

ATTACHMENT A
Agency Correspondence

**July 25, 2022 – Email and Letter from SQF Approving Request for Temporary
Modification and Long Term Variance**

From: Hitchcock, Gerald - FS, KERNVILLE, CA <Gerald.Hitchcock@usda.gov>

Sent: Tuesday, July 26, 2022 10:07 AM

To: David Moore <David.Moore@sce.com>

Subject: (External!):RE: (External!):RE: Request for Variance of Flows to Kern River Planting Base; SCE Kern River No. 3 Hydroelectric FERC No. 2290, 4(e) Condition No. 4

***** EXTERNAL EMAIL - Use caution when opening links or attachments *****

***** EXTERNAL EMAIL WITH ATTACHMENT - BE CAREFUL NOT TO OPEN IF THIS DOCUMENT IS NOT EXPECTED OR TRUSTED *****

Mr. Moore,

Concurrence from the Sequoia National Forest Supervisor attached. Thank you, and let me know if there are any issues or questions.

With Regards,



G. W. Hitchcock
Deputy District Ranger

Pronouns: he, his, him

USDA Forest Service
Sequoia National Forest
Kern River Ranger District

desk: **760-376-3781 x611**

cell: **760-549-9136**

fax: **760-376-1158**

gerald.hitchcock@usda.gov

11380 Kernville Road

Kernville, CA 93238

www.fs.fed.us

Caring for the land and serving people

From: David Moore <David.Moore@sce.com>
Sent: Thursday, July 21, 2022 10:33 AM
To: Hitchcock, Gerald - FS, KERNVILLE, CA <Gerald.Hitchcock@usda.gov>
Subject: RE: (External):RE: Request for Variance of Flows to Kern River Planting Base; SCE Kern River No. 3 Hydroelectric FERC No. 2290, 4(e) Condition No. 4

Thank you for your prompt response on the status of concurrence. I will be sure to follow up with you next week.

Best regards,
David Moore
Generation | Hydro Licensing
Southern California Edison
T. 626-302-9494 | M. 626-861-5918 (new)

From: Hitchcock, Gerald - FS, KERNVILLE, CA <Gerald.Hitchcock@usda.gov>
Sent: Thursday, July 21, 2022 10:12 AM
To: David Moore <David.Moore@sce.com>
Subject: (External):RE: Request for Variance of Flows to Kern River Planting Base; SCE Kern River No. 3 Hydroelectric FERC No. 2290, 4(e) Condition No. 4

***** EXTERNAL EMAIL - Use caution when opening links or attachments *****

Mr. Moore,

The Forest Supervisor is on leave this week. I submitted the concurrence for her signature, but the Delegation of Authority for her acting this week does not cover this area/role/responsibility. Supervisor Benson will sign her concurrence when she returns next week. I can not currently give you a more exact date other than next week.

With Regards,



G. W. Hitchcock
Deputy District Ranger

Pronouns: he, his, him

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Sequoia National Forest
Kern River Ranger District

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gerald.hitchcock@usda.gov

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Kernville, CA 93238

www.fs.fed.us

Caring for the land and serving people

From: David Moore <David.Moore@sce.com>

Sent: Thursday, July 14, 2022 6:24 PM

To: Hitchcock, Gerald - FS, KERNVILLE, CA <Gerald.Hitchcock@usda.gov>

Cc: Martin Ostendorf <Martin.Ostendorf@sce.com>; Jillian Roach <Jillian.Roach@erm.com>

Subject: Request for Variance of Flows to Kern River Planting Base; SCE Kern River No. 3 Hydroelectric FERC No. 2290, 4(e) Condition No. 4

Dear Mr. Hitchcock,

As a follow up to California Department of Fish and Wildlife's (CDFW) January 7, 2022 filing with FERC regarding suspension of hatchery operations, SCE is asking for the Forest Service's concurrence to (1) implement a short term temporary modification (up to 3 weeks) and (2) seek a long-term variance, to suspend the 35 cfs diversion flow requirement that supports California Department of Fish and Wildlife (CDFW)'s fish hatchery, until such a time CDFW resumes operations.

SCE's FERC license for the Kern River No. 3 (KR3) Hydroelectric Project (FERC No. 2290), issued on December 24, 1996, states in License Article 406 and Forest Service 4 (e) Condition No. 4 (revised December 19, 2003), that SCE shall at all times provide a flow of 35 cfs to the California Department of Fish and Game (CDFG or CDFW) Kern River Fish Planting Base (fish hatchery).

Forest Service 4(e) Condition 4 states:

"The Licensee shall provide 35 cfs flow 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 the CDFG hatchery needs, the 35 cfs being diverted through the powerhouse tailrace will have precedence over the minimum streamflow requirements under this Condition and the flow regime in Condition 6. If operations at the planting base hatchery change, then CDFG may specify that the 35 cfs not be diverted at Fairview Dam."

FERC License Article 406 also states that:

"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 such incident."

Therefore, in accordance with License Article 406, SCE is requesting Forest Service concurrence with implementing a short-term temporary variance (up to 3 weeks) to suspend generation and bypass all incoming flows, less 10 cfs. SCE will continue to divert up to 10 cfs to keep the KR3 flowline mechanical components wet and to provide for fire suppression at the KR3 Powerhouse if needed.

SCE is also requesting Forest Service concurrence on seeking a long-term variance with FERC (License Article 406 and Forest Service 4(e) Condition 4) to suspend the 35 cfs hatchery flow requirement, less 10 cfs, until such a time CDFW resumes operations.

SCE is asking for your response to this email no later than July 22, 2022 and will include this consultation documentation as part of SCE's submittal to FERC.

Thank you for your support and please reach out to me if you have any questions regarding this request.

Best regards,

David Moore

Generation | Hydro Licensing

Southern California Edison

T. 626-302-9494 | M. 626-861-5918 (new)

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United States
Department of
Agriculture

Forest
Service

Sequoia National Forest
Giant Sequoia National Monument

1839 South Newcomb St.
Porterville, CA 93257-9353
(559) 784-1500
(559) 781-6650 TDD

File Code: 2660

Date: July 25, 2022

David Moore
Hydro Licensing
Southern California Edison
David.Moore@sce.com

Dear David Moore:

The following information was submitted by Southern California Edison (SCE) as part of a request for a variance to the operating license for Kern River 3:

As a follow up to California Department of Fish and Wildlife's (CDFW) January 7, 2022 filing with FERC regarding suspension of hatchery operations, SCE is asking for the Forest Service's concurrence to (1) implement a short term temporary modification (up to 3 weeks) and (2) seek a long-term variance, to suspend the 35 CFS (Cubic Feet Per Second) diversion flow requirement that supports California Department of Fish and Wildlife (CDFW)'s fish hatchery, until CDFW resumes hatchery operations.

SCE's FERC license for the Kern River No. 3 (KR3) Hydroelectric Project (FERC No. 2290), issued on December 24, 1996, states in License Article 406 and Forest Service 4 (e) Condition No. 4 (revised December 19, 2003), that SCE shall at all times provide a flow of 35 CFS to the California Department of Fish and Game (CDFG or CDFW) Kern River Fish Planting Base (fish hatchery).

Forest Service 4(e) Condition 4 states:

"The Licensee shall provide 35 CFS flow 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 the CDFG hatchery needs, the 35 CFS being diverted through the powerhouse tailrace will have precedence over the minimum streamflow requirements under this Condition and the flow regime in Condition 6. If operations at the planting base hatchery change, then CDFG may specify that the 35 CFS not be diverted at Fairview Dam."

FERC License Article 406 also states that:

"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 such incident."

In accordance with License Article 406, SCE is requesting Forest Service concurrence with implementing a short-term temporary variance (up to 3 weeks) to suspend generation and bypass



all incoming flows, less 10 CFS. SCE will continue to divert up to 10 CFS to keep the KR3 flowline mechanical components wet and to provide for fire suppression at the KR3 Powerhouse if needed.

SCE is also requesting Forest Service concurrence on a long-term variance with FERC (License Article 406 and Forest Service 4(e) Condition 4) to suspend the 35 CFS hatchery flow requirement, less 10 CFS, until CDFW resumes hatchery operations.

The Sequoia National Forest concurs with the short-term temporary variance, lasting no longer than three weeks, to suspend the 35 CFS hatchery diversion, less 10 CFS, for KR3 operations and concurs with a long-term temporary variance to suspend the 35 CFS hatchery diversion, less 10 CFS, for KR3 operations, until such time as CDFW resumes operations at the Kern River Fish Planting Base. As part of such variance, the Forest Service requests that SCE work with CDFW to provide an estimate of how long such a variance will last and that SCE provides updates on the schedule for CDFW to resume operations of the Kern River Fish Planting Base to the Forest Service annually during the temporary variance. This update should be provided in writing and mailed to the Forest Supervisor, as well as during the annual SCE/Sequoia National Forest meeting.

If you have any questions, please feel free to contact Alfred Watson, Kern River District Ranger, by phone (760) 376-3781 x610, or by e-mail alfred.watson@usda.gov.

Sincerely,



TERESA BENSON
Forest Supervisor

July 19, 2022 – Email from CDFW Approving Request for Temporary Modification

From: Leon, Abimael@Wildlife
To: David Moore
Cc: Hatler, Gerald@Wildlife; Martin Ostendorf; Jillian Roach
Subject: RE: Request for Variance of Flows to Kern River Planting Base; SCE Kern River No. 3 Hydroelectric FERC No. 2290
Date: Tuesday, July 19, 2022 11:56:10 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Moore,

On our January 7, 2022, letter to Southern California Edison (SCE) and the Federal Energy Regulatory Commission (FERC), the California Department of Fish and Wildlife (CDFW) asked SCE to temporarily forgo diverting up to 35cfs of hatchery flows at Fairview Dam for the duration of the Kern River Hatchery repairs. The Kern River Hatchery facility will remain closed until pipeline replacement work is complete and the improvements can provide a reliable water supply. This will involve major construction that is anticipated to take a minimum of two years to complete. The timeline could be longer and will be determined once initial planning for construction is complete. This project will resolve the critical need for a reliable water supply and will enable recent improvements to be fully utilized.

Currently, CDFW acknowledges that the North Fork Kern River natural flows have dropped to levels that do not allow both the minimum instream flow (130cfs) and Hatchery Flows (35cfs) requirements to be met. CDFW has reviewed SCE's temporary variance requesting the suspension of generation and the bypass of all incoming flows, less 10 cfs, that will continue to be diverted and used to keep the KR3 flowline mechanical components wet and provide for fire suppression at the KR3 Powerhouse.

CDFW concurs with this temporary variance request until Kern River Hatchery operations resume.

Thank you for your collaboration during this consultation process.

--

Abimael (Abi) **León** Ph.D.

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Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
Central Region (Region 4) FERC Coordinator
Ecosystem Conservation Division
Habitat Conservation Planning Branch
Environmental Planning and Review
1130 East Shaw Avenue,
Fresno, CA 93710
E-mail: Abimael.Leon@wildlife.ca.gov
Mobile: 559-580-3199

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From: David Moore <David.Moore@sce.com>

Sent: Thursday, July 14, 2022 6:20 PM

To: Leon, Abimael@Wildlife <Abimael.Leon@wildlife.ca.gov>

Cc: Hatler, Gerald@Wildlife <Gerald.Hatler@wildlife.ca.gov>; Martin Ostendorf <Martin.Ostendorf@sce.com>; Jillian Roach <Jillian.Roach@erm.com>

Subject: Request for Variance of Flows to Kern River Planting Base; SCE Kern River No. 3 Hydroelectric FERC No. 2290

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Dear Dr. Leon,

As a follow up to California Department of Fish and Wildlife's (CDFW) January 7, 2022 filing with FERC regarding suspension of hatchery operations, SCE is asking for CDFW's concurrence for a temporary variance to suspend the 35 cfs diversion flow requirement that supports California Department of Fish and Wildlife (CDFW)'s fish hatchery, until such a time CDFW resumes operations.

SCE's FERC license for the Kern River No. 3 (KR3) Hydroelectric Project (FERC No. 2290), issued on December 24, 1996, states in License Article 406 and Forest Service 4 (e) Condition No. 4 (revised December 19, 2003), that SCE shall at all times provide a flow of 35 cfs to the California Department of Fish and Game (CDFG or CDFW) Kern River Fish Planting Base (fish hatchery).

Forest Service 4(e) Condition states:

"The Licensee shall provide 35 cfs flow 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 the CDFG hatchery needs, the 35 cfs being diverted through the powerhouse tailrace will have precedence over the minimum streamflow requirements under this Condition and the flow regime in Condition 6. If operations at the planting base hatchery change, then CDFG may specify that the 35 cfs not be diverted at Fairview Dam."

The FERC License Article 406 also states that:

"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 such incident."

Therefore, SCE is requesting a temporary variance when incoming flows on the North Fork Kern River (NFKR) are not sufficient to meet the minimum instream flow (MIF) and 35 cfs diversion flow requirements. When this occurs, SCE will suspend generation and bypass all incoming flows, less 10 cfs, that will continue to be diverted and used to keep the KR3 flowline mechanical components wet and to provide for fire suppression at the KR3 Powerhouse.

SCE is asking for your response to this email no later than July 22, 2022 and will include

this consultation documentation as part of SCE's submittal to FERC.

Thank you for your support and please reach out to me if you have any questions regarding this request.

Best Regards,

David Moore

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