

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

Mojave Siphon Powerplant

January 2014

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**

California Department of Water Resources

Project No. _____

**FINAL 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 certain provisions of Part I of the Federal Power Act (FPA).

The existing MSPP is currently a facility of the licensed South SWP Hydropower FERC 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).

²Application for Non-Capacity Amendment of License, Project No. 2426, filed January 15, 2014. 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 certain provisions of Part I of the FPA.

II. EXHIBITS

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

Exhibit F contains Critical Energy Infrastructure Information (CEII), and is being filed under separate cover as a CEII filing. DWR requests a waiver from FERC for submitting new Exhibit F supporting design reports. The conduit exemption does not involve any new construction or changes in the existing operations. 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 1.

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 Tribe
- 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 consultation requirements under 18 CFR § 4.38. Documentation of consultation is included in Attachment 2.

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

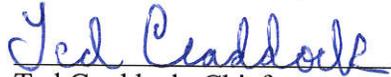
18 CFR §§ 4.301(a)(2) and 4.302 require a conduit exemption applicant to notify each fish and wildlife agency consulted that it will seek an exemption from licensing and, if the agency provides a reasonable estimate of its anticipated total cost to set FPA Section 30(c) terms and conditions for the protection 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 (NMFS), and California Department of Fish and Wildlife (CDFW) were sent out with the 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. None of those fish and wildlife agencies responded indicating the need to develop any FPA Section (c) terms and conditions, and thus, no fees were requested by those resource agencies. Documentation of consultation regarding the statement of fees is included as Attachment 3.

VIII. CONCLUSION

DWR requests FERC approval of this application at FERC's earliest convenience. DWR has included a draft public notice as Attachment 4. 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
Compliance Office

Executive Division

California Department of Water Resources

P.O. Box 942836

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DATED: January 15, 2014

VERIFICATION

State of California
County of Sacramento, as:

Ted Craddock, being duly sworn deposes and says; that he is the Chief, Hydropower License Planning and Compliance Office, 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.

[Signature]

State of California)
County of Sacramento)

Subscribed and sworn to (or affirmed) before me on this 15 day of January (month), 2014 (year), by Ted Craddock, proved to me on the basis of satisfactory evidence to be the person (s) who appeared before me.

[Signature]



Notary Public
My Commission expires June 24, 2017

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

**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 the SWP, 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 the SWP 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.

The hydraulic capacity of the plant is 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 the years 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 the years 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 (2002 through 2011). 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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**Final Application for Exemption
for
Small Conduit Hydroelectric Facility

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 from a licensed development to a conduit exemption will not change any environmental conditions or lead to any new environmental impacts.

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 mile away from the MSPP, outside of the conduit exemption boundary. The 995-acre Silverwood Lake is a reservoir located below 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 2013¹) identified 16 plant species in the Silverwood Lake 7.5 minute USGS quadrangle mapped area where MSPP is located. However, there will be no effect to those plant species.

¹California 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 or any changes to existing operations associated with the issuance of a conduit exemption, and thus, there will be no impacts to vegetative resources from the continued operations or 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 utilize 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 vicinity².

² Letter Order, California Desert Studies Consortium. September 13, 1990 from Gerry Scherba, Director to Bruce Eliason, California Fish and Game.

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 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 or immediately adjacent to the boundary of MSPP. Silverwood Lake is a 74,970 acre-foot 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 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 (years 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 on developed lands 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 1).

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 proposed 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 proposed 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 the issuance of a 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 public access. 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 result in short-term, temporary noise, 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 Bureau³, 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.

Major economic sectors found in the region include retail trade, educational services/healthcare/social assistance, construction and manufacturing. The MSPP supports eight full-time positions⁴, which makes a minor contribution to the local economy.

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

³ 2007-2011 American Community Survey 5-Year Estimates, United States Census Bureau.

⁴ Average employment for fiscal years 2003-2012.

Historical and Archeological Resources

MSPP is a fully developed site and is 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. The facility does not possess any exceptional importance that would make it eligible to achieve significance within a less than 45 year period.

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 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 tribes⁵. 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 State Route 173. The California SWP facilities are visible from various locations along State Route 173, a San Bernardino 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.

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



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 a 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 1 Categorical Exemption pursuant to the CEQA Guidelines, Section 15301. The conduit exemption will occur on an existing facility, and will not involve an increase in capacity or existing use. DWR filed a Notice of Exemption with the State Clearinghouse (State Clearinghouse Number 2013068271) on June 24, 2013, prior to filing the final conduit exemption application with FERC.

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**Final Application for Exemption
for
Small Conduit Hydroelectric Facility

Mojave Siphon Powerplant**

**EXHIBIT F
PROJECT ENGINEERING DRAWINGS**

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EXHIBIT F

PROJECT ENGINEERING DRAWINGS

The Exhibit F contains Critical Energy Infrastructure Information as defined in 18 CFR § 388.113(c)(1). Therefore, Exhibit F is being filed under separate cover with a request for confidential treatment.

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**Final Application for Exemption
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Mojave Siphon Powerplant**

**EXHIBIT G
PROJECT BOUNDARY MAP**

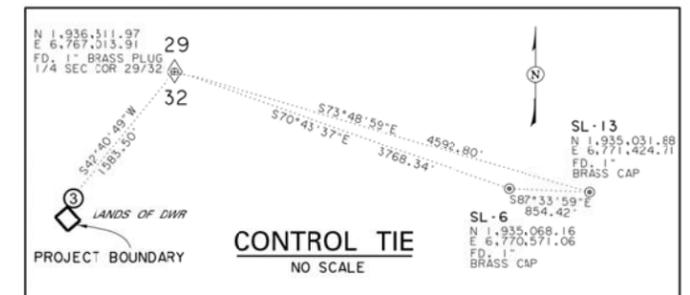
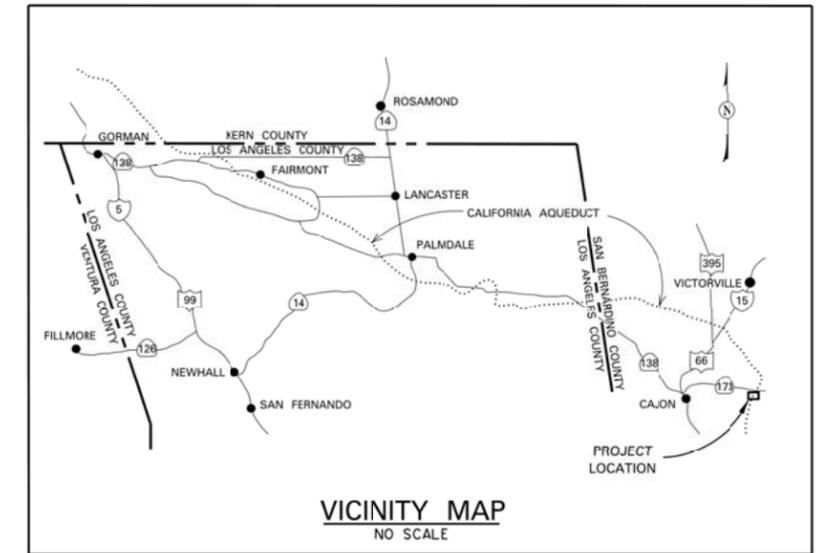
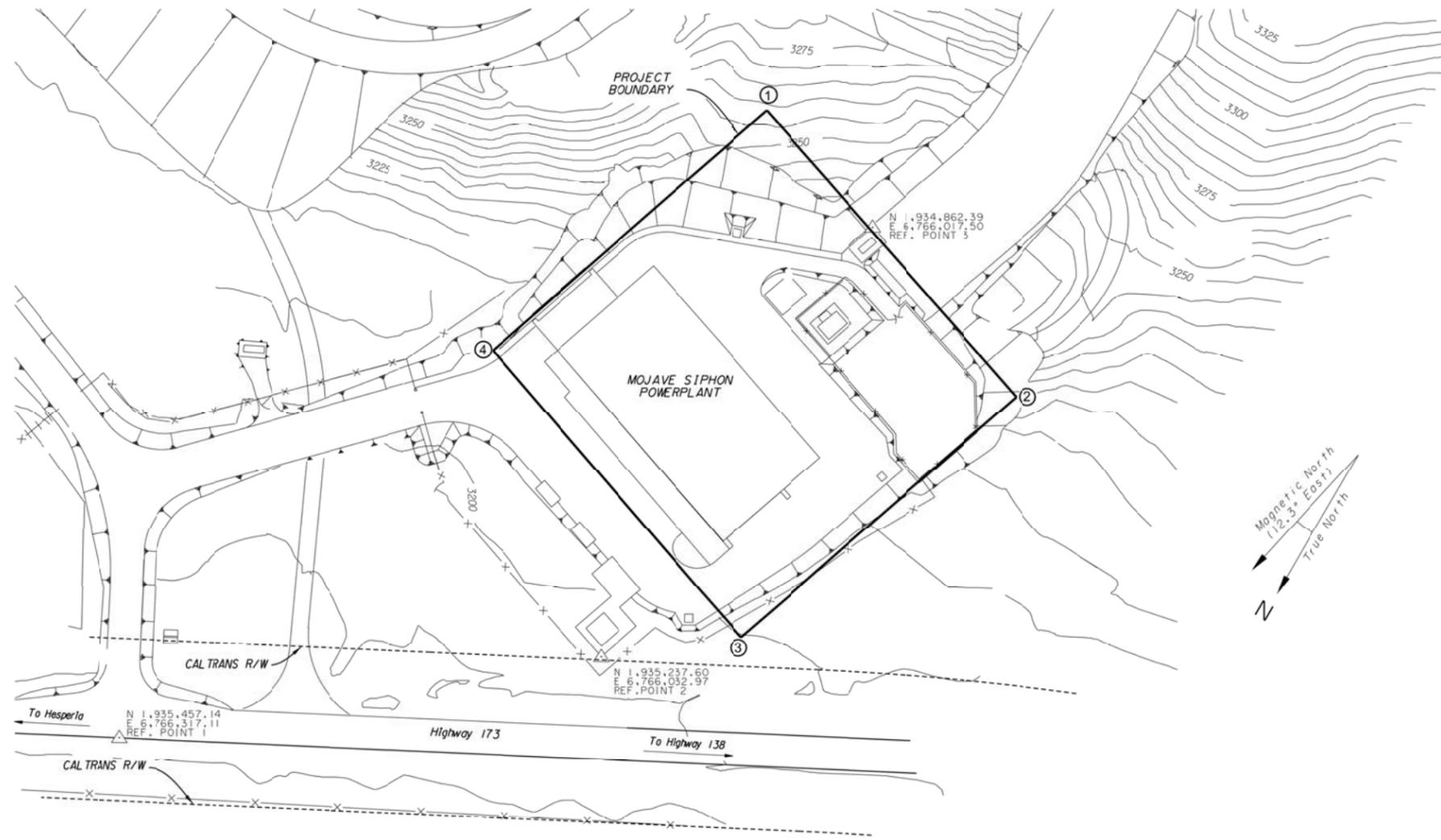
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EXHIBIT G

PROJECT BOUNDARY MAP

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

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PROJECT BOUNDARY		
POINT	NORTHING	EASTING
①	1,934,823.29	6,766,131.58
②	1,934,916.03	6,765,861.03
③	1,935,176.03	6,765,950.09
④	1,935,083.09	6,766,219.86

COORDINATES ARE GIVEN IN CCS ZONE 5, NAD 83 (2010.00)

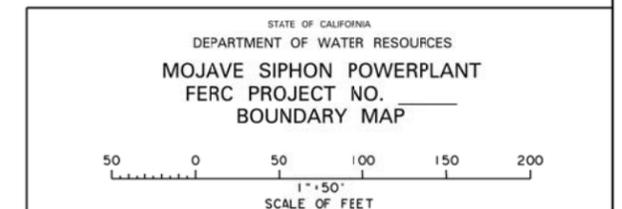
NOTES:

1. A SURVEYOR STAMPED COPY OF THE EXHIBIT WILL BE SUBMITTED WHEN FERC APPROVES THE CONDUIT EXEMPTION APPLICATION.
2. 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.

LEGEND

PROJECT BOUNDARY	—————
PROJECT BOUNDARY CORNER	————— ①
SECTION CORNER	————— ②
DWR MON - 1" BRASS CAP	————— ③
REFERENCE POINT	————— ④
NON DWR EASEMENT	-----
TIE

EXHIBIT G-1



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**Final Application for Exemption
for
Small Conduit Hydroelectric Facility

Mojave Siphon Powerplant**

**ATTACHMENT 1
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
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912

1 THOMAS C. INNCH, Attorney General
WILLARD A. SHANK
2 Assistant Attorney General
3 N. B. PERK
4 Deputy Attorney General
600 State Building
Los Angeles, California 90012
Telephone: 620-3119

RECORDED
DATE _____
BOOK 6886 PAGE 912
COUNTY San Bernardino

5 Attorneys for Plaintiff
6 JOHN PERK

TED R. CARPENTER
RECORDER

7 BY Francis L. Walski
8 Deputy

DAILY DEC. # 585

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO

636.212
2-10-1

10 THE STATE OF CALIFORNIA, acting
11 by and through the Department
of Water Resources,

No. 122 828
x5-3
x2-5

12 Plaintiff,

FINAL ORDER OF
CONDEMNATION
x3-14
x2-49

13 v.

14 CHESNEY H. CARVER, et al.,

(As to Parcel 1,
Units A, B, C, D,
E, F, G, H, I,
and J)

15 Defendants.
16

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 33, 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:

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

27 Unit B

28 35 The North half of the North half; and the South-
29 west quarter of the Northeast quarter; and the North-
30 west quarter of the Southeast quarter; and the North
31 half of the South half of the Northwest quarter, all
32 in Section 33, Township 3 North, Range 4 West, San
33 Bernardino Meridian, in the County of San Bernardino,
34 State of California, according to Government Survey;

35 Excepting that portion herein described, commenc-
36 ing at the northwest corner of said section; thence
37 North 36° 03' 07" East, 2500.00 feet along the
38 northerly line of said section; thence South 61° 02'
39 11" West, 244.45 feet to the west line of said sec-
40 tion; thence North 0° 07' 47" East, 1316.48 feet
41 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 a line 22° 16' West, 3152.2 feet, said strip being all its end 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, 1936, 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 9, 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. 20216 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 98 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 deposited 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, 2377.44 feet to the northerly line of said Section 32; thence along said northerly line, South 89° 57' 53" East, 2355.82 feet to the northeast corner of said Section 32; thence along the northerly line of Section 32, North 15° 09' 45" East, 500 feet; thence South 5° 34' 34" East, 2122.57 feet; thence South 92° 22' 16" East, 1711.07 feet; thence South 50° 13' 50" East, 4287.95 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 ease-
ments, 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. HADERNORN
JUDGE OF THE SUPERIOR COURT

NEP:ccs 31
CIV LA
68-1367
8/25/67

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**Final Application for Exemption
for
Small Conduit Hydroelectric Facility

Mojave Siphon Powerplant**

**ATTACHMENT 2
RECORD OF CONSULTATION**

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ATTACHMENT 2

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 site visit, and seeking waivers of second stage consultation and fees associated with FPA Section 30(c) on June 7, 2013. Copies of the letter and waivers are attached as consultation documentation. Additionally, 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, as well as during the July 11, 2013 joint agency public meeting. 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, joint agency public meeting and site visit:

- AhaMaKav Cultural Society Fort Mojave Indian Tribe
- 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
- 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 boundary 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, the joint agency public meeting, and the site visit. Copies of the letters are attached as consultation documentation.

First Stage Consultation

The ICD was distributed as described above. Copies of the newspaper notice of the joint agency public meeting are attached as consultation documentation. DWR followed up with phone calls and emails to ensure agencies, Native American tribes, groups and entities were made aware of the ICD, joint agency public meeting and site visit. A copy of the phone log is attached as consultation documentation

The joint agency public meeting was held from 9:00 am to 11:00 am on July 11, 2013 at the Courtyard Marriott, 9619 Mariposa Road, Hesperia, California 92345. Attendees of the joint agency public meeting included DWR staff, DWR's counsel from Van Ness Feldman LLP, DWR's consultants from MWH, and representatives from the Metropolitan Water District of Southern California, and the City of Los Angeles Department of Water and Power. An audio recording of the meeting was made and was filed with FERC on July 26, 2013. A copy of the letter transmitting the recording to FERC is attached as consultation documentation.

A site visit was conducted on the same day following the joint agency public meeting. The above mentioned representatives also participated in the site visit. Copies of agendas and sign-in sheet for the joint agency public meeting and site visit are attached as consultation documentation.

The ICD public review period began immediately after the joint agency public meeting on July 12, 2013. DWR requested written comments, or an acknowledgement of no comments by September 9, 2013. DWR received a July 30, 2013 letter from the State Water Contractors (SWC; a non-profit association of 27 California public agencies that purchase water under contract from the SWP) regarding their support for the conduit exemption application, and a September 6, 2013 letter from the United States Bureau of Reclamation (USBR) indicating USBR had no comments on the ICD, and no objections to the conduit exemption or waiver.

On September 9, 2013, DWR received two letters from the State Water Resources Control Board (SWRCB) regarding comments on the conduit exemption applications for Alamo and Mojave Siphon Powerplants and the related South SWP Hydropower, FERC Project No. 2426 (P-2426) non-capacity license amendment. In the SWRCB's September 9, 2013 letters, SWRCB staff stated that it had not concluded its evaluation of the conduit exemption applications for Alamo and Mojave Siphon Powerplants and the license amendment, and requested a meeting with DWR staff on September 18, 2013 to further discuss the applications. During the September 18, 2013 meeting, DWR staff presented the conduit exemption and non-capacity license amendment applications to SWRCB staff. A follow-up conference call was held on October 9, 2013, in which DWR staff presented additional data to SWRCB staff. SWRCB staff concluded that they had no further concerns, and stated that DWR should proceed with the applications. No other letters or comments were received on the ICD. The letters received from SWC, USBR, and SWRCB are attached as consultation documentation.

Second Stage Consultation

DWR requested waivers of second stage consultation requirements from resource agencies and Native American tribes as discussed above. No responses were received to the waiver request. The ICD was issued, which included a draft application and no environmental issues were identified or study request received, the only entities that attended the joint agency/public/tribe public meetings had no substantive comments, and no entity has indicated that any additional information is needed to support the application. Therefore, DWR believes all necessary pre-filing consultation has been completed.

Third Stage Consultation

Third stage consultation consists of filing this application with FERC. The mailing list attached to this application demonstrates that DWR has provided a copy of the filed conduit exemption application to all required entities.

CONSULTATION DOCUMENTATION

The following documents are attached as consultation documentation, in order by date.

- 5/23/2013 – DWR to NAHC – Request for a check of the Sacred Lands File and Native American Contacts
- 5/31/2013 – NAHC to DWR – Reply to Request for a check of the Sacred Lands File and Native American Contacts
- 6/7/2013 – MSPP ICD Notice of Availability
- 6/26/2013 – Proof of Publication in Daily Press Newspaper
- 7/11/2013 – MSPP Joint Agency Public Meeting Agenda
- 7/11/2013 – MSPP Joint Agency Public Meeting Sign-in Sheet
- 7/11/2013 – MSPP Site Visit Agenda
- 7/26/2013 – DWR to FERC Notice of Joint Agency Public Meeting
- 7/30/2013 – SWC Comments on ICD
- 9/6/2013 – USBR Comments on ICD
- 9/9/2013 – SWRCB Comments on ICD
- 11/18/2013 – MSPP Consultation Phone Log. Printed on November 18, 2013.

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DEPARTMENT OF WATER RESOURCESDIVISION 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) 373-5471
 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 of 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.

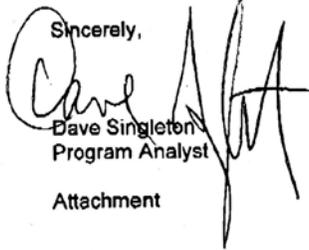
Attached is a list of Native American tribes, individuals/organization who may have knowledge of cultural resources in or near the project area. As part of the consultation process, the NAHC recommends that local governments and project developers contact the tribal governments and individuals to determine 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', written over the typed name.

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 Fernandefio
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 5097.34 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 Siphon Powerplant Projects (No. 2428); located near Silver Lake; San Bernardino County, California for which a Sacred Lands File search and Native American Contacts list were requested.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



June 7, 2013

To: Potentially Interested Parties

Subject: Notice of Availability of Applications for Conduit Exemption for Mojave Siphon Powerplant and for Conforming License Amendment to South SWP Hydropower Project, Federal Energy Regulatory Commission Project No. 2426

Pursuant to the Federal Energy Regulatory Commission (FERC) Regulation 18 CFR § 4.38(b)(1), the California Department of Water Resources (DWR) is notifying potentially interested parties on the availability of the Initial Consultation Document (ICD) for the Mojave Siphon Powerplant (MSPP), a facility of the South SWP Hydropower Project No. 2426 (P-2426). DWR intends to file applications with FERC for approval to convert the existing 32.4 megawatt MSPP, located on the East Branch of the California Aqueduct, State Water Project, to a conduit exemption. The ICD is available on DWR's website at <http://www.water.ca.gov/hlpc>. Hard copies and electronic copies of the ICD are available upon request.

DWR is seeking input from interested parties on the ICD and requests your written comments, or an acknowledgement of no comments, by **Monday, September 9, 2013**. Any comments should follow the requirements of 18 CFR § 4.38(b)(5). Please address your comments to:

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

The purpose of the ICD is to comply with first stage consultation requirements under 18 CFR §4.38, and consists of the draft conduit exemption application and the associated draft application to make conforming amendments to the P-2426 license. The draft conduit exemption application includes Exhibit A (Project Description), Exhibit E (Environmental Report), and Exhibit G (Project Boundary Map). Exhibit F (Project Engineering Drawings) is non-public Critical Energy Infrastructure Information (CEII), and is not included.

Potentially Interested Parties
June 7, 2013
Page 2

MSPP is an existing licensed facility of P-2426. The proposed conduit exemption for MSPP will not involve any new construction or changes in the operation of the existing generating facility. The application to convert the licensed MSPP facility to a conduit exemption will involve a request from FERC for approval to change the authorization under which it operates as provided for in the Federal Power Act. This change in authorization will have no environmental effects. The draft license amendment application requests FERC approval to remove the MSPP and associated lands from the P-2426 license, modify or eliminate the associated maps and facility design drawing exhibits from the P-2426 license, and reduce the authorized installed capacity under P-2426.¹

Joint Agency Public Meeting

Pursuant to FERC's regulations under 18 CFR § 4.38(b)(3), DWR has scheduled a joint agency public meeting from 9:00 a.m. to 11:00 a.m. on **Thursday, July 11, 2013**, to seek input from agencies, Native American tribes, and the public that may be interested in the proposed conduit exemption application. The meeting will be held at:

Courtyard Marriot
9619 Mariposa Road
Hesperia, California 92345

Newspaper notices on the availability of the ICD and public meeting will be issued in accordance with FERC's regulations. During the public meeting, we will be discussing the conduit exemption application Project description, current facilities operation, and the conduit exemption application processes including an introduction to the three stage consultation requirements. We will also discuss waiving any applicable fees from fish and wildlife agencies for Federal Power Act Section 30(c) and waiving second stage consultation requirements. An opportunity for a site visit will take place immediately following the public meeting for those who RSVP and provide the required security information by **Thursday, June 27, 2013** as detailed below. Transportation will be provided during the site visit.

DWR requests that you RSVP to Ms. Olivia Virgadamo at (916) 263-0359, or via email at Olivia.Virgadamo@water.ca.gov if you plan to attend the public meeting. Please indicate your availability to participate in the site visit, and if you require special accommodations.

¹ DWR is also circulating on this same date an ICD for its request for issuance of a conduit exemption for the Alamo Powerplant and to make conforming amendments to the P-2426 license. The draft P-2426 license amendment application included with the ICD for the Alamo Powerplant is the same draft license amendment application being circulated in the ICD for the MSPP conduit exemption application.

Potentially Interested Parties

June 7, 2013

Page 3

If you are participating in the site visit, you **must** RSVP in advance by **Thursday, June 27, 2013** prior to the public meeting for security clearance purposes. You must receive security clearance in order to participate in the site visit. Please provide the following information:

1. Your legal full name
2. Any prior aliases
3. Government issued identification card and/or passport number
4. Your affiliation
5. Interest in the site

For security purposes, participants who do not RSVP and provide the required security clearance information by Thursday, June 27, 2013 will NOT be allowed to participate in the site visit.

You will have the opportunity to submit written comments on the draft conduit exemption application following the public meeting. DWR is requesting your written comments, or an acknowledgement of no comments, by **Monday, September 9, 2013**. Any comments should follow the requirements of 18 CFR § 4.38(b)(5).

Request for Resource Agency and Native American Tribe Waiver of Second Stage Consultation

Following the first stage consultation, DWR intends to submit an application for a conduit exemption to FERC. The FERC rules allow for a second stage of consultation, which involves environmental studies, if necessary, and further review of a draft application. Because the conduit exemption for MSPP will merely substitute one form of FERC authorization for another, and will have no effect on natural or cultural resources, DWR is requesting resource agencies and Native American tribes to waive the second stage consultation requirements pursuant to 18 CFR § 4.38(c) and is including a waiver for those entities as it applies. This will allow DWR to proceed directly with filing the application for a conduit exemption to FERC. After your review of the ICD, please indicate your response to this request by completing and returning the enclosure titled "**Mojave Siphon Powerplant Conduit Exemption Second Stage Consultation Waiver**". Please either mail, or scan and email, the signed waiver to Ms. Virgadamo at Olivia.Virgadamo@water.ca.gov by **Monday, September 9, 2013**.

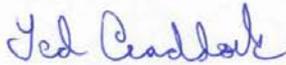
Request for Fish and Wildlife Agency Waiver of Fees for Federal Power Act Section 30(c)
Pursuant to 18 CFR § 4.301(a)(2) and (b), state and federal fish and wildlife agencies may be eligible for reimbursement of costs to set mandatory terms and conditions. Fish and wildlife agencies must provide a prospective exemption applicant with a reasonable estimate of the total costs the agency anticipates it will incur to set any mandatory terms

Potentially Interested Parties
June 7, 2013
Page 4

and conditions, if applicable. If your agency is eligible for reimbursement pursuant to this regulation, DWR requests an estimate of the costs for setting any mandatory terms and conditions, if applicable, or an acknowledgement that your agency intends to waive any fees and is including a waiver for those entities as it applies. After your review of the ICD, please indicate your agency's response by completing and returning the enclosure titled **"Mojave Siphon Powerplant Conduit Exemption Waiver of Fees for Federal Power Act Section 30(c)"**. Please either mail or scan and email the signed waiver to Ms. Virgadamo at Olivia.Virgadamo@water.ca.gov by **Monday, September 9, 2013**.

For more information, please contact me at (916) 263-0261, or your staff may contact Ms. Virgadamo at (916) 263-0359.

Sincerely,



Ted Craddock, Chief
Hydropower License Planning and Compliance Office
Executive Division

**California Department of Water Resources
Mojave Siphon Powerplant Conduit Exemption
Second Stage Consultation Waiver**

Date: _____

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

Subject: **Draft Conduit Exemption Application for Mojave Siphon Powerplant
Comments on Request for Waiver of the Federal Energy Regulatory
Commission Second Stage Consultation Regulations**

Dear Mr. Craddock:

I/Our agency/tribe has reviewed the Conduit Exemption Application and Initial Consultation Document for the Mojave Siphon Powerplant and have the following response to the California Department of Water Resources' (DWR) request to waive second stage consultation under Federal Energy Regulatory Commission's (FERC) regulations:

- I/Our agency/tribe has no concerns or issues at this time and support DWR's request to waive second stage consultation. I understand that the second stage consultation involves public scoping and conducting field studies that were identified during the first stage of consultation and the filing of a draft conduit exemption application with FERC.

- I/Our agency/tribe has the following concerns or issues that require conducting studies and issuance of a draft conduit exemption application, and therefore, do not support DWR's request to waive second stage consultation at this time:

Sincerely,

Print Full Name/Title: _____ / _____
Agency/Tribal Affiliation: _____
Contact Information: _____

**California Department of Water Resources
Mojave Siphon Powerplant Conduit Exemption
Waiver of Fees for Federal Power Act Section 30(c)**

Date: _____

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

Subject: **Draft Conduit Exemption Application for Mojave Siphon Powerplant
Comments on Request for Waiver of Fees for the Federal Energy
Regulatory Commission Federal Power Act Section 30(c)**

Dear Mr. Craddock:

I am the authorized representative of a state or federal fish and wildlife agency, and am aware that fish and wildlife agencies are eligible for reimbursement of costs to set any required mandatory terms and conditions. I understand that I must provide a prospective Federal Power Act (FPA) Section 30(c) exemption applicant with a reasonable estimate of the total costs the agency anticipates it will incur to set any mandatory terms and conditions, if applicable. I have reviewed the Conduit Exemption Application and Initial Consultation Document for the Mojave Siphon Powerplant and have the following response to the California Department of Water Resources' (DWR) request to waive fees for FPA Section 30(c):

- Our agency will not be requiring mandatory terms and conditions, and will not be requesting reimbursement of any fees. Our agency supports DWR's request to waive fees for FPA 30(c).

- Our agency will be requiring mandatory terms and conditions, and therefore, does not support DWR's request to waive fees for FPA Section 30(c) at this time. As provided in 18 CFR § 4.301(b), we intend to provide an estimate of the cost we will incur to set mandatory conditions in our first stage consultation comments.

Sincerely,

Print Full Name/Title: _____ / _____
Agency Affiliation: _____
Contact Information: _____

PROOF OF PUBLICATION

(2015.5 C.C.P.)

**STATE OF CALIFORNIA,
County of San Bernardino**

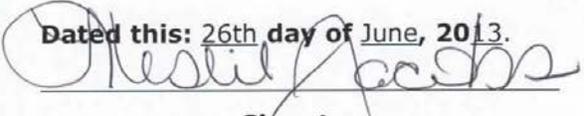
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the publisher of the DAILY PRESS, a newspaper of general circulation, published in the City of Victorville, County of San Bernardino, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of November 21, 1938, Case number 43096, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

June 26

All in the year 2013.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated this: 26th day of June, 2013.


Signature
Leslie Jacobs

This space is the County Clerk's Filing Stamp

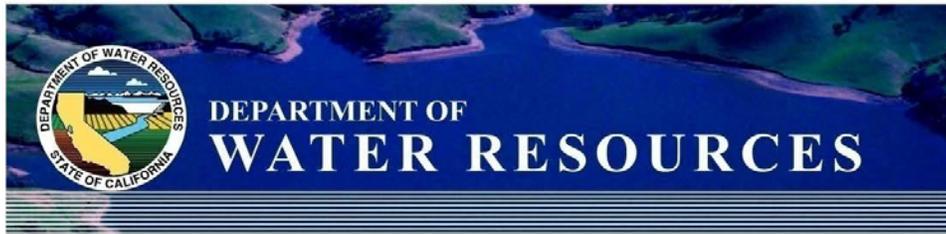
**Proof of Publication of
NOTICE OF JOINT
AGENCY PUBLIC
MEETING**

**NOTICE OF JOINT
AGENCY PUBLIC
MEETING**

Pursuant to the Federal Energy Regulatory Commission (FERC) Regulation 18 CFR §§ 4.38(b) and 4.38(g), the California Department of Water Resources (DWR) will be holding a joint agency public meeting to discuss its intent to file applications with FERC for authorization to convert the existing 32.4 megawatt Mojave Siphon Powerplant (MSPP) to a conduit exemption. The MSPP is an existing facility on the East Branch of the California State Water Project (SWP) and is a facility of the licensed South SWP Hydropower Project No. 2426. The proposed conduit exemption will not involve any new construction or changes in the operation of the existing generating facility. The purpose of the meeting is to seek input from potentially interested parties on the conduit exemption application. Topics of discussion include the conduit exemption application, the associated license amendment application, and the conduit exemption application processes including the three stage consultation requirements, and discussions on waiving any applicable fees from fish and wildlife agencies for Federal Power Act Section 30(c) and waiving second stage consultation requirements.

The joint agency public meeting will be held from 9:00am to 11:00am on Thursday, July 11, 2013, at the Courtyard Marriot, 9619 Mariposa Road, Hesperia, California 92345. For more information, visit DWR's website at <http://www.water.ca.gov/hjpc>, or contact Olivia Virgadamo at (916) 263-0359.

Published in the
Daily Press
June 26, 2013
(W-58)



AGENDA

**JOINT AGENCY PUBLIC MEETING
FOR
MOJAVE SIPHON POWERPLANT CONDUIT EXEMPTION AND
CONFORMING LICENSE AMENDMENT TO SOUTH SWP HYDROPOWER PROJECT
FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2426**

Thursday, July 11, 2013
9:00 a.m. to 11:00 a.m.

Courtyard Marriot, Hesperia, California

1. Introductions 9:00 to 9:05 a.m.
2. State Water Project Overview 9:05 to 9:10 a.m.
3. Mojave Siphon Powerplant Conduit Exemption Application Overview 9:10 to 9:50 a.m.
4. Consultation Processes for Conduit Exemption Application 9:50 to 9:55 a.m.
5. Associated License Amendment Application Overview 9:55 to 10:00 a.m.
6. Comments and Questions 10:00 to 11:00 a.m.
7. Adjourn 11:00 a.m.



**Mojave Siphon Powerplant Conduit Exemption and
Conforming License Amendment to South SWP Hydropower Project
Federal Energy Regulation Commission Project No. 2426**

Joint Agency Public Meeting – July 11, 2013
Sign-In Sheet

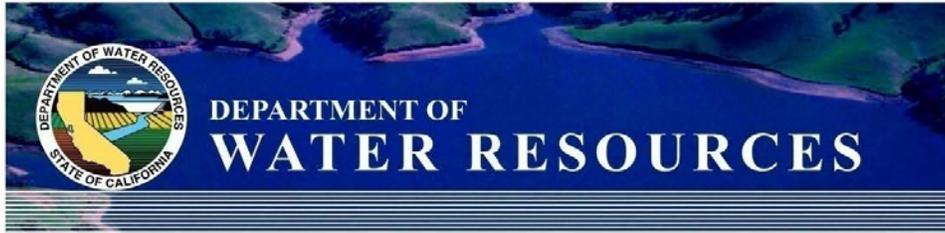
Name	Affiliation	Phone (Include Area Code)	Email
Barbara McDowell	mwh	[REDACTED]	[REDACTED]
Jill Miller	MWH	[REDACTED]	[REDACTED]
Lisa Lee	DWR	[REDACTED]	[REDACTED]
Sherida Schouwerder	DWR	[REDACTED]	[REDACTED]
Olivia Virgadamo	DWR	[REDACTED]	[REDACTED]
Sarah Bartlett	MWD	[REDACTED]	[REDACTED]
John Clements	VNAF	[REDACTED]	[REDACTED]
ANTON SY	LADWP	[REDACTED]	[REDACTED]
Denise Barnes	DWR-SFD	[REDACTED]	[REDACTED]



**Mojave Siphon Powerplant Conduit Exemption and
Conforming License Amendment to South SWP Hydropower Project
Federal Energy Regulation Commission Project No. 2426**

Joint Agency Public Meeting – July 11, 2013
Sign-In Sheet

Name	Affiliation	Phone (Include Area Code)	Email
Jaimie de Santiago	DWR	[REDACTED]	[REDACTED]
Ted Craddock	DWR	[REDACTED]	[REDACTED]
molly white	DWR	[REDACTED]	[REDACTED]



AGENDA

**MOJAVE SIPHON POWERPLANT SITE VISIT
FOR
MOJAVE SIPHON POWERPLANT CONDUIT EXEMPTION AND
CONFORMING LICENSE AMENDMENT TO SOUTH SWP HYDROPOWER PROJECT
FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2426**

Thursday, July 11, 2013

Note the following:

- ✓ **No cameras, phones, or any type of recording device will be allowed during the site visit.**
- ✓ **Participants will not be allowed to drive their own vehicles to the Mojave Siphon Powerplant.**
- ✓ **Participants must have received prior security clearance in order to attend.**
- ✓ **Individuals without security clearances will not be allowed to participate.**

The site visit to the Silverwood Lake Scenic Overlook and Mojave Siphon Powerplant will follow the public meeting, after the lunch break. Following the lunch break, participants must meet in front of the lobby of the Courtyard Marriot prior to 12:00 p.m. Transportation will be provided during the site visit. DWR representatives will confirm each individual with approved security clearance before allowing the individual to attend the site visit.

1. Lunch on your own.....11:00 a.m. to 12:00 p.m.
2. Travel from Courtyard Marriot to Silverwood Lake Scenic Overlook..... 12:00 to 12:30 p.m.
3. Silverwood Lake Scenic Overlook..... 12:30 to 12:50 p.m.
4. Travel to Mojave Siphon Powerplant 12:50 to 1:00 p.m.
5. Mojave Siphon Powerplant Site Visit 1:00 to 1:30 p.m.
6. Travel from Mojave Siphon Powerplant to Courtyard Marriot..... 1:30 to 2:00 p.m.
7. Adjourn2:00 p.m.

DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



July 26, 2013

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, Northeast
Washington, DC 20426

FERC Project No. 2426 – Mojave Siphon Powerplant Conduit Exemption
Joint Agency Public Meeting

Dear Ms. Bose:

The Department of Water Resources (DWR) is currently pursuing a conduit exemption for Mojave Siphon Powerplant (MSPP), an existing small conduit hydroelectric facility of the licensed South SWP Hydropower Project No. 2426 (P-2426). MSPP is an existing 32.4 megawatt facility and the proposed conduit exemption for MSPP will not involve any new construction or changes in the operation of the facility. DWR is concurrently pursuing a non-capacity license amendment to remove MSPP and associated lands from the P-2426 license, modify or eliminate the associated maps and facility design drawing exhibits from the P-2426 license, and reduce the authorized installed capacity under the P-2426 license.

DWR distributed an Initial Consultation Document (ICD) on June 7, 2013 to resource agencies, Native American tribes, and the public that may be interested in the proposed MSPP conduit exemption application. The ICD consisted of the draft MSPP conduit exemption application and the associated draft application to make conforming amendments to the P-2426 license. On July 11, 2013, DWR held a joint agency public meeting and a site visit of MSPP, as required under Federal Energy Regulatory Commission (FERC) Regulation 18 CFR § 4.38(b)(3). Notice of the public meeting was included in the ICD and published in the local newspaper, the Daily Press, on June 26, 2013. Pursuant to FERC Regulations under 18 CFR § 4.38(b)(4), the joint agency public meeting was audio recorded.

Ms. Kimberly D. Bose, Secretary
July 26, 2013
Page 2

The enclosed CDs (2 copies) contain the following joint agency public meeting documentation associated with the MSPP conduit exemption application:

- Proof of publication of the notice of joint agency public meeting in the Daily Press on June 26, 2013
- Sign-in sheets from the July 11, 2013 public meeting
- Copy of the PowerPoint presentation at the July 11, 2013 public meeting
- Digital audio recording of the full July 11, 2013 public meeting

The PowerPoint presentation and digital audio recording are also available on DWR's website at <http://www.water.ca.gov/hlpco> and copies will be provided upon request to any interested resource agency, Native American tribe, or member of the public.

If you have any questions or would like to discuss this further, please contact me at (916) 263-0261, or your staff may contact Olivia Virgadamo at (916) 263-0359.

Sincerely,



Ted Craddock, Chief
Hydropower License Planning and Compliance Office
Executive Division

Enclosures: 2 CDs

ORIGINAL

July 30, 2013

FILED
SECRETARY OF THE
COMMISSION



Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, Northeast
Washington, DC 20426

2013 AUG -5 A 9:54

FEDERAL ENERGY
REGULATORY COMMISSION

DIRECTORS

David Okita
President
Solano County Water Agency

Dan Flory
Vice President
Antelope Valley-East Kern
Water Agency

Ray Stokes
Secretary-Treasurer
Central Coast Water Authority

Stephen Arakawa
Metropolitan Water District
of Southern California

Curtis Creel
Kern County Water Agency

Mark Gilkey
Tulare Lake Basin Water
Storage District

Douglas Headrick
San Bernardino Valley MWD

Joan Maher
Santa Clara Valley Water
District

Dan Masnada
Castaic Lake Water Agency

General Manager
Terry Erlewine

Dear Ms. Bose:

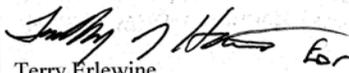
RE: Project No. 2426 Comments on June 2013 Draft Applications for Exemption for Small Conduit Hydroelectric Facility, Alamo Powerplant and Mojave Siphon Powerplant

The State Water Contractors (SWC) supports the applications of the California Department of Water Resources (DWR) to obtain conduit exemptions from the Federal Energy Regulatory Commission (FERC) for Alamo and Mojave Siphon Powerplants. If approved, this action would remove these facilities from the South SWP Hydropower FERC License No. P-2426. The SWC believes this approval is appropriate and consistent with the exemption guidelines.

FERC has allowed for the exemption of small conduit hydroelectric facilities from more extensive hydropower licensing requirements since 1979. Several SWC member agencies currently exercise this option, resulting in a more cost-effective regulatory oversight process at 19 hydroelectric plants, with a total installed capacity of 142 MW. The conduit exemption improves cost-effectiveness because it has streamlined reporting requirements and is issued in perpetuity. The SWC believes that regulation of conduit hydroelectric facilities should be as streamlined and non-burdensome as possible, since these types of facilities do not have any effects on natural water bodies or other environmental resources.

Through the State Water Project (SWP), SWC member agencies deliver water to more than 25 million residents, businesses, and farms throughout California. SWC fully supports DWR's efforts to achieve greater business efficiency and cost-effectiveness in managing the SWP with conduit exemptions at the Alamo and Mojave Siphon Powerplants.

Sincerely,


Terry Erlewine
General Manager

cc: Ted Craddock, DWR



United States Department of the Interior

BUREAU OF RECLAMATION
Lower Colorado Region
Southern California Area Office
27708 Jefferson Avenue, Suite 202
Temecula, CA 92590-2628

IN REPLY REFER TO:
SCAO-1500
PRJ-18.00

SEP 06 2013

Mr. Ted Craddock, Chief
Hydropower License Planning and Compliance Office
California Department of Water Resources (DWR)
P.O. Box 948236
Sacramento, CA 94236-0001

Subject: Mojave Siphon Powerplant, San Bernardino County, California

Dear Mr. Craddock:

The Bureau of Reclamation has reviewed the Initial Consultation Document for the Mojave Siphon Powerplant. The Mojave Siphon Powerplant is part of the California State Water Project (SWP), located on the East Branch of the California Aqueduct in San Bernardino County, California.

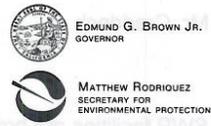
DWR intends to file applications with the Federal Energy Regulatory Commission (FERC) to convert the existing 32.4 megawatt hydroelectric project to a conduit exemption, removing the facility from FERC license P-2426 for the South SWP Hydropower Project. The proposed conduit exemption does not involve construction of any new facilities. No Federal lands or facilities are involved.

We have no comments on the Initial Consultation Document. We have no objection to the proposed conduit exemption or to the requested waiver of second stage consultation. If you need more information, please contact me at 951-695-5310 or by e-mail at wsteele@usbr.gov.

Sincerely,

William J. Steele
Area Manager

bc: LC-9300, SCAO-1500



State Water Resources Control Board

SEP 09 2013

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

Dear Mr. Craddock:

RESPONSE TO REQUEST FOR COMMENTS ON THE INITIAL CONSULTATION DOCUMENT FOR CONDUIT EXEMPTION FOR MOJAVE SIPHON POWERPLANT AND CONFORMING LICENSE AMENDMENT TO SOUTH STATE WATER PROJECT HYDROPOWER PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2426, SAN BERNARDINO COUNTY

The State Water Resources Control Board (State Water Board) received your letter, dated June 7, 2013, regarding the conduit exemption for the Mojave Siphon Powerplant and conforming license amendment to the South State Water Project Hydropower Project (South SWP). Section 401 of the Clean Water Act (CWA) (33 U.S.C. §1341) requires every applicant for a federal license or permit, which may result in a discharge into navigable waters, to provide the licensing or permitting federal agency with water quality certification that the project will be in compliance with specified provisions of the CWA, including water quality standards and implementation plans promulgated pursuant to section 303 of the CWA (33 U.S.C. § 1313). Section 401 of the CWA directs the agency responsible for water quality certification to prescribe effluent limitations and other limitations necessary to ensure compliance with the CWA and with any other appropriate requirement of state law. Section 401 further provides that water quality certification conditions shall become conditions of any federal license or permit for the project. The State Water Board is the state agency responsible for such water quality certification in California.

The California Department of Water Resources (DWR) has applied to the Federal Energy Regulatory Commission (Commission or FERC) for: (1) a conduit exemption for the Mojave Siphon Powerplant; and (2) a license amendment to remove or modify the exhibits associated with the Mojave Siphon Powerplant and reduce its installed capacity. The Mojave Siphon Powerplant is a facility of the licensed South SWP, which is also known as FERC Project No. 2426. If the Commission approves the conduit exemption and license amendment, the Mojave Siphon Powerplant will become a separate project from the South SWP. In general, State Water Board staff does not believe it is beneficial to break out projects from their larger licensed projects as it creates a patched network of projects that can be more difficult to assess and ensure meet water quality standards.

The California State Water Project (SWP) is a man-made system of canals, pipelines, powerplants, pumping plants, and reservoirs. The SWP collects water from the Feather River watershed for delivery to municipal, industrial, and agricultural consumers in Northern California, San Francisco Bay Area, San Joaquin Valley, Central Coast, and Southern California. The SWP delivers an annual average of approximately 2.5 million acre-feet of water through its 20 pumping plants, nine hydroelectric powerplants, 34 storage facilities, and over 700 miles of aqueducts and pipelines extending from Antelope Dam in Northern California to Lake Perris in Southern California.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, Ca 95812-0100 | www.waterboards.ca.gov



SEP 09 2013

SWP facilities are broken into the following segments: Upper Feather River Lakes; Oroville Area; North Bay Area; South Bay Area; San Luis Area; Coastal Branch; South San Joaquin; West Branch; and East Branch. Project facilities specific to the South SWP include the West Branch and East Branch of the SWP. The Mojave Siphon Powerplant is located on the East Branch of the SWP in San Bernardino County, which includes a 141-mile long system of canals and buried pipelines forming the southern portion of the SWP.

The Mojave Siphon Powerplant uses three 10,800 kilowatt (kW) generators, to generate a total of 32,400 kW. The generators are connected to three 11,900 horsepower Francis turbines, producing a total of 35,700 horsepower. This amount may be reduced if Commission approves the requested reduction of the installed capacity. Flows from the California SWP are conveyed from the aqueduct to the Mojave Siphon Powerplant through an intake structure near Check 66. The facilities leading to and exiting the Mojave Siphon Powerplant consist of an intake structure, three buried 2.47 mile long, 12-foot diameter pipelines, and an 18-foot diameter, 480-foot long discharge tunnel pipeline. Flows from the discharge pipeline are conveyed into Silverwood Lake. Silverwood Lake is a 74,970 acre-feet reservoir used for regulatory and emergency storage on the California SWP.

According to the Draft Application for Exemption, Horsethief Creek, the nearest drainage to the Mojave Siphon Powerplant, is located approximately 0.5 miles away from and outside of the Mojave Siphon Powerplant conduit exemption boundary. The Mojave River is located within 5 miles of the Mojave Siphon Powerplant, but is also outside the Mojave Siphon Powerplant conduit exemption boundary.

The State Water Board has not concluded its evaluation of the Mojave Siphon Powerplant conduit exemption and license amendment. While not anticipated, the conduit exemption and license amendment may require a water quality certification. State Water Board staff would like to work with DWR staff to further discuss this conduit exemption and license amendment and is working to schedule a meeting with DWR staff on September 18, 2013.

If you have questions regarding this letter, please contact me by phone at (916) 327-3117 or by email at Michelle.Lobo@waterboards.ca.gov. Written correspondence should be addressed as follows:

State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
Attn: Michelle Lobo
P.O. Box 2000
Sacramento, CA 95812-2000

Sincerely,



Michelle Lobo
Environmental Scientist
Water Quality Certification Program

cc: See next page.

Mr. Craddock

- 3 -

SEP 09 2013

cc: Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Ms. Olivia M. Virgadamo, P.E.
Senior Engineer
Hydropower License Planning and
Compliance Office
Department of Water Resources
2033 Howe Avenue, Suite 220
Sacramento, CA 95825

Mr. John Kemmerer
Acting Director
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Ms. Pamela C. Creedon
Executive Officer
Central Valley Regional Water Quality
Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

Mojave Siphon Powerplant Conduit Exemption Application - Consultation Phone Log
 Printed on November 18, 2013

Person Contacted	Affiliation	Phone Number	Date; Time	Notes
Carla Rodriguez, Chairwoman	San Manuel Band of Mission Indians	[REDACTED]	6/29/2013; 3:49pm	Spoke with Kate, who directed to talk with Cliff Bateen, environmental person responsible for ICD review.
Christine Lehnertz, Regional Director	Pacific West Region National Park Service	[REDACTED]	6/26/2013; 2:32pm	6/26/2013 Spoke with Allan Schmierer, who later provided contact information for Stephen Bowes, FERC Hydropower Coordinator on 7/22/2013. Mr. Schmierer forward the HLPKO website link for ICD and audio recordings of public meeting to Mr. Bowes.
Daniel McCarthy, Director	San Manuel Band of Mission Indians	[REDACTED]	6/26/2013; 4:12pm	Left voice message.
Edmon Avakem, Supervisory Service Area	Pacific Southwest, United States Forest Service	[REDACTED]	6/26/2013; 2:40pm	Left voice message.
Eric Byous	United States Environmental Protection Agency, Region 9	[REDACTED]	6/26/2013; 2:42pm	Left voice message.
Ernest Silva	Morongo Band of Mission Indians	[REDACTED]	6/26/2013; 4:07pm	Left voice message.
Goldie Walker, Chairwoman	Serrano Nation of Mission Indians	[REDACTED]	7/2/2013; 2:00pm	Left voice message.
Joseph Hamilton, Chairman	Ramona Band of Cahuilla Mission Indians	[REDACTED]	7/1/2013; 2:17pm	Left voice message.
Jan Zimmerman	Lahontan Regional Water Quality Control Board	[REDACTED]	6/26/2013; 2:10pm	Left voice message.
Jeff Phillips, Area Supervisor	Ventura Office, United States Fish and Wildlife Service	[REDACTED]	6/26/2013; 2:41pm	Left voice message.
John Valenzuela, Chairperson	San Fernando Band of Mission Indians	[REDACTED]	7/2/2013; 1:52pm	Left voice message.
Kathleen Forrest	California State Office of Historic Preservation	[REDACTED]	6/26/2013; 2:48pm	Had no concerns.
Linda Otero, Director	AhaMakav Cultural Society Fort Mojave Indians	[REDACTED]	7/1/2013; 2:05pm	Had no concerns, but would possibly attend the July joint agency public meeting. Requested a copy of the ICD documents and information on the public meeting via email - email sent on 7/1/2013 to [REDACTED].
Michelle Lobo, Environmental Scientist	Divison of Water Rights, State Water Resources Control Board	[REDACTED]	6/26/2013; 2:08pm	Left voice message.
	Los Angeles Regulatory Office, United States Army Corps of Engineers	[REDACTED]	6/26/2013; 2:32pm	Left voice message.
Robert Martin, Chairperson	Morongo Band of Mission Indians	[REDACTED]	6/26/2013; 3:23pm	Spoke with Christine Chartier. Emailed her the ICD documents at [REDACTED]. She indicated that she will reply with a contact person.

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**Final Application for Exemption
for
Small Conduit Hydroelectric Facility

Mojave Siphon Powerplant**

**ATTACHMENT 3
DOCUMENTATION OF CONSULTATION REGARDING
FEDERAL POWER ACT SECTION 30(c)
COST ESTIMATES**

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ATTACHMENT 3

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

DWR sent the Notice of Availability on the draft ICD to the USFWS, NMFS and CDFW, for determining if these fish and wildlife agencies will be soliciting any fees to develop FPA Section 30(c) terms and conditions. Forms waiving FPA Section 30(c) fees were also provided to those fish and wildlife agencies. No responses were received from any of the fish and wildlife agencies. Copies of the Notice of Availability and waiver are attached below.

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DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836
SACRAMENTO, CA 94236-0001
(916) 653-5791



June 7, 2013

To: Potentially Interested Parties

Subject: Notice of Availability of Applications for Conduit Exemption for Mojave Siphon Powerplant and for Conforming License Amendment to South SWP Hydropower Project, Federal Energy Regulatory Commission Project No. 2426

Pursuant to the Federal Energy Regulatory Commission (FERC) Regulation 18 CFR § 4.38(b)(1), the California Department of Water Resources (DWR) is notifying potentially interested parties on the availability of the Initial Consultation Document (ICD) for the Mojave Siphon Powerplant (MSPP), a facility of the South SWP Hydropower Project No. 2426 (P-2426). DWR intends to file applications with FERC for approval to convert the existing 32.4 megawatt MSPP, located on the East Branch of the California Aqueduct, State Water Project, to a conduit exemption. The ICD is available on DWR's website at <http://www.water.ca.gov/hlpco>. Hard copies and electronic copies of the ICD are available upon request.

DWR is seeking input from interested parties on the ICD and requests your written comments, or an acknowledgement of no comments, by **Monday, September 9, 2013**. Any comments should follow the requirements of 18 CFR § 4.38(b)(5). Please address your comments to:

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

The purpose of the ICD is to comply with first stage consultation requirements under 18 CFR §4.38, and consists of the draft conduit exemption application and the associated draft application to make conforming amendments to the P-2426 license. The draft conduit exemption application includes Exhibit A (Project Description), Exhibit E (Environmental Report), and Exhibit G (Project Boundary Map). Exhibit F (Project Engineering Drawings) is non-public Critical Energy Infrastructure Information (CEII), and is not included.

Potentially Interested Parties
June 7, 2013
Page 2

MSPP is an existing licensed facility of P-2426. The proposed conduit exemption for MSPP will not involve any new construction or changes in the operation of the existing generating facility. The application to convert the licensed MSPP facility to a conduit exemption will involve a request from FERC for approval to change the authorization under which it operates as provided for in the Federal Power Act. This change in authorization will have no environmental effects. The draft license amendment application requests FERC approval to remove the MSPP and associated lands from the P-2426 license, modify or eliminate the associated maps and facility design drawing exhibits from the P-2426 license, and reduce the authorized installed capacity under P-2426.¹

Joint Agency Public Meeting

Pursuant to FERC's regulations under 18 CFR § 4.38(b)(3), DWR has scheduled a joint agency public meeting from 9:00 a.m. to 11:00 a.m. on **Thursday, July 11, 2013**, to seek input from agencies, Native American tribes, and the public that may be interested in the proposed conduit exemption application. The meeting will be held at:

Courtyard Marriot
9619 Mariposa Road
Hesperia, California 92345

Newspaper notices on the availability of the ICD and public meeting will be issued in accordance with FERC's regulations. During the public meeting, we will be discussing the conduit exemption application Project description, current facilities operation, and the conduit exemption application processes including an introduction to the three stage consultation requirements. We will also discuss waiving any applicable fees from fish and wildlife agencies for Federal Power Act Section 30(c) and waiving second stage consultation requirements. An opportunity for a site visit will take place immediately following the public meeting for those who RSVP and provide the required security information by **Thursday, June 27, 2013** as detailed below. Transportation will be provided during the site visit.

DWR requests that you RSVP to Ms. Olivia Virgadamo at (916) 263-0359, or via email at Olivia.Virgadamo@water.ca.gov if you plan to attend the public meeting. Please indicate your availability to participate in the site visit, and if you require special accommodations.

¹ DWR is also circulating on this same date an ICD for its request for issuance of a conduit exemption for the Alamo Powerplant and to make conforming amendments to the P-2426 license. The draft P-2426 license amendment application included with the ICD for the Alamo Powerplant is the same draft license amendment application being circulated in the ICD for the MSPP conduit exemption application.

Potentially Interested Parties
June 7, 2013
Page 3

If you are participating in the site visit, you **must** RSVP in advance by **Thursday, June 27, 2013** prior to the public meeting for security clearance purposes. You must receive security clearance in order to participate in the site visit. Please provide the following information:

1. Your legal full name
2. Any prior aliases
3. Government issued identification card and/or passport number
4. Your affiliation
5. Interest in the site

For security purposes, participants who do not RSVP and provide the required security clearance information by Thursday, June 27, 2013 will NOT be allowed to participate in the site visit.

You will have the opportunity to submit written comments on the draft conduit exemption application following the public meeting. DWR is requesting your written comments, or an acknowledgement of no comments, by **Monday, September 9, 2013**. Any comments should follow the requirements of 18 CFR § 4.38(b)(5).

Request for Resource Agency and Native American Tribe Waiver of Second Stage Consultation

Following the first stage consultation, DWR intends to submit an application for a conduit exemption to FERC. The FERC rules allow for a second stage of consultation, which involves environmental studies, if necessary, and further review of a draft application. Because the conduit exemption for MSPP will merely substitute one form of FERC authorization for another, and will have no effect on natural or cultural resources, DWR is requesting resource agencies and Native American tribes to waive the second stage consultation requirements pursuant to 18 CFR § 4.38(c) and is including a waiver for those entities as it applies. This will allow DWR to proceed directly with filing the application for a conduit exemption to FERC. After your review of the ICD, please indicate your response to this request by completing and returning the enclosure titled **"Mojave Siphon Powerplant Conduit Exemption Second Stage Consultation Waiver"**. Please either mail, or scan and email, the signed waiver to Ms. Virgadamo at Olivia.Virgadamo@water.ca.gov by **Monday, September 9, 2013**.

Request for Fish and Wildlife Agency Waiver of Fees for Federal Power Act Section 30(c)
Pursuant to 18 CFR § 4.301(a)(2) and (b), state and federal fish and wildlife agencies may be eligible for reimbursement of costs to set mandatory terms and conditions. Fish and wildlife agencies must provide a prospective exemption applicant with a reasonable estimate of the total costs the agency anticipates it will incur to set any mandatory terms

Potentially Interested Parties

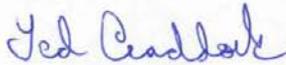
June 7, 2013

Page 4

and conditions, if applicable. If your agency is eligible for reimbursement pursuant to this regulation, DWR requests an estimate of the costs for setting any mandatory terms and conditions, if applicable, or an acknowledgement that your agency intends to waive any fees and is including a waiver for those entities as it applies. After your review of the ICD, please indicate your agency's response by completing and returning the enclosure titled "**Mojave Siphon Powerplant Conduit Exemption Waiver of Fees for Federal Power Act Section 30(c)**". Please either mail or scan and email the signed waiver to Ms. Virgadamo at Olivia.Virgadamo@water.ca.gov by **Monday, September 9, 2013**.

For more information, please contact me at (916) 263-0261, or your staff may contact Ms. Virgadamo at (916) 263-0359.

Sincerely,



Ted Craddock, Chief
Hydropower License Planning and Compliance Office
Executive Division

**California Department of Water Resources
Mojave Siphon Powerplant Conduit Exemption
Waiver of Fees for Federal Power Act Section 30(c)**

Date: _____

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

Subject: **Draft Conduit Exemption Application for Mojave Siphon Powerplant
Comments on Request for Waiver of Fees for the Federal Energy
Regulatory Commission Federal Power Act Section 30(c)**

Dear Mr. Craddock:

I am the authorized representative of a state or federal fish and wildlife agency, and am aware that fish and wildlife agencies are eligible for reimbursement of costs to set any required mandatory terms and conditions. I understand that I must provide a prospective Federal Power Act (FPA) Section 30(c) exemption applicant with a reasonable estimate of the total costs the agency anticipates it will incur to set any mandatory terms and conditions, if applicable. I have reviewed the Conduit Exemption Application and Initial Consultation Document for the Mojave Siphon Powerplant and have the following response to the California Department of Water Resources' (DWR) request to waive fees for FPA Section 30(c):

- Our agency will not be requiring mandatory terms and conditions, and will not be requesting reimbursement of any fees. Our agency supports DWR's request to waive fees for FPA 30(c).

- Our agency will be requiring mandatory terms and conditions, and therefore, does not support DWR's request to waive fees for FPA Section 30(c) at this time. As provided in 18 CFR § 4.301(b), we intend to provide an estimate of the cost we will incur to set mandatory conditions in our first stage consultation comments.

Sincerely,

Print Full Name/Title: _____ / _____
Agency Affiliation: _____
Contact Information: _____

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**Final Application for Exemption
for
Small Conduit Hydroelectric Facility

Mojave Siphon Powerplant**

**ATTACHMENT 4
DRAFT PUBLIC NOTICE**

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UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

California Department of Water Resources

Project No. _____

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

(_____, 2014)

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

- a. Type of Application: Conduit Exemption
- b. Project No.: _____
- c. Date filed: January 15, 2014
- 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. The applicant owns all of the lands on which the Mojave Siphon Powerplant is located.
- 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
Telephone: 916-263-0261
Email: Ted.Craddock@water.ca.gov
- i. Commission Contact: _____, 202-502-_____, _____
- j. Status of Environmental Analysis: The application is ready for environmental analysis at this time and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.
- k. Deadline for filing responsive documents: Due to the small size of the proposed Mojave Siphon Powerplant conduit exemption, as well as the absence of any concerns from resource agencies, Indian tribes, or members of the public during the initial consultation process, the

60-day timeframe specified in 18 CFR § 4.34(b) for filing all comments, motions to intervene, protests, recommendations, terms and conditions, and prescriptions is shortened to 30 days from the issuance date of this notice. All reply comments must be filed in response to comments submitted by any resource agency, Indian tribe, or person, and must be filed with the Commission within 45 days from the issuance date of this notice.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR § 385.2001(a)(1)(iii) and the instructions on the Commission's website at <http://www.ferc.gov/docs-filing/efiling.asp>. The Commission strongly encourages electronic filings.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the Mojave Siphon Powerplant conduit exemption. Further, if an intervenor files comments or documents with the Commission 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.

- l. Description of Project: The proposed Mojave Siphon Powerplant conduit exemption will be located on the applicant's 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 the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426. This filing may also be viewed on the web at <http://www.ferc.gov/docs-filing/elibrary.asp> using the "eLibrary" link. Enter the docket number, here P-_____, in the docket number field to access the document. 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. Development Application: Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.
- o. Protests or Motions to Intervene: Anyone may submit a protest or a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR §§ 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a

motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified comment date for the particular application.

- p. Filing and Service of Responsive Documents: All filings must (1) bear the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS;" or "PRESCRIPTIONS;" (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, recommendations, terms and conditions, or prescriptions 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. Any of these documents must be filed by providing the original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20226. An additional copy must be sent to the Director, Division of Hydropower Administration and Compliance, Office of Energy Projects, Federal Energy Regulatory Commission, at the above address. 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 the Commission in this proceeding, in accordance with 18 CFR §§ 4.34(b) and 385.2010.

Kimberly D. Bose,
Secretary

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