOR CALIFORNIA



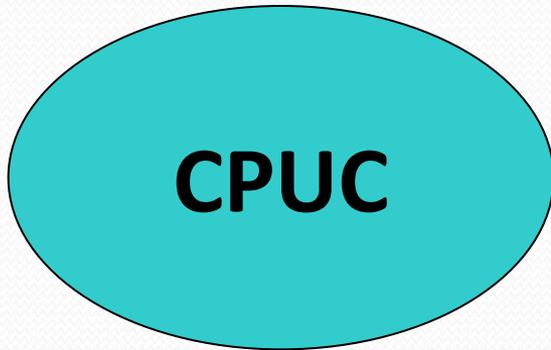
FERC

“New capacity from [LEAPS] could have **significant positive** effect on the ability of the area to meet regional requirements for generation.” *FEIS*, p.1-3

“We conclude that the region has a need for power over the near term, and **power from [LEAPS] could help meet that need in the future.**” *FEIS*, p.1-4

“The [TE/VS Interconnect] would be an **appropriate long-term solution to southern California’s transmission congestion bottlenecks** as well as the transmission-constrained, generation-deficient San Diego area.” *FEIS*, p.1-4

LEAPS IS GOOD FOR CALIFORNIA

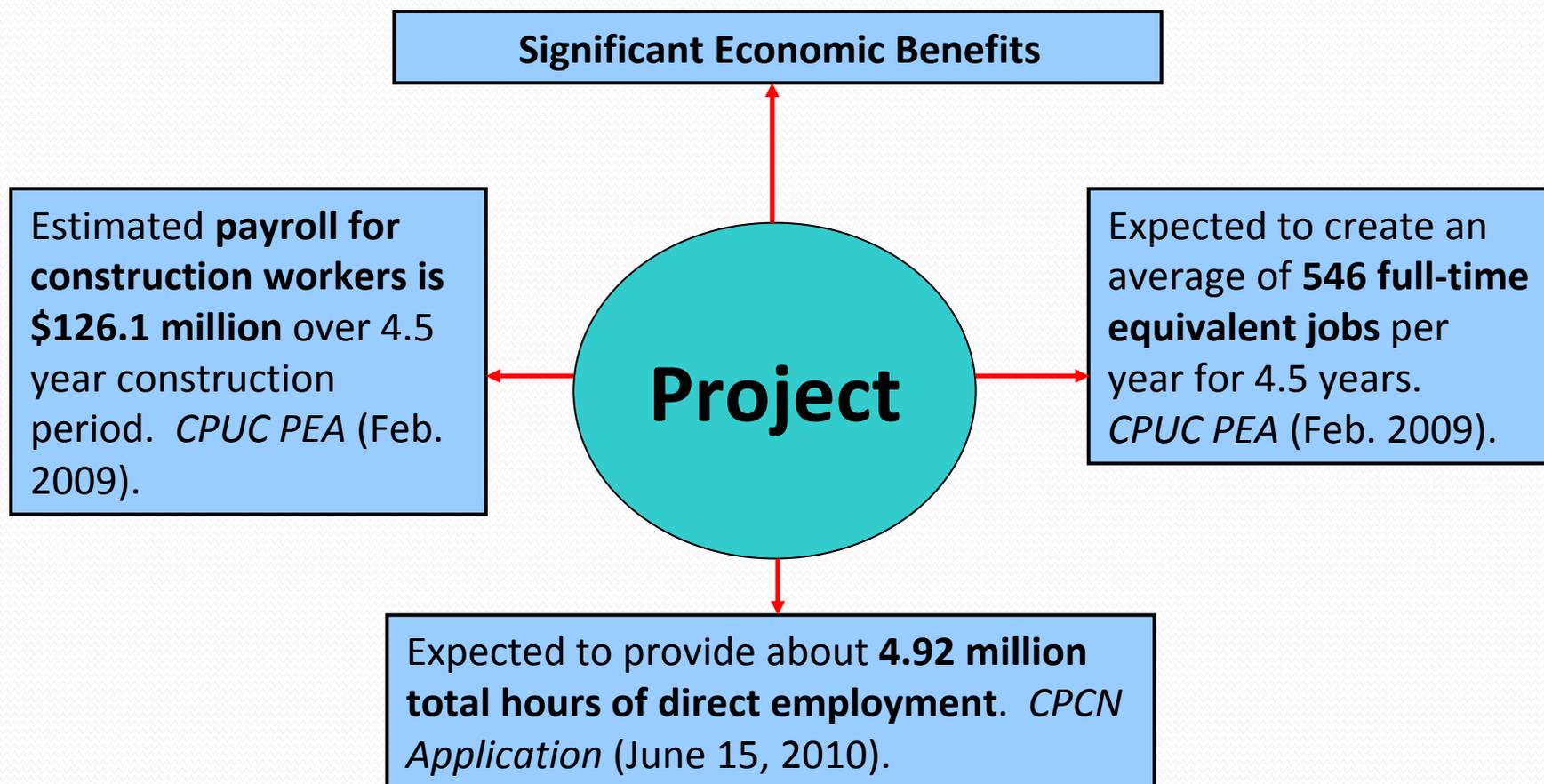


The TE/VS Interconnect will provide **substantial value not only in conjunction with the pump storage facility, but also on its own.** *CPUC comments to CAISO White Paper (March 28, 2007).*

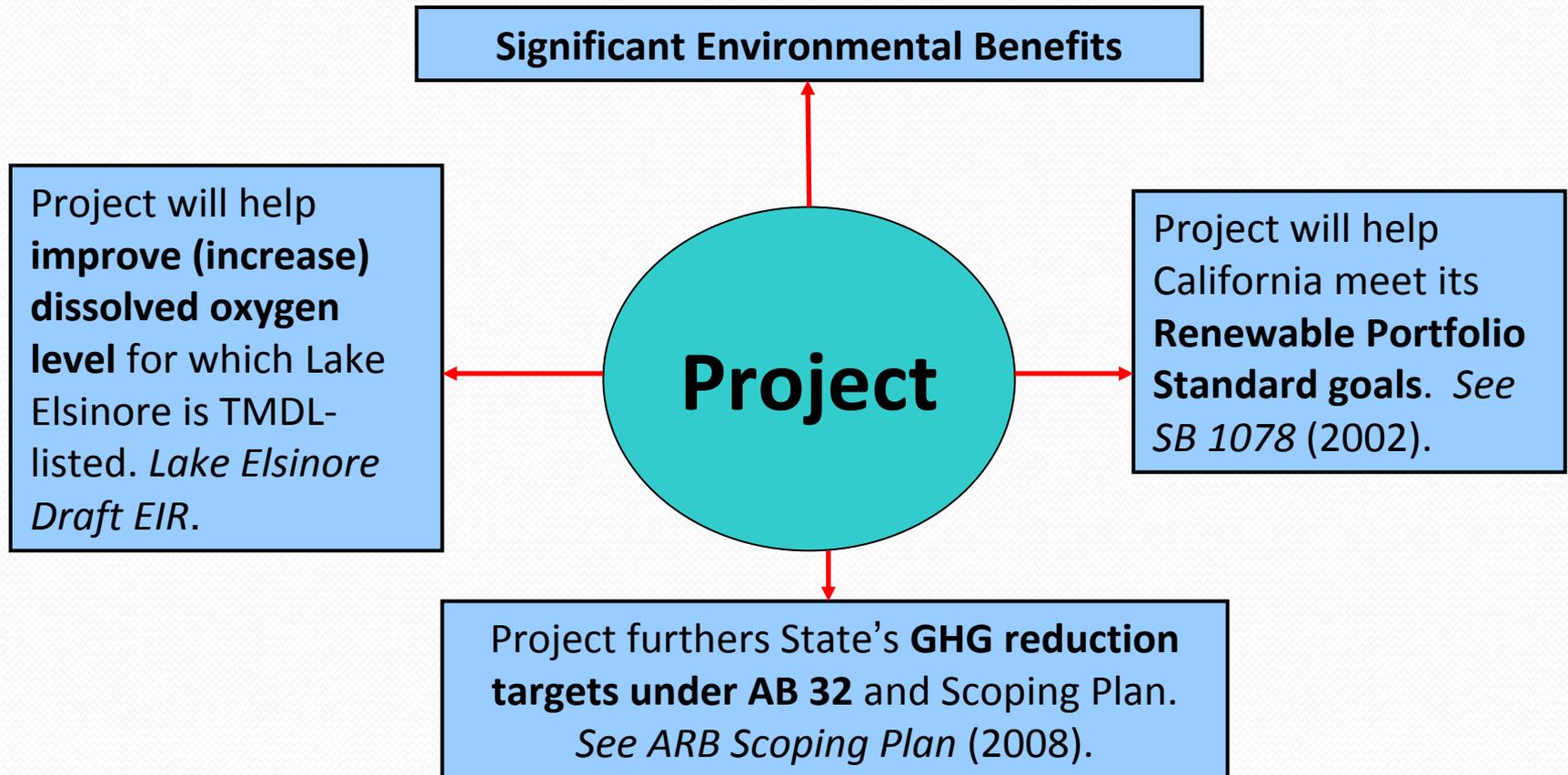
The TE/VS Interconnect will further **improve the robustness and flexibility of transmission in Southern California.** *Id.*

“LEAPS may be justified as a **least-cost solution to on-going reliability problems in Southern California.**” *Id.*

LEAPS IS GOOD FOR CALIFORNIA



LEAPS IS GOOD FOR CALIFORNIA



ENVIRONMENTAL DOCUMENTS SATISFY CEQA REQUIREMENTS

- An EIR is not required
- Board requires only CEQA-quality documentation from which the Board staff can evaluate a project's potential impact on water quality.

ENVIRONMENTAL DOCUMENTS SATISFY CEQA REQUIREMENTS

FERC: “Although the document is not a joint environmental impact report/EIS, [EVMWD] has the opportunity to use this document, as appropriate, to satisfy its responsibilities under CEQA.” *FEIS, 1-10* (January 2007).

Several residents commented on the dust and noise that would be generated by the project over the construction period of several years. We discuss the potential effects of proposed project construction and operation on air quality and noise in section 3.3.10.2, *Environmental Consequences in Air Quality and Noise*.

1.5 AGENCY CONSULTATION

On February 28, 2005, the Commission issued a Notice for Ready for Environmental Analysis for the LEAPS Project, soliciting comments, recommendations, terms and conditions, and prescriptions. The notice set a filing deadline of April 29, 2005. In response to this notice, the following entities filed comments:

<u>Commenting Entities</u>	<u>Date of Filing</u>
U.S. Department of the Interior	April 28, 2005
U.S. Forest Service, Pacific Southwest Region	April 28, 2005
County of Riverside	April 28, 2005
San Diego Gas & Electric Company	April 29, 2005
California Department of Transportation District 8	May 3, 2005
U.S. Department of Interior, Bureau of Indian Affairs	May 19, 2005

The co-applicants filed reply comments to the comments, recommended terms and conditions, and prescriptions by letter dated June 7, 2005.

1.6 CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act (CEQA) is the California counterpart to NEPA. CEQA went into effect in 1970 for the purpose of monitoring land development in California through a permitting process. This statute, enacted to protect the health of the environment from current and future development, requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. CEQA applies to all discretionary activities proposed to be undertaken or approved by California State and local government agencies. The State Water Board must act on the co-applicants' request for a water quality certificate for the LEAPS Project (see section 5.6.1, *Section 401 of the Clean Water Act—Water Quality Certification*). Pursuant to CEQA, the Elsinore Valley MWD has responsibilities as the lead agency under CEQA.

Under CEQA, an environmental impact report is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment. An environmental impact report is the public document used to analyze the significant environmental effects of a proposed project, identify alternatives, and disclose possible ways to reduce or avoid the possible environmental damage. CEQA guidelines state that when federal review of a project is also required, state agencies are encouraged to integrate the two processes to the fullest extent possible, which may include a joint environmental impact report/EIS. **Although this document is not a joint environmental impact report/EIS, Elsinore Valley MWD has the opportunity to use this document, as appropriate, to satisfy its responsibilities under CEQA.**

The content requirements for an environmental impact report under CEQA are similar to the requirements for an EIS, although an environmental impact report must contain two elements not required by NEPA. The first element needed in an environmental impact report not required by NEPA is a discussion of how the proposed project, if implemented, could induce growth. A project can be considered to have a growth-inducing effect if it directly or indirectly fosters economic or population growth or removes obstacles to population growth, strains existing community service facilities to the

ENVIRONMENTAL DOCUMENTS SATISFY CEQA REQUIREMENTS

- When a project will require compliance with both CEQA and NEPA, state or local agencies should use the EIS rather than preparing an EIR if (1) an EIS will be prepared before an EIR; and (2) the EIS complies with CEQA guidelines. Title 14, C.C.R. § 15221.
- FERC did not prepare joint CEQA/NEPA document because EVMWD was the project proponent, which created potential conflict. *FERC letter to EVMWD* (July 8, 2004).

ENVIRONMENTAL DOCUMENTS SATISFY CEQA REQUIREMENTS

Board staff: “CEQA . . . encourages state and local agencies to use documents prepared pursuant to [NEPA] to avoid duplication and costs if the NEPA document will be prepared before a CEQA document . . . and the NEPA document . . . meets the requirements of CEQA.” *State Board letter to EVMWD (July 5, 2006).*

Mr. Greg A. Morrison

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Water quality certification may be issued if it is determined that the activity involved is consistent with federal or state water quality standards. *The Water Quality Control Plan (Basin Plan)* for the RWQCB's Santa Ana Region and San Diego Region, identifies numerical and narrative standards necessary to protect the beneficial uses of Lake Elsinore, its tributaries and other lands affected by the project. The State Water Board may prescribe effluent limitations and other limitations necessary to ensure compliance with water quality standards and any other appropriate requirement of state law (33 U.S.C. § 1341(d)). Conditions of certification become conditions of any federal license or permit for the project. (*ibid.*)

CEQA Responsibility

CEQA (Pub. Resources Code § 21000 et seq.) encourages state and local agencies to use documents prepared pursuant to the National Environmental Policy Act (NEPA) to avoid duplication and costs if the NEPA document will be prepared before a CEQA document otherwise would be prepared and the NEPA document, in the judgment of the state agency, meets the requirements of CEQA. (Cal. Code Regs., tit. 14, § 15221.)

However, the State Water Board staff, in its review of the DEIS prepared by the Commission for the LEAPS Project and the TEVS Project, found the DEIS inadequate for its use as a CEQA document for consideration of an affirmative water quality certification decision.

Unfortunately, in the DEIS many impact studies and/or mitigation plans were deferred until after a license is issued by the Commission. In the DEIS, *deferred mitigation* took several forms. First, in the name of mitigation, essential environmental impact studies were deferred to the future rather than conducting them or providing the specific results of those studies in the DEIS. A second form of deferral was when the DEIS only described project effects in a general way and any mitigation measures in a very general, conceptual fashion, with the details to be developed at some future date.

Before the State Water Board can issue an affirmative water quality certification, it must be provided a final environmental document meeting the criteria of CEQA. The CEQA document must fully disclose the potential significant adverse impacts of the project and identify feasible and enforceable measures to avoid, minimize, rectify, reduce or compensate for the identified adverse environmental impacts and to include a monitoring and reporting program to ensure compliance with the proposed mitigation measures.

The DEIR to be prepared by EVMWD should clearly identify the potential adverse impacts and identify feasible and enforceable mitigation measures and the concomitant monitoring programs to ensure CEQA compliance for the LEAPS and TEVS Projects.

California Environmental Protection Agency



ENVIRONMENTAL DOCUMENTS SATISFY CEQA REQUIREMENTS

“The [State Board] intends to use the FEIS to fulfill it’s obligation under the California Environmental Quality Act (CEQA). However, the [State Board] is preparing a supplemental document to address CEQA resource requirements.” SCE letter to State Board (January 27, 2011).

FERC issued its REA notices for Big Creek Nos. 1 & 2 (FERC No. 2175); Big Creek No. 3 (FERC No. 120); and Big Creek Nos. 2A, 8 & Eastwood (FERC No. 67) hydroelectric projects. The FERC issued its Draft Environmental Impact Statement (DEIS) for all four projects associated with Big Creek ALP on September 1, 2008. The FERC issued the Final Environmental Impact Statement (FEIS) for the ALP Projects on March 13, 2009. The SWB intends to use the FEIS to fulfill its obligations under the California Environmental Quality Act (CEQA). However, the SWB is preparing a supplemental document to address CEQA resource requirements not addressed in the FEIS.

Request

SWB staff has stated that it is the intent of the SWB to issue a single certification to cover all of the Big Creek projects currently undergoing relicensing in the Upper San Joaquin watershed. These include the Vermilion Valley Hydroelectric (FERC No. 2086); Portal (FERC No. 2174); Mammoth Pool (FERC No. 2085); Big Creek Nos. 1 and 2 (FERC No. 2175); Big Creek Nos. 2A, 8 and Eastwood (FERC No. 67); and Big Creek No. 3 (FERC No. 120) projects. SCE supports this process and requests that the SWB prepare a water quality certificate for the six projects consistent with the Settlement Agreement filed with the FERC.

FERC Environmental

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January 8, 2008, the
Big Creek No. 3

Messrs. Lewandowski and Young - 2 -

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Cal. Code Regs., tit. 14, § 15367.) EVMWD appears to be the appropriate new lead agency per these guidelines. If EVMWD disputes its obligation as lead agency, the State Water Board recommends EVMWD submit the dispute to the Office of Planning and Research to make a lead agency determination. (Cal. Code Regs., tit. 14, § 15053.)

Issuance of a water quality certification is a discretionary action that requires the State Water Board to comply with the CEQA. The State Water Board must be provided with and have ample time to properly review a final copy of valid CEQA documentation before issuing a certification. (Cal. Code Regs., tit. 23, § 3856, subd. (f).) A final and valid CEQA document has not been issued for the LEAPS project and therefore, you are hereby notified that your January 21, 2009 request for water quality certification is denied without prejudice. The denial without prejudice is issued for procedural rather than substantive reasons, and carries with it no judgment on the technical merits of the activity.

The State Water Board will consider another application for water quality certification if TNHC and EVMWD can demonstrate that a final CEQA document will be prepared for the LEAPS project. If you have any questions on this matter, please contact Tristan Leong in the Water Quality Certification Program of the Division of Water Rights at (916) 322-8489 or at TLeong@waterboards.ca.gov.

“A final and valid CEQA document has not been issued for the LEAPS project and therefore, you are hereby notified that your January 21, 2009 request for water quality certification is denied without prejudice.” State Board letter to TNHC (October 1, 2009).

Commission
1A Ms. Billie Blanchard
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Quality
6 Alexis Strauss, Director
Water Division
US Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

ENVIRONMENTAL DOCUMENTS SATISFY CEQA REQUIREMENTS

- Joint scoping meetings conducted on September 8 and 9, 2004, which were intended to comply with CEQA process.
- Board staff submitted numerous comment letters: *FERC License Application* (Dec. 8, 2003); *NOP for EIR* (July 5, 2006); *Draft EIS* (April 25, 2006).

BOARD STAFF HAS SUFFICIENT INFORMATION TO ISSUE 401 CERTIFICATION

- State and Regional Water Boards heavily involved with CEQA scoping process.

<u>Unique CEQA Requirement</u>	<u>Addressed in FEIS</u>	<u>FEIS Section</u>
Growth-Inducing Effects	✓	FEIS, § 3.3.8.2
Mitigation, Monitoring and Reporting	✓	FEIS, § 5.1

BOARD STAFF HAS SUFFICIENT INFORMATION TO ISSUE 401 CERTIFICATION

- SARWQCB staff worked directly with James Canaday (Board staff) to address the substantive issues raised by Board staff.
- Dr. Anderson addressed the Board staff's issues in technical reports.
- Sunrise Powerlink EIR/EIS also addresses mitigation of impacts. *See §§ E.7.1 – E.7.3 & Table E.7.3-1 (Mitigation Monitoring, Compliance, and Reporting Table).*

BOARD STAFF HAS SUFFICIENT INFORMATION TO ISSUE 401 CERTIFICATION

SARWQCB staff: “Board staff believes that **we now have sufficient information and understanding of the LEAPS Project . . . to assist SWRCB to craft appropriate conditions for the issuance of Section 401 water quality certifications for the project.**” *SARWQCB letter to Board staff (Oct. 1, 2007).*

“Board staff has **no outstanding issues with the LEAPS Project that need to be addressed in advance of drafting 401 certification conditions.**” *Id.*

“Staff believes that **further water quality studies are not required at this time.**” *Id.*

Russ Kanz

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(2) “Effects of LEAPS Operation on Lake Elsinore: Predictions from 3-D Hydrodynamic Modeling” (Anderson, April 23, 2007); and,

(3) “Ecological Impacts from LEAPS Operation: Predictions Using a Simple Linear Food Chain Model” (Anderson, May 29, 2007).

The information presented in these studies, in combination with an improved understanding of the LEAPS Project gained in consultation with Dr. Anderson and through discussions with the Applicant’s representatives, has sufficiently addressed each of the issues previously raised by Board staff.

Board staff believes that we now have sufficient information and understanding of the LEAPS Project, and its likely and potential effects on water quality standards in the Santa Ana Region, to assist SWRCB to craft appropriate conditions for the issuance of Section 401 water quality certifications for the project, and to provide meaningful comments on the draft certification for it. Presently, Board staff has no outstanding issues with the LEAPS Project that need to be addressed in advance of drafting 401 certification conditions. Studies conducted by Dr. Anderson suggest that operation of the LEAPS Project is not likely to cause widespread adverse impacts on Lake Elsinore’s water quality standards, provided the project is built and operates in the manner considered by Dr. Anderson’s studies. Dr. Anderson’s studies do suggest that there will be localized water quality impairments during the proposed LEAPS Project’s operating cycles.

Santa Ana RWQCB staff and the Applicant’s representatives have an understanding that staff reserves the right to request and obtain additional information and analyses of the projects’ effects on receiving water quality, should any issues arise that had not been previously considered. This memo acknowledges that the investigations initiated at the request of Board staff have been completed, and that staff believes that further water quality studies are not required at this time. This memo is not intended to suggest any predisposition by Board staff regarding the outcome of permitting or other approval processes that the Projects will require.

Should you have any questions concerning this memo, please contact David Woeffel at (951) 782-7960 or dwoeffel@waterboards.ca.gov, or contact me at (951) 782-3234 or macleison@waterboards.ca.gov.

Mark G. Adelson
Senior Environmental Scientist

cc: Nevada Hydro, Peter Lewandowski

California Environmental Protection Agency



BOARD STAFF HAS SUFFICIENT INFORMATION TO ISSUE 401 CERTIFICATION

FERC: “This inaction by the Water Board is **extending an already time-intensive and costly licensing process**. It is also preventing development of proposed new facilities that could offer the State of California much needed generation and transmission resources.” *FERC letter to Governor Schwarzenegger (June 30, 2008).*

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, DC 20426

June 30, 2008

OFFICE OF THE CHAIRMAN

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol
Sacramento, CA 95814

Dear Governor Schwarzenegger:

By this letter, I am asking for your help in finding a way to prompt action by the California State Water Resources Control Board (Water Board) on pending requests for water quality certification (WQC) for California hydroelectric projects under the Federal Energy Regulatory Commission's (Commission) jurisdiction. Currently, there are 11 California hydroelectric project license applications pending where Commission staff has completed its environmental review and has recommended issuing new and original licenses. Unfortunately, due to the lack of action on the WQC requests, the Commission is unable to act on these applications.

The Clean Water Act allows up to one year for a state agency to act on a request for WQC. These requests have been withdrawn and refiled at the request of the Water Board staff several times and still there is no action on them. One request has been before the Water Board for seven years.

This inaction by the Water Board is extending an already time-intensive and costly licensing process. It is also preventing development of proposed new facilities that could offer the State of California much needed generation and transmission resources. As an example, two of the pending applications propose to build pumped storage projects that would provide California with a total of 900 megawatts of new peaking capacity. For the existing hydroelectric projects seeking reauthorized licenses, the Water Board's inaction delays implementation of a substantial amount of environmental enhancement measures—such as increased flows to bypassed reaches, new whitewater boating opportunities, and new or improved recreational facilities.

One particular example of delay involves the California Department of Water Resources proposal for the Oroville Project No. P-2100, which includes measures to enhance habitats for coldwater fisheries, expand salmon and steelhead habitat, build new and upgrade existing recreation facilities, and manage the Oroville Wildlife Area. The application was filed with the Commission in 2005 and the final Environmental Impact Statement (EIS) was issued in 2007. The Department of Water Resources was the lead agency in preparing a separate 2007 draft environmental document under the California

BOARD STAFF HAS SUFFICIENT INFORMATION TO ISSUE 401 CERTIFICATION

FERC: The Sunrise Powerlink EIR/EIS “identifies the effectiveness of mitigation measures for LEAPS including the specific measures recommended by both [FERC] staff and the [USFS] in our joint January 2007 NEPA final FEIS.” *FERC letter to Governor Schwarzenegger* (June 30, 2008).

FERC: “It appears that the Water Board has the needed technical information necessary to issue a decision on water quality certification for the project.” *Id.*

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Environmental Quality Act (CEQA). Despite this considerable amount of analysis on the project issues and measures proposed in the relicense application and the time that has passed, there is still no WQC issued.

The dual environmental review processes in California, under both the federal National Environmental Protection Act (NEPA) and the state CEQA, seems to be one of the major causes of delay. While CEQA itself encourages use of a federal NEPA document such as an EIS as its Environmental Impact Report (EIR), the Water Board has not traditionally followed this path, choosing instead to require preparation of a separate EIR by the applicant.

There is one licensing proceeding where this redundancy is particularly troublesome. This proceeding is the proposed Lake Elsinore Advanced Pumped Storage Project (LEAPS). Commission staff, in its January 2007 EIS, found the proposed project could provide 500 megawatts of needed pumped storage capacity to the region and that its new 32-mile-long transmission line could provide a valuable connection between the Southern California Edison and the San Diego Gas & Electric power systems, helping to solve the existing transmission congestion.

A January 2008 draft EIR, prepared by the California Public Utilities Commission (CPUC), includes a detailed analysis of LEAPS, following CEQA guidelines and provides an outline of the proposed mitigation measures. In a recent letter regarding the applicant's fourth WQC application, dated March 7, 2008, the Water Board notes that the EIR must identify impacts with alternatives to these impacts including a mitigation, monitoring, and reporting plan. Our review of the CPUC draft EIR indicates that it includes a mitigation, monitoring, compliance, and reporting table (Table E.7.3-1). This table identifies the effectiveness of mitigation measures for LEAPS including the specific measures recommended by both Commission staff and the U.S. Forest Service in our joint January 2007 NEPA final EIS. Despite this, the Water Board rejects the CPUC's EIR analysis and gives the LEAPS applicants 30 days to find a new lead CEQA agency for the project.

It is unclear why the CPUC's EIR and the Commission's final EIS cannot satisfy the state's CEQA requirements for LEAPS. Together, the Commission's FEIS and the CPUC's draft EIR represent a substantial record of several hundred pages, and so it appears that the Water Board has the needed technical information necessary to issue a decision on water quality certification for the project.

To conclude, I am hopeful that, with your efforts, we will see a timelier issuance of water quality certifications in California, so we can conclude the licensing process, and the public can begin to realize the generation, transmission, and environmental benefits that issued hydroelectric licenses can provide. One idea that would help in future proceedings would be to encourage the Water Board to develop and sign a Memorandum

BOARD STAFF HAS SUFFICIENT INFORMATION TO ISSUE 401 CERTIFICATION

Claim:	<ul style="list-style-type: none">• “The Sunrise Powerlink project identified 44 significant unmitigable impacts associated with [LEAPS] and that pursuant to CEQA an EIR must be developed that identifies these impacts and proposes mitigation where feasible.” <i>Staff Draft Order</i>, p. 8.
FACT:	<ul style="list-style-type: none">• This is <u>not</u> accurate - Sunrise did <u>not</u> identify “44 significant unmitigable impacts.” Sunrise identified feasible mitigation for 39 of 41 impacts not mitigated to a “less than significant” level. See Sunrise EIR/EIS §§ E.7.1 - E.7.3.• Only <u>two</u> impacts were identified for which no mitigation was possible, and even these were only due to the nature of the project itself. <i>Id.</i>

DENIAL WITHOUT NOTICE CONTRARY TO BOARD STAFF'S PRACTICE AND POLICY

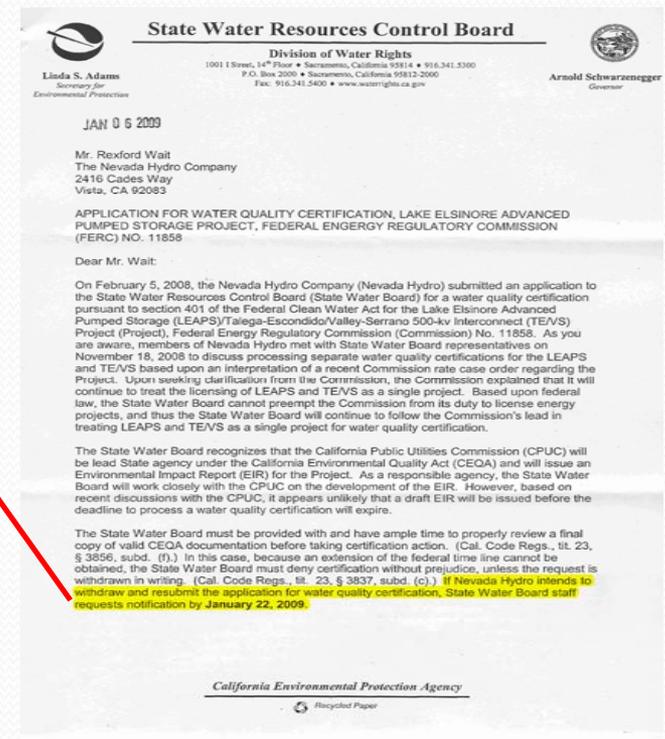
- “When the State Water Board has given applicants a reminder that the one-year deadline is approaching and they may want to consider withdrawing and resubmitting their application, ***such courtesy notices*** are usually sent by staff” *Staff Draft Order*, p. 10.
- In every prior application, TNHC has withdrawn and re-filed application a few weeks before deadline.
- Staff’s denial with three and a half months remaining is contrary to well-established policy.

DENIAL WITHOUT NOTICE CONTRARY TO BOARD STAFF'S PRACTICE AND POLICY

- Fourth Application (February 5, 2008)

“If [TNHC] intends to withdraw and resubmit the application for water quality certification, **State Board staff requests notification by January 22, 2009.**” *Board staff letter to TNHC (January 6, 2009).*

- Fifth Application (January 20, 2009)
 - **October 1, 2009—three and a half months prior to one-year deadline—Board staff issued denial letter.**



DENIAL WITHOUT NOTICE CONTRARY TO BOARD STAFF'S PRACTICE AND POLICY

- A primary reason for Board staff's denial was no lead agency for the Project. This issue is moot.
- August 5, 2010—CPUC staff determined that TNHC's CPCN application and environmental assessment are complete for CEQA purposes.
- October 12, 2010—Office of Planning and Research (OPR) designated CPUC as lead agency for the Project.

LEAD AGENCY ISSUE IS MOOT

OPR: “As the Acting Director of OPR, and within the authority of Public Resources Code (PRC) section 21165 and section 15053 of the CEQA Guidelines, **I hereby designate the CPUC as the lead agency for this project.**” *OPR letter to EVMWD (October 12, 2010).*



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH



CATHLEEN COX
ACTING DIRECTOR

October 12, 2010

Ronald E. Young
General Manager
Elsinore Valley Municipal Water District
P.O. Box 3000
Lake Elsinore, CA 92530

Re: Request for Designation of Lead Agency for the Lake Elsinore Advanced Pumped Storage and Talega-Escondido/Valley-Serrano 500-kV Interconnect Project

Dear Mr. Young

I have received your letter dated September 9, 2010, requesting that the Elsinore Valley Municipal Water District (District) be designated as the CEQA lead agency for the Lake Elsinore Advanced Pumped Storage and Talega-Escondido/Valley-Serrano 500-kV Interconnect Project (Project). I have also received and reviewed the statement of contentions from the California Public Utilities Commission (CPUC) dated October 1, 2010, and the letter from Wright & Talisman, P.C. representing the Nevada Hydro Company (TNHC) dated September 30, 2010.¹ The Office of Planning and Research (OPR) has determined that a lead agency dispute exists pursuant to the definition of “dispute” in California Code of Regulations (CCR), title 14, section 16012. **As the Acting Director of OPR, and within the authority of Public Resources Code (PRC) section 21165 and section 15053 of the CEQA Guidelines², I hereby designate the CPUC as the lead agency for this project.**

The Project

The proposed project is the construction of an advanced pump storage electric generation facility and a 500-kV transmission line. OPR agrees with the District and CPUC's assertion that these activities are one project for purposes of CEQA

¹ The District also submitted a document entitled *Clarification Points Concerning Resolution of CEQA Dispute Regarding Lead Agency Status for the Lake Elsinore Advanced Pump Storage and Talega-Escondido Valley Serrano 500-kV Interconnect Project*. OPR did not request this supplemental document, and the CEQA Guidelines do not provide for the submission of such supplemental documents absent such a request. Therefore, OPR does not consider this document to be part of the record in this matter. Nonetheless, OPR has reviewed this document, and finds that even if this document were considered to be part of the record before OPR, CPUC would still be designated as lead agency.

² See California Code of Regulations, title 14, section 15000 et seq.

ACTION REQUESTED

- TNHC requests that the Board set aside the Executive Director's Oct. 1, 2009 denial and direct Board staff to issue a water quality certification for the Project (or at a minimum, direct staff to consider the existing environmental documentation and supplement, if necessary).
- In the alternative, TNHC requests that the Board set aside the denial and allow TNHC to withdraw and re-file its application as of Oct. 2009.