

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

California Department of
Water Resources

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Project No. P-_____

**NOTICE OF INTENT OF CALIFORNIA DEPARTMENT OF WATER
RESOURCES TO FILE AN APPLICATION FOR A NEW LICENSE
AND
REQUEST TO USE THE TRADITIONAL LICENSING PROCESS FOR A
NEW LICENSE FOR THE DEVIL CANYON PROJECT**

**I. NOTICE OF INTENT OF CALIFORNIA DEPARTMENT OF WATER
RESOURCES TO FILE AN APPLICATION FOR A NEW LICENSE**

In accordance with Section 15(b)(1) of the Federal Power Act, , 15 U.S.C. § 808(b)(1), and Section 5.5 of the Federal Energy Regulatory Commission's regulations, 18 CFR § 5.5, the California Department of Water Resources (DWR), Licensee of the Devil Canyon Project (Project), a power development under the existing FERC Project No. 2426 License, hereby declares unequivocal intent to file an application for a new license, as described below.

Information Provided Pursuant to 18 CFR § 5.5(b)

(1) Applicant:

California Department of Water Resources

Contact:

Physical Address:

Ted Craddock, Chief
Hydropower License Planning and
Compliance Office
Executive Division
California Department of Water
Resources
2033 Howe Avenue, Suite 220
Sacramento, CA 95825
Tel: (916) 557-4555
Ted.Craddock@water.ca.gov

Mailing Address:

Ted Craddock, Chief
Hydropower License Planning and
Compliance Office
Executive Division
California Department of Water
Resources
P.O. Box 942836
Sacramento, CA 94236-0001

(2) FERC Project Number:

The Devil Canyon Project is currently licensed with the Warne and Castaic Power Developments under Federal Energy Regulatory Commission (FERC) Project No. 2426, which is co-licensed to DWR and the Los Angeles Department of Water and Power (LADWP).

After careful consideration, DWR and LADWP are applying for separate licenses for the Devil Canyon Project as described herein, which would be licensed to DWR, and the combined Warne and Castaic Power Developments, which would be licensed as a single project to DWR and LADWP as co-licensees. Therefore, DWR requests that FERC designate a new docket number for the Devil Canyon Project and its relicensing. DWR and LADWP will file an NOI and PAD under separate cover for the combined Warne and Castaic Power Developments.

(3) License Expiration Date:

The expiration date of the existing license covering the Project is January 31, 2022.

(4) Statement of Intent to File:

DWR's intent is to file with FERC an Application for a New License – Major Project (Existing Dam) for the Project by January 31, 2020, two years prior to the expiration of the existing license.

(5) Principal Project Works Licensed:

The existing Project's principal works include:

- Cedar Springs Dam, a zoned earth and rockfill dam 249 feet high with a crest length of 2,230 feet;
- Cedar Springs Dam Low-Level Outlet, a single low-level outlet with a maximum capacity of 5,000 cfs;

- Silverwood Lake, a man-made storage reservoir with a storage capacity of 73,031 acre-feet (AF); a normal maximum surface area of 962 acres; and a shoreline length of approximately 13 miles;
- San Bernardino Tunnel, a 3.81-mile-long, 12.75-foot-diameter, concrete-lined tunnel;
- Devil Canyon Powerplant Penstocks, two 1.3-mile-long steel penstocks;
- Devil Canyon Powerplant, powerhouse located adjacent to the Devil Canyon Afterbay, with one Baldwin-Lima-Hamilton Pelton-type turbine and one Sulzer Escher Wyss Pelton-type turbine, each with a licensed capacity of 59.85 megawatts (MW); and two Voith Pelton-type turbines, each with a licensed capacity of 80 MW;
- Devil Canyon Switchyard, a fenced switchyard with multiple current and potential transformers;
- Devil Canyon Afterbay, an off-stream, afterbay built adjacent to the Devil Canyon Powerplant that forms the tailrace pool and immediate afterbay for the Devil Canyon Powerplant;
- Canal/Cross Channel, an 1,100-foot-long, 40-foot-wide, concrete-lined canal that connects the Devil Canyon Afterbay with the Devil Canyon Second Afterbay;
- Devil Canyon Second Afterbay, an off-stream, below-original-ground level second afterbay that provides regulatory capacity;
- Recreation facilities; and
- Appurtenant facilities and features, including access roads and gages.

(6) Project Location:

The location of the Project:

State:	California
Township or nearby town:	Cities of San Bernardino and Hesperia
County:	San Bernardino

While the Project uses water from the State Water Project to generate power, the Cedar Springs Dam is located on the West Fork of the Mojave River, an intermittent stream course. As described above, the Project does not use any West Fork of the Mojave River water to generate power. The other Project impoundments, the Devil Canyon Afterbay and Devil Canyon Second Afterbay, do not intercept surface water drainages.

(7) Installed Plant Capacity:

The Project has one powerhouse. The licensed installed capacity in kilowatts (kW) for the powerhouse and the total installed capacity for the Project is as follows:

Devil Canyon, Unit 1	59,850 kW
Devil Canyon, Unit 2	59,850 kW
Devil Canyon, Unit 3	80,000 kW
<u>Devil Canyon, Unit 4</u>	<u>80,000 kW</u>
Total	279,700 kW

(8) Name and Mailing Addresses:

- (i) *Every county in which any part of the Project is located, and in which any Federal Facility that is used or to be used by the Project is located:*

The name and mailing address of the county in which the Project is located is:

County of San Bernardino
Board of Supervisors
County Government Center
385 North Arrowhead Avenue, 5th Floor
San Bernardino, CA 92415

- (ii) *Every city, town, or similar political subdivision: (A) in which any part of the Project is located and any Federal facility that is used by the Project is located; or (B) that has a population of 5,000 or more and is located within 15 miles of a Project dam:*

City of Hesperia
City Manager
9700 Seventh Avenue
Hesperia, CA 92345

City of Colton
City Manager
650 North La Cadena Drive
Colton, CA 92324

City of Fontana
City Manager
8353 Sierra Avenue
Fontana, CA 92335-3528

City of Highland
City Manager
27215 Base Line
Highland, CA 92346

City of Rancho Cucamonga
City of Manager
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

City of Rialto
City Administrator
150 South Palm Avenue
Rialto, CA 92376

City of Victorville
City Manager
14343 Civic Drive
Victorville, CA 92392

City of Crestline
General Manager
24385 Lake Drive
Crestline, CA 92325-3880

Town of Apple Valley
Town Manager
14955 Dale Evans Parkway
Apple Valley, CA 92307

Unincorporated Community of
Lake Arrowhead
General Manager
P.O. Box 3880
Crestline, CA 92325-3880

The name and mailing address of the city in which part of the Project is located is:

City of San Bernardino
City Manager
300 North D Street, 6th Floor
San Bernardino, CA 92418

The Project does not use any federal facilities.

(iii) Every irrigation district, drainage district, or similar special purpose political subdivision: (A) in which any part of the Project is located and any Federal facility that is used by the Project is located; or (B) that owns, operates, maintains, or uses any Project facility or any Federal facility that is used by the Project:

Crestline-Lake
Arrowhead Water Agency
General Manager
24116 Crest Forest Drive
Crestline, CA 92325-3880

Inland Empire
Resource Conservation District
Director
25864-K Business Center Drive
Redlands, CA 92374

Local Agency Formation Commission
of San Bernardino County
Commission Clerk
215 North D Street, Suite 204
San Bernardino, CA 92415-0490

San Bernardino Valley
Municipal Water District
General Manager
380 East Vanderbilt Way
San Bernardino, CA 92408-3593

The Project is not located within any federal special purpose-political subdivision areas.

In addition to the parties noted above, DWR has reason to believe the following irrigation districts, water districts, and agencies would likely be interested in, or affected by, this new license:

Coachella Valley Water District
General Manager – Chief Engineer
51501 Tyler Street
Coachella, CA 92236-1058

Desert Water Agency
General Manager
1200 S Gene Autry Trail
Palm Springs, CA 92264

Mojave Water Agency
General Manager
13846 Conference Center Drive
Apple Valley, CA 92307-4377

The Metropolitan Water District of
Southern California
General Manager
700 North Alameda Street
Los Angeles, CA 90012-2944

San Gabriel Valley Municipal Water
District
General Manager
1402 N. Vosburg Drive
Azusa, CA 91702

San Geronio Pass Water Agency
General Manager and Chief Engineer
1210 Beaumont Avenue
Beaumont, CA 92223-1506

(iv) Every other political subdivision in the general area of the Project that there is reason to believe would likely be interested in, or affected by, the Project:

City of Adelanto
City Manager
11600 Air Expressway
Adelanto, CA 92301

City of Grand Terrace
City Manager
22795 Barton Road
Grand Terrace, CA 92313

City of Jurupa Valley
City Manager
8930 Limonite Avenue
Jurupa Valley, CA 92509

City of Loma Linda
City Manager
25541 Barton Road
Loma Linda, CA 92354-3125

City of Moreno Valley
City Manager
14177 Frederick Street
Moreno Valley, CA 92552

City of Ontario
City Manager
303 East B Street
Ontario, CA 91764

City of Redlands
City Manager
35 Cajon Street, Suite 200
Redlands, CA 92373

City of Riverside, Public Utilities
Department
Planning Director
3900 Main Street
Riverside, CA 92522-0001

County of Riverside
Planning Director
4080 Lemon Street, 14th Floor
P.O. Box 1605
Riverside, CA 92502-1605

(v) *Affected Indian Tribes:*

Native American individuals and organizations who may have knowledge of cultural resources in the Project area were identified based on information provided to DWR by the Native American Heritage Commission on July 17, 2015. In addition, Licensee has identified other individuals and organizations who may have knowledge of cultural resources in the Project area. The identified individuals and organizations are:

San Manuel Band of Mission Indians
Lynn Valbuena, Chairwoman
26569 Community Center
Highland, CA 92346

Morongo Band of Mission Indians
Denisa Torres, Cultural Resources
Manager
12700 Pumarra Road
Banning, CA 92220

San Fernando Band of Mission Indians
John Valenzuela, Chairperson
P.O. Box 221838
Newhall, CA 91322

San Manuel Band of Mission Indians
Daniel McCarthy, M.S. Director
CRM Department
26569 Community Center Drive
Highland, CA 92346

Morongo Band of Mission Indians
Ernest H. Siva, Tribal Historian
9570 Mias Canyon Road
Banning, CA 92220

Morongo Band of Mission Indians
Robert Martin, Tribal Chairman
12700 Pumarra Road
Banning, CA 92220

Gabrielino/Tongva Nation
Sam Dunlap, Cultural Resources
Director
P.O. Box 1391
Temecula, CA 92593

Gabrielino/Tongva Nation
Sandonne Goad, Chairperson
106 1/2 Judge John Aiso Street
Los Angeles, CA 90012

Gabrielino/Tongva San Gabriel Band of
Mission Indians
Anthony Morales, Chairperson
P.O. Box 693
San Gabriel, CA 91778

Gabrielino Band of Mission Indians - Kizh
Nation
Andrew Salas, Chairperson
507 Cedar Drive
Covina, CA 91723

Serrano Nation of Mission Indians
Goldie Walker, Chairwoman
P.O. Box 343
Patton, CA 92369

In addition to the above-listed entities, a number of federal and State resource agencies and stakeholders have expressed an interest in participating in the relicensing process. In accordance with Section 5.5(c) of the FERC regulations, 18 CFR § 5.5(c), these agencies and stakeholders have been included on the distribution list for this Notice of Intent, as set forth in Section 9 of the accompanying Pre-Application Document (PAD).

II. REQUEST TO USE TLP TO LICENSE THE DEVIL CANYON PROJECT

Pursuant to Section 5.1(f)(2) of Title 18 of the CFR, DWR requests FERC authorization for DWR to use the Traditional Licensing Process (TLP), as described in 18 CFR Part 4, Subparts D-H and, as applicable, Part 16, to license the Devil Canyon Project.

Justification for use of the TLP to License the Devil Canyon Project:

As required by 18 CFR § 5.3(c)(1), DWR's justification to use the TLP to license the Devil Canyon Project is provided below.

(i) Likelihood of Timely License Issuance [18 CFR § 5.3 (c)(1)(ii)(A)]

DWR believes that FERC can issue a timely new license for the Devil Canyon Project using the TLP. DWR does not anticipate proposing an expansion of Project operations through this licensing process, and does not anticipate any significant resource issues arising. The Integrated Licensing Process (ILP), FERC's default relicensing process, is an intensive and front-loaded process that is more appropriate for larger and more controversial projects.

(ii) Complexity of Resource Issues [18 CFR § 5.3 (c)(1)(ii)(B)]

None of the anticipated resource issues associated with the new license for the Devil Canyon Project is particularly complex. Silverwood Lake is located on the West Fork of the Mojave River, which is an intermittent stream. Natural flows are not used for Project purposes. Devil Canyon Afterbay and Devil Canyon Second Afterbay are off-channel reservoirs. Therefore, the existing license includes no stream flow requirements. In addition, the Project does not include any canals or bypass reaches. Additionally, in an October 5, 2015 letter to FERC, the U.S. Department of Commerce National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) advised it did not intend to participate in the relicensing.

Most (i.e., 94%) of the land within and adjacent to the FERC Project boundary is owned by DWR or other non-federal parties. The boundary does not encompass private residences, tribal land, special environmental areas (e.g., refuges, cores, or protected areas), or known United States Army Corps of Engineers' jurisdictional wetlands. There are no existing or proposed Wilderness Areas, national parks, or federal or State existing or proposed Wild and Scenic River components within or adjacent to the FERC Project boundary. Segments of the Pacific Crest National Scenic Trail traverse through the proposed Project boundary and along the north and west shores of Silverwood Lake. A portion of the FERC Project boundary at Silverwood Lake encompasses federal land managed by the U.S. Department of the Interior, Forest Service (USFS) as part of the San Bernardino National Forest. All recreation facilities at Silverwood Lake are managed by the California Department of Parks and Recreation (DPR) as part of a State Recreation Area, and several of the facilities have been recently modernized and updated to meet current accessibility standards. There are no Project recreation facilities at the Devil Canyon Powerplant and afterbays due to lack of recreation amenities and opportunities, as well as public safety concerns. At this time, DWR does not propose significant changes to Project facilities or its operations.

(iii) Level of Anticipated Controversy [18 CFR § 5.3 (c)(1)(ii)(C)]

DWR does not anticipate significant controversy regarding the issuance of a new license for the Devil Canyon Project facilities because, as described above, the Project does not involve complex resource issues, and individual stakeholder interests are well-defined. In anticipation of DWR's request to FERC to use the TLP, DWR met with the following agencies to familiarize them with the Project and discuss DWR's request:

- USFS
- U.S. Department of the Interior, Bureau of Land Management (BLM)
- U.S. Department of the Interior, Fish and Wildlife Service (USFWS)
- State Water Resources Control Board (SWRCB)
- California Department of Fish and Wildlife (CDFW)
- DPR

Based on the meetings, DWR understands the agencies are generally supportive of DWR's request to use the TLP on the Devil Canyon Project; and other than concerns about resources and time demands for relicensing, no specific objections were raised regarding the use of the TLP.

(iv) Relative Cost of Using the TLP as Compared to the Cost of Using the ILP [18 CFR § 5.3 (c)(1)(ii)(D)]

DWR anticipates that using the TLP will be more cost effective than the ILP. Utilizing the TLP will be a more efficient use of time by staff considering the limited nature of the Project. The cost savings comes from fewer meetings, reports, and FERC filings required as compared to the ILP. The TLP does allow sufficient opportunity for input by resource agencies and other stakeholders, but requires less time commitment by being mindful of agencies' and stakeholders' own limited resources.

(v) *Amount of Available Information and Potential for Significant Disputes Over Studies [18 CFR § 5.3 (c)(1)(ii)(E)]*

With regard to available information, DWR and others have compiled over past years an extensive amount of information regarding resources that potentially could be affected by the Project or enhanced during the licensing process.

DWR does not expect significant disputes over studies. The existing license does not include any streamflow requirements for the Devil Canyon Project facilities, and most studies will focus on recreation at Silverwood Lake, and cultural and terrestrial resources. DWR has identified one mandatory conditioning agency, USFS who manages San Bernardino National Forest lands within the Project boundary, and intends to consult with the agency regarding studies and information needs on National Forest System land.

With regard to the ESA and the National Historic Preservation Act (NHPA), DWR has requested that FERC designate DWR as FERC's non-federal representative for the purposes of consultation under Section 7 of the ESA and under Section 106 of the NHPA and their implementing regulations, respectively. As a California public agency, DWR will be the lead agency for compliance with the California Environmental Quality Act (CEQA). DWR intends to consult with SWRCB regarding appropriate studies needed for CEQA compliance, and the issuance by SWRCB of a Clean Water Act Section 401 Water Quality Certificate for the Project facilities.

Given the amount of available information, the relatively limited number of resource issues, expected lack of controversy, and DWR's approach to consultation, DWR believes there is a low likelihood of study disputes. If a dispute occurs, DWR will work to resolve the matter; however, if it cannot be resolved by the parties, the dispute can be easily referred to FERC for resolution under the TLP.

(vi) *Other Pertinent Factors [18 CFR § 5.3 (c)(1)(ii)(F)]*

For the foregoing reasons, DWR respectfully requests that FERC grant this request and authorize DWR to use the TLP for issuance of a new license for this Project.

If you have any questions about this notice, please contact Ted Craddock at (916) 557-4555, or your staff may contact Gwen Scholl, DWR's Relicensing Program Manager, at (916) 557-4554.