

FEDERAL ENERGY REGULATORY COMMISSION

Washington, DC 20426

July 3, 2014

OFFICE OF ENERGY PROJECTS

Project No. 12496-002 – California  
Lassen Lodge Hydroelectric Project  
Rugraw, LLC

Charlie Kuffner  
Rugraw, LLC  
70 Paseo Mirasol  
Tiburon, CA 94920

**Subject: Application Deficiencies and Additional Information Requests**

Dear Mr. Kuffner:

Your license application filed on April 21, 2014, fails to conform to the requirements of the Commission's regulations. A list of deficiencies is enclosed in Schedule A. Under section 4.32(e)(1) of the Commission's regulations, you have 90 days from the date of this letter to correct the deficiencies in your application.

Additionally, based on staff's review of the application, additional information is needed so we can conduct our analysis. Please file, within 90 days from the date of this letter, the information requested in Schedule B. If the correction of any deficiency or the submission of any additional information causes other parts of the application to be inaccurate, that part must also be revised and filed by the due date.

The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, D.C. 20426. The first page of any filing should include docket number P-14327-000.

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If you have any questions, please contact Adam Beeco at (202) 502-8655 or via email at: [adam.beeco@ferc.gov](mailto:adam.beeco@ferc.gov).

Sincerely,

Timothy J. Welch, Chief  
West Branch  
Division of Hydropower Licensing

Enclosures: Schedule A  
Schedule B

cc: Mailing List  
Public Files

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## **SCHEDULE A**

### **DEFICIENCIES**

The following is a list of deficiencies that Commission staff has identified after review of your license application. Please correct these deficiencies within 90 days of the date of this letter.

(1) General Content Requirements

Section 4.32(a)(2) of the Commission's regulations requires the listing of every political subdivision and federal facility in the general area of the project that would likely be interested in, or affected by, the application including counties, cities/towns, irrigation districts, and Indian tribes. Please provide a list of all applicable political subdivisions according to this regulation.

(2) Exhibit G

Section 4.32 (a)(3) of the Commission's regulations requires that you provide certified mail notification of the filing of your application to owners of property underlying or adjacent to your project. The content of this notice must include the applicant's name, business address and telephone number, and a copy of the Exhibit G.

On April 30, 2014, you filed a letter with the Commission stating that all 12 entities on the Service List of the updated application had been notified of the application filing. However, Exhibit G of your application contains a list of 23 property owners who own lands within or adjacent to the proposed project boundary. Please provide verification, in the form of certified mail receipts, that these 23 and any other owners of lands within or adjacent to the proposed project boundary have been notified of the filing of the application and received a copy of your Exhibit G.

(3) Verification of application facts (under oath)

Section 4.32(a)(4) of the Commission's regulations requires a statement as to any facts alleged in the application or other materials filed, be subscribed and verified under oath. Please provide a notarized document verifying the contents of the application in the format that follows:

This (application, etc.) is executed in the

State of \_\_\_\_\_

County of \_\_\_\_\_

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by:

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

being duly sworn, depose(s) and say(s) that the contents of this (application, etc.) are true to the best of (his or her) knowledge or belief. The undersigned applicant(s) has (have) signed the (application, etc.) this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
(Applicant(s))

By: \_\_\_\_\_

Subscribed and sworn to before me, a [Notary Public, or title of other official authorized by the state to notarize documents, as appropriate] of the State of \_\_\_\_\_ this day of \_\_\_\_\_, 201\_\_.

/SEAL/ [if any]

\_\_\_\_\_  
(Notary Public, or other authorized official)

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**SCHEDULE B****ADDITIONAL INFORMATION**

The following is a list of additional information needs that Commission staff has identified after review of your license application. Please provide the requested additional information within 90 days of the date of this letter.

(1) Initial Statement

Under item (8) in the Initial Statement, you state that 1.5 miles of transmission line will be located along county roads and 3.4 acres of associated right-of-way acreage will be affected. This information is included as affecting “Lands of the United States.” Public county roads and associated rights-of-way are generally not considered lands of the United States. Please clarify whether the 3.4 acres are lands owned by the United States (and therefore are considered lands of the United States) or by the county.

If your response to this request causes any other part of the license application to be inaccurate, including your exhibits A and G, that part must also be revised and filed by the due date.

(2) Exhibit A

*On-Peak and Off-Peak Power Values*

Exhibit A of the application withholds the value of on-peak and off-peak electricity at the request of San Diego Gas and Electric Company. Please provide this information for our economic analysis of your proposed project and file it separately as “privileged information.” Alternatively, you may calculate and provide the average price you will be paid per kilowatt-hour for energy generated between November 1<sup>st</sup> and June 30<sup>th</sup> and between July 1<sup>st</sup> and October 31<sup>st</sup>.

*Estimates of Seasonal Power Generation*

The applicant states that the project will annually generate an estimated average of 25,000 megawatt-hours. According to Exhibit A, the energy will have a different value depending on whether it is produced in the “winter” or “summer”. The parameters of these time periods are unclear. Please clarify and provide an estimate of the percentage of annual generation that is produced between November 1<sup>st</sup> and June 30<sup>th</sup> and the percentage of annual generation that is produced between July 1<sup>st</sup> and October 31<sup>st</sup>.

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(3) Exhibit G

Exhibit A of the application states that new roads will be constructed to access the diversion works and the powerhouse. However, the Exhibit G does not delineate these access roads for the project. Please revise Exhibit G to delineate the new access roads to the diversion works and the powerhouse, and include these project roads within the project boundary. The project boundary around linear features, such as access roads, may be defined by specified distances from centerlines. Additionally, please recalculate the total area of the project and the total federal land acreage, as necessary, once the access roads are included in the project boundary.

If your response to this request causes any other part of the license application to be inaccurate, including your Initial Statement (especially with respect to the list of owners of land underlying and adjacent to the project boundary) and exhibits A and E, that part must also be revised and filed by the due date.

(4) Exhibit E - Aquatic Resources

On page E-52 of the application, you propose to confine in-water work activities to designated work windows, presumably to reduce sedimentation to project waters and to protect resident fish. Please identify your proposed work windows and explain the rationale for the chosen windows. Additionally, please identify any resources agencies that you are proposing to consult with during the work window development.

On page E-54 of the application, you provide the technical specifications for your proposed fish screen. So that we may fully understand project works related to the proposed fish screen, please provide the expected approach velocity of water at the face of the screen.

On page E-56 of the application, you propose a method to provide flow continuity to the project tailrace in the case of sudden, unexpected project shutdown. However, project operations for flows to the bypassed reach during an unexpected project shutdown are unclear. Please provide any proposed project operations for bypassed reach flows during an unexpected project shutdown.

(5) Exhibit E - Terrestrial Resources

*Vegetation Clearing and Ground Disturbance*

On page E-77 of the application, you state that vegetation clearing and removal, ground disturbance, and trampling or crushing by construction equipment and personnel would affect botanical resources during construction of the project. However, you do not

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quantify the potential effects. In order to evaluate the permanent and temporary impacts to vegetative communities and the associated effects to wildlife, please provide an estimate of the number of acres of the different habitat types that would be temporarily or permanently disturbed by the different construction activities and project facilities.

*Threatened and Endangered Species*

On page 5-6 of Appendix H (Threatened, Endangered, and Sensitive Wildlife Species Habitat Assessment), you include the title of Figure 5-1 “Documented TES Wildlife Species Occurrences,” but not the actual figure. You state the figure was not included in the final license application because it includes confidential species location information. Please provide a copy of Figure 5-1 and file it separately as “privileged information.”

*Revegetation and Invasive Plant Species Management*

On page E-79 of the application, you propose to implement measures to prevent the spread of invasive species and noxious weeds, revegetate disturbed areas with agency-approved seed mix, and install riparian plantings along temporarily disturbed segments of South Fork Battle Creek, but provide no details on the methods for accomplishing these measures. In order to evaluate the adequacy of the proposed measures to mitigate project effects, please provide detailed information on your proposed measures to prevent the spread of invasive species and revegetate disturbed areas, including a schedule and any proposed monitoring of the success of the measures. Additionally, please provide an estimate of the costs to implement the proposed measures.

Document Content(s)

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