

SCE Lee Vining Hydroelectric Project FERC Relicensing Technical Working Group Process

Charter Document

Southern California Edison's (SCE) 30-year license from the Federal Energy Regulatory Commission (FERC) to operate the SCE Lee Vining Hydroelectric Project (Project) located near Lee Vining, CA is due to expire on January 31, 2027. SCE has started the process to apply for a new license and is conducting "early relicensing activities" prior to formally initiating relicensing process with the filing of a Notice of Intent and Pre-Application Document to FERC. SCE is planning to formally initiate the relicensing process with FERC by August 3, 2021. SCE is conducting early relicensing activities to engage stakeholders in a collaborative process to identify and develop approved technical resource studies that will be included in the Pre-application Document (PAD) to be filed with FERC in August 2021. These study plans will be developed collaboratively through a Technical Working Group (TWG) process. This Charter document describes principles and guidelines reviewed and agreed to by all stakeholders participating in the TWG process.

Purpose for the Lee Vining Project TWG Process

The TWG will meet as needed throughout the re-licensing process to provide technical expertise and represent key stakeholder constituencies on specific resources areas associated with the Lee Vining Project. Initially, the TWG will work to inform the development of proposed study plans that SCE will incorporate into the formal licensing process. The TWG process is intended to operate collaboratively, while also respecting the individual authorities and mandates of participating agencies, Native American tribes, and SCE's independent decision-making regarding the content of its license application, which will describe the Project's future operations.

TWG Structure

The TWG process is organized around multiple working groups focused on different resource areas. As part of an initial virtual meeting (webinar) with interested stakeholders planned for October 6, 2020, SCE is intending to present information about these resource areas, and gauge interest from participants on future involvement with the TWGs. Stakeholders will be invited to sign up for one or more working groups during the webinar. Based on initial planning (subject to modification after the webinar), SCE plans to move forward with four TWGs while reserving the flexibility to make adjustments, in consultation with stakeholders:

- Cultural Resources
- Terrestrial and Botanical Resources
- Water Resources
- Recreation and Land Management Resources

The TWGs will remain open to additional stakeholder participation throughout the relicensing process. All participants must agree to the guidelines and principles for participation described in this Charter.

Participation in the TWG Process

The TWG process is open to all interested parties including public agencies, Native American tribes, and not-for-profit organizations, as well as individuals. Participants are expected to make a significant time commitment to prepare for and attend meetings, review documents, and provide technical input to SCE and its consultants on methods, analysis, and interpretation in a timely fashion. In light of this time commitment, it is expected that the TWG process will attract a relatively small number of subject matter experts. SCE will also support a concurrent but separate outreach effort to provide information about the relicensing to the interested public as well as stakeholders electing not to participate in the TWG process via electronic communication and updates to the Project website.

During the course of the relicensing TWG participants likely will:

- Identify relevant information or knowledge gaps
- Propose resource studies to address gaps and support legal authorities or responsibilities in relicensing
- Review and comment on parts of SCE's Pre-Application Document
- Assist in identifying the study scope, consistent with FERC Study Plan Criteria [(found at 18 CFR § 5.9(b) or <https://www.ferc.gov/sites/default/files/2020-07/guide-study-criteria.pdf>] and appropriate methodologies for investigating resource issues
- Conduct outreach to constituent groups to bring their input into the process and keep them informed
- Participate in meetings, either in-person or via teleconference (at different stages, the TWG may need to meet more frequently)
- Participate in coordination or planning phone calls or additional site visits, as needed
- Once a study plan has been finalized (estimated to be in early 2022), TWG meetings likely will be held on a less frequent basis through the duration of the licensing process
- For the duration of the current health pandemic, meetings will occur virtually; as conditions change, SCE anticipates in-person meetings in and around Lee Vining, CA

TWG Participant Responsibilities

Technical Working Group participant responsibilities include:

1. Support success of the TWG process by regularly attending meetings, calls, and webinars or ensuring a designated alternate can attend; being prepared to address noticed topics and questions; and reviewing materials and providing any comments consistent with agreed schedules.

2. Provide relevant technical and scientific information, along with knowledge and constructive advice, to SCE's team and other stakeholders.
3. Respect meeting-specific guidelines intended to promote constructive communication.
4. Communicate significant needs, interests, and priorities on behalf of an agency, tribe, or organization linked to the essential questions to be addressed through relicensing.
5. Work collaboratively with other stakeholders, seeking to integrate diverse needs and interests into solutions that work for multiple stakeholders.
6. Accurately represent the interests and authorities of an agency, tribe, or organization.

Facilitator Roles and Responsibilities

SCE has contracted with Kleinschmidt Associates to provide relicensing support, including facilitation, outreach, and stakeholder engagement as part of the relicensing.

The Team will:

- Develop draft and final agendas
- Provide advance notice of times and locations of meetings
- Distribute meeting materials (five working days in advance)
- Prepare action lists and track actions
- Prepare meeting summaries
- Manage time
- Track actions, next steps, and deadlines
- Meet needs for audio visual and other technical support
- Enforce meeting-specific guidelines

As necessary, SCE may bring in a third-party facilitator to provide neutral/non-partisan about substantive content or choices such as potential study questions or study plans.

Communications

A successful TWG process will require timely, consistent, and transparent communication of information. This includes agendas, presentations, and documents developed by SCE's technical team for TWG meetings; draft documents circulated for review and comments; and sharing of relevant technical information to support study plan development and other key steps in the licensing process. Attachment A contains guidelines for document reviews, comments, and editing that TWG participants will need to review and endorse.

TWG Decision Making

The TWG process will include multiple opportunities to identify areas of agreement among SCE and stakeholders, as well as to clarify any areas of disagreement. In the pre-application phase, there is an important opportunity to build agreement on study questions and plans required by FERC. If possible, stakeholders in each TWG will reach agreement with SCE about a study plan that SCE will submit to FERC for approval. Where there is agreement, stakeholders will independently inform FERC of their support for study plans submitted by SCE. Stakeholders will also advise FERC of any significant disagreement regarding each proposed study plan, including the need to add studies. SCE will make its own, independent decision about the content of its submittals to FERC, including its Pre-Application Document and study plans. SCE hopes to endorse consensus agreements developed through the TWG process.

Given this goal of seeking agreement where possible, the TWG process will use a consensus-based model for decision making on substantive issues. Consensus is defined as a level of agreement that allows each participant to actively support an outcome or, at a minimum, be willing to “live with” a result or outcome supported by other participants, i.e., willing to “stand aside” and not oppose.

Primary Members and Alternate Members

Each TWG member agency or participant is encouraged to designate a primary representative for each working group, along with one or more alternates. Alternates are welcome to attend meetings as observers. In the event that an alternate is asked to step in for a primary, it is the primary representative’s responsibility to ensure that the alternate is briefed on the process to date.

If a representative is unable to continue participation in the TWG, a replacement will be designated by the participating organization or agency.

Public Participation in the Process

Interested members of the public are welcome to observe throughout the relicensing process. This includes attending TWG meetings and agreeing to all meeting guidelines.

TWG members have responsibilities to work with their constituencies. Interested members of the public are encouraged to contact and communicate with TWG members to stay informed or communicate relevant information.

Meeting materials, including summaries of the TWGs will be posted on the SCE relicensing web page.

Media Contact

There may be coverage of the relicensing process in local media, blogs, and other forms of communications. Participants in the TWG process will respect the open, frank discussions that occur within the TWG and avoid attributing specific comments or views to other participants through the media.

Attachment A: Guidelines for Timing of Document and Information Reviews and Comments for TWG Process

The following guidelines are proposed for the TWG Process to support timely, consistent, and transparent communications:

1. The SCE team will issue agendas and documents for review no less than one week before a scheduled meeting.
2. Meeting summary notes will be drafted and distributed to meeting attendees within five business days following the end of a TWG meeting for review and comment. TWG members will provide comments within 10 business days of receiving draft summaries, and a final set of notes will be developed and shared with TWG members within five additional business days and posted to the Project website.
3. SCE will endeavor to respond to incoming inquiries (via phone or email) within two business days. In cases where a response requires more time, SCE will respond to let the stakeholder know that the inquiry was received and that more information will be forthcoming.
4. Unless another timeline has been agreed to, TWG members will edit and respond to draft documents within two weeks of receiving them or the end of a TWG meeting, depending on the agreed review process. It is important to note that once SCE has initiated the formal FERC process, certain deadlines are within neither SCE's nor the TWG's control. However, SCE is committed to helping all TWG members manage these deadlines.
5. SCE will provide email updates to the interested public not less than three times a year, and more frequently where warranted by project milestones.¹

These guidelines are subject to review and adjustment by TWG participants as necessary to promote constructive and effective communications.

¹ Once the PAD and NOI is filed, a relicensing PAD and Schedule will be distributed that will provide milestones and schedules that FERC will be monitoring.