

July 24, 2012

Mr. Oscar Biondi
State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, CA 95812-2000

**RE: Eagle Mountain Pumped Storage Hydroelectric Project
FERC Project No. 13123-002—California**

Dear Mr. Biondi:

The National Parks Conservation Association (NPCA) is a nonprofit dedicated to “Protecting and enhancing America’s national parks for present and future generations.” On behalf of our 94,000 California and 600,000 active members and supporters nationwide, NPCA would like to thank you for the opportunity to provide comments on the State Water Resources Control Board’s Water Quality Certification for the Eagle Crest Pumped Storage Project. Our members care deeply for America’s shared natural and cultural heritage that is preserved by units of the National Park System.

Eagle Crest Energy Company (ECEC) has proposed its Eagle Mountain Pumped Storage Project for an area directly to the south and adjacent to Joshua Tree National Park. Joshua Tree National Park was established by the California Desert Protection Act of 1994 to preserve and protect the natural and cultural resources of the Colorado and Mojave Desert. In 2010, Joshua Tree National Park had over 1.4 million visits from tourists all over the world who contributed almost 60 million dollars to the economies of gateway communities. The park is recognized as an outstanding rock climbing, hiking, stargazing and wildlife viewing area and boasts two intact desert ecosystems meeting in a distinct transition zone, thousands of years of cultural history, and vast areas of federally designated wilderness—including wilderness areas to the immediate north and south of the proposed project area. The proposed project area lies a mere 1.5 miles from the border of Joshua Tree National Park.

National Parks Conservation Association continues to be concerned about all the issues we have raised in regard to previous environmental documents regarding this project such as groundwater impacts, wilderness, sensitive species and the lack of on the ground field surveys for certain sections of the proposed project area. We would like to highlight just two of our concerns in this letter to the State Water Resources Control Board:

Groundwater Impact

The project will mine groundwater from the Chuckwalla Basin, which is in communication with several of the surrounding aquifers, including the Pinto Basin Aquifer, which lies underneath Joshua Tree National Park. It could have an adverse impact on water resources because the project would significantly increase



water demand in a desert area that receives scant precipitation and negligible recharge. NPCA continues to support National Park Service Recharge estimates, which state that the recharge rate is substantially lower than the rate in FERC's Final EIS, 3,000 acre feet/year or less. The discrepancy between project proponents recharge rates and independent scientist's estimates not only calls into question recharge rates, but the groundwater impact assessments of the Eagle Crest Pumped Storage Project as described in the Final EIS. NPCA supports the NPS' concern that the overestimation of groundwater recharge could result in an underestimation of the potential effects of project pumping on groundwater storage in the basin. We are also concerned about the potential impacts of this project on Joshua Tree National Park's water resources.

The proposed plan for implementation of this project stated in the State Water Resources Control Board Draft Water Quality Certification Report is that the applicant will acquire land and attendant water rights to three properties in the Chuckwalla Valley where three new wells will be installed and connected to a central collection pipeline corridor prior to groundwater withdrawal. The water supply pipeline will be buried and extend approximately 15 miles from the wells to the Lower Reservoir. However, NPCA strongly recommends that no Chuckwalla Valley Groundwater Basin Water be used for this project and instead it should use water pumped in from other locations. NPCA would also recommend that any water drawn from the Chuckwalla Valley Groundwater Basin be replenished to avoid unanticipated groundwater impacts.

Environmental Setting and Impacts Analysis

NPCA continues to be concerned that the environmental documents associated with this project do not properly evaluate environmental setting and environmental impacts of the project due to the fact that significant onsite surveys have not occurred in a portion of the project area because Kaiser Ventures has not granted access. In this case, the use of prior environmental documents, historical information, mining studies and "similar" areas to prepare this environmental document is insufficient in establishing meaningful baseline data on species, as well as mitigation measures. Without on the ground biological and cultural surveys, it is next to impossible to ascertain baseline data about geology, species of concern and archaeological sites. Nor can the true impact of other physical or biological processes be accurately assessed or mitigated. The assertion that surveys can be conducted after licensing has occurred is in our view, grossly inadequate and puts the cart before the horse. It is our contention that no license should be granted until a thorough evaluation of resources based on actual surveys and monitoring, is conducted.

In closing, NPCA thanks the State Water Resources Control Board for the opportunity to provide comments on the Draft Report for Water Quality Certification for the Eagle Crest Pumped Storage Project.

Sincerely,

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