

LL / PGM

**COLORADO RIVER BOARD OF CALIFORNIA**

770 FAIRMONT AVENUE, SUITE 100  
 GLENDALE, CA 91203-1068  
 (818) 500-1625  
 (818) 543-4685 FAX



August 30, 2010

State Clearinghouse  
 1400 Tenth Street  
 P.O. Box 3044  
 Sacramento, CA 95812-3044

STATE WATER RESOURCES  
 CONTROL BOARD  
 DIV. OF WATER RIGHTS  
 SACRAMENTO  
 10 SEP - 2 PM 12:18

Regarding SCH# 2009-011-010: Notice of Completion & Environmental Document Transmittal for a draft Environmental Impact Report (EIR) for the Eagle Mountain Pumped Storage Hydroelectric Project located near the town of Desert Center, Riverside County, California

To Whom It May Concern:

The Colorado River Board of California (CRB) has received and reviewed a copy of Notice of Completion & Environmental Document Transmittal for a draft Environmental Impact Report (EIR) for the Eagle Mountain Pumped Storage Hydroelectric Project located near the town of Desert Center, Riverside County, California.

As shown in Figure ES-2 of the draft EIR report, there are three water supply well areas which were proposed to pump groundwater for the proposed Pumped Storage Hydroelectric Project. Those three water supply well areas are located within the "Accounting Surface" area designated by U.S. Geological Survey (USGS) Water Investigation Reports (i.e. WRI 95-4005 and WRI 00-4085). These USGS reports indicates that the aquifer underlying lands located within the "Accounting Surface" is considered to be hydraulically connected to the Colorado River and groundwater withdrawn from those well areas located within the "Accounting Surface" would be replaced by Colorado River water, in part or in total. This means that if it is determined that these wells are, in fact, pumping Colorado River water, a contract with the Secretary of the Interior would be required before such a diversion and use is deemed to be a legally authorized use of this water supply.


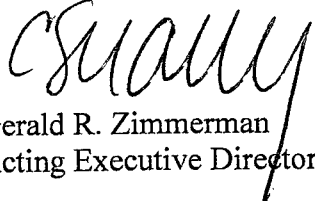
According to the Consolidated Decree of the Supreme Court of the United States in the case of *Arizona v. California, et al.* entered March 27, 2006, (547 U.S. 150, 2006), the consumptive use of water means "diversion from the stream less such return flow thereto as is available for consumptive use in the United States or in satisfaction of the Mexican treaty obligation" and consumptive use "includes all consumptive uses of water of the mainstream, including water drawn from the mainstream by underground pumping." Also, pursuant to the 1928 Boulder Canyon Project Act (BCPA) and the Consolidated Decree, no water shall be delivered from storage or used by any water user without a valid contract between the Secretary of the Interior and the water user for such use, i.e., through a BCPA Section 5 contract.

Within California, BCPA Section 5 contracts have previously been entered into between users of Colorado River mainstream water and the Secretary of the Interior for water from the Colorado River that exceeds California's basic entitlement to use Colorado River water as set forth in the Consolidated Decree. Thus, no additional Colorado River water is available for use by new project proponents along the Colorado River, except through the contract of an existing BCPA Section 5 contract holder, either by direct service or through an exchange of non-Colorado River water for Colorado River water.

Therefore, the Board suggests that the project proponent/lead agency, State Water Resources Control Board, to consider a preferred option for obtaining a legally authorized and reliable water supply for the subject. That option involves obtaining water through an existing BCPA Section 5 contract holder, The Metropolitan Water District of Southern California. Although other options may be available, it is the Board's assessment that they could not be implemented in a timely manner and address the requirement that water consumptively used from the Colorado River must be through a BCPA Section 5 contractual entitlement. The Board also recommended that the draft EIR should be revised to include that adopted option in the Item Impact 3.3-6 Colorado River Effects in their final EIR.

If you have any questions, please feel free to contact me at (818) 500-1625.

Sincerely,



Gerald R. Zimmerman  
Acting Executive Director

cc: Mr. Paul Murphey, State Water Resources Control Board  
Ms. Lorri Gray-Lee, Regional Director, U.S. Bureau of Reclamation  
Mr. William J. Hasencamp, The Metropolitan Water District of Southern California

**Notice of Completion & Environmental Document Transmittal**

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

**SCH # 2009011010**

**Project Title:** Eagle Mountain Pumped Storage Project  
**Lead Agency:** State Water Resources Control Board **Contact Person:** Paul Murphy  
**Mailing Address:** 1001 I Street, 14th Floor **Phone:** (916) 341-5435  
**City:** Sacramento **Zip:** 95814 **County:** Sacramento

**Project Location:** County: Riverside County **City/Nearest Community:** Eagle Mountain, CA  
**Cross Streets:** Kaiser Road (map attached) **Zip Code:** 92239  
**Longitude/Latitude (degrees, minutes and seconds):** 33 ° 51 ' 54.1 " N / 115 ° 28 ' 18.1 " W **Total Acres:** 2364  
**Assessor's Parcel No.:** \_\_\_\_\_ **Section:** 36 **Twp.:** 3S **Range:** 14E **Base:** SBB&M  
**Within 2 Miles:** State Hwy #: 177 **Waterways:** Eagle Creek (ephemeral)  
**Airports:** \_\_\_\_\_ **Railways:** \_\_\_\_\_ **Schools:** Eagle Mountain

**Document Type:**  
 CEQA:  NOP  Draft EIR  Supplement/Subsequent EIR  Other: \_\_\_\_\_  
 Early Cons  Neg Dec  Mit Neg Dec  
 NEPA:  NOI  EA  Draft EIS  Other: \_\_\_\_\_  
 Joint Document  Final Document  Other: \_\_\_\_\_

**Local Action Type:**  
 General Plan Update  Specific Plan  Rezone  Annexation  
 General Plan Amendment  Master Plan  Prezone  Redevelopment  
 General Plan Element  Planned Unit Development  Use Permit  Coastal Permit  
 Community Plan  Site Plan  Land Division (Subdivision, etc.)  Other: Water Quality C

**Development Type:**  
 Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_  Transportation: Type \_\_\_\_\_  
 Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Mining: Mineral \_\_\_\_\_  
 Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Power: Type Hydro MW 1300  
 Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  Waste Treatment: Type MGD  
 Educational: \_\_\_\_\_  Hazardous Waste: Type \_\_\_\_\_  
 Recreational: \_\_\_\_\_  Other: \_\_\_\_\_  
 Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_

**Project Issues Discussed in Document:**  
 Aesthetic/Visual  Fiscal  Recreation/Parks  Vegetation  
 Agricultural Land  Flood Plain/Flooding  Schools/Universities  Water Quality  
 Air Quality  Forest Land/Fire Hazard  Septic Systems  Water Supply/Groundwater  
 Archeological/Historical  Geologic/Seismic  Sewer Capacity  Wetland/Riparian  
 Biological Resources  Minerals  Soil Erosion/Compaction/Grading  Growth Inducement  
 Coastal Zone  Noise  Solid Waste  Land Use  
 Drainage/Absorption  Population/Housing Balance  Toxic/Hazardous  Cumulative Effects  
 Economic/Jobs  Public Services/Facilities  Traffic/Circulation  Other: Greenhouse Gases

**Present Land Use/Zoning/General Plan Designation:**  
 open desert land

**Project Description:** (please use a separate page if necessary)  
 The Project is a pumped storage hydroelectric project which will provide 1,300 MW of generating capacity, using reversible pump-turbine units, with four units of 325 MW each. The Project will use off-peak energy to pump water from a lower reservoir to an upper reservoir during periods of low electrical demand and generate energy by passing the water from the upper to the lower reservoir through the generating units during periods of high electrical demand. The Project reservoirs will be formed by filling existing mining pits with water. A 500 kilovolt (kV) double circuit transmission line will convey power to and from the Project through an interconnection collector substation located west of the unincorporated town of Desert Center, California. Groundwater from the Chuckwalla Aquifer will be used to fill the reservoirs for the initial fill and makeup water.

State Clearinghouse Contact: (916) 445-0613

State Review Began: 7.23.2010

SCH COMPLIANCE 9.7.2010

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2009011010

Please forward late comments directly to the Lead Agency

AQMD/APCD 93

(Resources: 7.24)

**SL Project Sent to the following State Agencies**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Resources              | <input type="checkbox"/> State/Consumer Svcs            |
| <input type="checkbox"/> Boating & Waterways               | <input type="checkbox"/> General Services               |
| <input type="checkbox"/> Coastal Comm                      | <input type="checkbox"/> Cal EPA                        |
| <input checked="" type="checkbox"/> Colorado Rvr Bd        | <input type="checkbox"/> ARB: Airport Projects          |
| <input type="checkbox"/> Conservation                      | <input type="checkbox"/> ARB: Transportation Projects   |
| <input checked="" type="checkbox"/> Fish & Game # 6        | <input type="checkbox"/> ARB: Major Industrial Projects |
| <input type="checkbox"/> Delta Protection Comm             | <input type="checkbox"/> SWRCB: Div. Financial Assist.  |
| <input type="checkbox"/> Cal Fire                          | <input type="checkbox"/> SWRCB: Wtr Quality             |
| <input type="checkbox"/> Historic Preservation             | <input checked="" type="checkbox"/> SWRCB: Wtr Rights   |
| <input checked="" type="checkbox"/> Parks & Rec            | <input checked="" type="checkbox"/> Reg. WQCB # 7       |
| <input type="checkbox"/> Central Valley Flood Prot.        | <input type="checkbox"/> Toxic Sub Ctrl-CTC             |
| <input type="checkbox"/> Bay Cons & Dev Comm.              | <input type="checkbox"/> Yth/Adlt Corrections           |
| <input checked="" type="checkbox"/> DWR                    | <input type="checkbox"/> Corrections                    |
| <input checked="" type="checkbox"/> Cal EMA                |   |
| <input type="checkbox"/> Resources, Recycling and Recovery |   |
| <b>Bus Transp Hous</b>                                     | <b>Independent Comm</b>                                 |
| <input type="checkbox"/> Aeronautics                       | <input checked="" type="checkbox"/> Energy Commission   |
| <input checked="" type="checkbox"/> CHP                    | <input checked="" type="checkbox"/> NAHC                |
| <input checked="" type="checkbox"/> Caltrans # 8           | <input type="checkbox"/> Public Utilities Comm          |
| <input type="checkbox"/> Trans Planning                    | <input type="checkbox"/> State Lands Comm               |
| <input type="checkbox"/> Housing & Com Dev                 | <input type="checkbox"/> Tahoe Rgl Plan Agency          |
| <input type="checkbox"/> Food & Agriculture                |   |
| <input type="checkbox"/> Public Health                     | <input type="checkbox"/> Conservancy                    |
|  | <input type="checkbox"/> Other: _____                   |

Comments attached