



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

---

## State Water Resources Control Board

APR 27 2017

Mr. Charlie Kuffner  
Rugraw, LLC  
P.O. Box 421  
Tiburon, CA 94920

Dear Mr. Kuffner:

**RESPONSE TO REQUEST FOR WATER QUALITY CERTIFICATION FOR THE LASSEN LODGE HYDROELECTRIC PROJECT, FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 12946-002, TEHAMA COUNTY**

Thank you for your letter 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. 12946-002. The letter, received March 27, 2017, serves as a formal withdrawal and re-filing request for certification of the Project. Certification<sup>1</sup> is required prior to issuance of a FERC license for the Project. Rugraw LLC's letter 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 new deadline for certification action is March 27, 2018.

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 River Basin and the San Joaquin River Basin* (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 South Fork Battle Creek. 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 the Project into compliance with applicable water quality limits in order to fully protect and maintain the beneficial uses.

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.

---

<sup>1</sup> Pursuant to section 401(a)(1) of the Federal Clean Water Act (CWA) (33 U.S.C. § 1341 et seq.)

Mr. Charlie Kuffner

- 2 -

APR 27 2017

State Water Board staff has determined that the application for certification is complete and meets the application filing requirements specified in California Code of Regulations, title 23, section 3856. Rugraw LLC will be subject to annual fees as specified in California Code of Regulations, title 23, section 3833(b)(1). 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 that 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 South Fork Battle Creek drainage prior to making a determination that operation of the Project will be protective of the designated beneficial uses.

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 me at (916) 323-9389 or by email at [kristen.gangl@waterboards.ca.gov](mailto:kristen.gangl@waterboards.ca.gov). Written correspondence should be directed to: State Water Resources Control Board, Division of Water Rights - Water Quality Certification Program, Attn: Kristen Gangl, P.O. Box 2000, Sacramento, CA 95812-2000.

Sincerely,

ORIGINAL SIGNED BY:

Kristen Gangl  
Environmental Scientist  
Division of Water Rights

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

Ms. Jane Diamond, Director  
U.S. Environmental Protection Agency  
Region 9, Water Division  
75 Hawthorne Street  
San Francisco, CA 94105

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

Mr. Matt Myers, FERC Coordinator  
California Department of Fish and Wildlife  
601 Locust Street  
Redding, CA 96001

Mr. William Foster, M.S., Senior Fishery  
Biologist  
National Marine Fisheries Service  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814-4706

Document Content(s)

LLHP 12946 30 Day WR Confirm ltr (002).PDF.....1-2