

**Eagle Mountain Pumped  
Storage Project  
Draft License Application  
Initial Statement**

**Application for License for Major  
Unconstructed Project**

Palm Desert, California

Submitted to: Federal Energy Regulatory Commission  
Submitted by: Eagle Crest Energy Company

Date: June 16, 2008  
Project No. 080470  
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# Initial Statement

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## Before the Federal Energy Regulatory Commission: Application for License for Major Unconstructed Project or Major Modified Project

(1) Eagle Crest Energy Company applies to the Federal Energy Regulatory Commission for a license for the Eagle Mountain Pumped Storage water power project FERC Project #12509, as described in the attached exhibits.

(2) The location of the proposed project is:

State or territory: California

County: Riverside

Township or nearby town: Desert Center, California

Stream or other body of water: none

(3) The exact name, business address, and telephone number of the applicant are:

Eagle Crest Energy Company

1 El Paseo, Suite 204

74199 El Paseo

Palm Desert, CA 92260

(4) The applicant is a domestic corporation and is not claiming preference under section 7(a) of the Federal Power Act. *See* 16 U.S.C. 796.

(5)(i) The statutory or regulatory requirements of the state(s) in which the project would be located and that affect the project as proposed with respect to bed and banks and to the appropriation, diversion, and use of water for power purposes, and with respect to the right to engage in the business of developing, transmitting, and distributing power and in any other business necessary to accomplish the purposes of the license under the Federal Power Act, is: the Water Quality Certification pursuant to Section 401(a) of the Clean Water Act of 1977, 33 U.S.C. 1341(a) (2000).

(ii) The steps which the applicant has taken, or plans to take, to comply with each of the laws cited above are: As required by 18 C.F.R. § 4.34(b)(5)(i), ECE will file a request for a Water Quality Certification to the California State Water Resources Board within 60 days from the date of issuance of the notice that the license application is ready for environmental analysis.

Every person, citizen, association of citizens, domestic corporation, municipality, or state that has or intends to obtain and will maintain any proprietary right necessary to construct, operate, or maintain the project;

Eagle Crest Energy Company  
ATTN: Arthur Lowe  
1 El Paseo, Suite 204  
74199 El Paseo  
Palm Desert, CA 92260

For a preliminary permit or a license, identify (providing names and mailing addresses):

Every county in which any part of the project, and any Federal facilities that would be used by the project, would be located;

**Riverside County**  
County Administration Center  
4080 Lemon Street  
Riverside, California 92501

Every city, town, or similar local political subdivision:

(A) In which any part of the project, and any Federal facilities that would be used by the project, would be located; or

The Project is not within any town or city limits

(B) That has a population of 5,000 or more people and is located within 15 miles of the project dam;

The Project is not within 15 miles of any town of 5,000 or more people

(iii) Every irrigation district, drainage district, or similar special purpose political subdivision:

(A) In which any part of the project, and any Federal facilities that would be used by the project, would be located; or

(B) That owns, operates, maintains, or uses any project facilities or any Federal facilities that would be used by the project;

No irrigation district, drainage district, or similar special purpose district owns, operates, maintains, or uses any Project facility of any federal facility that the Project proposes to use.

- (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 application; and

Bureau of Land Management  
California Desert District  
22835 Calle San Juan De Los Lagos  
Moreno Valley, CA 92553

Joshua Tree National Park  
74485 National Park Drive  
Twentynine Palms, CA 92277-3597

- (v) All Indian tribes that may be affected by the project.

Morongo Band of Mission Indians  
11581 Potrero Road  
Banning, CA 92220

Agua Caliente Band of Cahuilla Indians  
5401 Dinah Shore Drive  
Palm Springs , CA 92264

- (3)(i) For a license (other than a license under section 15 of the Federal Power Act) state that the applicant has made, either at the time of or before filing the application, a good faith effort to give notification by certified mail of the filing of the application to: *this section will be completed in the final application.*

(A) Every property owner of record of any interest in the property within the bounds of the project, or in the case of the project without a specific boundary, each such owner of property which would underlie or be adjacent to any project works including any impoundments; and

(B) The entities identified in paragraph (a)(2) of this section, as well as any other Federal, state, municipal or other local government agencies that there is reason to believe would likely be interested in or affected by such application.

- (ii) Such notification must contain the name, business address, and telephone number of the applicant and a copy of the Exhibit G contained in the application, and must state that a license application is being filed with the Commission.

- (4)(i) As to any facts alleged in the application or other materials filed, be subscribed and verified under oath in the form set forth in paragraph (a) (3)(ii) of this section by the person filing, an officer thereof, or other person having knowledge of the matters sent

forth. If the subscription and verification is by anyone other than the person filing or an officer thereof, it shall include a statement of the reasons therefore.

(ii) This (application, etc.) is executed in the: *this section will be filled in for the final application.*

State of \_\_\_\_\_

County of \_\_\_\_\_

by: \_\_\_\_\_

(Name) \_\_\_\_\_

(Address) \_\_\_\_\_

being duly sworn, depose(s) and say(s) that the contents of this (application, etc.) are true to the best of (his or her) knowledge or belief. The undersigned applicant(s) has (have) signed the (application, etc.) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

(Applicant(s))

By: \_\_\_\_\_

Subscribed and sworn to before me, a [Notary Public, or title of other official authorized by the state to notarize documents, as appropriate] of the State of \_\_\_\_\_ this day of \_\_\_\_\_, 20\_\_.

/SEAL/ [if any]

\_\_\_\_\_

(Notary Public, or other authorized official)