

STATE WATER RESOURCES BOARD

In the Matter of:

Kerckhoff Hydroelectric

Project Relicensing

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PUBLIC SCOPING MEETING

REMOTE VIA ZOOM

THURSDAY, JUNE 15, 2023

5:30 P.M.

Reported by:

Martha Nelson CERT **367

APPEARANCES

STAFF

Nathan Fisch, Senior Environmental Scientist

Andrea Sellers, Environmental Scientist

Michael Aoun, Association Government Program Analyst

Garrett Lenahan, Attorney

Parker Thaler, Environmental Program Manager

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P R O C E E D I N G S

5:30 p.m.

THURSDAY, JUNE 15, 2023

MR. FISCH: Alright. Well, I think we can get started today. Let some folks trickle in. So, yeah, good afternoon, everyone. My name is Nathan Fisch. I'm a Senior Environmental Scientist with the State Water Board in the Division of Water Rights. Welcome and thank you for taking the time out of your day to join us for this public meeting.

This public meeting is to provide an opportunity for feedback on the Notice of Preparation of an Environmental Impact Report for relicensing of the Kerckhoff Hydroelectric Project.

And just a note that this meeting is being recorded.

So we have some folks joining us from the State Water Board team. We have Parker Thaler, our Environmental Program Manager. We have Garrett Lenahan, our OCC Attorney, Michael Aoun, who is assisting, and then Andrea Sellers, who is the Project Manager for this.

So in a moment here, Andrea Sellers is going to go through some slides on some background rules for today's meeting, a bit about the State Water Board, what our role is in relicensing, and then briefly go over the proposed

1 project from PG&E.

2 After that, we're going to open it up for public
3 comment. We're excited to be here and to hear everyone.
4 We're particularly interested in hearing if folks have
5 concerns with the project or if they have any particular
6 alternatives they think should be analyzed. But any
7 comment is welcome.

8 This is the second of two meetings. We held one
9 earlier this afternoon. So if you do not feel comfortable
10 providing comment today, we're accepting written comments
11 until July 3rd.

12 And with that, I think that's everything I wanted
13 to say. We can hand it over to Andrea.

14 MS. SELLERS: Thanks, Nathan. Give me one second
15 so I can share my screen, get this all set up. Can you
16 guys see that Okay?

17 MR. FISCH: Yes.

18 MS. SELLERS: Okay. Perfect. Alright.

19 Hello, everyone. My name is Andrea Sellers and I
20 work for the State Water Resources Control Board in the
21 Division of Water Rights. I'm an Environmental Scientist
22 and the Project Manager for the Kerckhoff Hydroelectric
23 Projects. And today I will be presenting for the scoping
24 meeting.

25 Please note that this meeting is being recorded.

1 So thank you for joining our virtual meeting.
2 Before we begin, I'd like to discuss some logistics and
3 guidelines for this meeting.

4 First, for the duration of this meeting, please
5 remain on mute and keep your videos off to minimize
6 background noise and distractions.

7 This meeting is being recorded by a court
8 reporter who will provide a transcript of the meeting that
9 will be posted to the project webpage, so you don't have to
10 worry about writing everything down from these slides. The
11 site URL address can be seen on the current slide where the
12 transcripts will be posted.

13 Lastly, please save all comments until the
14 presentation during the verbal comment period.

15 So today I plan to provide a very brief overview
16 of the Kerckhoff Hydroelectric Project, and then I'll
17 discuss some background and information about the State
18 Water Board, talk about why we're here.

19 I will then discuss the water quality
20 certification process and the California Environmental
21 Quality Act, or also called CEQA process, and then I'll
22 talk about how the public can provide input. I will then
23 talk about our next steps and what to expect for the CEQA
24 process.

25 We will then open up the floor to receive verbal

1 comments from any meeting participants that are virtually
2 present with us today.

3 So now onto the Kerckhoff Project overview.

4 So the Kerckhoff Project is owned and operated by
5 the Pacific Gas and Electric Company, also known as PG&E.
6 Kerckhoff is located on the San Joaquin River in two
7 counties, that's Fresno and Madera counties. The nearest
8 city to the project is Auberry, California, which is
9 located approximately four miles northeast of the Kerckhoff
10 Dam.

11 The existing project consists of Kerckhoff Dam,
12 Kerckhoff Reservoir, the Kerckhoff One Powerhouse, the
13 Kerckhoff Two Powerhouse, which are often referred to as
14 the K1 and K2 Powerhouses, and the Smalley Cove Recreation
15 Area.

16 Water passing through the K1 and K2 Powerhouses
17 flows into the San Joaquin River and subsequently flows
18 into Millerton Lake. Millerton Lake is a non-project
19 reservoir.

20 Continuing on with the Kerckhoff overview, I'll
21 now discuss the proposed project.

22 So PG&E is requesting to relicense the Kerckhoff
23 Hydroelectric Project with the Federal Energy Regulatory
24 Commission, also called FERC, for a 50-year term. The
25 proposed project involves continued operations with the

1 following changes: proposed boundary updates which includes
2 an overall reduction of the FERC boundary, proposed updates
3 to project facilities which includes the retirement of the
4 K1 powerhouse and its associated facilities, which will be
5 left in place, the construction of a new recreation
6 facility called the Vista Day Use Area, and the
7 installation of a new stream flow gauge, which will be
8 located on the San Joaquin River above the Kerckhoff
9 Reservoir. Also, 16 proposed plans and measures, which
10 will be shown on the next slide.

11 So here are the 16 proposed plans and measures
12 for the new license term. I will not be going into each
13 plan and measure in detail today, but if you would like
14 more information regarding each plan and measure, please
15 see the Notice of Preparation we issued on May 30th, 2023.
16 The Notice of Preparation can be found on the State Water
17 Board's Kerckhoff Hydroelectric Project webpage. The
18 project webpage address is shown at the end of this
19 presentation.

20 So now I'd like to discuss the background of the
21 State Water Board and talk a little bit about why we're
22 here.

23 So the State Water Board has authority over water
24 rights and water quality to protect California's water.
25 The State Water Board protects and enforces many water

1 uses, including the needs of industry, agriculture,
2 hydropower, municipal districts, and the environment. It
3 must also protect the various beneficial uses of water.

4 So why is the State Water Board involved? We are
5 here today because in California, Section 401 of the Clean
6 Water Act requires that any applicant seeking a federal
7 license or permit for a proposed that activity may result
8 in a discharge to surface water is required to obtain a
9 water quality certification from the State Water Board.

10 The State Water Board conditions hydroelectric projects via
11 a water quality certification to ensure the protection of
12 the state's waters.

13 PG&E is expected to submit an application for a
14 water quality certification to the State Water Board for
15 its review. We'll discuss the water quality cert process
16 more on the following slide.

17 So in November of 2020, the applicant, in this
18 case PG&E, filed its final license application with the
19 Federal Energy Regulatory Commission, or FERC, for the
20 Kerckhoff Hydroelectric Project. The project is also
21 referred to as FERC Project Number 96.

22 PG&E filed two supplemental final license
23 applications, one on May 26th, 2022, and the other on March
24 31st, 2023. Those included the additional protection
25 mitigation and enhancement measures that we saw previously.

1 So now I'm going to discuss the water quality
2 certification and how it's related to the federal license.

3 So water quality certifications focus on
4 protecting water quality, protecting beneficial uses of
5 water, and considering the existing water rights. If a
6 water quality certification is issued, the conditions in it
7 become a mandatory part of the FERC license for the
8 project. Water quality certifications ensure that a
9 project will adhere to water quality objectives and
10 beneficial uses as outlined in the Regional Water Quality
11 Control Plans, also called Basin Plans.

12 Before the State Water Board can issue a water
13 quality certification, it must first comply with the
14 California Environmental Quality Act, which is also called
15 CEQA. So as I just mentioned, we cannot issue a water
16 quality certification without first completing CEQA. What
17 CEQA does is that it informs the State Water Board and the
18 public about the project's potentially significant impacts
19 and ways to reduce those impacts. A CEQA document will be
20 used to support the conditions on the water quality
21 certification.

22 Today's meeting is meant to solicit public input
23 that can inform the development of the State Water Board
24 CEQA document. As PG&E is not a public agency, the State
25 Water Board will be the lead agency for CEQA and will

1 prepare the CEQA document. In this case, the State Water
2 Board will be preparing a type of CEQA document called an
3 Environmental Impact Report, which is also referred to as
4 an EIR.

5 So now I'm going to talk about the CEQA process.

6 Shown here is an overview of a typical CEQA
7 process in which the State Water Board is the lead agency
8 and it is also determined that an EIR is necessary. So
9 step one, the State Water Board determines if an
10 environmental impact report is necessary, which we have.

11 Next, the State Water Board will issue a Notice
12 of Preparation, also called the NOP, and we'll conduct
13 scoping meetings for public input. This is the step we're
14 currently on.

15 Then the State Water Board will collect written
16 and verbal comments during the scoping period and prepare a
17 draft EIR. The State Water Board will then issue the draft
18 EIR for public comment.

19 After the public comment period concludes, the
20 State Water Board will review and respond to any public
21 comment that was received. The State Water Board will then
22 issue the final EIR for the project.

23 So CEQA also helps us to identify which
24 potentially significant impacts the project may have. In
25 this case, and during the scoping process, the State Water

1 Board expects that a number of potentially significant
2 impacts may occur as a result of the proposed project.

3 The resources on this slide are part of a
4 preliminary and non-exhaustive list that would be
5 potentially significantly impacted by the project. A few
6 of the main resources that may be impacted include
7 biological resources, hydrology, water quality, recreation,
8 and greenhouse gasses.

9 So now we're going to talk about the types of
10 comments and input that we're looking for during the
11 scoping period. We consider all comments helpful, but
12 there are a few key pieces of information that would be
13 most helpful to us for the development of the EIR.

14 We plan to evaluate PG&E's proposed project and a
15 range of alternatives. Input on specific project
16 alternatives would be helpful. Other comments regarding
17 potential impacts of the project and potential mitigation
18 measures to lessen those impacts would be helpful as well.
19 All public comments should be submitted by July 3rd, 2023,
20 and they will all be considered.

21 After the draft EIR is released, there will be
22 another public review and comment period to solicit input
23 on the document. And although it's not required, the State
24 Water Board plans to issue a draft water quality
25 certification, which will also be available for public

1 comment.

2 So how to stay informed and up to date with the
3 project. The State Water Board will continue to update the
4 Kerckhoff Hydroelectric Project webpage with information
5 and filings regarding the CEQA and water quality
6 certification process. The site URL for the Kerckhoff
7 Hydroelectric Project is seen on the current slide right
8 here.

9 On that webpage, you can find the Notice of
10 Preparation that we issued on May 30th. The Notice of
11 Preparation has information on how to subscribe for a
12 notification system called GovDeliver. If you sign up for
13 GovDeliver, we'll send you emails related to the Kerckhoff
14 Hydroelectric Project and other projects that are pursuing
15 certifications that are managed by our division.

16 Okay, now we're going to move on and open up the
17 floor to receive verbal comments. If you'd like to make a
18 comment, please use the raise-hand feature to let us know.
19 We will be unmuting commenters in the order that we see the
20 hands are raised. Also, to help us and the court reporter
21 out, please state your affiliation and spell your name.
22 For those of you on the phone without the ability to use
23 the raise hand feature, please send us an email and or
24 letter to the address listed in the last slide.

25 Let's start with some ground rules.

1 First, please be respectful to attendees and
2 please don't single anybody out. All comments are welcome
3 and will be included in the record as long as they are not
4 discriminatory or scathing in nature.

5 As this is a public meeting, we apologize in
6 advance of unexpected things happen. We'll do our best to
7 keep everything productive and respectful from the host
8 side of things.

9 Please speak clearly for the court reporter and
10 everyone else who's attending today. Since we expect
11 multiple people to give comments, we would expect you to
12 please keep your comments to the allotted time, which I
13 will be three to five minutes.

14 So, yeah, I can't see the hands being raised, so
15 please let me know if anyone has their hand raised.

16 MR. AOUN: No hands right now.

17 MS. SELLERS: Okay. Great.

18 And maybe while we wait for people to raise their
19 hands, I'll just go over the last slide really quick. I'm
20 so sorry.

21 Okay, so we're accepting written comments until
22 5:00 p.m. on July 3rd, 2023 regarding the range of
23 alternatives, potentially potential significant effects,
24 and mitigation measures. Please note that there was an
25 error in the newspaper posting that had the incorrect date

1 for the conclusion of the comment period. The correct date
2 is July 3rd, 2023. Directions on how to submit comments by
3 email or hard copy are shown on the current slide.

4 Has anyone raised their hand?

5 MR. FISCH: No, it looks like we still don't have
6 any hands raised.

7 MS. SELLERS: Okay, so we can hang out here for a
8 minute, just see if anyone decides that they want to
9 comment, and yeah.

10 (Pause)

11 MR. FISCH: Hi, everyone. It doesn't look like
12 anyone new has joined, but just a reminder, if you're
13 interested in making a public comment, please raise your
14 hand and we'll be happy to unmute you. I think if we don't
15 hear anything, we will close out the meeting at 6:00.

16 (Pause)

17 MR. FISCH: Alright, everyone, it's now six
18 o'clock.

19 Before we close things out, I want to give one
20 more opportunity for folks to speak. If you'd like to,
21 please raise your hand. Alright, well, I'm seeing none.

22 Thank you all for joining and being here this
23 evening. Just a reminder, written comments are due by July
24 3rd.

25 Thank you again for your time and have a great

1 evening.

2 (The meeting concluded at 6:00 p.m.)

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CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of June, 2023.



MARTHA L. NELSON, CERT**367

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



June 26, 2023

MARTHA L. NELSON, CERT**367