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Principal Manager  
Regulatory Support Services

*Filed Electronically*

July 1, 2024

Debbie-Anne A. Reese  
Acting Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

**Subject: Kern River No. 3 Hydroelectric Project, FERC Project No. 2290-122; Draft License Application**

Dear Acting Secretary Reese:

In accordance with Section 5.16(c) of the Federal Energy Regulatory Commission (FERC) regulations,<sup>1</sup> Southern California Edison Company (SCE) hereby files the enclosed Draft License Application (DLA) for the Kern River No. 3 Hydroelectric Project (Project), FERC Project No. 2290.

SCE is the licensee, owner, and operator of the Project. The Project is located on the North Fork Kern River (NFKR) and on Salmon and Corral Creeks near the town of Kernville in Kern and Tulare Counties, California. Project facilities are primarily located on federal lands within the Sequoia National Forest, with a small amount within SCE ownership around the powerhouse. The 40.2-megawatt (MW) run-of-river Project includes an intake diversion dam, a water conveyance system consisting of concrete-lined arched tunnels, covered and open concrete box flumes, a metal siphon, two diversion dams and conduits, a forebay, two penstocks, and a powerhouse.

SCE operates the Project under a 30-year license that was issued by FERC on December 24, 1996, and which expires on November 30, 2026.<sup>2</sup> In accordance with Section 15(c)(1) of the Federal Power Act and FERC's implementing regulations, SCE will file a Final Application for New License (FLA) for the Project with FERC on or prior to November 30, 2024,<sup>3</sup> to continue operation and maintenance of the Project under a new license.

The enclosed DLA culminates an intensive, multi-year relicensing effort by SCE, federal and state regulators, Tribes, environmental and recreational organizations, and members of the public (collectively referred to as the "relicensing participants"). SCE initiated the relicensing effort with the filing of its Notice of Intent and Pre-Application Document with

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<sup>1</sup> 18 CFR § 5.16(c)

<sup>2</sup> *S. Cal. Edison Co.*, 77 FERC ¶ 61,313 (1996)

<sup>3</sup> 16 USC § 808(c)(1)

FERC on September 22, 2021.<sup>4</sup> Since that filing nearly 3 years ago, SCE has been diligently working with relicensing participants to study the environmental and other public resources associated with the Project in an effort to inform SCE's relicensing proposal—as set forth in the enclosed DLA—and FERC's environmental review under the National Environmental Policy Act, as well as to inform decision making under the Federal Power Act and other applicable programs. Major milestones in this Integrated Licensing Process (ILP) that inform the enclosed DLA include:

- FERC's Scoping Document 1<sup>5</sup>
- FERC's Scoping Document 2<sup>6</sup>
- SCE's Proposed Study Plan for the ILP relicensing effort<sup>7</sup>
- SCE's Revised Study Plan for the ILP relicensing effort<sup>8</sup>
- FERC's Study Plan Determination<sup>9</sup>
- SCE's Initial Study Report, reporting on the first year of studies<sup>10</sup>
- FERC's request for additional information<sup>11</sup>
- SCE's provision of additional information requested by FERC<sup>12</sup>
- FERC's request for SCE to file study results<sup>13</sup>
- SCE's filing of additional study results for *REC-1 Whitewater Boating and REC-2 Recreation Facilities Use Assessment*<sup>14</sup>
- SCE's filing of additional information related to *REC-1 Whitewater Boating, REC-2 Recreation Facilities Use Assessment, and OPS-1 Water Conveyance Assessment*<sup>15</sup>
- FERC's Study Plan Modification Determination<sup>16</sup>

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<sup>4</sup> Notice of Intent to File and Application for New License and Pre-Application Document, Project No. 2290-122, Accession Nos. [20210922-5079](#), [20210922-5081](#), [20210922-5082](#), [20210922-5092](#), [20210922-5093](#), [20210922-5097](#), [20210922-5098](#) (filed September 22, 2021)

<sup>5</sup> Scoping Document 1 for the Kern River No. 3 Hydroelectric Project, Project No. 2290-122, Accession No. [20211122-3052](#) (issued November 22, 2021)

<sup>6</sup> Scoping Document 2 for the Kern River No. 3 Hydroelectric Project, Project No. 2290-122, Accession No. [20220304-3000](#) (issued March 4, 2022)

<sup>7</sup> Proposed Study Plans and Responses to FERC's Additional Information Request, Project No. 2290-122, Accession No. [20220307-5027](#) (filed March 7, 2022)

<sup>8</sup> Revised Study Plan, Project No. 2290-000, Accession No. [20220705-5032](#) (filed July 1, 2022)

<sup>9</sup> Study Plan Determination, Project No. 2290-122, Accession No. [20221012-3024](#) (issued October 12, 2022)

<sup>10</sup> Initial Study Report, Project No. 2290-122, Accession No. [20231010-5229](#) (filed October 10, 2023)

<sup>11</sup> Request for Additional Information, Project No. 2290-122, Accession No. [20231109-3044](#) (issued November 9, 2023)

<sup>12</sup> Response to Request for Additional Information, Project No. 2290-122, Accession No. [20231121-5179](#) (filed November 21, 2023)

<sup>13</sup> Request to File Study Results, Project No. 2290-122, Accession No. [20240201-3018](#) (issued February 1, 2024)

<sup>14</sup> Response to Request to File Study Results, Project No. 2290-122, Accession No. [20240301-5315](#) (filed March 1, 2024)

<sup>15</sup> Addendum to Initial Study Report, Project No. 2290-122, Accession Nos. [20240329-5136](#) & [20240329-5137](#) (filed March 29, 2024)

<sup>16</sup> Determination on Requests for Study Modifications and New Studies, Project No. 2290-122, Accession No. [20240530-3030](#) (issued May 30, 2024)

In addition, the enclosed DLA has been prepared in accordance with FERC's ILP regulations set forth in Sections 4.51 and 5.18 of FERC's regulations, as applicable,<sup>17</sup> and is comprised of four volumes as described below:

- Volume I Initial Statement, General Content Requirements, Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit G, and Exhibit H (Public)
- Volume II Exhibit E, including applicable appendices and technical study memorandum (Public)
- Volume III Exhibit F, Project facility drawings, and applicable technical study memorandum (CUI//CEII–Contains Critical Energy Electric Infrastructure Information–DO NOT RELEASE)
- Volume IV Cultural and Tribal Technical Memorandum (CUI//CEII/PRIV–Contains Confidential and Privileged Information–DO NOT RELEASE)

Volume III of the DLA contains Controlled Unclassified Information (CUI) and Critical Energy Infrastructure Information (CEII).<sup>18</sup> In accordance with FERC's regulations for submitting CEII, SCE is filing Exhibit F in its entirety, filing certain resource study Technical Memorandum and Project facility drawings required as part of Exhibit H separately as non-public CEII, and labeling this content as CUI//CEII. This information contains sensitive and detailed engineering information that, if used incorrectly, may compromise the safety of the Project and those responsible for its proper operation. As such, SCE respectfully requests that FERC maintain this information in its non-public file. Members of the public requesting CEII information for the Project must comply with FERC's procedures for obtaining access to CEII as required under 18 CFR § 388.113. All public requests for CEII access should be made to FERC's CEII Coordinator.

Volume IV of the DLA consists of the Draft Technical Study Reports for cultural and Tribal resources, which contains information regarding sensitive cultural resources and therefore qualifies as confidential information under 36 CFR § 800.11(c)(1). Disclosure of such information could be harmful to these resources. The information will be e-filed with FERC under the "privileged tab" and are marked as "CUI//CEII/PRIV–Contains Confidential and Privileged Information–DO NOT RELEASE" in accordance with instructions issued by FERC.<sup>19</sup> Because this information is statutorily designated as

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<sup>17</sup> 18 CFR §§ 4.51, 5.18

<sup>18</sup> *Id.* § 388.113

<sup>19</sup> 18 CFR § 388.112

confidential<sup>20</sup> and exempt from public disclosure under the Freedom of Information Act,<sup>21</sup> SCE respectfully requests that FERC maintain this information in its non-public file.<sup>22</sup> Additionally, SCE is developing a Historic Properties Management Plan that will be circulated to the State Historic Preservation Office, Tribal stakeholders, and relevant agency representatives; the final Historic Properties Management Plan will be included with the FLA.

As outlined in Section 5.18 of FERC's regulations,<sup>23</sup> the DLA discusses SCE's proposal for continued operation and maintenance of the Project. Exhibit E also includes SCE's preliminary proposal for protection, mitigation, and enhancement (PM&E) measures to address Project effects (ongoing and proposed), and in some cases includes enhancements to environmental, cultural, and social resources (provided in Appendix E.1). SCE intends to continue discussing PM&E measures with applicable relicensing participants after filing the DLA to further refine the proposed PM&E measures, as appropriate.

Exhibit E also includes the results of resource studies completed to-date in support of the relicensing proceeding (Technical Memorandum provided in Appendix E-2). SCE is currently conducting its second year of studies in accordance with the revised schedule as outlined in SCE's Initial Study Report filing and FERC's May 30, 2024, Determination on Requests for Study Modifications and New Studies, which includes additional or modified study components associated with *WR-1 Water Quality*, *WR-2 Hydrology*, *REC-1 Whitewater Boating*, *REC-2 Recreation Facilities Use Assessment*, *AES-1 Aesthetic Flow*, and *ANG-1 Enjoyable Angling Flows*. Any remaining study results will be included as part of the Updated Study Report and filed with FERC no later than October 11, 2024, or will be supplemented at a later date for studies that will remain a work-in-progress at the time the Updated Study Report is filed.

SCE has made the public portions of the enclosed DLA available to any relicensing participant interested in the Project's relicensing through SCE's public relicensing website at [www.sce.com/kr3](http://www.sce.com/kr3) or from FERC's eLibrary at <https://www.ferc.gov/docs-filing/elibrary.asp>. In addition, the DLA can be viewed electronically at the Kern River Valley Branch Library located at 7054 Lake Isabella Boulevard, Lake Isabella, California 93240.

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<sup>20</sup> 54 USC § 307103 (requiring federal agencies to withhold from disclosure to the public information about the location, character, or ownership of a historic property if the agency determines that disclosure may cause a significant invasion of privacy, risk harm to the historic property, or impede the use of a traditional religious site by practitioners); 36 CFR §§ 800.6(a)(5), 800.11(c) (2023) (same)

<sup>21</sup> 5 USC § 552(b)(3) (exempting from public disclosure matters that are "specifically exempted from disclosure by statute")

<sup>22</sup> 18 CFR § 388.112

<sup>23</sup> *Id.* § 5.18

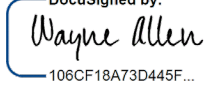
Acting Secretary Reese  
Page 5 of 5  
July 1, 2024

Pursuant to FERC's ILP regulations and the Process Plan and Schedule established by FERC,<sup>24</sup> all comments on the enclosed DLA must be filed within 90 days (i.e., by October 1, 2024).

SCE appreciates the tremendous effort and commitment of FERC staff and relicensing participants for the significant work undertaken to date in the relicensing process and looks forward to continuing work as SCE prepares the FLA and thereafter engage in the formal relicensing proceeding before FERC.

If you have any questions regarding this filing, please contact Stephanie Fincher-DeMillo, SCE Project Manager, via email at [stephanie.fincher@sce.com](mailto:stephanie.fincher@sce.com).

Sincerely,

DocuSigned by:  
  
106CF18A73D445F...  
Wayne P. Allen  
Principal Manager

Cc: Distribution List

Enclosures:

- Volume I: Initial Statement, Exhibit A, B, C, D, G, and H (Public Information)
- Volume II: Exhibit E (Public Information)
- Volume III: Exhibit F and applicable technical study memorandum, Critical Energy Infrastructure Information (CUI//CEII) - **DO NOT RELEASE**
- Volume IV: Cultural and Tribal Reports (CUI//CEII/PRIV) - **Contains Confidential and Privileged Information DO NOT RELEASE**

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<sup>24</sup> 18 CFR § 5.16(e); Request to File Study Results, Attachment A, Project No. 2290-122, Accession No. [20240201-3018](#) (issued February 1, 2024)

## **DISTRIBUTION LIST**

**FERC Project No. 2290 Official Service List (retrieved June 13, 2024)**

<p>Brett Duxbury                  Co-Director, Kern River Boater                  P.O. Box 1938                  Kernville, CA 93238                  kernville@mac.com</p>	<p>Kern River Fly Fishers                  James Ahrens                  8536 Kern Canyon Road, 201                  Bakersfield, CA 93306                  jimahrensmt@gmail.com</p>
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<p>Southern California Edison Company                  Christy Fanous                  Managing Director                  christine.fanous@sce.com</p>	<p>American Whitewater                  Julie Gantenbein, Staff Attorney                  2140 Shattuck Ave, Ste. 801                  Berkeley, CA 94704-1229                  jgantenbein@waterpowerlaw.com</p>
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### State Government/Representatives

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Wuksache Indian Tribe/Eshom Valley Band Kenneth Woodrow—Chairperson 1179 Rock Haven Court Salinas, CA 93906 kwood8934@aol.com	

### Local Government/Public Agency

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Kernville Chamber of Commerce Bryan Batdorf 119 Spruce Ave (box 1558) Kernville, CA 93238 bryanbatdorf@hotmail.com	Tulare County, CA Board of Supervisors 2800 W. Burrel Ave Visalia, CA 93291
Kernville Chamber of Commerce Lenny Borthick, President 119 Spruce Ave (box 1558) Kernville, CA 93238	Water Association of Kern County-Kern River Watermaster Dana Munn, Kern River Master P.O. Box 1168 Wasco, CA 93280-8068
Kernville Chamber of Commerce Rick Dancing, Coordinator 119 Spruce Ave (box 1558) Kernville, CA 93238	California Electricity Oversight Board v. Sellers of Long-Term Contracts to the California Department of Water Resources, Legal Department 455 Golden Gate Ave, Ste 11000 San Francisco, CA 94102-7004

### Other Local Organizations, Businesses, and Public Interest

California Sport Fishing Protection Alliance Bill Jennings 3536 Rainier Ave Stockton, CA 95204 bjennings@calsport.org	Kernville Chamber of Commerce Lanny Borthick, President P.O. Box 397 Kernville, CA 93238
Energy Systems Engineering Karl Hemmila 10861 E Calle Desierto Tucson, AZ 85748 KHemmila@SEngs.com	Kern River Outfitters Matt Volpert 6602 Wofford Blvd Wofford Heights, CA 93285 Matt@kernrafting.com
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