



Wayne P. Allen
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Filed Electronically

July 27, 2022

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1-A
Washington, DC 20426

Subject: Kern River No. 3 Hydroelectric Project (FERC Project No. 2290)

Notification of Agency Approval of Temporary Modification of Hatchery Flow Requirement under Article 406; Section 4(e) Condition No. 4

Request for Long-Term Variance of Hatchery Flow under Article 406; Section 4(e) Condition No. 4

Dear Secretary Bose:

Southern California Edison (SCE) is the owner and operator of the Kern River No. 3 (KR3) Hydroelectric Project (Project) (Federal Energy Regulatory Commission [FERC] Project Number 2290) located on the North Fork Kern River near the town of Kernville, California.

SCE's KR3 FERC license was issued on December 24, 1996 (77 FERC ¶ 61,313). License Article 406 and amended Forest Service 4(e) Condition No. 4 (dated December 19, 2003; 2004 FERC Order 107 FERC ¶ 62,136) state that SCE shall, at all times, provide a flow of 35 cubic feet per second (cfs) to the California Department of Fish and Game (currently California Department of Fish and Wildlife [CDFW]) Kern River Fish Planting Base (hatchery).

Forest Service 4(e) Condition No. 4:

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.

On January 7, 2022, CDFW filed a letter with FERC stating they are temporarily suspending hatchery operations to conduct maintenance on the pipeline serving the Kern River Planting

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Base.¹ Since SCE's License requirement to divert flows at Fairview Dam for CDFW hatchery operations will not be utilized by CDFW for beneficial use at the hatchery while the hatchery pipeline is under repair, CDFW requested that the 35 cfs not be diverted until the pipeline/siphon becomes operational or testing is required.

Since July 7, 2022, the North Fork Kern River inflow at Fairview Dam has been insufficient to meet both the minimum instream flow requirements set in Article 406 and the CDFW hatchery flows. Therefore, SCE consulted with the U.S. Forest Service, Sequoia National Forest (SQF) and CDFW to discuss suspending the hatchery flow. Through this consultation SCE requested approval from the SQF and CDFW to continue to divert up to 10 cfs to provide water for fire suppression at the KR3 Powerhouse, and to maintain water in the flowline to protect the water conveyance features and generating equipment by maintaining wet conditions on the equipment seals. The SQF and CDFW agreed to the continued up to 10 cfs diversion and provided their concurrence on the enclosed letters dated July 25, 2022 and July 19, 2022, respectively. On July 26, 2022², SCE subsequently initiated the temporary modification to the hatchery flow by reducing the diverted flow from 35 cfs to 10 cfs. This filing provides notification to FERC that in accordance with License Article 406, SCE has implemented the temporary variance and reduced the hatchery flow requirements as agreed to by the SQF and CDFW.

Concurrent with this notification, SCE is also seeking from FERC a long-term variance to License Article 406 to maintain the reduced flow until such a time CDFW resumes hatchery operations. During this long-term variance SCE will continue to divert up to 10 cfs as described above for the temporary variance. The SQF and CDFW have also concurred with the long-term request, per their enclosed correspondence.

If you have any questions or require additional information regarding the notification or long-term variance request, please contact David Moore at (626) 302-9494 or david.moore@sce.com.

Sincerely,

DocuSigned by:

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Wayne Allen
Principal Manager

Enclosures: Attachment A – Agency Correspondence

cc: David Moore, SCE

¹ CDFW Letter to FERC Regarding Temporary Shutdown of Kern River Planting Base Pipeline at Kern River No. 3 Hydroelectric Project (P-2290-000) ([eLibrary | File List \(ferc.gov\)](#)).

² Provisional real-time hourly flows for Kern River near Kernville are available at the following website: <http://www.sutronwin.com/scedison/tw/jsp/>.

