

STATE WATER RESOURCES BOARD

In the Matter of:

Kerckhoff Hydroelectric

Project Relicensing

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PUBLIC SCOPING MEETING

REMOTE VIA ZOOM

THURSDAY, JUNE 15, 2023

12:00 P.M.

Reported by:

Martha Nelson CERT \*\*367

APPEARANCES

STAFF

Nathan Fisch, Senior Environmental Scientist

Andrea Sellers, Environmental Scientist

Garrett Lenahan, Attorney

Michael Aoun, Association Government Program Analyst

Amaris Fraley, Executive Assistant Staff Services Analyst

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P R O C E E D I N G S

12:00 p.m.

THURSDAY, JUNE 15, 2023

MR. FISCH: Alright. Hi, everyone. It's noon. I think we still have a few people trickling in, so I think let's give it another minute and then we can get started.

(Pause)

MR. FISCH: Alright, well, it looks like it's 12:01 on my end, so hi, everyone. Good afternoon. My name is Nathan Fisch. I'm a Senior Environmental Scientist at the State Water Resources Control Board in the Division of Water Rights.

Like I said, welcome. Thank you for joining us and taking time out of your day. This public meeting is to provide an opportunity for feedback on the Notice of Preparation of an Environmental Impact Report for licensing of the Kerckhoff Hydroelectric Project. And just to note that this meeting is going to be recorded.

So we have a couple folks on the line for the State Water Board team. We have Garrett Lenahan, our Attorney for this project. We have Andrea Sellers, our Project Manager. And we have Garrett [sic] Aoun, who's also assisting with the project, so awesome.

Okay, so here in a moment, Andrea Sellers, our program -- our Project Manager for the State Water Board is

1 going to go run through some slides and talk about some  
2 ground rules for today's meeting, a little bit about who  
3 the State Water Board is, what our role is in relicensing,  
4 and a bit about PG&E's proposed project.

5 After that, we're going to open it up for public  
6 comment. We're excited to be here and hear everyone's  
7 feedback. We're particularly interested in hearing if  
8 folks have areas of concerns or places where there should  
9 be a particular alternative analyzed in CEQA, but any  
10 comment is welcome.

11 If you need a moment to collect your thoughts  
12 after today's presentation, we're also doing another one of  
13 these meetings this evening at 5:30. And the comment  
14 period is open through July 3rd. So yeah, so with that, I  
15 think that's everything I want to say on my end, and I can  
16 hand it over to Andrea.

17 MS. SELLERS: Alright. Thank you, Nathan. Give  
18 me one second to share my screen. Can you guys see the  
19 presentation? Perfect. Alright. Alright.

20 Hello, everyone. My name is Andrea Sellers, and  
21 I work for the State Water Resources Control Board in the  
22 Division of Water Rights. I'm an Environmental Scientist  
23 and the Project Manager for the Kerckhoff Hydroelectric  
24 Project.

25 As a note, this meeting is being recorded.

1           So thank you all for joining our virtual meeting.  
2 Before we begin, I'd like to discuss some guidelines for  
3 the meeting.

4           First, for the duration of the meeting, please  
5 remain on mute to minimize background noise and  
6 distractions. Also, keep your cameras off, again, to  
7 minimize distractions.

8           This meeting is being recorded by a court  
9 reporter who will provide a transcript for the meeting that  
10 will be posted to the project website. So you don't have  
11 to copy everything down from these slides right now. The  
12 site URL address can be seen on the current slide, where  
13 the transcripts will be posted.

14           Lastly, please save all comments until after the  
15 presentation during the verbal comment session.

16           So today, I plan to provide a very brief overview  
17 of the Kerckhoff Hydroelectric Project, and then I'll  
18 discuss some background information about the State Water  
19 Board and talk about why we're here. I will then discuss  
20 the water quality certification process and the California  
21 Environmental Quality Act process.

22           I'll also talk about how the public can provide  
23 input, and then I will talk about next steps and what to  
24 expect from the CEQA process. Then we will open up the  
25 floor to receive verbal comments from any meeting

1 participants that are virtually present with us today.

2           So let's jump into the project overview.

3           So the Kerckhoff Project is owned and operated by  
4 the Pacific Gas and Electric Company, also known as PG&E.  
5 Kerckhoff is located on the San Joaquin River in two  
6 counties, which is Fresno and Madera Counties. The nearest  
7 city is Auberry, California, which is located approximately  
8 four miles northeast of the Kerckhoff Dam.

9           The existing project is comprised of Kerckhoff  
10 Dam, Kerckhoff Reservoir, Kerckhoff One Powerhouse, and the  
11 Kerckhoff Two Powerhouse, which are often referred to as  
12 the K1 and K2 Powerhouses, and the Smalley Cove Recreation  
13 Area. Water passing through the K1 and K2 Powerhouses  
14 flows into the San Joaquin River and subsequently flows  
15 into Millerton Lake, which is a non-project reservoir.

16           So continuing on with the project overview, I'm  
17 now going to talk about the proposed project.

18           So PG&E is requesting to relicense the Kerckhoff  
19 Hydroelectric Project with the Federal Energy Regulatory  
20 Commission, also called FERC, for a 50-year term. The  
21 proposed project involves continued operations with the  
22 following changes. The first is proposed boundary updates,  
23 which includes an overall reduction of the FERC project  
24 boundary, and then proposed updates to project facilities,  
25 which includes the retirement of the K1 Powerhouse and its

1 associated facilities, which will be left in place, the  
2 construction of a new recreation facility called the Vista  
3 Day Use Area, and the installation of a new streamflow  
4 gauge, which is located on the San Joaquin River above the  
5 Kerckhoff Reservoir. PG&E are also proposing 16 proposed  
6 plans and measures, which will be shown on the next slide.

7           So as I just stated, here are the 16 proposed  
8 plans and measures that are proposed for the new license  
9 term. I'm not going to be going into each plan and measure  
10 in detail today, but if you would like more information  
11 regarding each plan, please see the Notice of Preparation  
12 we issued on May 30th, 2023. The Notice of Preparation can  
13 be found on the State Water Board's Kerckhoff Hydroelectric  
14 Project webpage. The project webpage address is shown at  
15 the end of this presentation.

16           So now I'd like to discuss some background about  
17 the State Water Board and talk about why we're here.

18           So the State Water Board has authority over water  
19 rights and water quality to protect California's waters.  
20 The State Water Board protects and enforces many water  
21 uses, including the needs of industry, agriculture,  
22 hydropower, municipal districts, and the environment, and  
23 it must protect the various beneficial uses of water.

24           So why is the State Water Board involved? So  
25 we're here today because in California, Section 401 of the

1 Clean Water Act requires that any applicant seeking a  
2 federal license or permit where the proposed activity may  
3 result in the discharge to surface water is required to  
4 obtain a water quality certification from the State Water  
5 Board. The State Water Board conditions hydroelectric  
6 projects via a water quality certification to ensure the  
7 protection of the state's waters.

8 PG&E is expected to submit an application for a  
9 water quality certification to the State Water Board for  
10 its review for the project. We will discuss the water  
11 quality certification process more in the following slide.

12 So in November of 2020, the applicant, in this  
13 case PG&E, filed a Final License Application with the  
14 Federal Energy Regulatory Commission, also called FERC, for  
15 the Kerckhoff Hydroelectric Project, which is also referred  
16 to as FERC Project Number 96. PG&E filed two supplemental  
17 final license applications, one on May 26th, 2022, and the  
18 other on March 31st, 2023, which included those additional  
19 protection mitigation and enhancement measures that we saw  
20 previously.

21 So now I'd like to discuss the water quality  
22 certification and how it's related to the federal license.

23 So the water quality certifications focus on  
24 protecting water quality, protecting the beneficial uses of  
25 water, and considering the existing water rights. If a

1 water quality certification is issued, the conditions in it  
2 become a mandatory part of the FERC license for the  
3 project. Water quality certifications ensure that a  
4 project will adhere to water quality objectives and  
5 beneficial uses as outlined in the Regional Water Quality  
6 Control Plans, also called Basin Plans. Before the State  
7 Water Board can issue a water quality certification, it  
8 must first comply with the California Environmental Quality  
9 Act, often referred to as CEQA.

10 So as I just mentioned, the State Water Board  
11 cannot issue a water quality certification without first  
12 completing CEQA. So what CEQA does is that it informs the  
13 State Water Board and the public about the project's  
14 potentially significant impacts and ways to reduce those  
15 impacts. The CEQA document will be used to support the  
16 conditions in the water quality certification.

17 Today's meeting is meant to solicit public input  
18 that can inform the development of the State Water Board  
19 CEQA document. As PG&E is not a public agency, the State  
20 Water Board will be the lead agency for CEQA and it will  
21 prepare the CEQA document. And in this case, the State  
22 Water Board has determined that we will be developing a  
23 CEQA document called an environmental impact report, which  
24 is also referred to as an EIR.

25 So now I'd like to talk about the CEQA process.



1           So shown here is an overview of a typical CEQA  
2 process in which the State Water Board is the lead agency  
3 and it has determined that an EIR is necessary. So first,  
4 the State Water Board determines if an EIR is necessary,  
5 which we have. Then the State Water Board will issue a  
6 Notice of Preparation, also called an NOP, and we will  
7 conduct scoping meetings for public input. This is the  
8 current step we are on. Then the State Water Board will  
9 collect written and verbal comments in the scoping period  
10 and prepare a draft EIR.

11           The State Water Board will then issue a draft EIR  
12 for public comment. After that public comment period  
13 concludes, the State Water Board will then review and  
14 respond to public input that was received. The State Water  
15 Board will then issue a final EIR for the project.

16           So CEQA helps us to identify which potentially  
17 significant impacts the project may have. In this case and  
18 during the scoping process, the State Water Board expects  
19 that a number of potentially significant impacts may occur  
20 as a result of the proposed project.

21           The resources on this slide are part of a  
22 preliminary and non-exhaustive list that would be  
23 potentially significantly impacted by the project. A few  
24 of the main resources that may be impacted include  
25 biological resources, hydrology, water quality, recreation,

1 and greenhouse gasses.

2           Public input. So now we're going to talk about  
3 what kind of comments and input we are looking for during  
4 the scoping period.

5           We consider all comments helpful, but there are a  
6 few key pieces of information that would be most helpful  
7 for us in the development of the EIR. We plan to evaluate  
8 PG&E's proposed project and a range of alternatives. Input  
9 on specific project alternatives would be helpful. Other  
10 comments regarding potential impacts of the project and  
11 potential mitigation measures to lessen those impacts would  
12 be helpful as well. All public comments submitted by July  
13 3rd, 2023 will be considered.

14           After the draft EIR is released, there will be  
15 another public review and comment period to solicit input  
16 on that document. And although it's not required, the  
17 State Water Board plans to issue a draft water quality  
18 certification, which will also be available for public  
19 comment.

20           How to stay informed and up to date with the  
21 project.

22           So the State Water Board will continue to update  
23 the Kerckhoff Hydroelectric Project webpage with  
24 information and filings regarding the CEQA and water  
25 quality certification process. The site URL for the

1 Kerckhoff Hydroelectric Project is shown on the current  
2 slide. On the Kerckhoff Hydroelectric webpage, you can  
3 find the Notice of Preparation we issued on May 30th, 2023.

4 The Notice of Preparation has information on how  
5 to subscribe to our online notification system called  
6 GovDeliver. If you sign up, GovDeliver will send you  
7 emails related to the Kerckhoff Hydroelectric Project and  
8 other projects pursuing certifications managed by the  
9 Division of Water Rights.

10 Okay, so now we're going to move on and open up  
11 the floor to receive verbal comments from any person that  
12 is virtually with us today. If you'd like to make a  
13 comment, please use the raise hand feature to let us know.  
14 We will be unmuting commenters in the order that we see the  
15 hands are raised. Also, to help us and the court reporter  
16 out, please state your affiliation and spell your name.

17 For those of you on the phone without the ability  
18 to raise your hand, please send us an email and/or a letter  
19 to the addresses listed in the last slide.

20 We'll start with some ground rules.

21 First, be respectful to other meeting attendees  
22 and do not single anyone out. All comments are welcome and  
23 will be included in the record as long as they are not  
24 discriminatory or scathing in nature.

25 As this is a public meeting, we apologize in

1 advance if unexpected things happen, but we will do our  
2 best to keep everything productive and respectful from the  
3 host side of things.

4 Please speak clearly for the court reporter and  
5 everyone else present.

6 Since we expect multiple people to give comments,  
7 we'd like you to keep your comments to the allotted time,  
8 which is about three minutes, so we can go ahead and get  
9 started with that.

10 I can't see the meeting participants list, so if  
11 anyone's raising their hand, I might need help.

12 MR. FISCH: Yeah, this is Nathan. I don't see  
13 anyone with a raised hand at this point.

14 MR. AOUN: Yeah, I see no raised hands either.

15 MS. SELLERS: Okay. Alright, well, if we don't  
16 have any comments, then I'm going to continue on to last  
17 slide. Going once.

18 MR. FISCH: Well, we can -- yeah, I think what  
19 we'll do is you can go to the last slide that has our --  
20 the contact information, and if no one else joins, we  
21 can -- we'll hang out for a little bit --

22 MS. SELLERS: Okay.

23 MR. FISCH: -- before we close the meeting.

24 MS. SELLERS: Sounds good. Okay, well I'm going  
25 to move on to next steps.

1           So we're accepting written comments until 5:00  
2 p.m. on July 3rd, 2023 regarding a range of alternatives,  
3 potential significant effects, and mitigation measures that  
4 should be analyzed in the EIR. Please note that there was  
5 an error in the newspaper posting with the incorrect date  
6 for the conclusion of the comment period. The correct date  
7 is July 3rd, 2020. So directions on how to submit comments  
8 by email or card copy are shown on the front slide.

9           So I guess we can hang out here for a second and  
10 see if anyone else joins, and if you have any comments.

11                           (Pause)

12           MS. FRALEY: Hi there, Richie. You have the  
13 ability to talk if you're interested in speaking.

14                           (Pause)

15           MR. FISCH: It doesn't look like anyone else has  
16 joined, but just a reminder if you're interested in  
17 providing public comment, please raise your hand and we can  
18 unmute you. I think we'll plan to stay on the line until  
19 12:30 and close out if we haven't received any anyone else  
20 interested in providing comment.

21                           (Pause)

22           MR. FISCH: Hi everyone. This is Nathan Fisch  
23 with the State Water Board. I just want to open it up  
24 again to see if there's anyone else interested in providing  
25 comment, please raise your hand. I think we're going to

1 hang on the line for a few more minutes. And if, like I  
2 said earlier, if you would like to wait until later, we're  
3 also having another meeting this evening at 5:30.

4 (Pause)

5 MR. FISCH: Alright, folks, well, it's 12:30. It  
6 sounds like we don't have anyone else that's interested in  
7 commenting. If you do, I guess last chance here, please  
8 raise your hand. Alright, well I'm seeing none.

9 So, yeah, so thank you everyone for joining this  
10 afternoon. Like I said, we'll have another one of these  
11 this evening at 5:30. And comments are due on the NOP July  
12 3rd.

13 Thank you all for joining and have a good rest of  
14 your day.

15 (The meeting concluded at 12:30 p.m.)  
16

CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of June, 2023.



MARTHA L. NELSON, CERT\*\*367

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and

was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption. I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.

*Martha L. Nelson*

June 26, 2023

MARTHA L. NELSON, CERT\*\*367