
State Water Resources Control Board

NOTICE OF SECTION 15063(g) INFORMAL CONSULTATION WITH RESPONSIBLE AND TRUSTEE AGENCIES REGARDING AN ENVIRONMENTAL DOCUMENT FOR WATER QUALITY CERTIFICATION

PINE CREEK MINE HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 12532

To: Responsible and Trustee Agencies

The State Water Resources Control Board (State Water Board) plans to prepare an environmental document for the Pine Creek Mine Hydroelectric Project (Project) pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). The applicant, Pine Creek Mine, LLC (LLC), is pursuing a new license from the Federal Energy Regulatory Commission (FERC) for the Project. In accordance with section 401 of the Clean Water Act (33 U.S.C. § 1341), the LLC applied to the State Water Board for a water quality certification (certification) for the Project. Issuance of a certification requires analysis of a project's overall effect on water quality and analysis of whether the designated beneficial uses identified in the *Water Quality Control Plan for the Lahontan Region* are adequately protected.

Issuance of a certification is a discretionary action that requires the State Water Board to comply with CEQA. In this case, the State Water Board is the CEQA lead agency. When a National Environmental Policy Act (NEPA) document for a project is complete, the CEQA lead agency should use the federal NEPA document as the environmental document, if the NEPA document complies with the CEQA Guidelines. (Cal. Code Regs., tit. 14, § 15221, subd. (a).) In compliance with NEPA (42 U.S.C. § 4321 et seq.), FERC released an *Environmental Assessment* (EA) of the Project in February 2018. A copy of the EA is available on the State Water Board's webpage for the Project, at:

https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/pine_creek_mine_ferc12532.html.

In this instance, the EA, which includes FERC's Finding of No Significant Impact, meets some CEQA requirements and will form the basis for the State Water Board's environmental document to the extent feasible. In some areas, however, to comply with CEQA, the State Water Board's environmental document will need to differ from, add to, or supplement the EA. The State Water Board will use the CEQA analysis to support an informed decision whether to issue a certification and, if so, under what conditions.

NOTICE OF INFORMAL CONSULTATION

Pursuant to subdivision (g) of section 15063 of the CEQA Guidelines, notice is hereby given that the State Water Board is conducting informal consultation with responsible and trustee agencies (Agencies) to solicit input on the Project's CEQA process. Recipients of this notice are encouraged to inform others who are interested in the Project about this notice.

Responsible and Trustee Agencies

The purpose of the consultation is to seek input from the Agencies responsible for resources affected by the Project. The State Water Board would like to obtain recommendations and supporting information from Agencies regarding whether a Negative Declaration or an Environmental Impact Report should be prepared. While it is not required by CEQA, the State Water Board will accept similar input and supporting information from interested members of the public.

Recommendations and supporting information should be provided by the deadline indicated in the "Consultation Deadline and Contact" section of this notice.

PROJECT DESCRIPTION

The Project will be located along Pine Creek and Morgan Creek near the City of Bishop, in Inyo County. The Project involves the installation of a hydroelectric turbine within an existing mine adit. All other Project features (e.g., portals, electrical wiring, and access routes) are existing. The Project site is identified as a private inholding, surrounded by United States Forest Service land. The Project would generate an estimated 5,600 megawatt-hours of energy annually.

CONSULTATION DEADLINE AND CONTACT

The State Water Board will accept written input **by 12:00 PM (noon) on April 15, 2019**. Written input should specifically identify that it is provided as part of the "Pine Creek Mine CEQA Section 15063(g) Informal Consultation." Written input can be submitted electronically or by mail to:

Email: karmina.padgett@waterboards.ca.gov

or

Karina Padgett

State Water Resources Control Board

Division of Water Rights – Water Quality Certification Program

P.O. Box 2000

Sacramento, CA 95812-2000

KEEP INFORMED OF PROJECT MILESTONES

To receive emails related to the Project and other projects pursuing certifications managed by the Division of Water Rights, interested persons should enroll in the "Water Rights Water Quality Certification" e-mail notification service. Instructions on how to sign up for the State Water Board's Email Subscription List are outlined below:

1. Visit: http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#rights
2. Provide your name and email in the required fields.
3. In the categories below the email and name fields, select "Water Rights," then "Water Rights Water Quality Certification."
4. Click the "Subscribe" button.
5. An email will be sent to you. You must respond to the email message to confirm your membership on the selected list(s).

If you do not have internet access or do not wish to participate in the email subscription list, you may contact Ms. Karina Padgett at the phone number listed below to request to receive notices by mail. You can enroll or un-enroll from the email subscription service at any time.

Responsible and Trustee Agencies

Questions regarding this notice may be directed to Ms. Karmina Padgett at (916) 323-4642, or via email to karmina.padgett@waterboards.ca.gov.

ORIGINAL SIGNED BY
Ann Marie Ore, Program Manager
Water Quality Certification Program
Division of Water Rights

MAR 29 2019
Dated

Enclosure: Distribution List

DISTRIBUTION LIST

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