

**Pine Creek Mine LLC**  
**9050 Pine Creek Road**  
**Bishop, CA 93514**

Regarding: Pine Creek Mine LLC's response to Proposed Project Protest – From Pacifica Development; affected dockets Dockets P-12532, P-13163, P-13323, P-13090, P-13091

Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Dear Ms. Bose:

After reviewing the Proposed Project Protest from Pacifica Development (the Protest) I tried several times, to no avail, to contact Mr. Francis at the phone number provided in the Protest, by contacting the owners of the village of Rovana (Pine Creek Village), and by contacting the State Water Resources Control Board, Division of Water Rights on the Protest letterhead. On November 20, 2008 I received a copy of letter from the State Division of Water Rights to the Secretary explaining that neither the State Water Board or the Division of Water Rights were involved in the authoring of this Protest and I have verified Mr. Francis does not work for them. I have also been told by the owners of Pine Creek Village that Mr. Francis is not involved with their Rovana development, though he is developing ranch estates on the north side of Pine Creek Road. The owners of Pine Creek Village have said they do not oppose our hydroelectric projects as described.

Unfortunately I was not able to contact or consult with Mr. Francis directly to clear up the misunderstandings in the Pacifica Development Protest so I am correcting them herein.

In the third paragraph of the Protest Mr. Francis states that P-13091 “refers to the collection of water flows from an intake system located on Pine Creek” This is incorrect, the P-13091 application stated it “will collect water at the Pine Creek Mine millsite at the Morgan Creek Bridge where the mine discharges its mine and mill water”. There was no proposal to put any intake systems on Pine Creek. This project was not to use any creek water, only mine water discharge that was not absorbed by operations.

Mr. Francis had a number of water quantity and quality concerns with hydroelectric projects in the Pine Creek Basin. These were also of concern to the mining operation as it is not a best practice to discharge mine water to surface waters, nor is it allowed by the

Lahontan Regional Water Quality Control Board (Lahontan) general permit. P-12532, P-13163, and P-13323 make up a small hydroelectric chain that utilizes existing conduits to transport mine water out of the mine, and all water not absorbed in operations ultimately restored to subsurface with no discharges to surface waters. The mine maintains water monitoring wells in the immediate vicinity of the recharge point. The concerns of Mr. Francis have been addressed and the projects will have no significant impacts on water quality or water quantity in Pine Creek. Though this can't be said of proposed projects such as P-13090 that seek to take the mine water and discharge it to Pine Creek.

As for Mr. Francis's concerns about the mining operation these are addressed by the mining laws, and the mine will continue to abide by the mining laws and continue to maintain bonding for environmental performance.

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