

Notice of Exemption

Form D

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

Project Title: Cinnamon Ranch Hydroelectric Project, Federal Energy Regulatory Commission Project No. 6885.

Project Location:

Richard Moss (Applicant) operates the Cinnamon Ranch Hydroelectric Project (Project) within Hammil Valley along the western slope of the White Mountain Range. The diversions and powerhouse are located approximately 10 miles south of Benton, California. The public land survey description of the Pellisier Creek diversion is within the SW¼ of the NW¼, section 5, T3S, R33E, MDB&M; the Middle Canyon Creek diversion is within the SE¼ of the SE¼, section 6, T3S, R33E, MDB&M; and the Birch Creek diversion is within the SE¼ of the SE¼, section 7, T3S, R33E, MDB&M. The Pellisier Creek and Middle Canyon Creek diversions and a portion of the conveyance flume are on US Inyo National Forest (USFS) land. The Birch Creek diversion, a portion of the flume from Middle Canyon Creek to Birch Creek, and the penstock are on US Bureau of Land Management (BLM) land. The powerhouse is located on the Applicant's property within the SW¼ of the SW¼, section 18, T3S, R33E, MDB&M.

Project Location – City: (not applicable)

Project Location – County: Mono

Description of Nature, Purpose and Beneficiaries of Project:

Between May 1 through August 31, the Applicant's project diverts a cumulative or maximum of 8 cubic feet per second (cfs) from the three perennial streams located on USFS and BLM land for power generation. From September 1 through April 30, Applicant diverts 2.5 cfs from Birch Creek for power generation. The facility generates 150 Kilowatts. Water is discharged directly into a regulatory pond located southeast of the powerhouse for irrigation and domestic supply. The project has been generating power since 1965 and was licensed by the Federal Energy Regulatory Commission (FERC) in 1984. Applicant applied to FERC to relicense Project No. 6885 on January 31, 2008. Applicant does not propose any changes or new construction to the Project and plans to operate the facility using the same operational procedures that have been used since 1984.

Name of Public Agency Approving Project: State Water Resources Control Board, Division of Water Rights

Name of Person or Agency Carrying Out Project: Richard Moss

Exempt Status (check one)

- Ministerial (Sec. No. 21080(b)(1); 15268);
- Declared Emergency (Sec. No. 21080(b)(3); 15269(a));
- Emergency Project (Sec. No. 21080(b)(4); 15269(b)(c));
- Categorical Exemption:** Class 1 section 15301. Existing Facilities
- Statutory Exemption (State code number):

Reason why project is exempt:

The Project has been operating for over two decades and is not likely to cause significant environmental impacts based on the following:

- No significant effect to the quality of the environment was identified in the National Environmental Policy Act review conducted by FERC;
- No significant environment impacts were identified by the State Water Board in the CEQA process for water rights actions associated with the Applicant's diversion from Birch Creek;

- No operational changes or alterations to the facilities have been made since the Project was last evaluated; and
- No new activities or changes are proposed for the Project.

The project meets the categorical exemption for an existing facility as defined under section 15301 of the California Environmental Quality Act.

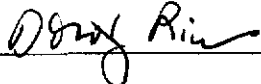
Lead Agency

Contact Person: Whalen Toy

Area Code/Telephone/Extension: 916-341-5408

If filed by applicant:

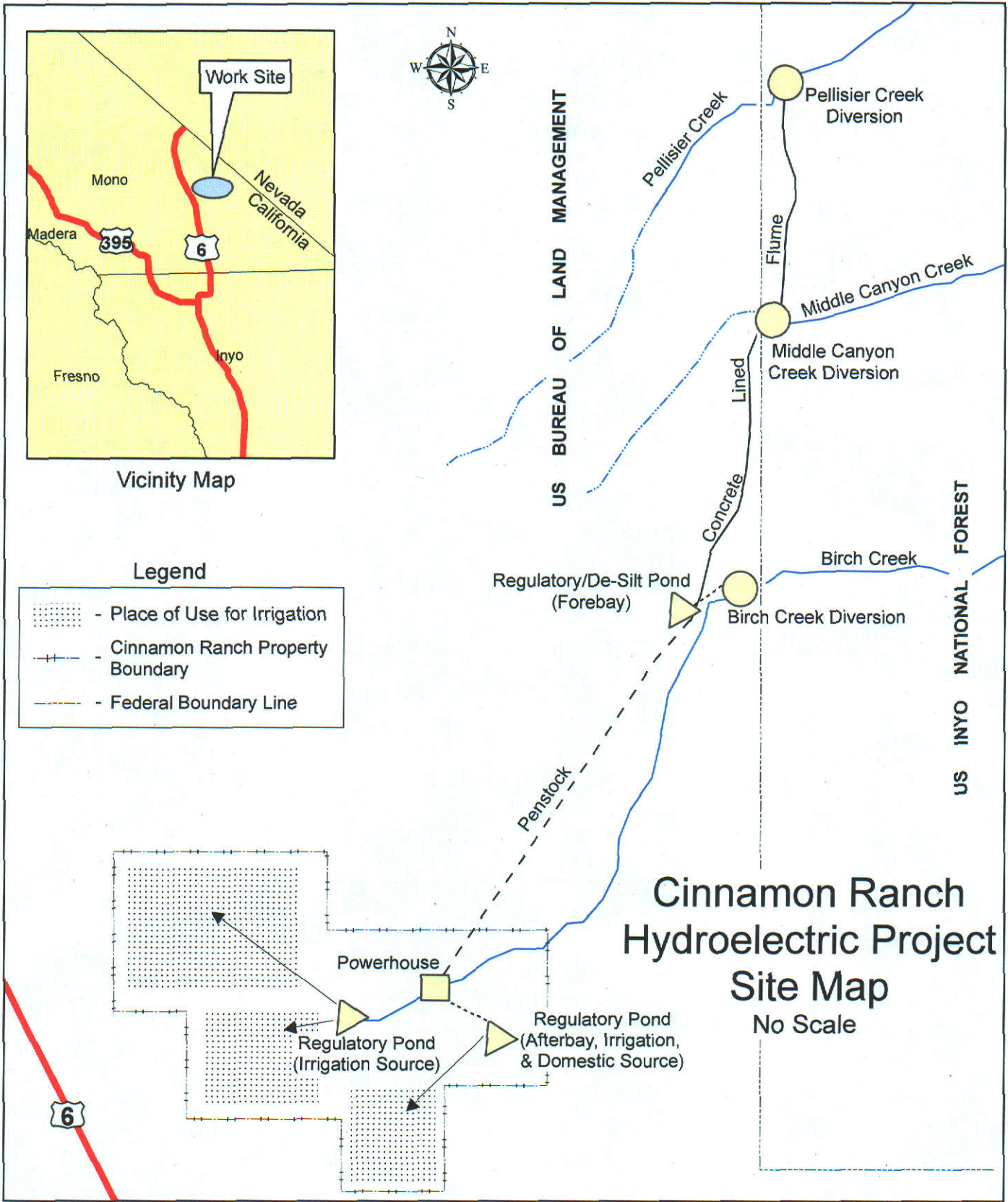
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?

Signature:  Date: 5.11.10 Title: EXECUTIVE DIRECTOR

Signed by Lead Agency

Date received for filing at OPR: _____

Signed by Applicant



ATTACHMENT A