MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN STATE WATER BOARD & FEDERAL ENERGY REGULATORY COMMISSION

July 23, 2013 – Informational Item #6
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PRESENTATION OVERVIEW
• Background
• MOU
• Comment Summary
• Next Steps
• Overview of Current Projects
• Questions/Comments

Background
• Federal Energy Regulatory Commission (FERC):
  – Responsible for issuing licenses for non-federal
  hydropower projects
• State Water Board:
  – Responsible for issuing water quality certifications for
  these hydropower projects
  – Certifications outline conditions to ensure compliance
    with Clean Water Act and other appropriate
    requirements of State law
  – Certification becomes part of FERC license

MOU Goals
• Improve coordination
• Provide input to licensing process as early
  as possible
• Improve timeliness of action (i.e., issuance
  of certification and associated license)
• Make efficient use of existing staff resources
• Retain independent authority

MOU Overview
• Focus on Pre-Application Activities
  – Pre-application activities occur prior to applicant’s
    submittal of FERC license application and water
    quality certification application
  – Pre-application activities include:
    • Consultation;
    • Environmental scoping;
    • Study planning; and
    • Commenting on applicant’s pre-license proposal

Comments Received
• Draft MOU released for public comment: June 10, 2013
• Comment deadline: July 8, 2013
• Seven Commenters:
  – California Department of Fish and Wildlife
  – California Hydropower Reform Coalition
  – City and County of San Francisco
  – Department of Water and Power, the City of Los Angeles
  – Department of Water Resources
  – National Hydropower Association
  – Pacific Gas and Electric Company
Comments Overview

- Scope and Purpose of MOU
- Deadlines & Timeframes
- Public Participation
- Ex-Parte Communication/Separation of Staff/Intervention
- Environmental Baseline
- Joint Environmental Document Procedures
- Study Plan Disputes
- State Water Board’s Authority

Next Steps

- Update and finalize MOU with FERC
- Submit to Executive Director for consideration
- Execute and implement MOU

Status of Some Existing FERC Projects

- Pending Final Certifications
  - DeSabla-Centerville Hydroelectric Project
  - Fire Mountain Lodge Hydroelectric Project
  - Upper American River Project
- Upcoming Certification Amendments
  - Pit 1 Hydroelectric Project
  - Santa Felicia Dam Project
  - Spring Gap-Stanislaus Hydroelectric Project (Pinecrest)

Status of Some Existing FERC Projects (cont.)

- Other Active Upcoming Projects
  - Don Pedro Hydroelectric Project
  - Drum-Spaulding Hydroelectric Project
  - Klamath River Hydroelectric Project
  - Lassen Lodge Hydroelectric Project
  - McCloud-Pit Hydroelectric Project
  - Merced River Hydroelectric Project
  - Yuba-Bear Hydroelectric Project
  - Yuba River Project
- Plus Post-Licensing & Non-FERC Projects

Status of Some Existing FERC Projects

- Upcoming Draft Certifications/CEQA Documents:
  - Big Creek Projects (6)
    - Big Creek Nos. 1 and 2 Hydroelectric Project
    - Big Creek No. 3 Hydroelectric Project
    - Big Creek Project Nos. 2A, 8, and Eastwood
    - Mammoth Pool Hydroelectric Project
    - Portal Hydroelectric Project
    - Vermillion Valley Hydroelectric Project
  - Middle Fork American River Project
  - Poe Hydroelectric Project
  - South Fork Feather River
  - Upper North Fork Feather River Project

Additional Information

- Water Quality Certification Webpage (Division of Water Rights):
  http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/
  - Program Staff
  - Current Projects
  - Notices of Water Quality Certification Applications
  - Water Quality Certifications
Future Updates

- To receive future updates sign up to receive emails online at:
  - http://www.waterboards.ca.gov/resources/email_subscriptions/
  - Select “State Water Resources Control Board”
  - Enter email address and full name
  - Under Categories, select “Water Rights”
  - Select box for “Water Rights Water Quality Certification”
  - Click “Subscribe” button at top

Questions or Comments