

**Draft Application for Exemption
for
Small Conduit Hydroelectric Facility**

Mojave Siphon Powerplant

Date: June 2013



Submitted by:

**California Department of Water Resources
Hydropower License Planning and Compliance Office**

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**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

305664

California Department of Water Resources

Project No. _____

**DRAFT APPLICATION FOR EXEMPTION FOR SMALL
CONDUIT HYDROELECTRIC FACILITY**

I. INTRODUCTORY STATEMENT

Pursuant to Section 4.90 of the regulations of the Federal Energy Regulatory Commission (Commission or FERC),¹ the California Department of Water Resources (DWR) applies to FERC for a conduit exemption for the Mojave Siphon Powerplant (MSPP), an existing small conduit hydroelectric facility that meets the requirements of 18 CFR § 4.30(b)(28), from provisions of Part I of the Federal Power Act (FPA).

The existing MSPP is currently a facility of the licensed South SWP Hydropower Project No. 2426 (P-2426). The current license for P-2426 was issued on March 22, 1978, with an effective expiration date of January 31, 2022. Because the MSPP facility qualifies for a conduit exemption under 18 CFR § 4.30(b)(28), DWR has elected to apply for a conduit exemption at this time. DWR is filing on this same date an application to amend the license for P-2426 by removing or modifying the Exhibits associated with the MSPP and reducing the authorized installed capacity.²

The location of the facility is:

State or Territory:	California
County:	San Bernardino
Township or nearby town:	Hesperia

The exact name and business address of the applicant is:

Name:	California Department of Water Resources
Address:	P.O. Box 942836 Sacramento, California 94236-0001

¹ 18 CFR § 4.201 (2012).

² Application for Non-Capacity Amendment of License, Project No. 2426, filed _____, 2013. The application to remove the Mojave Siphon Powerplant Exhibits from the P-2426 license also requests removal of the exhibits pertaining to the Alamo Powerplant, another P-2426 generating facility that qualifies for a conduit exemption and for which DWR has also filed a conduit exemption application on this date.

The exact name, business address, and contact information for each person authorized to act as agent for the applicant in this application is:

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DWR is a Department of the State of California.

Pursuant to Section 30 of the FPA, 16 USC § 823, DWR requests exemption from all of Part I of the FPA.

II. EXHIBITS

Exhibits A, E, and G are included in this application in Attachment 1.

Exhibit F is Critical Energy Infrastructure Information, and is therefore being filed under separate cover. DWR requests a waiver from FERC for submitting the conduit exemption application Exhibit F supporting design reports. The conduit exemption does not involve any new construction and the MSPP has been in operation for 18 years. The most recent Part 12D Independent Consultant's safety inspection, in August 2010, deemed the MSPP suitable for continued safe and reliable operation and determined there were no emergency or remedial measures necessary for continued safe operation. Additionally, FERC staff performing the Annual Dam Safety/Operation Inspection has found the facility to be in good operating condition and well maintained for the last several years. The facility will continue to be in use and operate in the same manner as prior to the issuance of the conduit exemption.

III. EVIDENCE OF APPLICANT OWNERSHIP

DWR has all of the real property interests in the lands on which the MSPP is located necessary to operate the facility. Documentary evidence of ownership is included in Attachment 2.

IV. INDIAN TRIBES

DWR believes that no Native American tribes are affected by the conduit exemption. However, notice on the availability of the draft application was provided to the below Native American tribes identified by the Native American Heritage Commission (NAHC) as associated with San Bernardino County for comment.

- Fernandeno Tataviam Band of Mission Indians
- AhaMaKav Cultural Society Fort Mojave Indian
- Morongo Band of Mission Indians
- Ramona Band of Cahuilla Mission Indians
- San Fernando Band of Mission Indians
- San Manuel Band of Mission Indians
- Serrano Nation of Mission Indians

V. DOCUMENTATION OF CONSULTATION

DWR has followed the three-stage consultation process of 18 CFR § 4.38. Documentation of consultation is included in Attachment 3.

VI. PUBLIC UTILITY REGULATORY POLICIES ACT BENEFITS

DWR is not seeking benefits under Section 210 of the Public Utility Regulatory Policies Act.

VII. STATEMENT OF FEES REQUIRED TO DEVELOP FEDERAL POWER ACT SECTION 30(C) CONDITIONS

18 CFR §§ 4.301(a)(2) and 4.302 require a conduit exemption applicant to notify each fish and wildlife agency consulted that it will seek an exemption from licensing and, if the agency provides a reasonable estimate of its anticipated total cost to set FPA Section 30(c) terms and conditions for the protection of fish and wildlife, to accompany the exemption application with a fee or bond.

Letters to the United States Fish and Wildlife Service (USFWS), National Marine Fisheries Service, and California Department of Fish and Wildlife (CDFW) are being sent out with this draft application to determine if fish and wildlife agencies will be soliciting fees to develop any FPA Section 30(c) terms and conditions, if applicable. Documentation of consultation regarding the statement of fees will be included in the final application as Attachment 4.

VIII. CONCLUSION

DWR requests FERC approval of this application at FERC's earliest convenience. DWR has included a draft public notice as Attachment 5. Please feel free to contact Ted Craddock at 916-263-0261 (or via email at Ted.Craddock@water.ca.gov) if you have any questions or comments regarding this application.

Respectfully submitted,

Ted Craddock, Chief
Hydropower License Planning and
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Executive Division
California Department of Water Resources
P.O. Box 942836
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DATED: _____, 2013

VERIFICATION

State of California
County of _____, as:

_____, being duly sworn deposes and says; that he is the
_____, California Department of Water Resources, that he has read the
foregoing application and knows the contents thereof; and that the same are true to the best of his
knowledge and belief.

State of California)
County of _____)

Subscribed and sworn to (or affirmed) before me on this _____ day of _____
(month), _____(year), by _____, proved to me on the basis of
satisfactory evidence to be the person (s) who appeared before me.

Notary Public
My Commission expires _____

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Mojave Siphon Powerplant**

**ATTACHMENT 1
EXHIBITS A, E and G**

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**EXHIBIT A
FACILITY DESCRIPTION**

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EXHIBIT A

FACILITY DESCRIPTION

(1) A brief description of any conduits and associated consumptive water supply facilities, intake facilities, powerhouses, and any other structures associated with the facility.

The California State Water Project (SWP) gathers water from the Feather River watershed for delivery to municipal, industrial, and agricultural consumers in Northern California, the San Francisco Bay area, San Joaquin Valley, Central Coast, and Southern California. The California SWP delivers an annual average of approximately 2.5 million acre-feet through 20 pumping plants, 9 hydroelectric powerplants, 34 storage facilities, and over 700 miles of aqueducts and pipelines.

The MSPP is located on the East Branch of P-2426, a 141-mile-long system of canals and buried pipelines forming the southern portion of the California SWP.

(2) The proximate natural sources of water that supply the related conduit.

There are no proximate natural sources of water that supply the conduit.

(3) The purposes for which the conduit is used.

The East Branch of P-2426 delivers water to water agencies in Southern California.

(4) The number of generating units, including auxiliary units, the capacity of each unit, and provision, if any, for future units.

The MSPP has three 10,800 kilowatt (kW) generators, totaling 32,400 kW. No additional capacity is planned.

(5) The type of each hydraulic turbine.

The generators are connected to three 11,900 horsepower Francis turbines totaling 35,700 horsepower.

(6) A description of how the plant is to be operated, manually or automatically, and whether the plant is to be used for peaking.

The MSPP is operated automatically on a “run-of-aqueduct” basis. The MSPP has no peaking capability.

(7) Estimations of:

(i) The average annual generation in kilowatt hours;

The average annual generation in kilowatt hours is 65,678,300 kWh. This is based on the average generation records for a 10 year period (2002 through 2011).

(ii) The average head of the plant;

The net head is 100 feet, created by a drop in the aqueduct elevation.

(iii) The hydraulic capacity of the plant (flow through the plant) in cubic feet per second.

2,880 cubic feet per second (cfs).

(iv) The average flow of the conduit at the plant or point of diversion (using best available data and explaining the sources of the data and the method of calculation); and

The average flow of the conduit at the powerplant (based on a combined average annual flow for a 10 year period (2002 through 2011) for Mojave Siphon discharge tunnel and generation combined) is 1,214 cfs. The source of the data is records kept by DWR's Division of Operations and Maintenance. The average flow is calculated as follows:

Ave. Flow = (Average flow in acre-foot/yr) x (1 yr/365 day) x (1 cfs/1.98 acre-foot) a day

(v) The average amount of the flow described in paragraph (c)(7)(iv) of this section available for power generation.

The average amount of the flow described in paragraph (c)(7)(iv) of this section available for power generation based on combined average annual flow for a 10 year period (2002 through 2011) for generation is 1,199 cfs. The source of the data is records kept by DWR's Division of Operations and Maintenance. The average flow is calculated as follows:

Ave. Flow = (Average flow in acre-foot/yr) x (1 yr/365 day) x (1 cfs/1.98 acre-foot) a day

Of average flow described in paragraph (c)(7)(iv), 1,199 cfs was used for generation for that 10 year period. Of the remaining flow, an average of 15 cfs was bypassed via the Mojave Siphon discharge tunnel, due to outages for maintenance activities.

(8) The planned date for beginning construction of the facility.

The MSPP is an existing facility. Construction was completed and the facility went online in 1995.

(9) If the hydroelectric facility discharges direction into a natural body of water and a petition for waiver of § 4,28(b)(28)(v) has not been submitted, evidence that a quantity of water equal to or greater than the quantity discharged from the hydroelectric facility is withdrawn from that water body downstream into a conduit that is part of the same water supply system as the conduit on which the hydroelectric facility is located.

Not applicable. The MSPP discharges directly into the Mojave Siphon discharge tunnel pipeline, a component of P-2426.

(10) If the hydroelectric facility discharges directly to a point of agricultural, municipal, or industrial consumption, a description of the nature and location of that point of consumption.

Not applicable. The MSPP discharges directly into the Mojave Siphon discharge tunnel pipeline, a component of P-2426.

(11) A description of the nature and extent of any construction of a dam that would occur in association with construction of the proposed small conduit hydroelectric facility, including a statement of the normal maximum surface area and normal maximum surface elevation of any existing impoundment before and after that construction; and any evidence that the construction would occur for agricultural, municipal, or industrial consumptive purposes, even if hydroelectric generating facilities were not installed.

No dam is associated with, and no water is impounded for operation of MSPP. The generating facility consists of the MSPP with three 10.8 MW generators. The P-2426 facilities that join to the MSPP consist of an intake structure on the aqueduct; three buried 2.47-mile-long, 12-foot-diameter pipelines; and an 18-foot-diameter, 480-foot-long discharge tunnel pipeline. The MSPP operates on a “run-of-aqueduct” basis.

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Mojave Siphon Powerplant**

**EXHIBIT E
ENVIRONMENTAL REPORT**

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EXHIBIT E

ENVIRONMENTAL REPORT

(1) A description of the environmental setting in the vicinity of the facility, including vegetative cover, fish and wildlife resources, water quality and quantity, land and water uses, recreational uses, socio-economic conditions, historical and archeological resources, and visual resources. The report must give special attention to endangered or threatened plant and animal species, critical habitats, and sites eligible for or included on the National Register of Historic Places.

The facilities proposed to be authorized under a conduit exemption have been in operation since 1995 as licensed components of P-2426. All environmental requirements under the P-2426 license, which pertained to impacts from construction of the facility, have been completed. Conversion of the authority under which the facility operates to a conduit exemption will have no environmental impacts. However, this Exhibit E is included in compliance with FERC's conduit exemption application requirements.

Vegetative Cover

The area immediately surrounding the MSPP consists largely of chaparral and scrub dominated by native species such as sagebrush, rabbitbrush and California buckwheat (reference Photo 1 below). Juniper and manzanita are scattered throughout the area. Riparian vegetation is present along Horsethief Creek; however, the creek and the riparian vegetation are located approximately 0.5 miles away from the MSPP, outside of the conduit exemption boundary. The 995-acre Silverwood Lake is a reservoir located above the MSPP, immediately to the south. Ponderosa pines (*Pinus ponderosa*) occupy the ridges, yielding to incense-cedar (*Calocedrus decurrens*), black oak (*Quercus kelloggii*), and chaparral at lower elevations. Foothills covered with chaparral surround the reservoir on the east and west sides. The Mojave Desert and riparian habitat of the West Fork Mojave River is present on the northern side and outside of the conduit exemption boundary.

A review of the California Native Plant Society (CNPS) California Native Plant Inventory of Rare and Endangered Plants (May 2013³) identified 16 listed plant species in the Silverwood Lake 7.5 minute USGS quadrangle. However, there will be no effect to those listed plant species.

³California Native Plant Society. 2013. Inventory of Rare and Endangered Plants (online edition, v8-01a). California Native Plant Society. Sacramento, CA. Accessed on Thursday, May 30, 2013.



Photo 1 – View of area surrounding Mojave Siphon Powerplant.

No changes in vegetation will occur from continued operations and maintenance of the MSPP under a conduit exemption. There will be no construction activities associated with the issuance of a conduit exemption, and thus, there will be no impacts to vegetation resources from the issuance of a conduit exemption. No environmental protection or mitigation measures are proposed.

Fish and Wildlife Resources

The existing MSPP site is fully developed including extensive areas of cut and fill, and is located on a paved site as shown in Photo 2. Little vegetation exists within the MSPP site to provide suitable habitat for native wildlife species. The wildlife in the general vicinity of the MSPP are typical desert scrub native and non-native species including but not limited to: western rattlesnake (*Crotalus oreganus*), gopher snake (*Pituophis catenifer*), sagebrush lizard (*Sceloporus graciosus*), bull frog (*Ranidae sp.*), turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), Western gull (*Larus occidentalis*), mallard (*Anas platyrhynchos*), general passerines, mule deer (*Odocoileus hemionus*), ground squirrels (*Otospermophilus beecheyi*), beaver (*Castor Canadensis*), and coyote (*Canas latrans*).

There is no USFWS-designated critical habitat for endangered or threatened species within the proposed conduit exemption boundary. USFWS-designated critical habitat for the federally-listed endangered arroyo toad (*Anaxyrus californicus*) and the federal and state-listed endangered Southwestern willow flycatcher (*Empidonax traillii extimus*) occurs approximately two miles away from MSPP, outside of the conduit exemption boundary. There are no wetlands or other sensitive habitats in the conduit exemption boundary.

The area surrounding the MSPP is highly disturbed with no potential habitat for listed species. Reviews of the CDFW California Natural Diversity Database (March 2013) and the USFWS species lists (March 2013) identified potential listed special-status species in the general area; however, none of those species are anticipated to occur in the proposed conduit exemption boundary due to the absence of suitable habitat.



Photo 2 – Facilities located within proposed conduit exemption boundary.

A few species may utilize the surrounding areas for habitat and/or foraging. Silverwood Lake, located outside the conduit exemption boundary, attracts waterfowl, raptors, geese and songbirds. Bald eagles utilize Silverwood Lake as part of their winter migration (early November through early April) to forage, perch and roost at night. No nesting bald eagles have been observed at MSPP. No changes in the MSPP or operations will occur. Therefore, there will be no new impacts on bald eagles that may winter in the surrounding vicinity.

Horsethief Creek is located approximately 0.5 miles away from the MSPP, outside of the proposed conduit exemption boundary. The creek may provide habitat and/or foraging habitat for some aquatic species. Southwestern pond turtle surveys conducted by Dr. David Polcyn from the Department of Biology, California State University, San Bernardino, along Horsethief Creek showed no signs of turtles in the vicinity⁴.

A small population of arroyo toads is known to occur in Horsethief Creek on the adjacent private ranch property, north of and outside the proposed conduit exemption boundary. A 2004 DWR survey of arroyo toads along the Mojave Siphon access road showed that arroyo toads stayed near the creek in the vicinity of the culvert bridge crossing, which is located approximately a mile away from the MSPP. Horsethief Creek and the culvert bridge are located outside of the

⁴ Letter Order, California Desert Studies Consortium. September 13, 1990 from Gerry Scherba, Director to Bruce Eliason, California Fish and Game.

proposed conduit exemption boundary. Beavers are present in the area, and are known to construct beaver dams in the creek creating ponding of creek flows. No change in the MSPP or operations will occur. Therefore, there will be no impacts to the arroyo toad that may utilize Horsethief Creek.

MSPP is an existing structure, and daily routine activities are performed for operations and maintenance. Operation and maintenance activities in the past have not been shown to cause any perceptible effects to listed species. There is no new construction being proposed, and thus, there will be no potential impacts to any fish or wildlife species located in the vicinity of the MSPP. For any future construction or major maintenance activities within the MSPP site, DWR has existing adopted policies and procedures in place for conducting environmental analyses in accordance with the California Environmental Quality Act (CEQA), and consulting with the appropriate state and federal resource agencies. No environmental protection or mitigation measures are proposed.

Water Quality and Quantity

The California SWP gathers water from the Feather River watershed for delivery to municipal, industrial and agricultural users in Northern California, the San Francisco Bay area, San Joaquin Valley, Central Coast, and Southern California. An annual average flow of approximately 2.5 million acre-feet of water is delivered through 20 pumping plants, 9 hydroelectric powerplants, 34 storage facilities, and over 700 miles of aqueducts and pipelines. In Southern California, the Edmonston Pumping Plant lifts water up approximately 2,000 feet over the Tehachapi Mountains through the Carly V. Porter Tunnel near Gorman. The California SWP bifurcates into the West and East Branches, downstream of the Carly V. Porter Tunnel. The MSPP is located on the East Branch of P-2426.

The MSPP operates on a “run-of-aqueduct” basis, whereby flows enter the MSPP facilities and are discharged into the aqueduct system. Flows from the California SWP are conveyed to the MSPP through an intake structure on the aqueduct near Check 66. Water is conveyed through one of three parallel 2.47 mile long steel pipelines to the MSPP, and is discharged to the 480-foot long Mojave Siphon discharge tunnel pipeline. Flows from the discharge tunnel pipeline are conveyed to an intake into Silverwood Lake.

There are no natural bodies of water or streams located within the vicinity of MSPP. Silverwood Lake is a 74,970 acre-feet man-made reservoir that was created by construction of the Cedar Springs Dam in 1971 for regulatory and emergency storage on the California SWP. Silverwood Lake also serves as a forebay to the Devil Canyon Powerplant.

The water quality and quantity of the California SWP is continuously monitored through 16 automated real time data stations and several flow gauges. The water quantity data are kept with the DWR’s Division of Operations and Maintenance. The annual average flow through the MSPP based on a combined average annual flow for 10 years of annual flow records (2002 through 2011) is 1,199 cfs. The water quality data are obtained via grab samples collected on a monthly basis and analyzed at DWR’s Bryte Chemical Laboratory. The water quality data are made publically available on DWR’s website through the California Data Exchange Center and

the Water Data Library. There will be no construction activities associated with this conduit exemption, and thus, there will be no changes to water quality and quantity. No environmental protection or mitigation measures are proposed.

Land and Water Uses

The conduit exemption boundary lands are located within unincorporated San Bernardino County in the Desert Planning Region, and are zoned as Institutional land. MSPP is located entirely on lands owned in fee by DWR (see Attachment 2).

Adjacent to the MSPP, the ownership includes State-owned right-of-ways for the California SWP, Silverwood Lake State Recreation Area and State Route 173, and private property in ranching uses. Federal lands within a 10 mile radius, but not immediately adjacent to the MSPP site are the San Bernardino National Forest (Forest Mountain Top Ranger District), the United States Bureau of Land Management, and the United States Army Corps of Engineers.

Horsethief Creek is the nearest natural drainage that is located approximately 0.5 miles away from and outside of the conduit exemption boundary. The creek flows generally west to east and is aligned perpendicular to the Mojave Siphon pipelines located outside of the conduit exemption boundary. This creek is a tributary of the Mojave River system. No other permanent natural watercourses traverse the immediate MSPP site. The Mojave River is within 5 miles, but outside of the conduit exemption boundary. Water flows into and out of the MSPP via buried pipelines, and is discharged into Silverwood Lake.

No changes in land or water use will occur with issuance of the conduit exemption. Ongoing operation and maintenance activities of the MSPP will also not lead to any changes in existing uses. No adverse effects to land and water resources will occur by continuing operation of the MSPP under a conduit exemption. No environmental protection or mitigation measures are proposed.

Recreational Uses

Nearly all the facilities and property within the proposed conduit exemption boundary are fenced and are not available to the public. However, small portions of the proposed conduit exemption boundary area fall just outside the fence line. These small portions are located on previously disturbed land owned by DWR. In addition, the adjoining facilities including the Mojave Siphon pipelines, and discharge tunnel pipeline are excluded from the public. The Pacific Crest Trail (PCT) runs along State Route 173, parallel to and north of the proposed conduit exemption boundary. The PCT originates in Mexico, traverses California, Oregon and Washington, terminates in Canada, and is 2,650 miles long. The PCT was designated by Congress as a National Scenic Trail in 1968. The California Department of Parks and Recreation through its Silverwood Lake State Recreation Area staff, along with the Pacific Crest Trail Association, manages this portion of the PCT. It is used year-round by hikers, who have a good view of the MSPP which is painted in desert colors to blend with the surrounding environment. The PCT in this reach crosses through developed lands as it follows State Route 173 and other man-made roads and structures.

Other public recreation opportunities located in the general area of the MSPP include the Silverwood Lake State Recreation Area. Additionally, the Hesperia Lake Park and Nature Center, Lake Gregory Regional Park, and the San Bernardino National Forest provide recreational opportunities within 15 miles of the MSPP site.

While continued operations and periodic maintenance procedures introduce noise to the environment, there will be no new effects to recreationists as a result of the issuance of a conduit exemption. No environmental protection or mitigation measures are proposed

Socio-Economic Conditions

According to the United States Census Bureau⁵, the state of California has a total population of 37,253,956, and a statewide median household income (MHI) of \$61,632. In comparison, the MSPP facility is located south from the City of Hesperia, California, a city with approximately 88,247 people, 25,088 households, an MHI of approximately \$48,624, and a per capita income of \$17,589.

The city is located in close proximity to larger cities, and thus, it provides labor to the broader Southern California region. Major economic influences in the area are retail trade, educational services/healthcare/social assistance, construction and manufacturing. The MSPP supports eight full-time positions⁶, which makes a minor contribution to the local economy.

There is no housing, commerce, or any other public use associated with MSPP, or within the immediate area including any proposed developments that will be impacted by the issuance of a conduit exemption. Consequently, the issuance of the conduit exemption will not impact the socio-economic conditions of the surrounding area.

Historical and Archeological Resources

MSPP is a fully developed site and not known to contain historic or prehistoric resources. The MSPP was completed in 1995, and therefore, is less than 45 years old and is not currently of an age to be considered as eligible for the National Register of Historic Places. Areas in the vicinity of MSPP within a half mile are sensitive for cultural resources, particularly the Summit Valley area. During construction of the Mojave Siphon pipelines in the 1990s, four National Register of Historic Places eligible archaeological sites were identified. These sites are CA-SBR-7691, CA-SBR-1913, CA-SBR-6580 and CA-SBR-1624. All of these sites are located outside the proposed conduit exemption boundary.

No new construction or ground disturbing activities are being proposed. Operations and maintenance activities will only take place on previously disturbed and developed lands. Therefore, there will be no effect on historical or archaeological resources as a result of the issuance of a conduit exemption. For any future construction or major maintenance activities

⁵ 2007-2011 American Community Survey 5-Year Estimates, United States Census Bureau.

⁶ Average employment for fiscal years 2003-2012.

within the MSPP site, DWR has existing adopted policies and procedures in place for conducting environmental analyses in accordance with CEQA, and consulting with the appropriate state and federal resource agencies and Native American tribes⁷. No environmental protection or mitigation measures are proposed.

Visual Resources

The MSPP is located within and adjacent to a scenic area, including Summit Valley, Horsethief Creek, Mojave River, the San Bernardino National Forest, and Silverwood Lake. Photo 3 shows the MSPP from the PCT along State Route 173. Photo 4 shows the MSPP looking southwest from the State Route 173. The California SWP facilities are visible from various locations along State Route 173, a county-designated scenic route from State Route 18 northwest to Hesperia, and from the PCT along State Route 173. The MSPP and a majority of the surrounding fence are painted in colors to match the surrounding desert environment in an effort to reduce the effect on visual resources. Photo 2 shows the facility color scheme. The Mojave Siphon pipelines are buried and are not observable except for maintenance access points. Views from the Cedar Springs Dam crest do not include the MSPP, which is situated well below the dam. Photo 5 is a view across Summit Valley from the crest of Cedar Springs Dam with the MSPP situated out of view (behind the hill on the left side of Photo 5). Photo 6 is a view of Silverwood Lake from the crest of Cedar Springs Dam.



Photo 3 – View of Mojave Siphon Powerplant from Pacific Crest Trail along State Route 173.

⁷ In accordance with the California Natural Resources Agency Adoption of Final Tribal Consultation Policy, pursuant to Executive Order B-10-11 dated September 19, 2011, adopted on November 20, 2012.



Photo 4 – View of Mojave Siphon Powerplant looking southwest (Silverwood Lake is on the other side of ridge in background).



Photo 5 - View across Summit Valley from the crest of Cedar Springs Dam.



Photo 6 – View of Silverwood Lake from the crest of Cedar Springs Dam.

No construction will occur as a result of this conduit exemption, and operation and maintenance activities will continue as in previous years. Therefore, there will be no new effects to visual resources from this action. No environmental protection or mitigation measures are proposed.

(2) A description of the expected environmental impacts resulting from the continued operation of the existing small conduit hydroelectric facility, including a discussion of the specific measures proposed by the applicant and others to protect and enhance environmental resources and to mitigate adverse impacts of the facilities on them.

No environmental impacts are expected to result from continued operation of the existing facility. MSPP will continue to operate in the same manner it has been operated since construction was completed. Therefore, DWR does not propose any environmental protection or mitigation measures.

(3) A description of alternative means of obtaining an amount of power equivalent to that provided by the existing facility.

The California SWP is a net power user. MSPP is a small-capacity hydro-generation plant on the East Branch of P-2426, installed to recover energy associated with California SWP pumping operations. Not only does this plant provide an energy quantity needed by the California SWP, it has the advantage of generating energy that is both clean (zero-emissions) and green (renewable), and at favorable generation timing, i.e., energy generated at the plant is synchronized with the California SWP's pump demand. In economic terms, the plant acts as a natural hedge against energy market prices paid by the pump demand. All energy generated at the plant is consumed by the California SWP.

If, for any reason, the output of the plant was no longer available to the California SWP, it would create an energy deficit in the California SWP's energy portfolio equal to the lost output of MSPP, potentially worsen the California SWP's carbon footprint, reduce the California SWP's renewable portfolio, and cause a loss of a natural hedge against price volatility of the California Independent System Operator (CAISO) market, all of which would result in increased cost and risk.

To mitigate these unfavorable impacts, the California SWP would need to fix the additional energy deficit by purchasing energy from the CAISO in quantities and with timing that duplicates MSPP generation. These energy deliveries would have the correct magnitude and timing but the natural hedge provided by California SWP generation to California SWP pumping would be lost. Long-term contracts would not be necessary for this energy since the CAISO's market can provide this energy although the price for such replacement energy may not be given. However, the replacement energy purchased from the CAISO's market may not be either renewable or clean. Consequently, DWR would need to fix the increased carbon footprint and correct the renewable portfolio by executing long-term contracts to purchase a quantity of energy from a zero-emissions renewable energy source equal to the additional quantity of energy purchased, and sell this additional zero-emissions renewable energy to the CAISO market while retaining the associated Renewable Energy Credits. This duplicate purchase/sale procedure would be necessary because the zero-emissions purchase would not match the needed delivery hours or hourly quantities during the hours of California SWP pumping.

(4) Any additional information the applicant considers important.

DWR considered the potential environmental effects and determined that the action of applying for a conduit exemption for MSPP qualifies for a Class I Categorical Exemption pursuant to the CEQA Guidelines, Section 15301. The conduit exemption Project will occur on an existing facility, and will not involve an increase in capacity or existing use. DWR will file a Notice of Exemption with the State Clearinghouse prior to filing the final conduit exemption application with FERC.

**Draft Application for Exemption
for
Small Conduit Hydroelectric Facility

Mojave Siphon Powerplant**

**EXHIBIT G
PROJECT BOUNDARY MAP**

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The following Exhibit G Project map conforms to the specifications of 18 CFR § 4.41(h).

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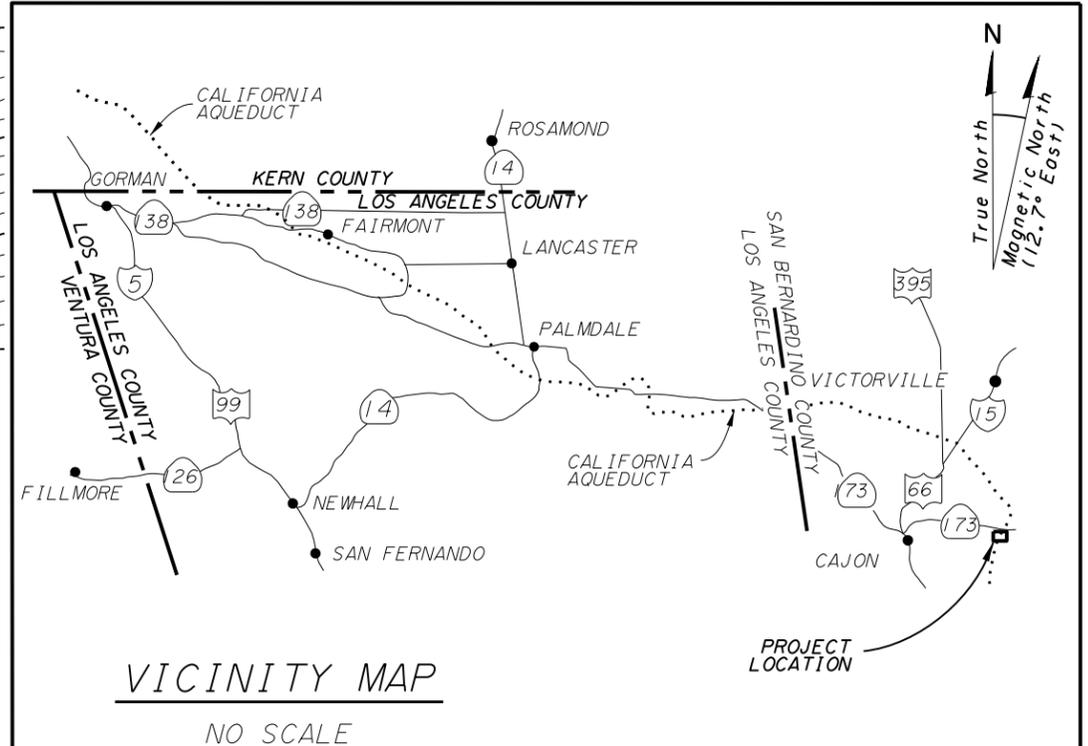
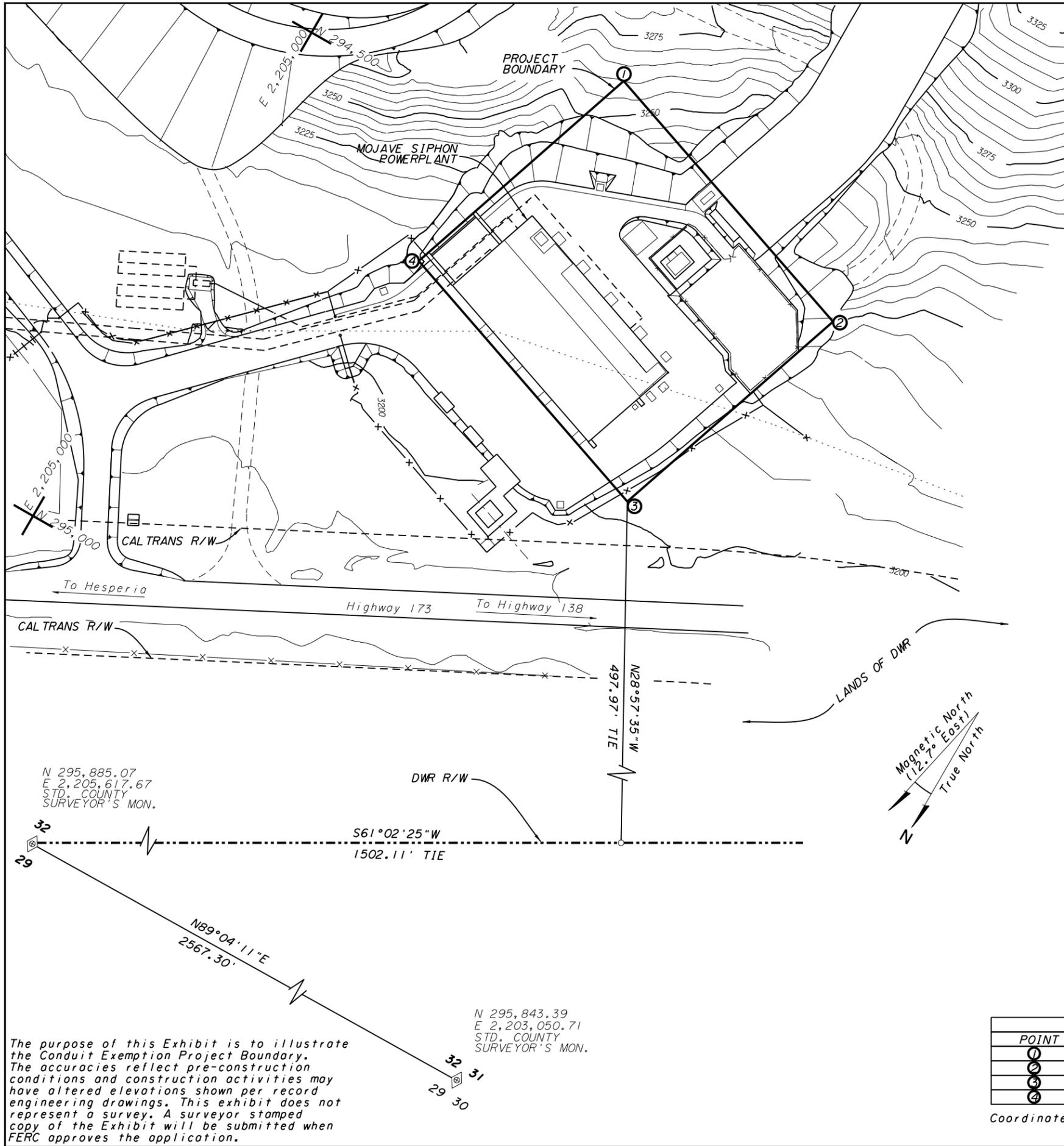


EXHIBIT G-1

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

MOJAVE SIPHON POWERPLANT
FERC PROJECT NO. _____

BOUNDARY MAP

1" = 50'

50 0 50 100 150 200

SCALE OF FEET

PROJECT BOUNDARY		
POINT	NORTHING	EASTING
1	294,397	2,204,735
2	294,490	2,204,465
3	294,722	2,204,544
4	294,629	2,204,814

Coordinates are given in CCS Zone 5, NAD 27.

The purpose of this Exhibit is to illustrate the Conduit Exemption Project Boundary. The accuracies reflect pre-construction conditions and construction activities may have altered elevations shown per record engineering drawings. This exhibit does not represent a survey. A surveyor stamped copy of the Exhibit will be submitted when FERC approves the application.

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**Draft Application for Exemption
for
Small Conduit Hydroelectric Facility
Mojave Siphon Powerplant**

**ATTACHMENT 2
DOCUMENTATION OF LAND OWNERSHIP RIGHTS**

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SEP 8 1967 (U)
SAN BERNARDINO COUNTY
V. DENNIS WARDLE, CLERK
By FRANCIS L. WALSKI
DEPUTY

Book 6886
Page 912

1 THOMAS C. LYNCH, Attorney General
WILLARD A. SHANK
2 Assistant Attorney General
N. B. PEEK
3 Deputy Attorney General
600 State Building
4 Los Angeles, California 90012
Telephone: 620-3119
5 SEP 8 1967

RECORDED
DATE SEP 11 1967
BOOK 6886 PAGE 912
COUNTY San Bernardino

6 Attorneys for Plaintiff
7
8
9

TED R. CARPENTER
RECORDER

BY [Signature] Deputy
DAILY DEC. # 575

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO
636.212
3-101

10 THE STATE OF CALIFORNIA, acting
11 by and through the Department
of Water Resources,
12
13 Plaintiff,
14
15 v.
16 CHESNEY H. CARVER, et al.,
17
18 Defendants.

No. 122 828 x3-3
x3-5
FINAL ORDER OF x3-14
CONDEMNATION x3-49
(As to Parcel 1,
Units A, B, C, D,
E, F, G, H, I,
and J)
1000.51
1000

17 It appearing that pursuant to Judgment in Con-
18 demnation as to Parcel 1, Units A, B, C, D, E, F, G, H,
19 I, and J, heretofore entered on or about AUG 25 1967
20 affecting certain real property described in the said complaint
21 in eminent domain on file herein as Parcel 1, Units A, B, C, D,
22 E, F, G, H, I, and J, the plaintiff, The State of California,
23 acting by and through the Department of Water Resources, has paid
24 the total amount of compensation and all sums required by said
25 Judgment in Condemnation, and by law, within the time provided
26 by law.

27 It further appearing that all acts required of the
28 plaintiff have been duly done and performed and that plaintiff
29 is now entitled to a Final Order of Condemnation:

30 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
31 DECREED that the real property hereinafter described and any
32 and all improvements thereon be, and the same are, hereby

1 condemned in fee simple to the plaintiff, The State of California,
2 acting by and through the Department of Water Resources, for the
3 public uses and purposes set forth in said complaint in eminent
4 domain, to wit: for the construction, maintenance and operation
5 of the Cedar Springs Reservoir, in the County of San Bernardino,
6 State of California, that the plaintiff is hereby declared to be
7 the sole owner of the real property hereinafter described and any
8 and all improvements thereon; that the said real property hereby
9 vested in the plaintiff, The State of California, acting by and
10 through the Department of Water Resources, is situate, lying and
11 being in the County of San Bernardino, State of California, and
12 is more particularly described as follows:

13 Parcel 1

14 33 Unit A

15 That portion of the North half of the North half
16 of Section 38, Township 3 North, Range 4 West, San
17 Bernardino Meridian, in the County of San Bernardino,
18 State of California, according to Government Survey,
19 more particularly described as follows:

18 Commencing at the Northwest corner of said sec-
19 tion; thence North $89^{\circ} 09' 45''$ East, 500.00 feet along
20 the north line of said section; thence south $6^{\circ} 34' 33''$
21 East, 1316.48 feet to the south line of said portion;
22 thence South $89^{\circ} 12' 35''$ West, 653.73 feet to the west
23 line of said section; thence North $0^{\circ} 07' 47''$ East to
24 the point of beginning.

22 Unit B

23 35 The North half of the North half; and the South-
24 west quarter of the Northeast quarter; and the North-
25 west quarter of the Southeast quarter; and the North
26 half of the South half of the Northwest quarter, all
27 in Section 38, Township 3 North, Range 4 West, San
28 Bernardino Meridian, in the County of San Bernardino,
29 State of California, according to Government Survey;

27 Excepting that portion herein described, commenc-
28 ing at the northeast corner of said section; thence
29 North $86^{\circ} 03' 57''$ East, 2566.99 feet along the
30 northerly line of said section; thence South $61^{\circ} 02'$
31 $11''$ West, 2438.34 feet to the west line of said sec-
tion; thence North $8^{\circ} 00' 41''$ East, 1230.62 feet
along said west line to the point of beginning.

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Unit C

3-14

The Northwest quarter of the Southwest quarter of the Southwest quarter of Section 5, Township 2 North, Range 4 West, San Bernardino Base and Meridian, in the County of San Bernardino, State of California, according to Government Survey.

Excepting therefrom that certain parcel of land conveyed to the State of California by deed recorded on March 6, 1962 as Document No. 61, in Book 5656, page 895 of Official Records, in the office of the County Recorder of said County.

Unit D

3-14

That portion of the Southwest quarter of the Southwest quarter of the Southwest quarter, lying North and East of southerly high water mark of the East Fork of the West Fork of the Mojave River, in Section 5, Township 2 North, Range 4 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to Government Survey.

Unit E

3-14

The North half of the Northeast quarter of the Northwest quarter and the West half of the Southeast quarter of the Northwest quarter of Section 5, Township 2 North, Range 4 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to Government Survey.

Unit F

That portion of the Southwest quarter of the Northeast quarter of the Northwest quarter; and the Southwest quarter of the Northwest quarter; and the Southeast quarter of the Northwest quarter of the Northwest quarter of Section 5, Township 2 North, Range 4 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to Government Survey, lying South and East of North and West high water mark of the West Fork of the Mojave River.

Unit G

That portion of the Northwest quarter of Section 5, Township 2 North, Range 4 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to Government Survey, described as follows:

A strip of land 100 feet in width and extending 300 feet along the course of the Mojave River, upon each side of that certain intake on the West Fork of the Mojave River from which the southeast corner of said Section 5 bears South 22° 16' West, 3152.3 feet, said strip being adjacent to and lying to the West of the West high water mark of said West Fork of the Mojave River.

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Unit H

That portion of the Southeast quarter of Section 6, Township 2 North, Range 4 West, San Bernardino Base and Meridian, in the County of San Bernardino, State of California, according to the Official Plat of said land filed June 11, 1886, in the office of the Bureau of Land Management, lying North and East of the West high water mark of the East Fork of the West Fork of the Mojave River.

Together with all interest in the streets, roads, and highways abutting said land.

Unit I

That portion of the North half of the Northwest quarter of the Northwest quarter of Section 8, Township 2 North, Range 4 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to Government Survey, lying North and East of the South and West high water mark of the East Fork of the West Fork of the Mojave River.

Unit J

All those rights, appurtenant to the Las Flores Ranch, so-called, established by United States Land Office filing, and by decree issued out of Case No. 20218 of the Superior Court for San Bernardino County, and deeds executed in compliance therewith; lying within the following described real property: All of Sections 1, 2, and 12 in Township 2 North, Range 5 West, San Bernardino Meridian, in the County of San Bernardino, State of California, and all of Sections 3 through 10 inclusive of Township 2 North, Range 4 West of said Meridian. Together with those portions of Sections 32, 33, and 34 in Township 3 North, Range 4 West of said Meridian described as follows: Beginning at the southwest corner of Section 32, Township 3 North, Range 4 West, San Bernardino Meridian, according to the official plat thereof, said point being shown on Records of Survey filed in Book 19 pages 97 through 99 of Records of Survey in the Office of the County Recorder of said county; thence along the westerly line of said Section 32, North 0° 08' 41" East, 3772.85 feet to the northeasterly terminus of that certain course described in Deed to the State of California recorded on October 26, 1962 in Book 5791 page 271 of Official Records of said county as South 61° 02' 11" West, 1178.52 feet; thence North 61° 02' 11" East, 2937.44 feet to the northerly line of said Section 32; thence along said northerly line, South 89° 57' 53" East, 2455.82 feet to the northeast corner of said Section 32; thence along the northerly line of Section 33, North 89° 09' 45" East, 500 feet; thence South 0° 34' 35" East, 2735.52 feet; thence South 89° 22' 16" East, 1751.97 feet; thence South 50° 19' 00" East, 4287.92 feet; thence South 51° 40' 42" West, 450 feet to the southerly line of said Township 3 North, thence westerly along said Township Line to the point of beginning.

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IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that upon the recordation of a certified copy of this Final Order of Condemnation with the County Recorder of the County of San Bernardino, State of California, the fee simple title to the said real property hereinbefore described, and any and all improvements thereon, free and clear of all taxes, assessments, penalties, costs, liens, encumbrances, leaseholds, and easements, shall vest in The State of California, acting by and through the Department of Water Resources, the plaintiff above named, and its successors and assigns.

DATED: SEP 8 1967

HAROLD R. HADENKORN
JUDGE OF THE SUPERIOR COURT

NRP:cos 31
CIV IA
64-1367
8/25/67

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**Draft Application for Exemption
for
Small Conduit Hydroelectric Facility

Mojave Siphon Powerplant**

**ATTACHMENT 3
RECORD OF CONSULTATION**

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ATTACHMENT 3

RECORD OF CONSULTATION

Waivers

DWR sent via registered U.S. mail a notification letter on the availability of the Initial Consultation Document (ICD), giving notice of the joint agency public meeting, and seeking waivers of second stage consultation and fees associated with FPA Section 30(c) on June 7, 2013. The ICD was made publically available on DWR's webpage at <http://www.water.ca.gov/hlpc>. Hard copies and electronic copies were made available upon request. Copies of the ICD and notification letter were mailed to FERC on June 7, 2013. The following agencies, Native American tribes, groups and entities were notified of the ICD and joint agency public meeting:

- AhaMaKav Cultural Society Fort Mojave Indian
- Antelope Valley-East Kern Water Agency
- California Department of Fish and Wildlife, Inland Deserts Region
- California Department of Fish and Wildlife, Water Branch
- California Department of Transportation, District 8
- California Department of Water Resources, Division of Environmental Services
- California Department of Water Resources, Division of Safety of Dams
- California Department of Water Resources, Office of Chief Counsel
- California Department of Water Resources, Southern Field Division
- California Department of Water Resources, Southern Region Office
- California Public Utilities Commission
- California State Parks, Inland Empire District
- California State Parks, Silverwood Lake State Recreation Area
- California State Parks, Tehachapi District
- Casitas Municipal Water District
- Castaic Lake Water Agency
- Coachella Valley Water District
- City of Colton
- Crestline-Lake Arrowhead Water Agency
- Desert Water Agency
- Duncan, Weinberg, Genzer & Pembroke PC
- Federal Energy Regulatory Commission, Secretary
- Federal Energy Regulatory Commission, Office of Energy Projects
- City of Fontana
- City of Hesperia, Planning Department
- County of Kern
- Kern County Water Agency
- Lahontan Regional Water Quality Control Board
- Lewiston Community Services District
- Littlerock Creek Irrigation District

- City of Loma Linda
- County of Los Angeles
- Los Angeles Department of Water & Power
- Metropolitan Water District of Southern California
- Mojave Water Agency
- Morongo Band of Mission Indians
- National Park Service, Pacific West Region
- National Marine Fisheries Service, Southwest Region
- Office of Historic Preservation
- Office of the Governor of California
- Pacific Crest Trail Association
- Palmdale Water District
- Ramona Band of Cahuilla Mission Indians
- City of Redlands
- City of Rialto
- City of Riverside, Public Utilities Department
- County of Riverside
- City of San Bernardino
- City of San Bernardino
- County of San Bernardino
- San Bernardino Associated Governments
- San Bernardino Valley Municipal Water District
- San Fernando Band of Mission Indians
- San Gabriel Valley Municipal Water District
- San Geronimo Pass Water Agency
- San Manuel Band of Mission Indians
- Serrano Nation of Indians
- Shute, Mihaly & Weinberger c/o Friends of the River
- Southern California Association of Governments
- Southern California Edison
- State Water Resources Control Board, Division of Water Rights
- Town of Taft
- Ventura County Watershed Protection District
- United States Army Corps of Engineers, Los Angeles Regulatory Office
- United States Bureau of Indian Affairs, Pacific Regional Office
- United States Bureau of Indian Affairs, Southern California Agency
- United States Bureau of Reclamation, Southern California Area Office
- United States Department of Interior, Office of Regional Solicitor
- United States Environmental Protection Agency, Region 9
- United States Fish and Wildlife Service, Palm Springs Fish and Wildlife Office
- United States Fish and Wildlife Service, Ventura Fish and Wildlife Office
- United States Forest Service, Pacific Southwest Region
- United States Senate

Additionally, DWR contacted the NAHC in a May 23, 2013 letter to conduct a check of the NAHC's Sacred Lands File and to confirm the contacts for Native American tribes and individuals that may be interested in the conduit exemption Project area.

The NAHC responded in a May 31, 2013 letter to DWR, and determined that there are no traditional cultural places in the conduit exemption boundary. The NAHC provided a contact list of Native American tribes for San Bernardino County. DWR notified those listed Native American tribes on the availability of the ICD for review and the joint agency public meeting. Copies of the letters follow.

DEPARTMENT OF WATER RESOURCES

DIVISION OF ENVIRONMENTAL SERVICES
3500 INDUSTRIAL BOULEVARD
WEST SACRAMENTO, CA 95691



May 23, 2013

Dave Singleton, Program Analyst
Native American Heritage Commission
1550 Harbor Blvd Suite 100
West Sacramento, CA 95691-3826

Dear Mr. Singleton:

The California Department of Water Resources (DWR) is in the process of applying for two conduit exemptions from the Federal Energy Regulatory Commission (FERC). These conduit exemptions will remove two areas, the Alamo Powerplant and the Mojave Siphon Powerplant, from the larger FERC license (Project No. 2426). Relicensing activities for the larger Project No. 2426 will be conducted independently from these two exemptions.

The Alamo Powerplant Conduit Exemption is located east of Lancaster, in Kern and Los Angeles Counties, California. It is within the La Liebre Ranch 7.5' United States Geographical Survey (USGS) topographic quadrangle in Section 4, Township 9 North, Range 17 West and Section 33, Township 9 North, Range 17 West (Figure 1).

The Mojave Siphon Powerplant Conduit Exemption is located at Silverwood Lake in San Bernardino County, California. It is within the Silverwood Lake 7.5' United States Geographical Survey (USGS) topographic quadrangle in Sections 20, 21, 28, 29, 32, and 33, Township 3 North, Range 4 West (Figure 2).

Please notify me if any sacred lands are recorded within or in close proximity to the depicted project areas. Early identification of sacred properties will ensure their consideration during the project planning phase. Please also provide an updated list of Native American contacts for the area. Your response may be sent to me at the address provided above, or you may fax the information to (916) 376-9688. Please contact me at (916) 376-9795 or at Rebecca.Gilbert@water.ca.gov if you have any questions regarding this request. If we do not receive a response to this inquiry within 30 days, it will be assumed that you are not aware of any sacred lands within the project areas.

Please perform this search at an **expedited rate**.

Thank you for giving this matter your prompt attention.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca Gilbert".

Rebecca H. Gilbert
Associate Environmental Planner-Archaeology
Office (916) 376-9795
Fax (916) 376-9688
Rebecca.Gilbert@water.ca.gov

Attachments (2)

05/31/2013 09:53 FAX 916 657 5390

NAHC

001

STATE OF CALIFORNIA

Edmund G. Brown, Jr. Governor

**NATIVE AMERICAN HERITAGE
COMMISSION**

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-6471
www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

May 31, 2013

Ms. Rebecca H. Gilbert, Environmental Planner - Archaeology

California Department of Water Resources

3500 Industrial Boulevard
West Sacramento, CA 95691

Sent by FAX to: 916-376-9688

No. of Pages: 3

Re: Request for Sacred Lands File Search and Native American Contacts list for the
**"Alamo Powerplant and the Mojave Siphon Powerplant Projects (no.
2426) Project;" a component** located near Silver Lake; San Bernardino
County, California

Dear Ms. Gilbert:

A record search of the NAHC Sacred Lands File failed to indicate the presence of Native American traditional cultural place(s) in the project site location submitted, based on the USGS coordinates, the Areas of Potential Effect (APEs). This area is known to the NAHC to be very culturally sensitive. Note also that the absence of archaeological features does not preclude their existence. Other data sources for Native American sacred places/sites should also be contacted. A Native American tribe or individual may be the only sources of presence of traditional cultural places or sites.

In the 1985 Appellate Court decision (170 Cal App 3rd 604), the Court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

Attached is a list of Native American tribes, individuals/organization who may have knowledge of cultural resources in or near the project area. As part of the consultation process, the NAHC recommends that local governments and project developers contact the tribal governments and individuals to determine if any cultural places might be impacted by the proposed action. If a response is not received in two weeks of notification the NAHC requests that a follow telephone call be made to ensure that the project information has been received.

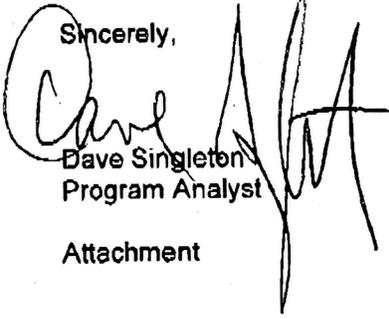
05/31/2013 09:53 FAX 916 657 5390

NAHC

002

If you have any questions or need additional information, please contact me at (916) 373-3715.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton". The signature is stylized and overlaps with the printed name below it.

Dave Singleton
Program Analyst

Attachment

05/31/2013 09:53 FAX 916 657 5390

NAHC

003

**Native American Contacts
SAN BERNARDINO County
May 31, 2013**

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670 Cahuilla
Anza, CA 92539
admin@ramonatribe.com
(951) 763-4105
(951) 763-4325 Fax

San Manuel Band of Mission Indians
Daniel McCarthy, M.S., Director-CRM Dept.
26569 Community Center Drive Serrano
Highland, CA 92346
(909) 864-8933, Ext 3248
dmccarthy@sanmanuel-nsn.
gov
(909) 862-5152 Fax

San Manuel Band of Mission Indians
Carla Rodriguez, Chairwoman
26569 Community Center Drive Serrano
Highland, CA 92346
(909) 864-8933
(909) 864-3724 - FAX
(909) 864-3370 Fax

Morongo Band of Mission Indians
Robert Martin, Chairperson
12700 Pumarra Road Cahuilla
Banning, CA 92220 Serrano
(951) 849-8807
(951) 755-5200
(951) 922-8146 Fax

San Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838 Fernandeno
Newhall, CA 91322 Tataviam
tsen2u@hotmail.com Serrano
(661) 753-9833 Office Vanyume
(760) 885-0955 Cell Kitanemuk
(760) 949-1604 Fax

Serrano Nation of Mission Indians
Goldie Walker, Chairwoman
P.O. Box 343 Serrano
Patton, CA 92369
(909) 528-9027 or
(909) 528-9032

AhaMaKav Cultural Society, Fort Mojave Indian
Linda Otero, Director
P.O. Box 5990 Mojave
Mohave Valley AZ 86440
(928) 768-4475
LindaOtero@fortmojave.com
(928) 768-7996 Fax

Ernest H. Siva
Morongo Band of Mission Indians Tribal Elder
9570 Mias Canyon Road Serrano
Banning, CA 92220 Cahuilla
siva@dishmail.net
(951) 849-4676

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Alamo Powerplant and the Mojave Sponon Powerplant Projects (No. 2426); located near Silver Lake; San Bernardino County, California for which a Sacred Lands File search and Native American Contacts list were requested.

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**Draft Application for Exemption
for
Small Conduit Hydroelectric Facility
Mojave Siphon Powerplant**

ATTACHMENT 4

**DOCUMENTATION OF CONSULTATION REGARDING
FEDERAL POWER ACT SECTION 30(c)
COST ESTIMATES**

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ATTACHMENT 4

**DOCUMENTATION OF CONSULTATION REGARDING
FEDERAL POWER ACT SECTION 30(c) COST ESTIMATES**

[Agency written responses will be included with the final application]

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**Draft Application for Exemption
for
Small Conduit Hydroelectric Facility

Mojave Siphon Powerplant**

**ATTACHMENT 5
DRAFT PUBLIC NOTICE**

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

California Department of Resources

Project No. _____

NOTICE OF APPLICATION ACCEPTED FOR FILING, SOLICITING
COMMENTS, PROTESTS, AND MOTIONS TO INTERVENE,
READY FOR ENVIRONMENTAL ANALYSIS, AND
SOLICITING RECOMMENDATIONS AND TERMS AND CONDITIONS

(_____, 2013)

Take notice that the following hydroelectric application has been filed with FERC and is available for public inspection:

- a. Type of Application: Conversion of Licensed Facility to Conduit Exemption
- b. Project No.: _____
- c. Date filed: _____, 2013
- d. Applicant: California Department of Water Resources
- e. Name of Project: Mojave Siphon Powerplant
- f. Location: The existing Mojave Siphon Powerplant is located on the East Branch, South SWP Hydropower Project No.2426 (P-2426), in San Bernardino County, California. All of the lands on which the Mojave Siphon Powerplant are located are owned by the applicant. No federal lands will be included in the proposed conduit exemption Project boundary.
- g. Filed Pursuant to: Federal Power Act, 16 USC §§ 791a-825r.
- h. Applicant Contact: Mr. Ted Craddock, Chief, Hydropower License Planning and Compliance Office, P.O. Box 942836, Sacramento, California 94236-0001, phone: 916-263-0261.
- i. FERC Contact: _____, 202-502-_____, _____
- j. Status of Environmental Analysis – The application is ready for environmental analysis at this time. FERC is requesting comments, reply comments, and recommendations. FERC is also requesting terms and conditions.
- k. Deadline for filing responsive documents – FERC directs, pursuant to 18 CFR § 4.34(b) of the Regulations (see Order No. 533, issued May 8, 1991, 56 Fed. Reg. 23,108, May 20, 1991) that all comments, motions to intervene, protests, recommendations, terms and conditions, and

prescriptions concerning the application be filed within 60 days from the issuance date of this notice. All reply comments are due 105 days from the issuance date of this notice. All documents (original and eight copies) should be filed with: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Please include the project numbers (example: P-1005-011) on any comments or motions filed.

FERC's Rules of Practice and Procedure require all intervenors filing documents with FERC to serve a copy of that document on each person whose name appears on the official service list for the Mojave Siphon Powerplant. Further, if an intervenor files comments or documents with FERC relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of any motion to intervene must also be served upon each representative of the applicant specified in a particular application.

1. Description of request: In the application filed on _____, 2013, the California Department of Water Resources seeks to convert the currently licensed Mojave Siphon Powerplant, which is one component of the P-2426, to a conduit exemption. This action results in the removal of certain licensed facilities from P-2426 and from FERC jurisdiction.

a. Licensed Facilities: The applicant proposes to change the authorization for the Mojave Siphon Powerplant from a licensed facility to a conduit exemption. The applicant proposes to remove the Mojave Siphon Powerplant from FERC's jurisdiction. The aforementioned facility would remain operational as part of the applicant's water supply facilities.

b. Conduit Exemption: The applicant proposes a conduit exemption for the Mojave Siphon Powerplant. The proposed conduit exemption Project will be located on its water supply system in San Bernardino County, California, and will consist of: (1) an existing powerhouse containing three 10.8 megawatt (MW) generating units with a total installed capacity of 32.4 MW. The applicant states that the Mojave Siphon Powerplant has an average annual generation of 65,678 megawatt-hours, which is used to offset power use for pumping in the California State Water Project.

m. Locations of the Application - A copy of the application is available for inspection and reproduction at FERC's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling 202-502-8371. This filing may also be viewed on FERC's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail FERCOnlineSupport@ferc.gov, for TTY, call 202-502-8659. A copy is also available for inspection and reproduction at the address in item (h) above.

n. Mailing list -- Individuals desiring to be included on FERC's mailing list should so indicate by writing to the Secretary of FERC.

o. Comments, Protests, or Motions to Intervene - Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR §§ 385.210, 385.211, 385.214. In determining the appropriate action to take, FERC will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with FERC's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application (see item (k) above).

p. Filing and Service of Responsive Documents - All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," or "TERMS AND CONDITIONS;" (2) set forth in the heading the name of the applicant and the number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR §§ 385.2001 through 385.2005. All comments or terms and conditions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR § 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by FERC in this proceeding, in accordance with 18 CFR §§ 4.34(b) and 385.2010.

q. e-Filing - Comments, motions to intervene, protests, recommendations, or terms and conditions may be filed electronically via the Internet in lieu of paper. See, 18 CFR §385.2001(a)(1)(iii) and the instructions on FERC's web site at <http://www.ferc.gov> under the "e Filing" link. FERC strongly encourages electronic filings.

Kimberly D. Bose,
Secretary

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**Draft Application for Exemption
for
Small Conduit Hydroelectric Facility
Mojave Siphon Powerplant**

**ATTACHMENT 6
EXHIBIT F**

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**Draft Application for Exemption
for
Small Conduit Hydroelectric Facility
Mojave Siphon Powerplant**

**EXHIBIT F
PROJECT ENGINEERING DRAWINGS**

The Exhibit F contains Critical Energy Infrastructure Information (CEII) in accordance with 18 CFR § 388.112, and are not included.

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**Draft Application
for
Non-Capacity Amendment of License**

**South SWP Hydropower Project
FERC Project No. 2426**

Date: June 2013



Submitted by:

**California Department of Water Resources
Hydropower License Planning and Compliance Office**

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I. INITIAL STATEMENT..... 1
II. DISCUSSION..... 3
III. CONCLUSION 8

ATTACHMENT 1

EXHIBIT E – ENVIRONMENTAL REPORT
EXHIBIT G – OWNERSHIP OF LAND MAP

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**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

305657

California Department of Water Resources

Project No. 2426

**DRAFT APPLICATION FOR NON-CAPACITY
AMENDMENT OF LICENSE**

I. INITIAL STATEMENT

Pursuant to Section 4.201 of the regulations of the Federal Energy Regulatory Commission (Commission or FERC),¹ the California Department of Water Resources (DWR or Licensee) states as follows:

1. Licensee applies to FERC for a non-capacity related amendment of the license for the South SWP Hydropower Project No. 2426 (Project or P-2426).
2. The exact name, business address, and telephone number of the Licensee is:

California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001
916-653-5791

Persons to contact on this matter are:

Ted Craddock, Chief
Hydropower License Planning and
Compliance Office
California Department of Water Resources
P.O. Box 942836
Sacramento, California 94236-0001
Telephone: 916-263-0261
Email: Ted.Craddock@water.ca.gov

¹ 18 CFR § 4.201.

Michael A. Swiger
John Clements
Van Ness Feldman, LLP
1050 Thomas Jefferson Street, NW 7th Floor
Washington, DC 20007
Telephone: 202-298-1800
Fax: 202-338-2416
Email: mas@vnf.com
jhc@vnf.com

3. DWR is a Department of the State of California. It is a licensee for the South SWP Hydropower Project, designated as P-2426, under a license issued on March 22, 1978 in the records of FERC.² The Los Angeles Department of Water and Power (LADWP) is identified as a joint licensee for P-2426 to the extent of its interest in the Castaic Pumped Storage Facility.³ The licensed facilities that are the subject of this license amendment application do not include the Castaic Pumped Storage Facility.

4. ***The purpose of the proposed license amendment and the reason(s) why the proposed changes are necessary:***

The purpose of the proposed amendment is to conform the P-2426 description to be consistent with the issuance of conduit exemptions for the 17,000 kilowatt (kW) Alamo Powerplant (APP) and the 32,400 kW Mojave Siphon Powerplant (MSPP), both of which are currently licensed under P-2426. The conduit exemption applications are being filed on the same date as this license amendment application. The proposed amendment is necessary because issuance of conduit exemptions for APP and MSPP will be separate authorizations from the P-2426 license, requiring separate project numbers. It will therefore be necessary to update the currently approved Exhibit F design drawings and update the Exhibit G ownership map to remove the APP and MSPP from P-2426. Likewise, the authorized installed capacity of DWR facilities licensed under P-2426 will decrease by 49,400 kW.

² Department of the Water Resources of the State of California and City of Los Angeles Department of Water and Power, 2 FERC ¶ 61,258 (1978) (*License Order*).

³ See *License Order*, 2 FERC ¶ 61,258, Ordering Paragraph (A) at p. 61,604.

5(i). *The statutory or regulatory requirements of the state(s) in which the project would be located that affect the project as proposed with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes:*

Because the amendment application seeks only to remove APP and MSPP from the P-2426 license and remove or update the applicable P-2426 maps, with no physical or operational changes in the existing facilities, no statutory or regulatory requirements in California with respect to bed and banks or to the appropriation, diversion, and use of water for power purposes would apply in this amendment proceeding.

5(ii). *The steps which the applicant has taken or plans to take to comply with each of the laws cited above are:*

Not applicable.

II. DISCUSSION

A. Prefiling Consultation

This non-capacity amendment application is not subject to the three stage consultation requirements of 18 CFR § 4.38.⁴ However, this application is premised on approval of DWR's companion applications for conduit exemptions for the APP and MSPP, and DWR is complying with the requirements of Section 4.38 in that context. A draft amendment application has been included with the conduit exemption applications in consultation efforts to date.

B. Exhibits to be Removed or Updated

The required exhibits for a non-capacity related amendment are those that require revision in light of the nature of the proposed amendment. As explained above, the required revisions to exhibits in order to remove the APP and MSPP from the P-2426 license are the removal of Exhibit F (previously filed as Exhibit L) design drawings, and the update of the Exhibit G map. The Exhibits F and L are being removed and updated and new versions are included in the conduit exemption applications. Exhibit G is being updated to reflect the removal of lands from P-2426 and inclusion of lands into APP and MSPP conduit exemptions. The specific exhibits applicable to each facility which should be removed or updated are listed below. For FERC's convenience, a copy of the revised Exhibit G is provided in an attachment.

⁴ License amendments that do not increase the project's capacity are not subject to the three stage consultation requirements unless certain project conditions exist. Those conditions do not apply to this project. See 18 CFR § 4.38(a)(6)(v).

Exhibit	Drawing or Map No. 2426-	Development	Description
L-42-e	432	Alamo	Alamo Powerplant Plan and Profile
L-43-f	433	Alamo	Alamo Powerplant Plan and Section
F-1	306	Mojave Siphon	Mojave Siphon Powerplant General Plan and Profile
F-1	434	Mojave Siphon	Mojave Siphon Powerplant General Plan and Profile
F-1A	435	Mojave Siphon	Mojave Siphon Powerplant General Site Plan
F-1B	480	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults General Plan
F-1C	478	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults Conceptual Views
F-2	307	Mojave Siphon	Mojave Siphon Powerplant Intake Plan and Section
F-2	438	Mojave Siphon	Mojave Siphon Powerplant Intake Plan and Section
F-2A	439	Mojave Siphon	Mojave Siphon Powerplant Plan and Profile
F-2B	440	Mojave Siphon	Mojave Siphon Powerplant Plan and Profile
F-2C	441	Mojave Siphon	Mojave Siphon Powerplant Plan and Profile
F-2D	442	Mojave Siphon	Mojave Siphon Powerplant Plan and Profile
F-2E	443	Mojave Siphon	Mojave Siphon Powerplant Plan and Profile
F-2F	444	Mojave Siphon	Mojave Siphon Powerplant Plan and Profile
F-2G	445	Mojave Siphon	Mojave Siphon Powerplant Plan and Profile
F-2H	446	Mojave Siphon	Mojave Siphon Powerplant Plan and Profile
F-2I	447	Mojave Siphon	Mojave Siphon Powerplant Plan and Profile
F-2I	479	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults Plan and Profile
F-2J	448	Mojave Siphon	Mojave Siphon Powerplant Typical Section
F-2K	449	Mojave Siphon	Mojave Siphon Powerplant Temporary Diversion Plan and Sections

Exhibit	Drawing or Map No. 2426-	Development	Description
F-3	308	Mojave Siphon	Mojave Siphon Powerplant Plan and Transverse Sections
F-3	450	Mojave Siphon	Mojave Siphon Powerplant Manifold Plan
F-3	482	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults Manifold Plan
F-4	309	Mojave Siphon	Mojave Siphon Powerplant Tunnel Elevation and Sections
F-4A	451	Mojave Siphon	Mojave Siphon Powerplant Floor Plan – Elev. 3214.00
F-4B	452	Mojave Siphon	Mojave Siphon Powerplant Floor Plan – Elev. 3198.00
F-4C	453	Mojave Siphon	Mojave Siphon Powerplant Floor Plan – Elev. 3182.00
F-4D	454	Mojave Siphon	Mojave Siphon Powerplant Transverse Section
F-5	310	Mojave Siphon	Mojave Siphon Powerplant Single Line Diagram
F-5	455	Mojave Siphon	Mojave Siphon Powerplant Tunnel – Elevation and Section
F-5A	456	Mojave Siphon	Mojave Siphon Powerplant Inlet and Discharge Lines Plan and Profile
F-5B	457	Mojave Siphon	Mojave Siphon Powerplant Inlet and Discharge Lines Sections
F-6	458	Mojave Siphon	Mojave Siphon Powerplant Single Line Diagram
F-7A	459	Mojave Siphon	Mojave Siphon Powerplant Geologic Map
F-7B	460	Mojave Siphon	Mojave Siphon Powerplant Geologic Sections
F-22	481	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults Typical Sections
F-23	483	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults Site Work Plan — Sheet 1
F-24	484	Mojave Siphon	State Water Facilities Valve Vaults Valve Vault Structure Roof Plan
F-25	485	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults Valve Vault Structure Floor Plan

Exhibit	Drawing or Map No. 2426-	Development	Description
F-26	486	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults Valve Vault Structure Sections – Sheet 1
F-27	487	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults Valve Vault Structure Sections – Sheet 2
F-28	488	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults Valve Vault Structure Sections – Sheet 3
F-29	489	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults Ventilation and Drainage Plan and Sections
F-30	490	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults Air and Vacuum Value Installation Partial Plan and Section
F-31	491	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults CO2 Protection General Arrangement - I
F-32	492	Mojave Siphon	Mojave Siphon Powerplant Valve Vaults CO2 Protection General Arrangement - II
G-1 ⁵	461	Mojave Siphon	Mojave Siphon Powerplant Project Boundary and Vicinity Map
G-25	462	Mojave Siphon	Mojave Siphon Powerplant Ownership of Land
G-2a	383	Devil Canyon	Devil Canyon Project Boundary

⁵ Exhibits G-1, G-2, and G-2a FERC Drawing Nos. 2426-461, 462, and 383 respectively, are to be updated with new amended Exhibit G-1 as part of this license amendment (see Attachment 1).

The lands and facilities proposed to be removed from the P-2426 boundary are 153.4 acres of lands not required for the MSPP conduit exemption or P-2426; and 119.1 acres of lands not required for the APP conduit exemption or P-2426. The lands proposed to be removed consist of land and permanent pipeline easements owned in fee by DWR, and that, as shown in Exhibit E, are not needed for project purposes. Removal of these lands will, in effect, revert the license boundary to resemble the original boundary prior to the addition of APP and MSPP facilities to the P-2426 license.

C. Reduction in Authorized Installed Capacity

As stated in license Article 45, the total authorized installed capacity of P-2426 is currently 1,679,100 kW. Article 45 also states that the authorized installed capacity attributable to DWR for annual charges purposes is 404,100 kW. Removal of the APP and MSPP from the P-2426 license will reduce the total authorized installed capacity by 49,400 kW to 1,629,700 kW and the portion attributable to DWR to 354,700 kW.

DWR requests that FERC modify Paragraph (A)(1) of Article 45 in any order approving the proposed amendment to reflect the reduction in DWR's share of the total P-2426 license installed capacity. Specifically, the paragraph would be revised to read as follows:

(1) The State of California Department of Water Resources. For the purpose of reimbursing the United States for the cost of administration of Part I of the Act, a reasonable annual charge as determined by FERC in accordance with the provisions of its Regulations, in effect from time to time. The authorized installed capacity is 354,100 kW effective _____, _____, the first day of the month in which the Alamo Powerplant and Mojave Siphon Powerplant were removed from the licensed project.

III. CONCLUSION

For the reasons discussed above, DWR submits that the proposed administrative amendment to: (1) remove the referenced facilities and associated exhibits from P-2426; and (2) commensurately reduce the DWR share of the total authorized installed capacity, is in the public interest and requests that FERC approve the amendment, effective on the same date as the effective date of a final order approving DWR's companion applications for conduit exemptions for APP and MSPP.

Respectfully submitted,

Ted Craddock, Chief
Hydropower License Planning and
Compliance Office
Executive Division
California Department of Water Resources
P.O. Box 942836
Sacramento, California 94236-0001

Dated: _____, 2013

**Draft Application
for
Non-Capacity Amendment of License

South SWP Hydropower Project
FERC Project No. 2426**

**ATTACHMENT 1
EXHIBITS E and G**

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**Draft Application
for
Non-Capacity Amendment of License**

**South SWP Hydropower Project
FERC Project No. 2426**

**EXHIBIT E
ENVIRONMENTAL REPORT**

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EXHIBIT E

ENVIRONMENTAL REPORT

(1) A description of the environmental setting in the vicinity of the facility, including vegetative cover, fish and wildlife resources, water quality and quantity, land and water uses, recreational uses, socio-economic conditions, historical and archeological resources, and visual resources. The report must give special attention to endangered or threatened plant and animal species, critical habitats, and sites eligible for or included on the National Register of Historic Places.

The lands and facilities proposed to be removed from the P-2426 license are located at two discreet geographic locations and consist of the following: 1) the Mojave Siphon Powerplant (MSPP), the 528 feet long 115kV transmission line, the three 12-foot diameter 2.47 mile long buried pipelines of the Mojave Siphon, the 18-foot diameter 480 feet long discharge pipeline, the aqueduct intake structure (Check 66), and 153.4 acres of lands not required for MSPP conduit exemption or P-2426; and 2) the Alamo Powerplant (APP), the 2-mile long 66 kV transmission line, the intake structure, the 12 foot diameter 4,100-foot long steel pipeline, the tailrace channel, and 119.1 acres of lands not required for APP conduit exemption or P-2426. The following presents an analysis of the environmental resources in the lands and waters proposed to be removed from the P-2426 boundary.

Vegetative Cover

Mojave Siphon Powerplant

The MSPP is located in Summit Valley, which lies in an ecological transition zone between coastal and desert plant and wildlife communities. The lands being removed near the MSPP consist largely of chaparral and scrub dominated by native plant species such as sagebrush, rabbitbrush and California buckwheat (see Photos 1 and 2 below). Juniper and manzanita are scattered throughout the area. Riparian vegetation is present along Horsethief Creek, which is located approximately 1 mile from the MSPP and along the Mojave Siphon pipelines access road. The lands and waters being removed near the Mojave Siphon pipelines include the railcar bridge that crosses Horsethief Creek (Photo 3) and portions of the creek located within the bridge and pipelines easement.



Photo 1 – View of area surrounding Mojave Siphon Powerplant.



Photo 2 – View of area immediately adjacent to Mojave Siphon Powerplant.



Photo 3 – Horsethief Creek Bridge and surrounding vicinity.

The 995-acre Silverwood Lake (Photo 4) is a reservoir located above and immediately to the south of the MSPP, but outside the MSPP footprint. Ponderosa pines (*Pinus ponderosa*) occupy the ridges, yielding to incense-cedar (*Calocedrus decurrens*), black oak (*Quercus kelloggii*), and

chaparral at lower elevations. Foothills covered with chaparral surround the reservoir on the east and west sides. The Mojave Desert and riparian habitat of the West Fork Mojave River are present on the northern side of the MSPP.



Photo 4 – View of Silverwood Lake.

Check 66 (Photo 5) is located approximately 2 miles north of the MSPP. The Mojave Siphon pipelines convey water from Check 66 to the MSPP. The pipelines are buried and an access road is located within the pipeline easement from Check 66 to State Route 173, which is within a private ranch property. The pipelines are not visible from the surface. The associated access manholes (Photo 6) and blowoff valves are visible from the access road. The access road is not exclusive, but the buried Mojave Siphon pipelines and Check 66 are restricted from the public. Check 66 is located in a paved area surrounded by fencing.



Photo 5 – Check 66 and vicinity.



Photo 6 – Access road and Mojave Siphon access manholes.

A review of the California Native Plant Society (CNPS) California Native Plant Inventory of Rare and Endangered Plants (May 2013^{6,7}) identified 16 listed plant species in the Silverwood Lake 7.5 minute USGS quadrangle. However, there will be no effect to those listed plant species.

No changes in management of the areas associated with the MSPP, its transmission line or lands along the Mojave Siphon pipelines and Check 66 will occur with this P-2426 license amendment, and therefore, there will be no impacts to vegetation resources. No environmental protection or mitigation measures are proposed.

Alamo Powerplant

The area immediately surrounding APP (Photo 7 below) and its facilities are defined as high desert. Stands of Joshua tree (*Yucca brevifolia*) surround the area. Russian thistle (*Salsola tragus*) is a non-native invasive plant that is prominent throughout the area.



Photo 7 – View looking southwest towards the access manholes for the APP penstock.

^{6,7}California Native Plant Society. 2013. Inventory of Rare and Endangered Plants (online edition, v8-01a). California Native Plant Society. Sacramento, CA. Accessed on Thursday, May 30, 2013.

A review of the CNPS California Native Plant Inventory of Rare and Endangered Plants (May 2013⁷) identified one listed plant species in the La Liebre Ranch 7.5 minute USGS quadrangle. However, there will be no effect to the listed plant species.

No changes in management of the area surrounding the APP, its transmission lines and facilities will occur with this license amendment, and therefore, there will be no impacts to vegetation resources. No environmental protection or mitigation measures are proposed.

Fish and Wildlife

Mojave Siphon Powerplant

The existing MSPP is located on a paved and fenced site that is fully developed with extensive areas of cut and fill. There is ongoing disturbance at MSPP, including disturbance from daily routine activities of the operators and equipment. Little vegetation exists within the MSPP site to provide suitable habitat for native wildlife species. There are no listed endangered and threatened species known to exist within MSPP or Check 66 sites. There are no wetlands or other sensitive habitats at the MSPP or Check 66 sites. The area surrounding the MSPP is highly disturbed with no potential habitat for listed species.

The wildlife found between the MSPP and Check 66 sites along the buried Mojave Siphon pipelines, including lands proposed for removal from the existing P-2426 license, consists of reptile, avian, and mammal species. The potential wildlife species include, but are not limited to western rattlesnake (*Crotalus oreganus*), gopher snake (*Pituophis catenifer*), sagebrush lizard (*Sceloporus graciosus*), bull frog (*Ranidae sp.*), turkey vulture (*Cathartes aura*), common raven (*Corvus corax*), Western gull (*Larus occidentalis*), mallard (*Anas platyrhynchos*), general passerines, mule deer (*Odocoileus hemionus*), ground squirrels (*Otospermophilus beecheyi*), beaver (*Castor canadensis*), and coyote (*Canis latrans*).

Bald eagles (*Haliaeetus leucocephalus*) utilize Lake Silverwood, a component of the P-2426 license to be retained, as part of their winter migration (early November through early April) to forage, perch and roost at night. No nesting bald eagles have been observed in the P-2426 lands to be removed. No changes in DWR policy or operations will occur, and therefore, there will be no impacts to bald eagles that may winter at Lake Silverwood.

There is no United States Fish and Wildlife Service (USFWS)-designated critical habitat for endangered or threatened species within a majority of the P-2426 lands to be removed, including the MSPP, the area in the southern extreme of Mojave Siphon pipelines, and the area of the transmission lines.

USFWS-designated critical habitat for the federally-listed endangered arroyo toad (*Anaxyrus californicus*), and the federal and state-listed endangered Southwestern willow flycatcher (*Empidonax traillii extimus*) occurs within the northern portion of the Mojave Siphon pipelines and Check 66 proposed to be removed from P-2426. However, no new construction is being proposed. Routine maintenance on the buried pipelines of the Mojave Siphon is facilitated

through the existing access road and access manholes and does not require access to or debushing activities in USFWS-designated critical habitat areas. Therefore, there will be no impact to designated critical habitat for the arroyo toad and the Southwestern willow flycatcher.

Reviews of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (March 2013) and the USFWS species lists (March 2013) identified potential listed special-status species in the Silverwood Lake 7.5 minute USGS quadrangle. However, none of those species are anticipated to occur in the proposed P-2426 lands to be removed due to the absence of suitable habitat, except for the area near Horsethief Creek. A few species may utilize the surrounding areas outside of the proposed P-2426 lands to be removed for habitat and/or foraging.

Horsethief Creek (Photos 8 and 9) is an intermittent tributary to the West Fork of the Mojave River, and it provides some riparian and aquatic habitat and wetlands habitat. The creek crosses perpendicular to the bridge through a 180.2 feet long portion of the proposed P-2426 lands to be removed along the Mojave Siphon pipelines.

The creek provides suitable habitat for some aquatic species. Southwestern pond turtle (*Clemmys marmorata pallida*) surveys were conducted by Dr. David Polcyn from the Department of Biology, California State University, San Bernardino along Horsethief Creek. The surveys resulted in the determination that there were no signs of turtles in the vicinity⁸.



Photo 8 – West side of Horsethief Creek Bridge along Check 66 access road.

⁸ Letter Order, California Desert Studies Consortium. September 13, 1990 from Gerry Scherba, Director to Bruce Eliason, California Fish and Game.



Photo 9 – East side of Horsethief Creek Bridge along Check 66 access road.

A small population of arroyo toads is known to occur in Horsethief Creek within the Mojave Siphon pipelines easements. A 2004 DWR focus survey of the arroyo toads along the Mojave Siphon access road showed that the arroyo toads stayed near the creek in the vicinity of the culvert bridge crossing. In 2008, in order to provide an all-weather access road to the Mojave Siphon pipelines and Check 66 and to avoid repeated road repairs in the habitat supporting the Arroyo toad, the culvert bridge crossing was replaced with a welded railroad flatcar bridge supported on reinforced concrete pilings⁹. The USFWS issued a Biological Opinion on May 23, 2007 for the replacement bridge construction and the anticipated effects on the arroyo toad¹⁰. Arroyo toad individuals were observed during focused preconstruction surveys in 2007 and 2008. Construction of the replacement bridge primarily occurred outside of the arroyo toad breeding season.

No change in DWR maintenance operations will occur, and therefore, there will be no impacts to the arroyo toad which may utilize Horsethief Creek. There are no special protections for the arroyo toad inhabiting Horsethief Creek within the existing P-2426 license for the proposed P-2426 lands to be removed.

⁹ Letter Order, Proposed Horsethief Creek Bridge at Mojave Siphon, issued on August 23, 2007 (FERC Docket No. P-2426-000; Project No. 2426-CA, NATDAM No. CA00049).

¹⁰ United States Department of the Interior, Fish and Wildlife Service. Biological Opinion for the Horsethief Creek Bridge, Mojave Siphon Access Road Project, San Bernardino County, California. (Project Number 2426-California, California Department of Water Resources and the City of Los Angeles)(1-8-07-F-33). Dated May 23, 2007.

For any future construction or major maintenance activities within the P-2426 lands to be removed, DWR has existing adopted policies and procedures in place for conducting environmental analyses in accordance with the California Environmental Quality Act (CEQA), and consulting with the appropriate state and federal resource agencies. No changes in DWR policy or operations will occur as a result of this P-2426 license amendment, and therefore, there will be no impacts to any wildlife plant or animal species which may utilize the Project area.

Alamo Powerplant

The APP is located on a paved and fenced site within existing developed facilities. There is ongoing disturbance at the APP, including disturbance from the daily routine activities of the operators and equipment. The area surrounding the APP is highly disturbed with no potential suitable habitat for listed species. There are no wetlands or other sensitive habitats at the APP site.

Reviews of the CDFW California Natural Diversity Database (March 2013) and the USFWS species lists (March 2013) identified potential listed special-status species in the La Liebre Ranch 7.5 minute USGS quadrangle; however, none of those species are anticipated to occur in the P-2426 lands to be removed due to the absence of suitable habitat.

The surrounding uplands are inhabited by ground squirrels and mice within the adjoining grassland, as well as predators including the golden eagle (*Aquila chrysaetos*), red-tailed hawk (*Buteo jamicensis*), sparrow hawk (*Falco sparverius*), marsh hawk (*Circus cyaneus*), and coyote (*Canis latrans*). The riparian areas located outside of the amended P-2426 boundary offer food, water, and shelter for various wildlife species.

There is no USFWS-designated critical habitat or known endangered or threatened species within the lands to be removed from P-2426.

However, designated critical habitat for the California condor (*Gymnogyps californianus*) occurs approximately two miles west and north, away from the amended P-2426 boundary. The California condor is listed as endangered under the Federal and California State Endangered Species Acts and is a California fully protected species. It may fly over the amended P-2426 boundary but it is not found within the vicinity.

Pyramid Lake is a reservoir located approximately 20 miles south of the APP. It lies in the flyway utilized by the condor in traveling north from its nesting area in the Sespe Condor Sanctuary located eight miles southwest of the reservoir, to its feeding grounds in the Tehachapi Mountains and San Joaquin Valley. The Sespe Condor Sanctuary is located within the Los Padres National Forest.

Operation and maintenance activities in the past have not been shown to cause any perceptible effects to listed species. There is no change in DWR policy or operation, and no foreseeable new impacts to wildlife, plant or animal species with this license amendment. There are no current license conditions affecting the management of these species on these lands and waters. For any future construction or major maintenance activities within the P-2426 lands to be removed, DWR

has existing adopted policies and procedures in place for conducting environmental analyses in accordance with CEQA, and consulting with the appropriate state and federal resource agencies.

Water Quality and Quantity

The California State Water Project (SWP) gathers water from the Feather River watershed for delivery to municipal, industrial and agricultural users in Northern California, the San Francisco Bay, San Joaquin Valley, Central Coast, and Southern California. An annual average flow of approximately 2.5 million acre-feet of water is delivered through 20 pumping plants, 9 hydroelectric powerplants, 34 storage facilities, and over 700 miles of aqueducts and pipelines. In Southern California, the Edmonston Pumping Plant lifts water up approximately 2,000 feet over the Tehachapi Mountains through the Carly V. Porter Tunnel near Gorman. The California Aqueduct bifurcates into the West and East Branches, downstream of the Carly V. Porter Tunnel. APP is located approximately 1.5 miles southeast of the bifurcation. The MSPP is located downstream of the APP.

The water quality and quantity of the California SWP is continuously monitored through 16 automated real time data stations and several flow gauges. Grab samples are collected monthly for analysis at DWR's Bryte Chemical Laboratory. The water quality data are made publically available on DWR's website through the California Data Exchange Center and the Water Data Library.

Mojave Siphon Powerplant

The MSPP operates on a "run-of-aqueduct" basis, whereby flows enter the MSPP facilities and are discharged into the aqueduct system. Flows from the California SWP are conveyed to the MSPP through an intake structure on the aqueduct near Check 66. Water is conveyed through one of three parallel 2.47 mile long steel pipelines to the MSPP, and are discharged to the 480-foot long Mojave Siphon discharge tunnel pipeline. Flows from the discharge tunnel pipeline are conveyed to an intake into Silverwood Lake.

There are no natural bodies of water or streams located within the vicinity of MSPP. Silverwood Lake is a 74,970 acre-feet man-made reservoir that was created by construction of the Cedar Springs Dam in 1971 for regulatory and emergency storage on the California SWP. Silverwood Lake also serves as a forebay to the Devil Canyon Powerplant.

As discussed previously, water quality and quantity of the California SWP is continuously monitored through 16 automated real time data stations and several flow gauges. The water quantity data is kept with the DWR's Division of Operations and Maintenance. The annual average flow through the MSPP (based on combined average annual flow for 10 years of annual flow records, 2002 through 2011) is 1,199 cfs. The water quality data is obtained via grab samples collected on a monthly basis and analyzed at DWR's Bryte Chemical Laboratory. There will be no construction activities associated with this license amendment, and thus, there will be no changes to water quality and quantity. No environmental protection or mitigation measures are proposed.

Alamo Powerplant

APP operates on a “run-of-aqueduct” basis, whereby flows enter the Alamo facilities and are discharged into the aqueduct. Flows from the California SWP enter the concrete and asphalt-lined Tehachapi Afterbay and Tehachapi East Afterbay for short-term storage prior to being conveyed to the headworks of the APP and the Cottonwood chute (plant bypass). The flows are ultimately discharged into the California SWP for conveyance to downstream California SWP facilities. There are no natural bodies of water or streams within the vicinity of the APP. The California SWP is a man-made structure. The portion of the California SWP in the vicinity of the APP is a concrete-lined, open water canal.

As discussed previously, the water quality and quantity of the California SWP is continuously monitored through 16 automated real time data stations and several flow gauges. The water quantity data is kept with the DWR’s Division of Operations and Maintenance. The annual average flow through the APP (based on combined average annual flow for 10 years of annual flow records, 2002 through 2011) is 1,006 cfs. There will be no construction activities associated with this P-2426 license amendment, and thus, there will be no changes to water quality and quantity. No environmental protection or mitigation measures are proposed.

Land and Water Uses

Mohave Siphon Powerplant

The DWR California SWP lands proposed to be removed from the P-2426 boundary are located within unincorporated San Bernardino County in the Desert Planning Region, and are zoned as Institutional land.

The lands proposed to be removed from the P-2426 boundary consist of land and permanent pipeline easements owned in fee by DWR. Immediately adjacent to the DWR owned lands, land ownership includes the California Department of Transportation State-owned right-of-way for State Route 173 to the south and private property in ranching uses on the north, east and west. Other adjacent land ownership includes the Lake Silverwood State Recreation Area that is operated by the California State Parks System. Federal lands within a 10 mile radius are the San Bernardino National Forest, Mountain Top Ranger District, the United States Bureau of Land Management, and the United States Army Corps of Engineers.

Horsethief Creek crosses the lands to be removed from the P-2426 boundary, flows perpendicular from west to east, and is the only permanent natural drainage within the boundary. This creek is a tributary of the Mojave River. An access road, bridge, and buried Mojave Siphon pipelines cross Horsethief Creek along the lands to be removed. This bridge was replaced in 2008 as discussed previously. Water flows from the California SWP into Check 66 at the northern end of the P-2426 boundary, and out of Check 66 into the buried Mojave Siphon pipelines to the MSPP.

No changes in land or water use will occur with a change in the P-2426 boundary. Continued operation and maintenance of the California SWP facilities will also not lead to any changes in existing uses. No adverse effects to land and water resources will occur by this change in the P-2426 boundary.

Alamo Powerplant

The lands proposed to be removed from the P-2426 boundary are owned in fee by DWR. The APP is located in the Antelope Valley Planning Area at the northwest corner of unincorporated Los Angeles County on the edge of the Tehachapi Mountains in the Transverse Range, and is surrounded by private lands under agricultural production. There are no federal lands within this area or adjacent to the existing P-2426 boundary in this area. The Angeles National Forest is approximately eight miles south of the APP and contains the nearest federal lands within proximity to the current P-2426 boundary.

There are current plans for the Tejon Mountain Village, a large new community on the private ranch property within Kern County, just to the north and west of the P-2426 boundary. The County of Los Angeles is working on a Specific Plan for the Centennial project, a new planned community in the areas immediately to the south and west of the APP. The change in the P-2426 boundary will have no effect on the plans for Tejon Mountain Village or the Centennial Specific Plan as the current plans do not include development within the current P-2426 licensed boundary.

No natural water courses exist within the lands to be removed from the P-2426 boundary. Quail Lake is a reservoir, and is the nearest body of water on the West Branch of the California SWP. Quail Lake is located several miles to the south of the APP which is on the East Branch of the California SWP.

No changes in land or water use will occur as a result of changing the P-2426 boundary. Therefore, there will be no changes to land or water resources resulting from a change in the P-2426 boundary.

Recreational Uses

Mojave Siphon Powerplant

The majority of the land proposed to be removed from the P-2426 boundary are fenced and are not available to the public. However, a small portion of the land to be removed lies just outside the existing fence lines but on previously disturbed land owned by DWR. The Pacific Crest Trail (PCT) runs, parallel and immediately adjacent to the south of State Route 173, north of the fence of the MSPP, in the existing P-2426 boundary. The distance from the MSPP to the closest point of the PCT is about 60 feet. There will be no impacts to the PCT or a change in the existing condition and management of the PCT. The PCT originates in Mexico, traverses California, Oregon and Washington, terminating in Canada, and is 2,650 miles long. The PCT was designated by Congress as a National Scenic Trail in 1968. The California Department of Parks and Recreation, through its Silverwood State Recreation Area staff, along with the Pacific Crest Trail Association, manage this portion of the PCT. It is used year-round by hikers, who have a good view of the land within the P-2426 boundary including MSPP. The MSPP is painted in desert colors to blend in with the surrounding environment.

Other public recreation opportunities located immediately adjacent to the P-2426 boundary include Silverwood Lake State Recreation Area. Additionally, the Hesperia Lake Park and Nature Center, Lake Gregory Regional Park, and the San Bernardino National Forest provide recreational opportunities within 15 miles of the P-2426 boundary.

Alamo Powerplant

The lands located within and adjoining the current P-2426 boundary are fenced and are not used or suitable for public recreation purposes as the lands are used for energy production, water conveyance and power transmission, and maintenance facilities, with nearby lands being privately owned and used for irrigated and non-irrigated agriculture.

However, several public recreation opportunities are available at facilities located within a 50 mile radius from the P-2426 boundary, including Quail Lake, Pyramid Lake, Vista del Lago Visitor Center, Castaic Lake State Recreation Area, Fort Tejon State Historical Park, and Hungry Valley State Vehicular Recreation Area. None of these facilities or recreation uses will be affected by a change in the P-2426 boundary. There will be no effect to recreational uses within or surrounding lands in the P-2426 boundary.

Historic and Archaeological Resources

Mojave Siphon Powerplant

The original Mojave Siphon pipeline and inlet structure were constructed in the 1970s and did not include a power development. The original pipeline was replaced by three pipelines, parallel to the original pipeline when MSPP was constructed in the 1990s. During construction of the three additional pipelines in the 1990s, four National Register of Historic Places (NRHP) eligible archaeological sites were identified, including CA-SBR-7691, CA-SBR-1913, CA-SBR-6580 and CA-SBR-1624. Site CA-SBR-1624 was not directly impacted by the improvements. Protective measures were implemented to avoid impacts to sites CA-SBR-1913 and CA-SBR-7691 during construction of the three pipelines. The northern and western portions of site CA-SBR-1913 were fenced off to prevent encroachment into the site. The southern portion of site CA-SBR-7691 was preserved by capping with three feet of sterile soil that remained in place after construction. Data recovery programs were completed at sites CA-SBR-6580, CA-SBR-1913, and CA-SBR-7691. Of those four sites, only site CA-SBR-7691 (i.e., northwestern extremity of the site) is partially located within the area of the P-2426 boundary that is to be removed as part of the amendment. The majority of site CA-SBR-7691, and sites CA-SBR-1913, CA-SBR-6580, and CA-SBR-1624 were located in a temporary construction easement that was not retained by DWR after completion of the pipeline construction.

As no new ground disturbing activities are anticipated to occur, and operations and maintenance activities are only to take place on previously disturbed and developed lands, there will be no new effects on historical or archaeological resources as a result of the change in the P-2426 boundary. Any future activities in the area of the Mojave Siphon pipelines and Check 66 will require future environmental analysis under the CEQA and coordination with the appropriate resource agencies and Native American tribes¹¹ as part of the CEQA process.

¹¹ In accordance with the California Natural Resources Agency Adoption of Final Tribal Consultation Policy, pursuant to Executive Order B-10-11 dated September 19, 2011, adopted on November 20, 2012.

The original Mojave Siphon pipeline and Check 66 was constructed in the early 1970s and the MSPP was constructed in the early 1990s, and is therefore less than 45 years old and not of an age to be considered as eligible for the National Register of Historic Places.

Alamo Powerplant

There are no known historical or archeological resources existing within the P-2426 boundary at APP. Previous studies completed in connection with construction of the APP facilities did not encounter any cultural or archeological resources.

APP was constructed in 1986 and is therefore less than 45 years old and not of an age to be considered as eligible for the National Register of Historic Places.

No changes will occur with the amended P-2426 boundary. Since the site is developed, it is unlikely that maintenance or operational activities will affect any previously unrecorded buried archaeological or historical resources. As no new ground disturbing activities are anticipated to occur, and operations and maintenance activities are only to take place on previously disturbed and developed lands, there will be no new effects on historical or archaeological resources as a result of the change in the P-2426 boundary. Any future activities in the area of the APP facilities will require future environmental analysis under CEQA and coordination with the appropriate resource agencies and Native American tribes¹² as part of the CEQA process.

Visual Resources

Mojave Siphon Powerplant

The lands proposed for removal within the existing P-2426 boundary lie within a scenic area, but are not contributing to the scenic quality of the area. The California SWP facilities are visible from various locations along State Route 173, a County designated scenic route from State Route 18 northwest to Hesperia, and the PCT along State Route 173 (Photo 10). The MSPP and a majority of the surrounding fence are painted in colors to match the surrounding desert environment in an effort to reduce the effect on visual resources. The Mojave Siphon pipelines are buried underground and not visible except for maintenance access points. Views from the Cedar Springs Dam crest do not include the MSPP which is situated well below the dam. However, the area disturbed by construction of the pipelines can be seen across Summit Valley (Photos 11 and 12).

¹² In accordance with the California Natural Resources Agency Adoption of Final Tribal Consultation Policy, pursuant to Executive Order B-10-11 dated September 19, 2011, adopted on November 20, 2012.

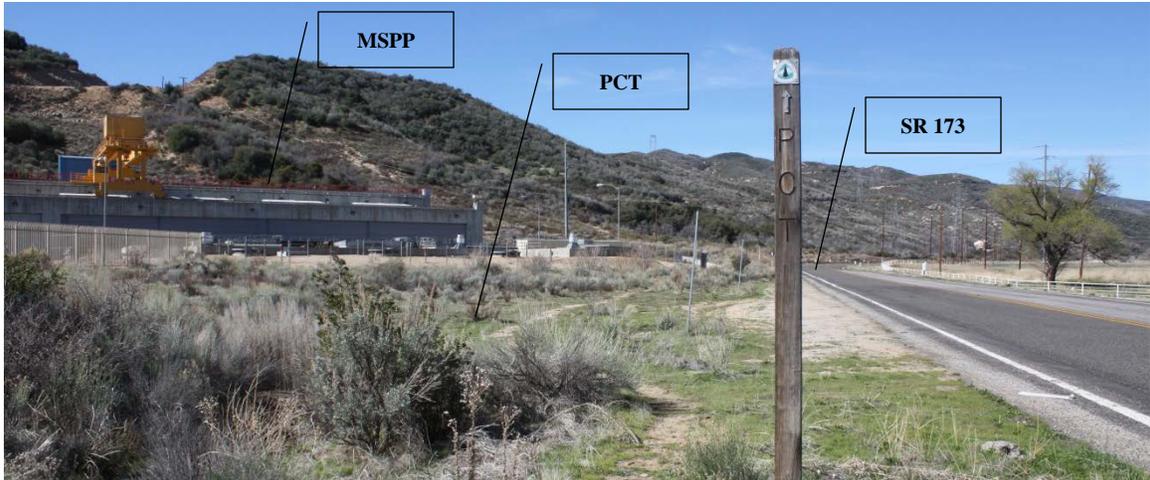


Photo 10 – View looking West along Pacific Crest Trail along State Route 173.



Photo 11 – View looking north toward Check 66 from Silverwood Lake.

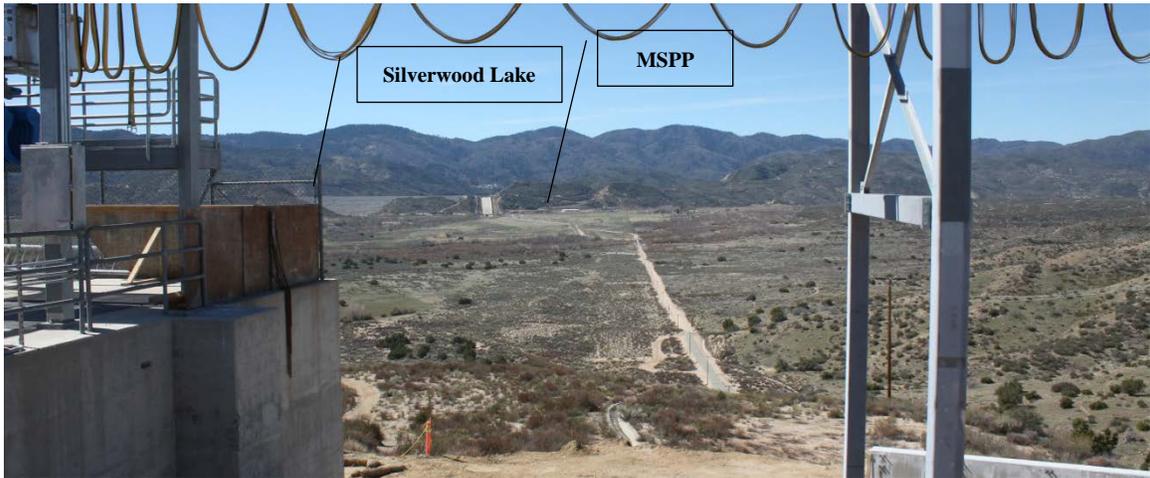


Photo 12 – View looking south toward Silverwood Lake from Check 66.

No construction will occur as a result of this license amendment of the P-2426 boundary, and operation and maintenance activities will continue as in previous years. Therefore, there will be no new effects to visual resources from this change in P-2426 boundary.

Alamo Powerplant

No significant visual resources exist on lands within the vicinity of the existing P-2426 boundary or in the immediate vicinity. The APP is situated within a man-made depression surrounded by a previously constructed berm, as illustrated in Photo 13. The other P-2426 facilities within the boundary such as the APP, intake, penstock, and tailrace are not visible from any publically accessible site. The nearest man-made structure is a large cement plant that is located within a private ranch property.



Photo 13 – View of Alamo Powerplant from access road adjacent to Cottonwood Chute (plant bypass).

No physical changes will occur as a result of a change in the P-2426 boundary. Therefore, no effects to visual resources are anticipated from this action.

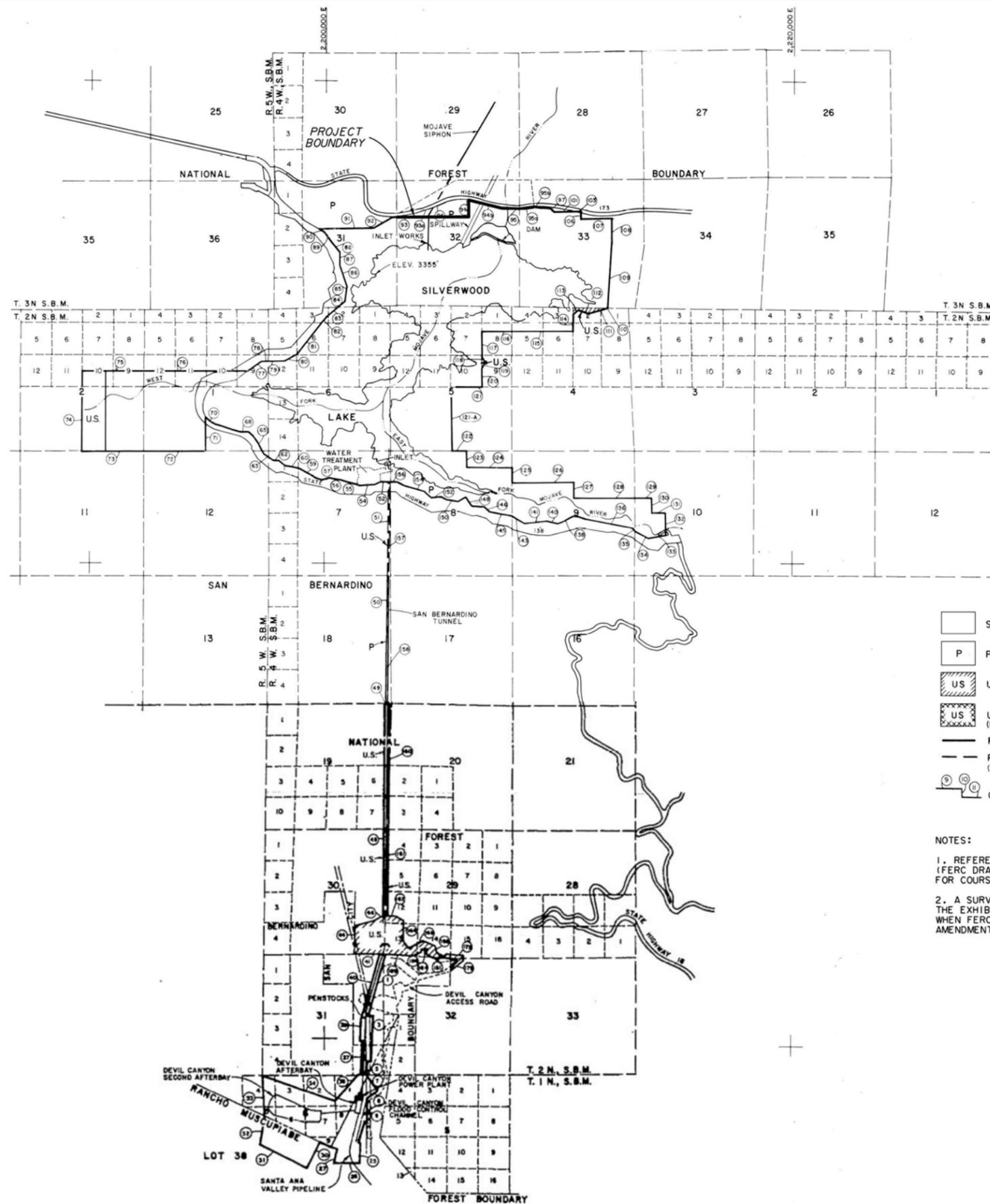
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**Draft Application
for
Non-Capacity Amendment of License**

**South SWP Hydropower Project
FERC Project No. 2426**

**EXHIBIT G
OWNERSHIP OF LAND MAP**

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300,000 N

280,000 N

LEGEND

- STATE OF CALIFORNIA
- PRIVATE OWNERSHIP
- UNITED STATES LANDS (U.S. Forest Service)
- UNITED STATES LANDS (Bureau of Land Management)
- PROJECT BOUNDARY
- PROJECT BOUNDARY (Tunnel Easement)
- COURSE NUMBER (SEE NOTE 1)

NOTES:

1. REFERENCE EXHIBIT K-2-d (FERC DRAWING NUMBER 2426-427) FOR COURSE NUMBER INFORMATION.
2. A SURVEYOR STAMPED COPY OF THE EXHIBIT WILL BE SUBMITTED WHEN FERC APPROVES THE LICENSE AMENDMENT.

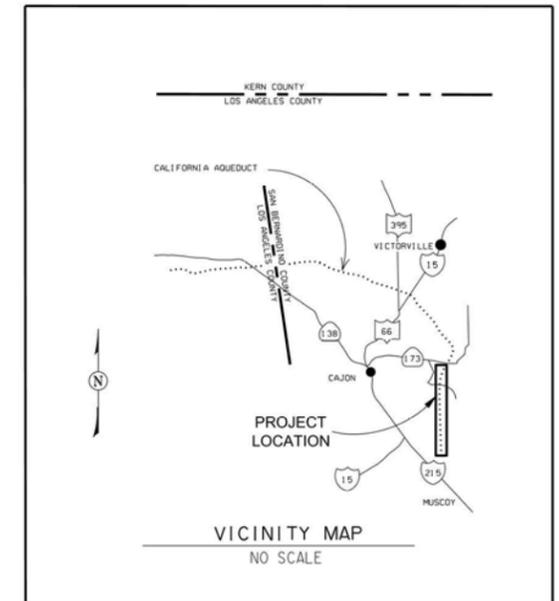


EXHIBIT G-1

STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

**EAST BRANCH
FERC PROJECT NO. 2426
OWNERSHIP OF LAND**

1/2 0 1 MILE

260,000 N

DRAFT

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