

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



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Presented by: Erin Ragazzi & Tim Welch

# 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
  - DeSabra-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

- 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

# Status of Some Existing FERC Projects (cont.)

- Other Active Upcoming Projects
  - Don Pedro Hydroelectric Project
  - Drum-Spauling 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

# Additional Information

- Water Quality Certification Webpage  
(Division of Water Rights):

[http://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/](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/](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

