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UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

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Kern River No. 3 Hydroelectric : P-2290-122  
Project :  
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PUBLIC WEBEX VIRTUAL SCOPING SESSION

Tuesday, December 14, 2021

The public scoping session, pursuant to notice,  
convened via WebEx teleconference at 12:00 p.m. (EST)

1 P R O C E E D I N G S

2 (12:19 p.m.)

3 MR. EMMERING: Welcome to the FERC Scoping  
4 Meeting, Kern River Number 3 Hydroelectric Project, that's  
5 FERC Project Number 2290. My name is Quinn Emmering, and I  
6 am with the Federal Energy Regulatory Commission, and I am  
7 the Project Coordinator for the relicensing of the project.  
8 And I am also a wildlife biologist, and will be evaluating  
9 any terrestrial resource issues remitted to the project's  
10 relicensing.

11 Obviously, I'll also be moderating the meeting  
12 today, but before we get too far down the road I just wanted  
13 to provide a few reminders, instructions and ground rules  
14 for everyone. I think everybody is currently muted. If you  
15 want to, if you need to ask a question or a comment you can  
16 hit star 3 and that will virtually raise your hand, and then  
17 when I see that I can go ahead and select your name and  
18 you'll get a request.

19 It will say something to the effect that you are  
20 being asked by the host to unmute yourself, press star 6 to  
21 you know unmute. So as you know this is a virtual meeting,  
22 or a teleconference call. Obviously there won't be any  
23 PowerPoint slides, or other visuals during the meeting.  
24 Such are the times that we currently live in.

25 And we're just going to you know since this is

1 you know a teleconference call. You don't want to go too  
2 far into depth to get too long-winded. I know I tend to get  
3 a little long-winded sometimes, but we just want to provide  
4 kind of a high level overview of scoping, and then later on  
5 SCE will provide a brief rundown of the project facility's  
6 operations, and it's proposal for the project relicensing.

7 Also, the meeting is being transcribed by a Court  
8 Reporter. His name is Mr. Gaynell Catherine, and he's  
9 independent from FERC. He doesn't work at FERC, so he will  
10 be recording the meeting, and eventually that transcribed  
11 transcription will be posted to our public record.

12 So I would just ask you know to help him out, and  
13 everyone else, please when you speak please just clearly  
14 state your full name and your affiliation every time that  
15 you speak, just so we know who's talking. And you know also  
16 limit the use of jargon and acronyms today.

17 And you know I've asked Gaynell to interrupt if  
18 he needs to, just to have you repeat yourself, or get your  
19 name down and what not when you're speaking. So please be  
20 aware of that and considerate of our Court Reporter and all  
21 the other participants.

22 Yes? Yes? Okay. However, yes, however not  
23 everybody is on Webex, and so for those that are just on a  
24 phone line or some other device, it is going to be best if  
25 you identify yourself for those folks who do not have access

1 to Webex, so please, please just identify yourself and your  
2 affiliation and what not, just so we can keep track of  
3 everything okay?

4           What else. Where did I leave off here?

5 Obviously, as I've already mentioned, we're using this Webex  
6 software to conduct and kind of manage this virtual meeting  
7 today, and Webex just allows me to see everyone that has  
8 called into the meeting, so I have a screen here, and I can  
9 see everybody's names, and mute and unmute you, and what  
10 not.

11           This is actually kind of a first run for a  
12 hydropower licensing to use this software, so for a public  
13 meeting, so please bear with me if there's any delays or  
14 technical difficulties. I apologize in advance if that  
15 happens.

16           And like I said earlier to indicate you wish to  
17 speak just press star 3 and that will virtually raise your  
18 hand. And then Webex will ask you to wait until the host  
19 calls on you, and when I call on you, Webex will then ask  
20 you to unmute yourself by pressing star 6. Again, please be  
21 patient and I will try to get everyone in turn as fast as  
22 possible. All right, there's been a couple of other people  
23 I think that just joined, no take that back.

24           Does anybody have any questions before we jump  
25 into the meat of the meeting today? All right. So moving

1 on, just a quick rundown. I know a lot of you are familiar  
2 with FERC and scoping, and just the whole NEPA, the National  
3 Environmental Policy Act process, but I'm just going to  
4 provide a brief overview for those who are less familiar.

5           So one of the Federal Energy Regulatory  
6 Commission's many responsibilities, Federal Energy  
7 Regulatory Commission hereon after I will just be referring  
8 to as FERC. So one of FERC's many responsibilities of  
9 course is authorizing instruction and operation of  
10 non-federal hydro projects, including relicensing existing  
11 projects about every 30 to 50 years.

12           Hydropower licensing staff, review applications  
13 filed with the Commission for hydropower authorizations. We  
14 advise applicants in selecting the appropriate licensing  
15 process to use for applications. We determine whether those  
16 license applications are adequate for processing once filed,  
17 and then we process those applications, including the  
18 preparation of an environmental document, either an  
19 environmental assessment, or environmental impact statement,  
20 which are of course required by the National Environmental  
21 Policy Act, or hereafter NEPA.

22           We also make recommendations regarding the action  
23 on applications for hydro authorizations, including  
24 approval, approval to modifications or denial. And we  
25 recommend final administrative, engineering, and

1 environmental measures as conditions of relicense.

2           So part of the NEPA process is of course scoping,  
3 and you know NEPA requires federal agencies like FERC to  
4 consider all the environmental impacts of our actions in the  
5 decision making process, including relicensing hydropower  
6 projects like the Kern River Project.

7           And part of this process of course includes  
8 scoping, which is a public process where we determine the  
9 scope of the issues to be addressed, and for identifying  
10 issues related to any proposed federal action which is  
11 relicensing.

12           And the purpose for the meeting today is just to  
13 better understand the value of those resources and get all  
14 the agency's various concerns, identify and refining any  
15 project specific issues, and we'll be referring back and  
16 forth to the scoping document, scoping document 1 that we  
17 issued a little while back, about a month ago, and then  
18 we'll also be eliminating any issues that don't warrant  
19 evaluation.

20           And then so all these issues will then be  
21 collected, and we will -- we being the Commission staff, or  
22 FERC staff, will be evaluating those identified issues in  
23 our environmental analysis document or our EA, or EIS. And  
24 then the other part of scoping you know is also identify  
25 what information exists to inform those various issues.

1           So is there other information out there to inform  
2 those issues? Is there any additional information that  
3 might be needed to, or you know for folks to evaluate impact  
4 to any given resource, and to address in our environmental  
5 document, or our NEPA document.

6           I'll be using the NEPA document EA, EIS. We have  
7 not determined whether it's going to be an EA or EIS yet,  
8 that just depends on the extent of any issues. All right.  
9 Does anybody have any questions before we launch into some  
10 brief introductions? Okay.

11           MS. RICHARDSON: Quinn this is Meg Richardson  
12 with SCE. I just wondered if you had called in user 31 and  
13 34 captures.

14           MR. EMMERING: Okay. There are a couple of  
15 people that just recently joined, and I'm sending you a  
16 request to identify yourself. Get your name on the record  
17 here. You should get a little message that says the host  
18 has asked you to unmute yourself. When you do please let me  
19 know who you are. Sorry folks, please stand by. I just  
20 pinged the two of you again. I know there's been a couple  
21 instances here where folks show up twice for whatever  
22 instance, or whatever reason and that might be the case with  
23 those folks as well.

24           MS. DAVIS-KING: Shelly Davis-King.

25           MR. EMMERING: Okay. Hold on. Shelly Davis-

1 King.

2 MS. DAVIS-KING: Yes. Davis-King.

3 MR. EMMERING: Okay. And Shelly who are you  
4 with?

5 MS. DAVIS-KING: I'm a subcontractor of ERM, I'm  
6 the ethnographer.

7 MR. EMMERING: Contractor with who?

8 MS. DAVIS-KING: ERM.

9 MR. EMMERING: ERM.

10 MS. DAVIS-KING: And my name, my business name is  
11 Davis-King and Associates.

12 MR. EMMERING: Okay. And there's one other  
13 person here. Okay. Well there might be some sort of issue  
14 on their end, or a bad connection or something, so I'm just  
15 going to launch ahead.

16 So first of all like I said my name is Quinn  
17 Emmering, and I'm the Project Coordinator for the  
18 relicensing, so I'll be coordinating that effort over the  
19 next several years. And then we also have a FERC team  
20 that's assigned to the various resources that we will be  
21 addressing in our environmental document down the road.

22 And I'm just going to call them by name, and have  
23 them introduce themselves starting with Frank.

24 MR. WINCHELL: Yeah hi Quinn. My name is Frank  
25 Winchell, W-I-N-C-H-E-L-L. I'm an archeologist, and I work



1 with FERC Office of Energy Projections, our division of  
2 Hydropower Licensing, and I'm doing the review for cultural  
3 and tribal resources involved with this relicensing.

4 MR. EMMERING: Great, thank you Frank. Yeah as  
5 Frank pointed out we're within FERC there's of course many  
6 offices and we're all in the Division of Hydropower  
7 Licensing, so we handle all the original licenses, and  
8 relicenses that come in and evaluate those applications, and  
9 perform the environmental review associated with those  
10 licenses. Next Kyle?

11 MR. OLCOTT: Yeah I'm Kyle Olcott, handling  
12 recreation and land use and aesthetic resources.

13 MR. EMMERING: All right thanks Kyle. Nick?

14 MR. ETTEMA: Hi everybody this is Nick Ettema. I  
15 am working on aquatic and fisheries resources, so water  
16 quantity and quality issues, and fish and other aquatic  
17 organism issues. I've been with FERC about eight years, and  
18 prior to this job I actually worked for the Forest Service  
19 actually. I worked on the neighboring Inyo National Forest  
20 for about three years, so somewhat familiar with the area,  
21 but I actually have never been down to Kernville before, but  
22 looking forward to working on the project.

23 MR. EMMERING: All right thank you Nick. There's  
24 a couple other folks that aren't currently on the call. Our  
25 engineer is on vacation this week. Her name is Khatoon

1 Melick, and so she will also be working on evaluating any  
2 kind of soil and geology resource issues. And yes sorry,  
3 sorry Gaynell. Her name is Khatoon which is K-H-A-T-O-O-N,  
4 and her last name is Melick, M-E-L-I-C-K. Thank you very  
5 much.

6 And then later one of our attorneys will also be  
7 joining the call and her name is Dina Goldman, Dina are you  
8 there?

9 MS. GOLDMAN: Yes. I am here.

10 MR. EMMERING: You could introduce yourself Dina.

11 MS. GOLDMAN: Thank you. I'm Dina Goldman. I am  
12 the legal counsel for this relicensing, and I work in the  
13 Office of General Counsel at FERC. So I'm happy to be here.

14 MR. EMMERING: All right. Thank you very much  
15 Dina. At this stage I'm going to just go ahead and turn it  
16 over to Meg Richardson, and she's basically the project  
17 coordinator over on Southern California Edison for SCE  
18 hereafter on their end. I'll let her go through the team  
19 and just introduce, just quickly introduce themselves.

20 MS. RICHARDSON: Very good thank you Quinn. Good  
21 morning everyone and welcome. As Quinn said I'm Meg  
22 Richardson, I'm the licensing and proceeding project manager  
23 for Southern California Edison for this proceeding. I'm  
24 going to go ahead and follow suit like Quinn, and I'll call  
25 out the various Edison team names, and then I'll move over

1 to our lead contractor to do a quick introduction. So first  
2 Audrey.

3 MS. WILLIAMS: Audrey Williams, SCE archeologist  
4 on the project.

5 MS. RICHARDSON: Thank you Audrey. Martin  
6 Ostendorf?

7 MR. EMMERING: I haven't seen Martin pop up here  
8 yet Meg.

9 MS. RICHARDSON: Yeah he's on the call.

10 MR. EMMERING: Okay.

11 MS. RICHARDSON: Yeah at least he's showing in  
12 the participants.

13 MR. EMMERING: Oh, okay. Oh there he is.

14 MS. RICHARDSON: Martin are you there? Okay.  
15 We'll move on. Martin Ostendorf is the Senior Manager over  
16 the licensing team. Leo Artienda?

17 MR. ARTIENDA: Hi. Good morning.

18 MS. RICHARDSON: So Leo Artienda is my peer in  
19 the licensing team, and Dan Keverline.

20 MR. KEVERLINE: Good morning everyone. I'm Dan  
21 Keverline, I'm with SCE obviously. I'm the Southwest  
22 Production Senior Operations Manager for the Kern Projects.

23 MS. RICHARDSON: Thanks Dan, thanks for joining.  
24 Jillian Roach and Alex Grant are our leads for the primary  
25 consultant ERM, and I'll turn it over to Jillian. Quinn

1 quick question, do you want her to run through the folks  
2 that are supporting the ERM, that are all the  
3 subconsultants. Do you want her to run through those?

4 MR. EMMERING: Yeah that might be good.

5 MS. RICHARDSON: Yeah.

6 MR. EMMERING: Just to quickly go through them  
7 and just say you know what resource area they're handling,  
8 what the responsibilities are, just so we have a clear  
9 understanding.

10 MS. RICHARDSON: Thanks Quinn, I'll turn it over  
11 to you Jillian.

12 MS. ROACH: Sure. Good morning. This is Jillian  
13 Roach, J-I-L-L-I-A-N Roach, I am with ERM. I am the Project  
14 Manager supporting Southern California Edison with the Kern  
15 River Number 3 relicensing. As Meg said, I am supported by  
16 numerous people, several of the folks that are on the call  
17 today.

18 The first one is Alex Grant. He is my sort of  
19 second in charge, and he is also with ERM. Just as quick  
20 recap for folks that are on the phone we have Denise Jaffke  
21 and Daron Duke from Far Western. They are helping out with  
22 the cultural resources. And then we also have Lynn Compas  
23 with HRA, who is also helping with cultural resources.

24 And we have Shelly Davis-King with Davis-King and  
25 Associates, who is with the tribal acnography group. We

1 have let's see Randy McCormick with McCormick Biological,  
2 and she is on the vegetation and biological resources.  
3 Let's see who else do we have. We have Russ Liebig with  
4 Stillwater Sciences, and he is our aquatic and fisheries  
5 lead.

6 We have Melissa Lane, also with Stillwater  
7 Sciences who is our hydrology and operations lead. Okay. I  
8 think that's everybody else on the back-end, call in user 31  
9 if that's not a duplicate, that may be someone named Brad  
10 Blood from Somas who is also a contractor who is also  
11 helping out with terrestrial resources.

12 Oh sorry, I think I missed Matt Harper from  
13 Kleinschmidt who is on the recreation and land use  
14 resources. I think I got everybody.

15 MR. EMMERING: Thank you Jillian. Is that  
16 everybody for SEC and contractors and what not?

17 MS. RICHARDSON: That is everyone that I can see  
18 in the participant list. If there's anyone that I've  
19 overlooked please speak up. It looks like Lynn Compas is  
20 also on who is a sub for the ERM team, Jillian I don't think  
21 you saw she was on.

22 MR. EMMERING: Okay. Let's see. So I'm also  
23 going to have the agencies start with that. I'm just going  
24 to go through the list for all the other participants.  
25 Andrea Sellers could you introduce yourself, Chief of State

1 Water Board.

2 MS. SELLERS: Hi this is Andrea Sellers with the  
3 State Water Board.

4 MR. EMMERING: I think there's a little bit of a  
5 delay for when I ping folks to speak, so just be patient  
6 there. Let's see. Brett Duxbury?

7 MR. DUXBURY: Hi this is Brett Duxbury with Kern  
8 River Boaters.

9 MR. EMMERING: Yep Chloe Hansum?

10 MS. HANSUM: Sorry can you hear me now?

11 MR. EMMERING: Yes.

12 MS. HANSUM: Yes. This is Chloe Hansum. I'm  
13 with the U.S. Fish and Wildlife Service out of the  
14 Sacramento office.

15 MR. EMMERING: Thank you Chloe. Lili did you  
16 have a question? Okay I guess not. All right. So where  
17 are we going? Actually unless somebody really wants to  
18 introduce themselves, it's going to take a lot of time, and  
19 I'd rather we get started on what we're actually all here  
20 for. I'm just going to run through the list just to go  
21 through all the other participants that are on here.

22 We just were introduced to Brett Duxbury who was  
23 with the Kern River boaters. Chloe Hansum who is with U.S.  
24 Fish and Wildlife Service, and Jeff Venturino who is with  
25 American White Water. Karen Miller with the Forest Service.

1 Lilian Jonas is with the National Park Service. Dawn  
2 Alvarez is with the Forest Service.

3 Liz Duxbury is with the Kern River Boaters.  
4 Monique Sanchez Forest Service. We've got Philip Oviatt  
5 with BLM and I think that's everybody. I've got a couple  
6 raised hands here, so I'll move on in just a minute. Lilian  
7 did you have a question?

8 MS. JONAS: No I don't. I didn't touch anything,  
9 and my hand is up.

10 MR. EMMERING: Okay that's all right, that's all  
11 right. Dawn has a question. Go ahead Dawn.

12 MS. ALVAREZ: Great thanks. I was just going to  
13 ask you to read through the names, which you did, but I  
14 didn't know how to lower my hand. Is there a function for  
15 doing that?

16 MR. EMMERING: Yeah I can do it, and again that's  
17 Dawn Alvarez who is with the Forest Service. All right.  
18 Yep. I understand I'm just letting everybody know who can't  
19 see the names. Yeah, yeah sure, all right. Thank you  
20 Gaynell.

21 All right moving on. So now I'm going to go  
22 ahead and turn it over to SCE. They're going to give a  
23 brief project description and discuss their relicensing  
24 proposal, so go ahead Meg.

25 MS. RICHARDSON: Yes, good morning everyone. So

1 again this is Meg Richardson. I just wanted to highlight --  
2 I know a lot of us are calling in from southern California  
3 so safety. We've got a big storm coming through, so  
4 everyone stay safe. I just wanted to thank FERC for heeding  
5 COVID and being able to do this virtually, so thank you for  
6 that.

7           First I'm going to turn it over to our senior  
8 manager in operations for southwest, Dan Keverline who will  
9 do a high level overview of the project. As you know we  
10 have posted about an 11 minute drone footage that gives you  
11 a good overview that's on the project website, so you can  
12 also reference that.

13           Dan will go over the project pilot review, and  
14 then spend no more than seven minutes on that and then  
15 Jillian Roach will provide just an update, overview of the  
16 proposal again, not more than five, six minutes. So with  
17 that I'll turn it over to you Dan thank you.

18           MR. KEVERLINE: Thanks Meg. Yeah I would  
19 recommend that everybody pull up that drone footage. It  
20 will really give you a good understanding of kind of the  
21 layout of the project and where we are in the world. So  
22 this will be pretty brief. The Kern 3 Project went into  
23 service back in 1921. It is a run of the river project.

24           There are two units inside the powerhouse that  
25 generate approximately 19 megawatts of power. The Fairview



1 Dam is the main diversion dam along the Kern River. It's  
2 located about 15 miles upstream of the powerhouse. There  
3 are two more diversion dams along the river, or along the  
4 flow line there. One is Corral and the other one is Salmon  
5 Creek that we can pull small amounts of water in.

6 The 15 miles of tunnel has some flume sections  
7 that are exposed, some are capped. It has approximately 600  
8 cfs capacity, that's cubic feet per second. We operate and  
9 maintain it generally from a local area there. We have  
10 maintenance shops operators are staged out of the Kern 3  
11 powerhouse that operated. We can operate from other remote  
12 locations, 24 hour coverage is handled through our control  
13 station which is in Bishop, California.

14 More larger projects are handled through contract  
15 firms. We have pretty small maintenance staff onsite and  
16 we've got 14 guys that includes mechanics, machinists,  
17 operators, electricians, ice techs, and several crew members  
18 that handle all the outside maintenance. Unless anybody has  
19 questions, that's the highest of high level overviews for  
20 the Kern 3 project.

21 MS. RICHARDSON: Thank you Dan. Thank you, and  
22 with that I'll turn it over to Jillian if you could do a  
23 high level review of the proposal, the PAD thank you.

24 MS. ROACH: Sure. Hi this is Jillian Roach again  
25 with ERM. We outlined it in the PAD, or the pre-application

1 document, but I just wanted to hit on a few key points. So  
2 currently SCE's proposed project that we're pursuing in this  
3 relicensing is to continue with current project operations,  
4 and with the current license conditions. SCE is not  
5 proposing any operational or generation capacity changes, so  
6 it's sort of just you know continue operating as is.

7           You know SCE is also you know would like to  
8 continue you know it's routine maintenance activities to  
9 ensure structural and functional integrity of the facilities  
10 as Dan mentioned, the dams, the flumes, powerhouse and  
11 things like that for long-term functionality as well as  
12 public safety.

13           No new facilities or modifications to existing  
14 facilities are proposed. And again as part of SCE's due  
15 diligence during the relicensing process we will review the  
16 existing FERC project boundary, just to make sure that all  
17 the facilities necessary for operations and maintenance are  
18 included within that FERC project boundary.

19           And we'll also do a review of any lands that are  
20 no longer necessary for operation and maintenance, and we  
21 will consider a proposal for adjustment of that FERC project  
22 boundary. I think that is about all that I had Meg for  
23 SCE's proposed project.

24           MS. RICHARDSON: Great, thank you. We wanted to  
25 keep it brief so that we can move on and with that I'll turn

1 it back over to you Quinn.

2 MR. EMMERING: All right thank you very much. I  
3 see that there's been a couple other people that have joined  
4 in the last couple minutes, could you please state your name  
5 and affiliation in turn. Hello to the new people that have  
6 just joined the meeting. Yes Lilian did you have a  
7 question? Lilian? Lilian Jonas did you have a question?

8 MS. JONAS: No I don't.

9 MR. EMMERING: All right. That's all right,  
10 that's all right.

11 MS. JONAS: My last name is Jonas, J-O-N-A-S not  
12 Jones.

13 MR. EMMERING: Yeah that's what I said, sorry if  
14 it did not come through clearly. All right. So moving on.  
15 So the next part you know that we're going to get into why  
16 we're all here today, and that's just to discuss each of the  
17 preliminary issues that the FERC team has identified thus  
18 far in scoping document one. And what we'll basically do is  
19 just for the sake of everybody on the phone we're going to  
20 read through what we have listed, and by resource area in  
21 our scoping document starting with geology and soils.

22 And then we can take questions after each of  
23 those resource areas. All right. Does anyone have any  
24 questions before we get started about anything else?

25 MR. ETTEMA: Quinn this is Nick Ettema for those

1 of you that don't know me I'm with FERC. But there appears  
2 to be two Lilian Jonas names on the call, and the one hand  
3 keeps going up. So is there someone? Did we mislabel a  
4 call in user?

5 MR. EMMERING: Yeah I'm not sure what's going on  
6 there. The person that has the hand up.

7 MR. AHRENS: Quinn can you hear me this is Jim  
8 Ahrens.

9 MR. EMMERING: Jim Ahrens is that you have your  
10 hand up?

11 MR. AHRENS: Several times.

12 MR. EMMERING: Spell your name again Jim I'm  
13 sorry for that.

14 MR. AHRENS: Jim Ahrens, A-H-R-E-N-S.

15 MR. EMMERING: A-H-R-E-N-S. Okay and Jim who are  
16 you with?

17 MR. AHRENS: I'm with the Kern River Fly Fishers  
18 Council.

19 MR. EMMERING: Got you. Jim, what is your  
20 question?

21 MR. AHRENS: Well you know when I tried to take  
22 down --

23 MR. EMMERING: Hold on, oh go ahead Jim.

24 MR. AHRENS: Well it would be very helpful. I  
25 try to take notes and I know we're going to need this later

1 on. If you could provide for us contact information,  
2 especially from the people from FERC and the federal  
3 agencies, and SCE in some type of written form.

4 Because I know what will happen, I'll be looking  
5 for somebody to raise a specific issue, and you know in my  
6 past experience finding someone in FERC or any of these  
7 agencies I spend a half a day doing it. So I would really  
8 appreciate it if you would give us some contact information  
9 in writing.

10 MR. EMMERING: Sure.

11 MR. AHRENS: After the meeting is over.

12 MR. EMMERING: So do you have the scoping  
13 document?

14 MR. AHRENS: Yeah I do uh-huh.

15 MR. EMMERING: Okay. So my contact information  
16 since I'm the project coordinator I know where everybody is.  
17 And so I'm your first point of contact to figure out who to  
18 talk to, so that information is there. Also including my  
19 name and phone number and email address, and then we will  
20 also have transcripts from the meeting today that will list  
21 everybody's name and what they said and all that stuff.

22 That's what our Court Reporter is taking care of.  
23 And that will be available on FERC's public record as well  
24 which everybody will have access to once it's posted to our  
25 public record which is called E-library okay?

1 MR. AHRENS: Okay.

2 MR. EMMERING: So if you have any further  
3 questions, or need to get in touch with somebody  
4 specifically, I'd be your first point of contact, and we can  
5 take it from there. Okay Jim?

6 MR. AHRENS: Okay, thank you.

7 MR. EMMERING: Thanks. All right. So moving on.  
8 So I'm going to just go through each of these resource  
9 areas, and then have the rest of the FERC team cover the  
10 other resource areas, so I'm going to start with geology and  
11 soils. So in our scoping document one we have effects of  
12 continued project operation turbidity and suspended sediment  
13 loads, and that is the one bullet point we have under  
14 geology and soils.

15 Does anybody have any comments, suggestions,  
16 modifications, or other thoughts to add to that? Please go  
17 ahead and raise your hand if you do, and again that is star  
18 3. All right. Well I'll have a moment or two, somewhat  
19 awkward silence in between to allow people plenty of time to  
20 ask any questions. So I don't see raised hands. If that's  
21 the case then it sounds like we're good to go on geology and  
22 soils, and we can move on to water resource issues, which  
23 Nick Ettema will take over.

24 MR. ETTEMA: All right thanks Quinn. So today in  
25 the scoping document we listed two bullet points for water

1 resources, effects of continued project operation on  
2 hydrology of the North Kern River in the project bypass  
3 reaches and downstream of the powerhouse, and then effects  
4 of the continued project operation on water temperature and  
5 dissolved oxygen in the project bypass reaches, and  
6 downstream of the powerhouse.

7           And that's what we have identified so far. Those  
8 are listed in scoping document one. Is there any comments,  
9 anything to add for water resources?

10           MR. EMMERING: Go ahead Dawn.

11           MS. ALVAREZ: Sorry there's a lot of unmuting to  
12 do there. I just wanted to say on behalf of the Forest  
13 Service, this is Dawn Alvarez with the Forest Service,  
14 although we're not necessarily submitting comments today  
15 during the scoping meeting, we do plan to submit written  
16 comments before the deadline, so I just wanted to make that  
17 clear.

18           If we're not commenting on everything, we still  
19 intend to comment, and may have comments to add later.

20           MR. EMMERING: Right. Well Thank you Dawn.  
21 That's you know, it's generally something that we have, that  
22 we make is that you know obviously if you don't speak today,  
23 or don't have any comments, and even if you do you can still  
24 file written comments regarding the PAD, the scoping  
25 document, or any study requests, the upcoming study claim

1 process down the road.

2           And those comments are due on Thursday, January  
3 20 of next year. Again that's Thursday, January 20. Anyway  
4 well I'll provide you and remind everybody of that date  
5 again as we move on. Okay?

6           MS. ALVAREZ: Sure. I appreciate that. Just  
7 wanted to make sure everybody else in the meeting understood  
8 that as well thank you.

9           MR. EMMERING: Yep thanks Dawn. Great. Anybody  
10 else? All right moving on. Nick do you want to go over  
11 aquatic and fisheries?

12           MR. ETTEMA: Yep. Okay thanks again. You know  
13 some environmental issues we've identified to date for  
14 aquatics, aquatic resources are effects of continued project  
15 operation on fish habitat and fish resources in the project  
16 impoundment, bypass reaches and downstream of the  
17 powerhouse.

18           Effects of continue project's -- sorry I'm  
19 getting some feedback I think, sorry effects of continued  
20 project operation on western pearl shell mussel in the  
21 project area, effects of project water diversions and  
22 instream flow on fish habitat in the project bypass reaches,  
23 effects of project flow fluctuations on fish resources  
24 during project start-up and shut down below Fairview dam  
25 and the powerhouse.



1           Effects of the Fairview dam sandbox flushing on  
2 aquatic habitat and aquatic resources in North Fork Kern  
3 River bypass reach, effects of fish entrainment at Fairview  
4 dam, Salmon Creek diversion and the Corral Creek diversion  
5 on fish resources in the project area. And finally, effects  
6 of Fairview dam, Salmon Creek diversion dam and Corral Creek  
7 diversion dam on upstream and downstream fish passage.

8           Is there any questions, comments on the fisheries  
9 resources, aquatic resources? Okay it looks like Jim you've  
10 got your hand up. Let me see if I can, okay Jim go ahead.

11           MR. EMMERING: There's a little bit of delay for  
12 folks, I sent him a request again.

13           MR. ETTEMA: Okay. He's probably getting  
14 bombarded by requests. There we go, now he's unmuted.

15           MR. EMMERING: All right Jim go ahead.

16           MR. AHRENS: Sorry about that, not the best with  
17 technology. Yeah, I'm curious on the fish flow studies.  
18 There were none last year, and in my opinion you know we're  
19 really lacking in that, on that side of things. So I'm not  
20 sure what you're proposing to do since we don't have a lot  
21 of information right now. And then you talked about fish  
22 entrainment, I thought that was part of the discussion in  
23 the original licensing situation, and maybe you can comment  
24 on that too.

25           So you know I'm uncomfortable with the flows that

1 are there in the river, and you know there's monthly  
2 requirements for fish flows, but nobody has ever taken  
3 really a close look at all of this, so I was wondering what  
4 you had in mind, that's the question.

5 MR. ETTEMA: So I'm sorry I'm not sure what has  
6 been done to date as far as flow studies for this project.  
7 But there will be an opportunity to request those kinds of  
8 studies in the future. I don't know Quinn do you have the  
9 study hand as to when you know the file the proposed study  
10 plan, and folks can comment on that and request certain  
11 studies?

12 MR. EMMERING: Yes, so we are going to be issuing  
13 another scoping document -- scoping document two if  
14 necessary on March 6, 2022. On that same day March 6, SCE  
15 will be filing their proposed study plan, and based on you  
16 know their ongoing you know review of the project and the  
17 environmental potential impacts and any discussions today  
18 they will you know eventually file a proposed study plan  
19 that includes all the studies including aquatics and  
20 fishery studies that they have identified as being necessary  
21 to supply information to develop their license application  
22 all right.

23 And that begin on March 6th they'll be filing  
24 that, and then there will be some study plan meetings in the  
25 following months where stakeholders can file comments and

1 participate in the meeting as well.

2 MR. AHRENS: Let me ask you this. Is it the  
3 intent of SCE to do a vibrant, vigorous fish flow study  
4 because in the first document you sent out I didn't see  
5 anything in there. And March 5th is down the line, so the  
6 question is are FERC and SCE, and any other agency person  
7 involved in this, are you going to do a fish flow study on  
8 the Kern as part of the relicensing process?

9 MR. EMMERING: Do you all want to -- do have any  
10 response to that?

11 MS. RICHARDSON: Hi everyone, this is Meg  
12 Richardson. So we recognize that this is definitely FERC's  
13 scoping meeting, so we're going to continue to evaluate the  
14 potential project related effects from operations and  
15 maintenance as part of the relicensing project, and develop  
16 the protection, mitigation, or enhancement measures as  
17 needed. And we will -- we are working on the study plan, so  
18 there will be more conversation I expect on that.

19 MR. AHRENS: Well that's fine, but you didn't  
20 answer the question. Are you going to do a study or not on  
21 fish flows or CFS flows in order to maintain a viable  
22 fishery? You know I represent a lot of fisherman down here  
23 and I can tell you from a personal point of view, and  
24 basically a scientific point of view the fish flows are  
25 really inadequate.

1 SCE, for a variety of reasons that I just don't  
2 notice in FERC, didn't do any studies last year. I suppose  
3 it's a good argument in there why you didn't do it, but you  
4 know, you need a database every year.

5 MS. RICHARDSON: Thanks Jim. Again Meg  
6 Richardson with SCE. I really appreciate the feedback, and  
7 we will be following up on the information that is part of  
8 the scoping meeting.

9 MR. ETTEMA: So Jim just to clarify, this is  
10 Nick. I'm the fish biologist for FERC on the project. Just  
11 to clarify when you say you know you believe the flows are  
12 inadequate. Where exactly are you speaking? Are you  
13 talking about downstream of Fairview dam, or downstream of  
14 the powerhouse, or both?

15 MR. AHRENS: Downstream from Fairview dam.

16 MR. ETTEMA: Right.

17 MR. AHRENS: That's probably if you want to go  
18 below that that's probably inadequate too, because they're  
19 inadequate above the property, and inadequate below. You  
20 know 40 cfs in a flowing stream like that on a given month,  
21 at least in my opinion as a fisherman is pretty inadequate.  
22 In the current license there's a whole setup of what the cfs  
23 is supposed to be each month, but even at the highest left  
24 it's you know questionable I would think, but that's my  
25 thoughts.

1           So I think the whole issue ought to be looked at.  
2   The idea, you know, first of all this is a people's river,  
3   and SCE gets the license to produce electricity, and they  
4   have certain obligations to maintain the fishery in exchange  
5   for getting the license.

6           And it would be my contention and a lot of other  
7   fishermen that the flows coming across Fairview dam in the  
8   way it's set up are just inadequate. You know you're still  
9   diverting water to a hatchery there that's not even  
10   functionable in the state, in my opinion, what my thoughts  
11   are. Well we can get into that later.

12           But anyway, I think I made a point anyway.

13           MR. EMMERING: Yeah. Okay. Thank you Jim. You  
14   know we want to get everybody's thoughts on each of these  
15   issues, but we don't want to get too much in the weeds of  
16   studies at this point. It's a little premature. That will  
17   come down the road when we get to our study plan process,  
18   which is the next stage of the licensing process. Right now  
19   it's mostly just to pinpoint and refine, you know, any kind  
20   of resource issues, or other issues related to the project  
21   relicensing, okay?

22           MR. AHRENS: Thank you.

23           MR. EMMERING: And I just want to note that we  
24   are at 1:15, so I am going to limit you know comments to try  
25   and to speed things up and keep folks five to ten minutes at

1 most for their comments. So does anybody else have anything  
2 else related to fisheries and aquatic resource issues? Nick  
3 it looks like Liz?

4 MR. ETTEMA: Yeah I see a hand up from Liz.  
5 There we go.

6 MS. DUXBURY: You got me now great. Thanks.  
7 This is Liz Duxbury with Kern River boaters again, and just  
8 to follow-up I guess on Jim's comments there, and something  
9 that we've looked at a little bit, is that in particular  
10 California Fish and Wildlife does have an industry flow  
11 program that makes recommendations on minimum instream flows  
12 for the -- River, and flows currently in the license for  
13 those low flow thresholds to come in quite a bit lower than  
14 those numbers, so that's something we are interested in  
15 looking into a little bit further also.

16 MR. ETTEMA: Okay thanks Liz.

17 MR. EMMERING: Yeah thank you very much.

18 MR. ETTEMA: Any other comments on aquatic  
19 resources?

20 MR. EMMERING: All right. Well I think that's it  
21 so I'm going to move on to the terrestrial resource issues.  
22 So I'm going to try and speed it up a little bit, and so the  
23 scoping document currently lists the effects of continued  
24 project operations on instream flows and aquatic habitat in  
25 the North Fork Kern River and Salmon and Corral Creeks,

1 including project bypass reaches on aquatic and semi-aquatic  
2 amphibians and reptiles, including the foothill yellow  
3 legged frog and western pond turtle.

4           The effects of the project on wetlands, riparian  
5 habitat and sensitive natural communities including the  
6 Great Valley Cottonwood Riparian Forest and Southern  
7 Interior Cypress Forest, those are both sensitive natural  
8 communities. Effects of the project, including recreation,  
9 project related recreation, vegetation management and the  
10 riverside views on native vegetation and special-status  
11 plant species, including those identified in SCE's  
12 preapplication document, also known as the PAD.

13           And those special-status plant species including  
14 the Springville clarkia and Bakersfield cactus, and then the  
15 effects of project related recreation, and on the  
16 introduction and spread of non-native invasive plant  
17 species, including potential effects of non-native invasive  
18 plant species on native plant communities, special status  
19 species and wildlife habitat.

20           And then lastly, effects of project operation and  
21 maintenance activities, and project related recreation,  
22 vegetation management and herbicide use on special-status  
23 wildlife species, including those identified in SCE's  
24 preapplication document, as well as Forest Service Species  
25 of Conservation Concern and nesting migratory birds in the

1 project area.

2 All right. So questions? Chloe go ahead.

3 MS. HANSUM: Hi everyone. Chloe Hansum here with  
4 the U.S. Fish and Wildlife Service, and I just wanted to  
5 mention, and this goes into the next section as well, but  
6 Foothill yellow legged frog is under review for listing on  
7 the Endangered Species Act, and we expect that listing  
8 decision to come out in the new year.

9 So I just wanted to mention that, and put that on  
10 your radar.

11 MR. EMMERING: All right. So is it a candidate?  
12 Is it currently listed as a candidate?

13 MS. HANSUM: I think it is just under review. I  
14 don't think it's a candidate species.

15 MR. EMMERING: Okay. All right. Thank you very  
16 much Chloe. Anything else?

17 MS. HANSUM: No that's all.

18 MR. EMMERING: Okay. Anybody else have any  
19 additional issues? All right. So I'm going to move on to  
20 the threatened and endangered species, any issues associated  
21 with that. Again, we'll be looking at preliminarily we've  
22 identified the effects of continued project operation and  
23 maintenance on several federally endangered and threatened  
24 species in the project area, including the Southern Sierra  
25 Nevada Distinct Population Segment of fisher, the California



1 condor, least Bell's vireo, southwestern willow flycatcher,  
2 mountain yellow-legged frog, California red-legged frog,  
3 yellow-billed cuckoo, delta smelt, and a more recent  
4 candidate for listing under the Endangered Species Act, the  
5 monarch butterfly. All right.

6 Any questions, comments, regarding threatened and  
7 endangered species? All right. Nothing? Okay. Moving  
8 forward. Kyle do you want to take over the rec issues?

9 MR. OLCOTT: Sure, sorry I'm here. This is Kyle  
10 Olcott with FERC and so we've got the effects of continued  
11 project operation and maintenance on recreation resources,  
12 and then we can just combine the effects of continued  
13 project operation and maintenance on land use, and the  
14 effects of continued project operation and maintenance on  
15 aesthetic resources.

16 MR. EMMERING: Karen go ahead. Karen can you  
17 hear us? Karen Miller?

18 MS. MILLER: Can you hear me now?

19 MR. EMMERING: Yes, now we can hear you go ahead.

20 MS. MILLER: The Forest Service is going to have  
21 significant requests in recreation as well as land use and  
22 aesthetic resources. This is a wild and scenic river  
23 corridor, and we're charged with identifying further  
24 management objectives to further implement a desired  
25 condition as a wild and scenic river corridor, and that

1 includes recreation as the patterns of use, the user, you  
2 know the variety of users.

3           We know that that's the use has been exploding  
4 there, and we have additional management requirements based  
5 on its land status, and SCE is an integral partner to ensure  
6 that we cooperatively manage the entire corridor. And so it  
7 is possible that we may ask for the development of some  
8 additional or enhanced recreation facilities that might be  
9 identified as a need based on additional recreation studies  
10 that we're looking to establish a baseline for recreation  
11 use as monitoring criteria for the future.

12           MR. OLCOTT: Great, and so Quinn right now we're  
13 looking for comments on the completeness, or this list of  
14 issues and whether we should add anything in particular. So  
15 what I just heard from Karen was the impacts on the wild and  
16 scenic river corridor, would be something you could add to  
17 that list potentially.

18           MS. MILLER: And not just the effects of the  
19 continued project operation, the facility itself attracts a  
20 variety of users, so we want to get a baseline study of the  
21 variety and patterns of use of the actual recreation as the  
22 base line in order not only to manage for the wild and  
23 scenic river, but for the continued project operation and  
24 maintenance.

25           MR. OLCOTT: Okay thanks Karen. Now that sounds

1 like you're talking about a study request, and we're not  
2 going to discuss studies at this point. So that's something  
3 I'm glad to mention it. What we're looking at is the  
4 completeness of our list of issues in the scoping document  
5 that I just read.

6 MS. MILLER: But I just want to establish the  
7 issues from which we're going to ask for the study request,  
8 so I'll just end it there, so just to let you know.

9 MR. OLCOTT: Okay.

10 MR. EMMERING: No that's fine, you know as Dawn  
11 Alvarez already mentioned, you guys are going to be filing  
12 written comments, and you all can get more in depth on those  
13 comments that you file with FERC. All right? Anything else  
14 Karen before we move on to the next?

15 MS. MILLER: No.

16 MR. EMMERING: Okay thank you. Liz go ahead.  
17 Liz Duxbury.

18 MS. DUXBURY: Yes. Hi Liz Duxbury, Kern River  
19 Boaters. I just want to expand a little bit on the effects  
20 of the continued project operation on recreational  
21 resources. In particular, Kern River Boaters is concerned  
22 about making sure we can get mitigation in all the areas  
23 that is a real benefit to all boaters, and so in particular  
24 the current speed provides less than 10 days of recreation  
25 mitigation a year, and in many years we get zero days.

1           So that's something we want to make sure is  
2 considered because the available recreation is very  
3 significant and much of this is being disqualified and  
4 discounted. Thanks.

5           MR. EMMERING: All right. Thank you Liz. and  
6 Jeff Venturino go ahead.

7           MR. VENTURINO: Yeah this is Jeff Venturino with  
8 American Whitewater. I've got some substantive comments on  
9 recreation resources, and I just wondered if now is the  
10 right time to raise them, or whether there were another time  
11 within this meeting that would be better?

12           MR. EMMERING: On which resources?

13           MR. VENTURINO: Recreation resources and  
14 paddling.

15           MR. EMMERING: Yes. Now would be the time, go  
16 ahead.

17           MR. VENTURINO: Yes. I'm with American  
18 Whitewater. We're a membership organization and we  
19 represent a broad diversity of whitewater enthusiasts, and  
20 100 local paddling club affiliates across America. So we've  
21 got some pretty core connection to whitewater recreation in  
22 particular, and of course this is a whitewater resource.

23           So on our thinking the upper Kern has robust  
24 recreation value. We need to balance that recreation value  
25 against the power values of the project. We will be

1 involved to support that. The flow condition as Liz  
2 mentioned is inadequate on our thinking. It doesn't have  
3 particularly many recreation dates outside of peak melt, on  
4 what recreation days are generated by the condition are  
5 difficult to predict due to the prior day average aspect of  
6 the condition.

7 Paddlers not in the Kern River Valley like  
8 myself, struggle to determine whether boatable flows in  
9 shoulder seasons are likely to occur. And was mentioned by  
10 the Forest Service earlier, recent expansions in whitewater  
11 user types of equipment interest service estimates for a  
12 predictable and reliable flow condition conforming to the  
13 natural hydrograph. Right now based on menu four boating  
14 studies there's a little bit of constraint on what we see in  
15 the reach.

16 It's difficult to see that as well because the  
17 gauging information aren't readily available at the hourly  
18 flow level, so we'll be engaged on that. The condition  
19 requires 300 cfs in the tunnels, which also means that  
20 there's a maximum churning of 300 cfs overall allowed based  
21 on the project, and then there are additional constraints on  
22 ramping and such, to make it really difficult to shape  
23 whitewater flows in a meaningful way, to the extent that  
24 many outfitters can only reliably use the reach for an  
25 extremely high water years, and it reduced private boating

1 days similarly.

2                   So by taking the first 300 cfs the project  
3 effectively do waters a lot of paddling months, or  
4 perspective paddling months of average or below average  
5 years. And we want to make sure that that is investigated  
6 as part of the studies. Similarly, we'd like to see some  
7 further information from SCE about the engineering  
8 constraints to the tunnels, and any changes that might be  
9 possible to support boating.

10                   This is a huge constraint on the previous license  
11 term, maintaining that 300 cfs, even though natural diurnal  
12 patterns do see more shift in that. And so kind of  
13 wondering whether we want to move forward with that same  
14 constraint in the next license term. I already mentioned  
15 gauge data being important. Other stakeholders have  
16 identified wanting to re-engage with SCE on the possibility  
17 of permit support for a whitewater park, and the possibility  
18 of support and care through access improvements as  
19 beneficial outcomes of relicensing.

20                   And then finally we've heard a little bit of  
21 chatter, and I think tonight at six o'clock we'll hear more  
22 from folks that are concerned about renewable energy driven  
23 shifts in energy production marketplaces, and the seasonal  
24 nature of marketplace economics, basically meaning  
25 stakeholders are concerned about the viability of the future

1 of the hydropower project, and are concerned that project  
2 economics could lead to you know potentially the projects  
3 coming off-line within the license term, like we saw in  
4 Burrell, without a lot of stakeholder input.

5           So I think folks will be commenting on that and I  
6 just wanted to raise that in advance. We will be monitoring  
7 and supporting the necessary report service in wild and  
8 scenic section 7 eval of the project licensing. And I also  
9 wanted to note some deficiencies in the PAD on the  
10 whitewater boating study.

11           The boating study is only two phases. It doesn't  
12 conform to best practices and would it occur at all, 2005  
13 version of three phase whitewater boating study. And we  
14 know that might ultimately -- that third page might be  
15 obviated by substantial river experience and new creation  
16 available in the community, we don't think should be off the  
17 table until a phase two study shows it's not needed.

18           In moving forward and for information I think  
19 we're really interested in seeing hourly hydrologic data  
20 because that's a little bit challenging to view, most of  
21 what's reported to USGS is daily averages, and there are  
22 several gauges that will be important for that, as well as  
23 those engineering studies I mentioned. And then when we get  
24 to recreation values we're going to be curious about the  
25 socio-economic impact of recreation to the area, and

1 paddling in particular so.

2 Yeah, we'll talk more coming forward to study  
3 requests. Thanks for your time.

4 MR. EMMERING: All right. Thank you Jeff. Kyle  
5 or Meg do you have any follow-up?

6 MS. RICHARDSON: Hi this is Meg Richardson. No.  
7 No follow-up, just appreciate the input.

8 MR. EMMERING: Okay.

9 MR. OLCOTT: No I don't have any follow-up.

10 MR. EMMERING: Okay. All right. And it looks  
11 like Lilian Jonas has a question. Go ahead Lili. Lilian is  
12 with National Park Service. Are you there Lilian?

13 MS. JONAS: Yes, yes, I finally do have a  
14 question, or just a comment. I'm not going to repeat you  
15 know what Jeff said. I mean he mentioned Parks Service will  
16 support most of what the floods of whitewater, that support  
17 those comments and the recommendations. I do have one  
18 thing. This is more technical, or not technical, but just  
19 more how the PAD was set up. I believe that the section on  
20 natural wild scenic river systems should not include the  
21 recreation. It should be in the land use because it's not  
22 just a recreation resource, it's a land management category,  
23 and there's not just recreation values that need to be  
24 addressed and protected, especially in the Forest Services.

25 Wild and scenic rivers especially -- when you



1 look at other resources. I just think it should not be  
2 within the recreation section because it's not specifically  
3 recreation resource, it's a land category.

4 MR. EMMERING: Okey doke.

5 MR. OLCOTT: I think in NEPA document land use  
6 will be a separate category regardless of how it's organized  
7 in the PAD, and that should be the separate section in the  
8 license application.

9 MR. EMMERING: Yeah we would address it  
10 underlying use like Kyle said. So Lilian there's multiple  
11 types of resource values associated with national scenic  
12 rivers, including recreation. Aren't there wildlife and  
13 fish values as well? And you know what happens when you  
14 know those values are also potentially impacted?

15 I mean how would I'm just curious as how National  
16 Park Service would expect those to be addressed in a NEPA  
17 document, whether it be in one section or multiple resource  
18 sections, or what? What have you?

19 MS. JONAS: Actually right now it's the Forest  
20 Service that's going to be requesting that information  
21 because they have Wild Scenic River Act, Section 7  
22 Responsibility, which means that they have to conduct an  
23 assessment in order for the FERC license to be awarded, so  
24 you know I'm going to -- it's going to take information from  
25 each and from fisheries, recreation, geology I think.

1           I have to look back at the -- it's not the  
2 outstanding remarkable values, it's specific values that the  
3 project cannot impede, and it's based on baseline data, so  
4 it's going to be compared to what happens, you know, what it  
5 is was like in 1989 when the river was designated.

6           And of course it was designated with the project  
7 in place, so it's not going to affect the project, but it's  
8 going to look at how the recreation values, the fisheries  
9 values were like when the project -- when the river was  
10 designated.

11           So you know that's something I can look into and  
12 again it's the Forest Service's responsibility. And Park  
13 Service has responsibility for some other rivers, but this  
14 is the Forest Service's responsibility to do that Section 7  
15 and the Park Service will assist as much as we can.

16           But I'm assuming it's going to be its own wild  
17 and scenic river section, but it will take data from the  
18 other resource sections, so probably referring back to it.

19           MR. EMMERING: Okay.

20           MS. JONAS: And I can look it up you know, maybe  
21 in the recommendations, maybe the Forest Service has an  
22 answer, but I can definitely look up past studies, and how  
23 that was done.

24           MR. EMMERING: Okay. I was just curious. All  
25 right well thank you Lilian. All right. Brett Duxbury you

1 can go ahead. Brett are you there?

2 MR. DUXBURY: I am here.

3 MR. EMMERING: Okay.

4 MR. DUXBURY: Can you hear me?

5 MR. EMMERING: Yes we can hear you now.

6 MR. DUXBURY: Thank you Quinn. All right. Okay.

7 So I have a question I'm getting messages from the system,

8 can you still hear me?

9 MR. EMMERING: Yes.

10 MR. DUXBURY: Okay. Back in August of 2013, a  
11 nearby Edison hydro project called Kern River Number One had  
12 a failure, and so my point here is I don't see anything in  
13 the scoping document about the project's threat to life and  
14 property and public infrastructure.

15 So back in August 2013, K R 1 failed during a  
16 storm, and both one of its attics and the actual floor bay  
17 spilled, not down the spillway, but down the hillside and  
18 caused a major landslide that closed Highway 178, which is  
19 the main artery between the Kern River Valley and  
20 Bakersfield. I mean it's by far the most important route  
21 out of this remote location.

22 In any event this landslide, it took Cal Trans  
23 two weeks to clear it. We were also -- I'm getting  
24 feedback, somebody's not muted.

25 MR. EMMERING: Could everybody please mute their

1 mic, phones please. Go ahead.

2 MR. DUXBURY: Okay. So continuing, this  
3 landslide again closed Highway 178 for two weeks. Cal Tran  
4 initially charged Edison with \$500,000.00 for the damage.  
5 Edison's is pretty connected, and I don't think they paid  
6 that bill, but in any event FERC increased the hazard rating  
7 for Kern River 1 from low to significant.

8 So my question about K R 3 is I don't see in the  
9 scoping document a place to evaluate the project's threat.  
10 It seems to share a lot of the same elements as K R 1 -- a  
11 large volume of moving water at an elevated position. In K  
12 R 3's case it's 2.25 million pounds of water per minute are  
13 moving through that pipe, and an elevated conduit, an  
14 elevated four bay and a major highway below.

15 Not as big as 178, but Mountain Highway 99 is an  
16 important road and there could be cars on it during the  
17 landslide event.

18 MR. EMMERING: Okay.

19 MR. DUXBURY: And Kern 3 is also fault adjacent,  
20 less than two miles from the Kern Canyon fault. And so I  
21 don't see in the scoping document where that is being  
22 considered. Thank you.

23 MR. EMMERING: So just to speak on that are  
24 Division of Dam Safety. They continually as part 12 of the  
25 Commission's regulations and engineering guidelines, you

1 know, regular review projects, and any kind of safety  
2 concerns.

3 MR. DUXBURY: Excuse me.

4 MR. EMMERING: Yeah?

5 MR. DUXBURY: I mean that same system was in  
6 place in the K R 1 and it didn't stop anything.

7 MR. EMMERING: Correct.

8 MR. DUXBURY: Now if we have an event, we have an  
9 analogous event, or at least an analogous system that had an  
10 event, and you know we would like to see a specific study on  
11 this.

12 MR. EMMERING: Okay.

13 MR. DUXBURY: And I don't see that that's in the  
14 PAD, thank you.

15 MR. EMMERING: We have at least a short section  
16 3.3 of the scoping document does cover dam safety, but we  
17 will take your comments.

18 MR. DUXBURY: And again, this is not the dam  
19 that's in question, it's the conduit since this is a rolling  
20 river.

21 MR. EMMERING: Well so that encompasses -- dam  
22 safety just encompasses the entire, all project facilities  
23 and safety associated with any hydro project. So don't read  
24 into it too literally. It's not just the dam that we take  
25 into consideration, so.

1 MR. DUXBURY: All right thank you.

2 MR. EMMERING: Yep. Sure. All right. Any other  
3 questions? Comments? Related to land use, aesthetics,  
4 recreation? All right. Next let's go on to I guess I'm  
5 going to have Frank go over cultural and tribal resource  
6 issues.

7 MR. WINCHELL: Yeah hi. Frank again, yes. Okay,  
8 so what we're looking at are the effects of continued  
9 project operation and maintenance on historic or  
10 archeological resources as well as traditional cultural  
11 properties that may be eligible for inclusion in the  
12 National Register of Historic Places, or on other areas of  
13 places of religious, cultural, and traditional importance to  
14 Indian tribes.

15 In a nutshell this covers everything from you  
16 know surface standards, pre-context, through project  
17 facilities and everything in between. So this is all  
18 encompassed of what we're going to be working with evolving  
19 cultural and tribal resources. Thank you.

20 MR. EMMERING: All right. Any questions or  
21 comments? Okay. I don't think -- I don't see any raised  
22 hands right now. Just really quick I see a number of  
23 unidentified users. Has anybody new recently joined the  
24 meeting, and if so, could you please raise your hand by  
25 pressing star 3?

1 MS. WHITLEY: Hello my name is Tamara Whitley.  
2 I'm the archeologist from the Bureau of Land Management  
3 who's being brought on to work on this project. So this is  
4 my first meeting with you, and I apologize, I don't have  
5 access to the Webex, I'm just on the phone.

6 MR. EMMERING: Yeah that's fine. And you said  
7 your name was Tammy?

8 MS. WHITLEY: Yeah, Tamara Whitley.

9 MR. EMMERING: W-H?

10 MS. WHITLEY: I-T-L-E-Y.

11 MR. EMMERING: T-L-E-Y. And you are with who  
12 again?

13 MS. WHITLEY: I'm the archeologist with the Burau  
14 of Land Management Bakersfield field office.

15 MR. EMMERING: Okay great, thank you Tammy, or  
16 Tamara.

17 MS. WHITLEY: Thank you.

18 MR. EMMERING: Thanks. Has anybody else recently  
19 joined, meaning new users? I mean any new attendees. Sorry  
20 on my end if you're looking at this through Webex you'll get  
21 various things, it will say call in user 31 and sometimes it  
22 duplicates people that have already called in for whatever  
23 reason, so we just like to make sure that there's no new  
24 attendees, that we want to make sure we get on the record.

25 If not, then we will continue on. So next is

1 socioeconomic issues and typically our engineer handles  
2 those, but I'll just go ahead and read what we have in the  
3 scoping document here. It's effects of continued project  
4 operations and flow diversions on agricultural and other  
5 consumptive uses in the North Fork Kern River Watershed.  
6 That is it for that section. Does anybody have any  
7 questions? All right Jeff Venturino go ahead.

8 MR. VENTURINO: Yeah this is Jeff Venturino with  
9 American Whitewater once again. I just wanted to mention  
10 that the scoping document doesn't have anything with regard  
11 to socioeconomic impact of recreation and tourism, which is  
12 certainly a lifeline in the Kern River Valley. I just  
13 wanted to raise that in case it were important to address.

14 MR. EMMERING: All right thank you Jeff. Anybody  
15 else?

16 MR. OLCOTT: Quinn let me just point out one  
17 thing. We will be issuing scoping document two that will  
18 have changes that will be basically track changes. They  
19 will be written in bold and italics, so if we do modify this  
20 list of issues to reflect several of things that got brought  
21 up today, that's where you'll see it reflected in that bold  
22 and italics on the scoping document two.

23 MR. EMMERING: Right, thank you Kyle. It brings  
24 up a good point. Our scoping document one, think of it as  
25 the draft, and scoping document two is just kind of the



1 final version of the issues that we intend to address in our  
2 environmental document, or NEPA document, whether it be an  
3 EA, environmental assessment, or environmental impact  
4 statement. Okay.

5 All right. Any other questions and comments? I  
6 believe we've gotten through all of the resource issues. So  
7 if anybody else has anything remaining on that please raise  
8 your hand and we can hear from you, and so any last  
9 questions before I move on? All right. It's all crickets  
10 over here, so I don't see any questions.

11 So I'm going to go ahead and move on and just  
12 kind of begin wrapping up the meeting here. So I just want  
13 to point out a few things to wrap things up. So comments on  
14 the scoping document today, and as well as the PAD, and any  
15 study requests from stakeholders are due on Thursday,  
16 January 20, 2022.

17 So again that's Thursday, January 20, and those  
18 are to file written comments to our public record or  
19 E-library. If you have any issues, or problems that you  
20 encounter while doing that you can always give me a call, or  
21 the help desk. All that information is listed in the  
22 scoping document.

23 And as we just discussed to update our scoping  
24 document with any kind of changes or refinement of the  
25 issues we will be issuing an SD2 which will have bold and

1 italics for all of those changes, or any kind of edits or  
2 fixes to the project description, et cetera. And that will  
3 be issued on March -- by March 6 of 2022 all right.

4 And then let's see what else. Also on March 6,  
5 2022, as I mentioned earlier, SCE, Southern California  
6 Edison will be filing their proposed study plan. And I also  
7 just want to quickly bring up that for any stakeholders  
8 filing study requests, please be sure to review the  
9 Commission's ILP study plan criteria all right?

10 We have a guidance document that is available on  
11 our website. That link is in the scoping document. If you  
12 can't find it please contact me and I will get it to you.  
13 It's very important that any study requests follow those  
14 criteria, and I just wanted to quickly point out the ones  
15 that are really you know a lot of stakeholders often they  
16 don't quite hit the mark on.

17 So criteria's four, five, six, and seven, that's  
18 describe existing information concerning the subject of the  
19 study proposal, and why the existing information that's in  
20 the PAD or you know the project record is not adequate, and  
21 what specific information is still needed to inform our  
22 environmental analysis. So that's a pretty important one.  
23 Be sure to cover that.

24 Obviously, explain any nexus between the project  
25 and any kind of potential issue. That one should be a

1 pretty easy one to hit, but obviously it's very important it  
2 has to be related to project operations, continued  
3 operations, and/or facilities. And explain any study  
4 methodology.

5           So for that you know we often see studies that  
6 are filed that just say hey, study we need more information  
7 regarding you know special-status species. We need  
8 information regarding habitat and distribution, and  
9 occurrence, and you know it will be a very broad study  
10 request. We can't really do much with that. We don't know  
11 what a particular stakeholder may be requesting in such an  
12 instance, excuse me, so please be as specific as possible  
13 when proposing any study requests as to what you're asking  
14 for. All right?

15           And then finally I would say the level of effort  
16 and cost is also one that is frequently not explained, so  
17 you know how many study seasons? What is the estimated  
18 costs are we talking about? A study that's going to cost  
19 \$10,000.00, \$5,000.00 something like that you know.

20           Just please make sure to review those. There's  
21 an FAQ section in the back of that study criteria that's  
22 very helpful, and can help guide you in that process, all  
23 right? Does anybody have any questions regarding that  
24 before I move on? Okay. I think that is let's see what  
25 else?

1           So again just comments are due January 20, 2022,  
2 for all stakeholders to file comments on the PAD and scoping  
3 document, and request any studies. And we will be issuing  
4 SD2 by March 6. SCE will be filing a proposed study plan  
5 also on March 6, by March 6, and then a little further off  
6 in the future is our first study plan meeting will be the  
7 first week of April, April 5 of 2022.

8           I think that is all I have to go over today. I  
9 just want to thank everybody for their time and input. We  
10 appreciate you all attending, and I will take any last  
11 questions regarding, or comments regarding issues for  
12 procedure or what have you. Yeah, so it looks like we have  
13 a question from Jim Ahrens. Go ahead Jim. Jim are you  
14 there?

15           MR. AHRENS: Can you hear me now?

16           MR. EMMERING: Yes, now I can hear you.

17           MR. AHRENS: Well Quinn thank you for doing this.  
18 I appreciate that.

19           MR. EMMERING: Sure.

20           MR. AHRENS: Also I looked at the list in the  
21 scoping documents of the people, but they're all a mail  
22 addresses you know, snail mail, so we don't do much business  
23 that way anymore, so and plus I couldn't find your contact  
24 information, so.

25 If I'm to get a hold of you to find out the rest of the

1 stuff I need to know how to get a hold of you.

2 MR. EMMERING: Sure. So it should be in the  
3 cover letter of the scoping document. It should be right on  
4 the first page Jim, but I can just give you my email right  
5 now.

6 MR. AHRENS: That would be great.

7 MR. EMMERING: All right. Here we go. It's  
8 Quinn.Emmering@ferc.gov and I'm going to spell it for you.  
9 Q-U-I-N-N DOT E-M-M-E-R-I-N-G. And that's at FERC.gov.

10 MR. AHRENS: I got it. So listen I appreciate  
11 that. It's just if you're somebody like myself who's a  
12 citizen and a fisherman, it's just you spend a lot of time  
13 trying to find somebody anywhere in government you can get a  
14 hold of these days, so I appreciate you giving out you  
15 email. Thank you so much.

16 MR. EMMERING: That's that I'm here for. All  
17 right. Any other questions, comments, suggestions? Yeah  
18 suggestions on how the meeting went today? Did Webex work  
19 for everybody? Anything. We have technically until three  
20 o'clock, but if that's it all right. Dawn has something,  
21 Dawn Alvarez go ahead.

22 MS. ALVAREZ: Hi. I would say the Webex works,  
23 only there's automatic messaging that comes through and  
24 makes it difficult to hear what people are saying right when  
25 that messaging is coming through, but I think that

1 contributed to the lag time, or maybe missing some stuff.

2 So that's the only feedback I would give on Webex.

3 MR. EMMERING: Okay. Yeah I was wondering about  
4 that as I was testing it out. Thank you Dawn.

5 MS. ALVAREZ: No problem, thank you.

6 MR. EMMERING: Yep. Phillip go ahead.

7 MR. OVIATT: Hello can you hear me?

8 MR. EMMERING: I can hear you.

9 MR. OVIATT: All right. Phillip Oviatt, BLM,  
10 Bakersfield, and Quinn I just wanted to as far as getting  
11 these documents like the scoping packet, I got this on hard  
12 copy put on my desk, but will this be like emailed out to us  
13 so I can give it to the rest of our ID team, or should I  
14 just get it off of the E-library, or what can I email you to  
15 have you send it out to us or?

16 MR. EMMERING: Yeah. E-library is where you're  
17 going to access anything that's filed by stakeholders, or  
18 SCE regarding the project relicensing, or that is issued by  
19 the Commission, or FERC, so that is where you want to go and  
20 go and there's instructions in the scoping document on how  
21 to do that, but again if you have any issues there's a help  
22 line there.

23 And you can also just contact me if you have any  
24 issues okay?

25 MR. OVIATT: Okay. All right. And going forward

1 are these meetings going to stay on like I mean, I'm on the  
2 phone, but as far as Webex, or are we going to go to Teams,  
3 or what do you see going forward?

4 MR. EMMERING: We won't be using Teams. We can  
5 only use Teams internally at FERC, so it would be Webex or  
6 some other sort of conference line that we may have  
7 available to us. Hopefully things will be opening up in the  
8 future and we can go back to in-person meetings. I know I'd  
9 love to come out, although today doesn't sound like a great  
10 day.

11 So to come out to Southern California. But yeah,  
12 that's for now it's going to be meetings such like this so.

13 MR. OVIATT: Okay, all right great. Thank you.

14 MR. EMMERING: Yep. Liz Duxbury has a question,  
15 go ahead.

16 MS. DUXBURY: Yeah just a quick thought on your  
17 question for feedback on the Webex feedback format. It  
18 seems like if you could also give out like the meeting like  
19 I think most of us have gotten very good at joining meetings  
20 online from the computer that would maybe make things easier  
21 for us to see who's talking and things, and also it might  
22 help with some of the management of the names at the  
23 beginning if we were able to just enter our names, rather  
24 than needing to do that button press hand raise.

25 MR. EMMERING: Sure.

1 MS. DUXBURY: All of that stuff. I don't know if  
2 Webex is able to do that. I haven't tried other Webex  
3 meetings, but that might be a way to make it a little  
4 smoother.

5 MR. EMMERING: Thank you for the feedback, and I  
6 don't know if our web, whatever FERC has the account, I  
7 don't know if they have the ability for people outside of  
8 FERC to be able to use that, especially if they don't have  
9 the software. It's something I've got to look into the  
10 future, we have some other meetings, public meetings coming  
11 up and we'll definitely, if I'm able to do that I will  
12 definitely do that.

13 It would probably make it easier for us as well.  
14 So thank you Liz. All right. Any other final comments,  
15 questions, anything?

16 MS. RICHARDSON: Quinn, this is Meg Richardson  
17 with SCE. I just wanted to thank you again and everybody  
18 for participating, and I did send to GT the Court Reporter,  
19 the link for the project website.

20 MR. EMMERING: Right.

21 MS. RICHARDSON: And it has all of the contact  
22 information that was requested earlier, phone numbers,  
23 emails, you're on there, Jim Ahrens will be able to access  
24 that as well as the project overview.

25 MR. EMMERING: That's right. So yeah, SCE has a



1 wonderful website for relicensing of the project, and it has  
2 a really impressive kind of a drone footage/tour of the  
3 project. If you haven't already seen that check it out.  
4 It's kind of the future of these sorts of things.

5           So there's a ton of information on there,  
6 including contact information like she said, so yeah, thank  
7 you Meg. All right. If nobody has anything else then I  
8 think we're able to get this thing done an hour earlier than  
9 we thought all right.

10           All right. Well I thank everybody again, and get  
11 those comments to us by January 20th of next year, and I  
12 appreciate all your comments and being patient with me  
13 through the meeting and the technology and all that stuff,  
14 so take care and feel free to contact me if you have any  
15 questions or need help with anything. All right. Thank you  
16 very much.

17           Hold on just a second while everybody is getting  
18 off. Go ahead? What's that you're cutting out a little  
19 bit. No. It is not. I will send you that as soon as we  
20 get out of the meeting here. Okay great, so send me the  
21 email and I'll send you the link. All right. Anybody else  
22 have any comments, questions? Kyle, Nick, Meg, Audrey?

23           (Whereupon the meeting concluded at 2:05 p.m.)

24

25

## 1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding

4 before the FEDERAL ENERGY REGULATORY COMMISSION in the

5 Matter of:

6 Name of Proceeding:

7 Kern River No. 3 Hydroelectric Project

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15 Docket No.: P-2290-122

16 Place: Virtual WebEx

17 Date: Tuesday, December 14, 2021

18 were held as herein appears, and that this is the original

19 transcript thereof for the file of the Federal Energy

20 Regulatory Commission, and is a full correct transcription

21 of the proceedings.

22

23

24 Gaynell Catherine

25 Official Reporter