

Memo to Public Files

To: Public Files
From: Kenneth Hogan
Date: February 16, 2017
Docket: P-12496-002 – California
Project: Lassen Lodge Hydroelectric Project

Subject: Letter from the California Coastal Commission

On February 15, 2017, Ken Hogan of the Commission's staff was copied on an email sent from Mr. Mark Deleplaine of the California Coastal Commission to Mr. Charlie Kuffner, of Rugraw LLC (applicant for the Lassen Lodge Hydroelectric Project). Attached to the email was a letter from the California Coastal Commission stating that it "...declines to assert federal consistency jurisdiction, due to the fact that: (1) this project is located far outside either the Coastal Commission's or the San Francisco Bay Conservation and Development Commission's jurisdiction; and (2) the project would not affect any coastal zone uses or resources." The email and its attached letter are attached to this memo and made part of the Commission's Public record in this proceeding.

From: [Delaplaine, Mark@Coastal](mailto:Delaplaine.Mark@Coastal)
To: [Charlie Kuffner](#)
Cc: [Kenneth Hogan](#); matthew.p.kelley@usace.army.mil; [Goldbeck, Steve@BCDC](mailto:Goldbeck.Steve@BCDC)
Subject: Lassen Lodge Hydro Power
Date: Wednesday, February 15, 2017 6:28:30 PM
Attachments: [Lassen Lodge Hydro Proejct, Tehama Co.pdf](#)

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200



February 15, 2017

Charlie Kuffner
Rugraw, LLC
PO Box 421
Tiburon, CA 94920

Applicant: **Rugraw LLC**
Location: **South Fork Battle Creek, Near Mineral, Tehama County**
Project: **Lassen Lodge Hydroelectric Project**

FERC Project No. **License Application No. P-12496**

The Coastal Commission staff has received your request to identify Commission jurisdiction for the purposes of processing an application for a federal permit from the Federal Energy Regulatory Commission (FERC). Pursuant to the federal Coastal Zone Management Act (CZMA), FERC cannot issue a permit, for an activity, either in or out of the coastal zone, that affects land and water uses or natural resources of the coastal zone until the applicant has complied with the requirements of Section 307(c)(3)(A) of the CZMA, and the associated regulations (15 CFR Part 930, Subpart D). The applicant can meet these requirements by receiving a Commission concurrence with either (1) a consistency certification prepared by the applicant or (2) a showing that the activity does not affect the coastal zone. Alternatively, the applicant can satisfy these requirements by the issuance of a Commission-approved coastal development permit. Since the Commission cannot delegate federal consistency authority to local governments, a coastal development permit issued by a local agency does not replace the requirement for a consistency certification. The Coastal Commission staff has reviewed the information submitted for the above-referenced project, and has made the following determination:

The Coastal Commission declines to assert federal consistency jurisdiction, due to the fact that: (1) this project is located far outside either the Coastal Commission's or the San Francisco Bay Conservation and Development Commission's jurisdiction; and (2) the project would not affect any coastal zone uses or resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Delaplane".

MARK DELAPLAINE
Manager, Energy, Ocean Resources,
and Federal Consistency Division

cc: SFBCDC (Steve Goldbeck)
FERC (Ken Hogan)
U.S. Army Corps of Engineers (Matthew Kelley)

Document Content(s)

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