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State Water Resources Control Board

JUN 18 2014

Mr. Charlie Kuffner
 Managing Partner
 Rugraw, LLC
 70 Paseo Mirasol
 Tiburon, CA 94920

FILED
 SECRETARY OF THE
 COMMISSION
 2014 JUN 24 A 9:03
 FEDERAL ENERGY
 REGULATORY COMMISSION

Dear Mr. Kuffner:

**REQUEST FOR WATER QUALITY CERTIFICATION FOR THE LICENSING OF THE LASSEN
 LODGE HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION
 PROJECT NO. 12496, TEHAMA COUNTY**

Thank you for your application requesting water quality certification (certification) pursuant to section 401(a)(1) of the Federal Clean Water Act (CWA) (33 U.S.C. § 1341 et seq.) for licensing of Rugraw, LLC's Lassen Lodge Hydroelectric Project (Project), Federal Energy Regulatory Commission (FERC) Project No. 12496. The application, received May 20, 2014, serves as a formal request for certification of the Project. Certification is required prior to issuance of a FERC license for the Project. Rugraw LLC's application initiates a one-year deadline from the date it was received for the State Water Resources Control Board (State Water Board) to act on the request for certification. The certification is subject to completion of the environmental review process described below. Rugraw, LLC will be subject to annual fees as specified in California Code of Regulations, title 23, section 3833(b)(1). The deadline for certification action is May 20, 2015.

Clean Water Act Section 401 Certification

Section 401 of the CWA requires any applicant for a federal license or permit, which may result in any discharge to navigable waters, to obtain certification from the State that the discharge will comply with the applicable water quality parameters in the CWA. Under section 303 of the CWA and under the Porter-Cologne Water Quality Control Act, the Central Valley Regional Water Quality Control Board adopted, and the State Water Board and United States Environmental Protection Agency approved, the *Water Quality Control Plan for the Sacramento and San Joaquin Rivers (Basin Plan)*. The Basin Plan designates the beneficial uses of waters to be protected along with the water quality objectives necessary to protect those uses for Battle Creek and its tributaries. If the Project does not comply with one or more of the water quality objectives or criteria, Rugraw, LLC must describe the actions that it will take to bring its Project into compliance with the applicable water quality limits in order to fully protect and maintain the beneficial uses.

The application for certification, together with the FERC final license application, meet the application filing requirements specified in California Code of Regulations, title 23, section 3856.

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

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Mr. Charlie Kuffner

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The State Water Board may request additional information to clarify, amplify, correct, or otherwise supplement the contents of the application. Supplemental information may include evidence of compliance with the Basin Plan. (Cal. Code Regs., tit. 23, § 3836.)

A certification is issued when the State Water Board determines that an application for certification is complete and there is reasonable assurance the construction and operation of the Project will comply with water quality standards and other appropriate requirements. The State Water Board must analyze potential Project-related environmental effects to the Battle Creek drainage prior to making a determination that construction, operation, and maintenance of the proposed Project will be protective of the designated beneficial uses of the watershed.

California Environmental Quality Act

Issuance of a certification is a discretionary action that requires the State Water Board to comply with the California Environmental Quality Act (CEQA). In this case, the State Water Board is the lead agency for the purpose of compliance with the requirements of CEQA. If the information necessary for compliance with CEQA is not provided to the State Water Board, staff may recommend denial of certification without prejudice (Cal. Code Regs., tit. 23, § 3837(b)(2)).

State Water Board staff appreciates the continued cooperation of Rugraw, LLC and looks forward to working with you on this Project. Should you have questions regarding this matter, please contact Michelle Lobo, Project Manager, 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

Mr. Charlie Kuffner

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cc: Mr. Jim Tompkins
Vice President – Project Manager
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Tehama County Planning Director
Planning Department
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FERC Coordinator
California Department of Fish and Wildlife
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National Oceanic and Atmospheric
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National Marine Fisheries Service
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Ms. Mary Marshall
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Mr. Adam Beeco
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