

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D. C. 20426
November 22, 2019

OFFICE OF ENERGY PROJECTS

Project No. 14227-003 – California
Lake Elsinore Advanced Pumped
Storage Project
The Nevada Hydro Company, Inc.

VIA FERC Service

Rexford Wait
The Nevada Hydro Company, Inc.
2416 Cades Way
Vista, CA 92083

Reference: Cooperating Agency Information Needs

Dear Mr. Wait:

Nevada Hydro Company, Inc.'s (Nevada Hydro) proposed Lake Elsinore Advanced Pumped Storage (LEAPS) Project qualifies as a Major Infrastructure Project pursuant to the Memorandum of Understanding Implementing One Federal Decision under Executive Order 13807 (MOU) effective April 10, 2018.¹ The MOU sets forth a process under which the signatory federal agencies will jointly and cooperatively process environmental reviews and issue authorizations for major infrastructure projects. The MOU also directs the agencies to develop and comply with a permitting timetable that, for the LEAPS Project, will be initiated with the Commission's issuance of a Notice of Intent to Prepare an Environmental Impact Statement (NOI).

On October 9, 2019, the U.S. Forest Service (Forest Service), a signatory to the MOU, filed a letter that identifies its additional information needs for the LEAPS Project. The Forest Service states that the additional information is necessary for it to determine the potential effects of the project proposal on National Forest System Lands and Resources and, as such, work effectively with the Commission as a cooperating agency under the MOU.

¹ In accordance with the MOU, Commission staff submitted a One Federal Decision Implementation Plan to the Council on Environmental Quality and the Office of Management and Budget on July 9, 2018.

Among other things, the MOU provides that the Commission, as the lead federal agency, must secure the written concurrence of the Forest Service, as a cooperating federal agency whose authorization is required for the project, on: (1) the Purpose and Need statement in the environmental document, (2) the alternatives that will be evaluated, and (3) the Preferred Alternative for more detailed analysis. For purposes of the MOU, “concurrence” means confirmation by the agency that the information is sufficient for that stage, and the environmental review process can proceed to the next stage of the NEPA process, as set forth in the lead agency’s request for written concurrence.

Not satisfying the additional information needs now may result in the Forest Service having to develop a supplemental environmental document at a later date, which would be inconsistent with the MOU intent to have a single environmental document that supports each agencies’ permitting decision. Therefore, before Commission staff issues the NOI, Nevada Hydro must consult with the Forest Service to develop a plan and schedule for providing the requested information and file monthly progress reports with the Commission on the status of the consultation and development of the additional information. The plan and schedule should include provisions for the Commission’s Division of Dam Safety and Inspections San Francisco Regional Office to review any study plans related to the project’s design and safety. Once the Forest Service informs Commission staff that it has the information it needs to move forward as a cooperating agency, Commission staff will issue the NOI and initiate the public scoping process.

If you have any questions, please contact Kyle Olcott at (202) 502-8963 or via email at kyle.olcott@ferc.gov.

Sincerely,

Terry L. Turpin
Director
Office of Energy Projects