

Kilarc-Cow Creek Hydroelectric Project Public Scoping

April 10, 2013

**State Water Resources Control Board
Division of Water Rights**

Scoping Meeting Schedule

- 1. Welcome and Review Meeting Set-Up**
- 2. Presentation by State Water Board Staff**
- 3. Comments by Attendees**
- 4. Closing and Next Steps**

Meeting Set-Up

- Sign in sheet and speaker cards are at back of room
- Fill out a speaker card if you wish to comment
- Comments may be limited to a set amount of time based on the number of people wishing to speak
- The purpose of the meeting is not to discuss comments, staff will answer general questions
- Please respect all speakers, all points of view are valid
- No decisions will be made today

Presentation Outline

- Background
 - State Water Board's Mission
 - State Water Board Role in CEQA
 - Water Quality Certification
- CEQA Process
- Public Input
- Next Steps & What to Expect

State Water Board's Mission

To preserve, enhance, and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

<http://www.waterboards.ca.gov>

State Water Board: Background

- Joint authority for water rights and water quality to provide protection of California's waters
- Protect and enforce many water uses including needs of industry, agriculture, municipal districts, and environment
- Balancing role between the various beneficial uses of water

Why are we here?

- **PG&E submitted an application to surrender its hydropower project**
- **State Water Board regulates hydroelectric projects via issuance of water quality certifications (§401 of Clean Water Act)**
 - **Protect water quality**
 - **Balance beneficial uses**
 - **Consider existing water rights**

California Environmental Quality Act (CEQA)

- **State Water Board is making a discretionary decision with the water quality certification**
- **As PG&E is not a public agency, the State Water Board is the lead agency for CEQA**
 - **Decides type of document**
 - **Decides level of review**
 - **Represents State Water Board's independent judgment**

Water Quality Certification

- **State Water Board will use the CEQA document to develop an assessment of the project, called our “Findings of Fact”**
- **The CEQA document and the Findings of Fact will be used to justify the action taken for the water quality certification, including any conditions in the certification if it is issued**

Water Quality Certification

- **If a water quality certification is issued, the conditions in it become a mandatory part of FERC’s conditions when it decides to act on the license surrender**
- **Nothing in the water quality certification can preempt Federal law, it is additive to any conditions FERC places on the project**

Kilarc-Cow Creek Hydroelectric Project

- PG&E owns Hydroelectric Project
- Consists of two “developments”
 - Kilarc Development on Old Cow Creek
 - Cow Creek Development on South Cow Creek

Kilarc-Cow Creek Hydroelectric Project

- PG&E submitted a license surrender application to FERC
- Under the license surrender application, PG&E proposes to remove most project facilities and conveyances, aka decommissioning
- Decommissioning is the project that is being analyzed under CEQA

Development of Documents

- **State Water Board has a three party Memorandum of Understanding with PG&E and Cardno ENTRIX**
- **Cardno ENTRIX develops environmental documents under the sole direction of the State Water Board**
- **Cardno ENTRIX is compensated for the work by PG&E**

CEQA Objectives*

- **Disclose to decision makers and the public significant environmental effects of proposed activities**
- **Identify ways to avoid or reduce environmental damage**
- **Prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures**

*From the CEQA Deskbook, 3rd Ed., Bass, Bogdan, Rivasplata

CEQA Objectives

- **Disclose to the public reasons for agency approval of projects with significant environmental effects**
- **Foster interagency coordination in review of projects**
- **Enhance public participation in planning process**

CEQA Process

- **As stated in Notice of Preparation (NOP), the State Water Board has decided to prepare an Environmental Impact Report (EIR)**
- **The NOP identifies environmental areas and alternatives that will be evaluated in EIR**
- **EIR is designed to identify significant impacts and mitigation measures to reduce significant impacts**

CEQA Process

- Alternatives will be evaluated in light of how they meet project objectives, and in light of each alternative's feasibility
- The final feasibility of alternatives will be determined when the State Water Board adopts the findings of fact, based on the final EIR
- The final EIR must also include a response to comments made on the draft EIR

Order of Events

**Collect Comments on NOP
(Oral and Written)**



**Issue Draft EIR for Public
Comments**



Issue Final EIR

Public Input

- **Draft EIR will have a public review and comment period**
- **State Water Board plans on releasing a draft water quality certification at the same time as the draft EIR**
- **California Code of Regulations allows for any party to request a petition for reconsideration**

Next Steps

- **Accepting written comments until Noon on Monday, April 22, 2013; send to Mr. Jeffrey Parks:**
 - **Email: jparks@waterboards.ca.gov**
 - **State Water Resources Control Board**
 - Division of Water Rights**
 - Attn: Jeffrey Parks**
 - P.O. Box 2000**
 - Sacramento, CA 95812**
 - **Fax: (916) 341-5400 Attn: Jeffrey Parks**
 - **Phone: (916) 341-5319**

Next Steps

- **Presentation will be posted to Kilarc-Cow Creek Hydroelectric Project webpage**
- **State Water Board staff will work with consultant to develop a draft EIR based on existing information and comments collected**
- **There will be a public comment period for the draft EIR**

Additional Information

- **Available on State Water Board's webpage at:
http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/ceqa_projects.shtml**

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

Following questions we will proceed with the public comment period