

Project No. 2290-006

-40-

and recommendations on the completed plan after it has been prepared and provided to the agencies, and specific descriptions of how the agencies' comments are accommodated by the plan. If the Licensee does not adopt a recommendation, the filing shall include the Licensee's reasons, based on project-specific information.

The Commission reserves the right to require changes to the plan. No land-clearing, land-disturbing, or spoil-producing activities shall begin until the Licensee is notified by the Commission that the plan is approved. Upon Commission approval, the Licensee shall implement the plan, including any changes required by the Commission.

Article 406. Within 45 days from the date of issuance of this license, the Licensee shall release from the Fairview Dam into the North Fork Kern River a minimum flow of 40 cfs from November through February, 70 cfs in March, 100 cfs from April through June, 130 cfs from July through August, 100 cfs in September, and 80 cfs in October, as measured at the U.S. Geological Survey gaging station ("Kern River near Kernville") immediately below Fairview Dam to improve trout habitat conditions and enhance water quality in the North Fork Kern River.

The Licensee shall provide a flow of 35 cfs diverted at Fairview Dam for the California Department of Fish and Game (CDFG) Kern River Planting Base. When the natural flow is not available to meet both the specified release flow and the water supply needed by CDFG, then the 35 cfs shall continue to be diverted for the Planting Base. If operations at the Planting Base change, then the CDFG may specify that the 35 cfs not be diverted at Fairview Dam, and the Licensee may request Commission approval to delete this requirement from the license.

This flow may be temporarily modified if required by operating emergencies beyond the control of the Licensee, and for short periods upon agreement between the Licensee, the Forest Service, and the CDFG. If the flow is so modified, the Licensee shall notify the Commission as soon as possible, but no later than 10 days after each such incident.

Article 407. The Licensee shall operate the project such that ramping rates are no more than 50 cfs per half hour and flow reductions do not exceed 30 percent of the existing flow per half hour.

These limits may be temporarily modified if required by operating emergencies beyond the control of the Licensee, and for short periods upon agreement between the Licensee, the Forest Service, and the California Department of Fish and Game. If these limits are so modified, the Licensee shall notify the