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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 9:00 p.m. (EST)

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

2 MR. EMMERING: So I just want to welcome
3 everybody to the meeting. This is a scoping meeting for the
4 relicensing of the Kern River Number 3 Hydroelectric
5 Project which is FERC Project Number 2290-122. And can
6 everybody please mute their microphone. All right.

7 And my name is Quinn Emmering. I'm with the
8 Federal Energy Regulatory Commission, also known as FERC, or
9 the Commission, and I am the FERC Project Coordinator for
10 the relicensing of the Kern River Project. And obviously,
11 I'll also be moderating the meeting today.

12 And I'm also a wildlife biologist that will be
13 evaluating any terrestrial resources issues that might come
14 up related to the project relicensing. And just to get
15 ahead of the game and people are always asking who to
16 contact, and that would be me regarding any questions you
17 might have in the future regarding the project relicensing,
18 and my contact information can be found in the scoping
19 document.

20 It's on the second page of that scoping document
21 that we issued on November 21st, and it's also in the notice
22 that was issued as well. So you can find my contact
23 information in there. I can also reiterate it, repeat it
24 later on in the meeting. But before we get too far down the
25 road I just want to give you all few reminders and

1 instructions and general ground rules for our meeting.

2 As you know this is a virtual meeting. It's
3 basically a teleconference call right, so there won't be any
4 visuals, or PowerPoint slides, or other things like that.
5 We're going to try and get through this efficiently, and
6 provide kind of a high level overview of scoping and project
7 description and operations, and the project proposal.

8 Also I want to point out that the meeting is
9 being transcribed by a Court Reporter. His name is Mr.
10 Gaynell Catherine. He's an independent Court Reporter that
11 will be recording the meeting today, and getting everybody's
12 comments down. I have asked him to please interrupt if he
13 can't understand somebody, or if he needs to get a name, a
14 spelling of a name.

15 So please always you know state your name, not
16 just for him, but for everybody else's benefit who may not
17 be able to see or remember who's speaking at the current
18 time. And also just to please you know try to limit the use
19 of jargon and acronyms and everything, so we all understand
20 what you're talking about. Not everybody knows the
21 acronyms.

22 I know I tend to use a lot as well, and also, so
23 basic set up for the meeting. So we're using this Webex
24 software to conduct and manage the meeting today, and so I
25 can see folk's names and who's called in, and that's what I

1 was doing earlier is assigning names to all the callers in
2 because it just appears as user 21, or user 19.

3 So I have written down everybody's name there,
4 and if you wish to speak, or have a question or comment you
5 can press 3 and that will virtually -- press star 3 and that
6 will virtually raise your hand and I will get to you in a
7 timely fashion. So Webex will ask you to wait until the
8 host calls on you, and when I call on you Webex will then
9 ask you to unmute yourself by pressing star 6.

10 So we'll get to everybody in a timely fashion,
11 just be patient and we'll do the best we can. Does anybody
12 have any questions so far about how to speak or ask
13 questions or anything like that? Okay. I see that there's
14 been several other people that have joined the meeting.

15 Just for the sake of time, in the interest of
16 time I'm going to you know if any of those people speak
17 during the meeting I'm going to ask you to please state your
18 name, and spell your name if you have any comments or what
19 not. But otherwise, I'm going to keep marching on here.

20 Hold on I've got a few questions. First of all
21 Eric okay, go ahead Eric. Eric did you raise your hand? Do
22 you have a questions?

23 MR. KROH: Yes sir. What's the allotted time for
24 each person's comments? Like three, four, five minutes
25 each?

1 MR. EMMERING: Yes, you know, five minutes, it
2 just depends on you know the amount of people, the amount of
3 comments and all that stuff, but we'll get to that as we get
4 down the road. There will be specific times where we'll
5 have comments and what not, and we can then go over those
6 you know. We'll solicit comments from you at that time.

7 MR. KROH: Got it, thank you.

8 MR. EMMERING: Yep.

9 MR. TOLAND: This is Scott Toland, I just joined
10 the call.

11 MR. EMMERING: Okay what was your name again?

12 MR. TOLAND: Scott, last name Toland,
13 T-O-L-A-N-D.

14 MR. EMMERING: Okay. And Scott who are you
15 affiliated with?

16 MR. TOLAND: Kern River Boaters, I'm a member of
17 EATA, I'm a whitewater, I'm an EATA instructor.

18 MR. EMMERING: Okay, all right. I'm going to go
19 ahead and mute. All right Bob Nash you had a question?

20 MR. NASH: I do not have a question, so sorry if
21 I unmuted.

22 MR. EMMERING: That's all right. It just shows
23 that you raised your hand, all right. Theresa you had a
24 question?

25 MS. LORJO-SINSIMAN: Actually I found the answer

1 to it thank you.

2 MR. EMMERING: Okay. All right. So I'm going to
3 keep moving along. We've got a lot of people on the line.
4 Actually more than we had earlier today, so I'm just going
5 to provide a quick overview of who FERC is and what our
6 role is in the relicensing of the Kern River Project.

7 You know so one of FERC's many responsibilities
8 is authorizing the construction and operation of non-federal
9 hydropower projects like the Kern River Project, and that
10 includes relicensing existing projects like this one. And
11 we do that every 30 to 50 years.

12 So our staff, we review applications that are
13 filed with the Commission for hydropower authorizations. We
14 advise applicants in selecting a licensing process. Can
15 everyone please mute their mic's? All right. Okay I just
16 muted everybody. All right. So is there still background
17 noise?

18 Okay great thank you. So where I left off, so
19 FERC staff, so we're the FERC team that's on the call today
20 we're all basically in Washington, D.C. and we review and
21 conduct an environmental review, and review the license
22 application that will eventually come in for the Kern River
23 Project.

24 Right now we're in the prefiling stage of the
25 licensing process, and what that means is they have an SCE,

1 or Southern California Edison, has not filed their
2 application yet. We're still in the study, we're still in
3 the information collecting stage, information gathering
4 stage, and trying to figure out what various issues are a
5 concern to stakeholders and resource agencies, and everybody
6 of concern.

7 So that is where we are right now in the
8 licensing process, so the application wouldn't be filed for
9 a couple more years after we've completed the scoping
10 process, and the study plan process. And then SCE would be
11 conducting studies probably in 2022 and 2023, before that
12 application comes in.

13 So moving on. So today as you know, this is a
14 scoping meeting, and federal agencies are required as part
15 of the National Environmental Policy Act to consider the
16 environmental impacts of their actions in the
17 decision-making process, and part of this process includes a
18 scoping meeting like the one we're having today, scoping is
19 a public process, to determine the scope of the issues to be
20 addressed during our environmental review, and for
21 identifying issues related to the proposed federal action,
22 which is in this case the relicensing.

23 And you know we're here to get a better
24 understanding of the value of the resources, agency
25 concerns, public's concerns, recreation's concerns, and

1 identifying and refining project specific issues, and
2 eliminating any issues that don't warrant evaluation in our
3 eventual environmental analysis, excuse me environmental
4 analysis.

5 So what do I mean by our environmental analysis?
6 Well FERC staff once we've gotten the application, we view
7 it, we make sure that it has all the information that we
8 need. We will be preparing an environmental document,
9 whether it be an environmental assessment document, or
10 environmental impact statement. That's several years down
11 the road, at least probably three years or so. I can't
12 remember what the exact date is off the top of my head.

13 So that's what we're here to collect those issues
14 that we will be analyzing in that environmental document.
15 Issues that SCE needs to take a look at and evaluate, and
16 determine whether they have any information to inform, and
17 evaluate those issues, whether we're talking a recreation
18 issue, or a wildlife issue.

19 And so that's essentially what we're here for
20 today. And so what I'm going to do now is have the FERC
21 team just quickly introduce themselves, and then I'm just
22 going to tag for the sake of time, I think I'm just going to
23 have a few of the SCE folks introduce themselves. Again,
24 you know My name is Quinn Emmering.

25 I am the Project Coordinator for the relicensing

1 at FERC, and I'm also the terrestrial biologist that will be
2 analyzing any kind of botanical vegetation, wildlife issues
3 related to the project relicensing. And I will turn it to
4 Frank now to introduce himself.

5 MR. WINCHELL: Hi, yeah this is Frank Winchell,
6 W-I-N-C-H-E-L-L. And I'm an archeologist at FERC in Office
7 of Energy Projects Division of Hydropower Licensing, and I'm
8 going to be reviewing all of the cultural and tribal
9 resources involved with this relicensing.

10 MR. EMMERING: All right. Go ahead Kyle?

11 MR. OLCOTT: Yeah this is Kyle Olcott. I'm going
12 to be handling recreation and land use aesthetics.

13 MR. EMMERING: Okay. Thank you and Nick?

14 MR. ETTEMA: Hi everybody. This is Nick Ettema.
15 I am the fish biologist on the project, and I'll be working
16 on all the aquatic resource issues, so water quantity and
17 quality, as well as project effects on fish and other
18 aquatic critters.

19 MR. EMMERING: Thank you Nick. We also have an
20 engineer that's assigned to review the application, the
21 eventual application and conduct environmental or
22 engineering kind of a review, as well as an attorney that's
23 assigned to the project, and use as need be.

24 So now for the Southern California Edison folks,
25 I'm going to ask Meg to take it from here, and Meg, since

1 there's so many people, I don't want to lose time. Let's
2 just introduce some of the primary players.

3 MS. RICHARDSON: Perfect. Thank you. Yeah I'll
4 just run through names. My name is Meg Richardson, good
5 evening everyone, happy Tuesday. I am the project manager
6 for this project. On the phone we have Audrey Williams, who
7 is our archeologist with SCE, Southern California Edison,
8 Martin Ostendorf is the Senior Manager of Relicensing. He
9 is my boss and oversees all the proceedings.

10 Dan Keverline is the Senior Manager over
11 operations for Southwest and this project falls into his
12 arena. We also have Jillian Roach and Alex Grant who are
13 with ERM and our lead consultant, and with that I will ask
14 if Jillian wants to run through any names that are on the
15 phone, otherwise I will turn it back over to you Quinn.

16 MR. EMMERING: All right.

17 MS. ROACH: No, thank you Meg. This is Jillian
18 Roach. Yes we do have a few of our other consultants
19 supporting the projects on the phone, but I think for sake
20 of time I think we're all good thank you.

21 MR. EMMERING: All right. Thank you very much.
22 And let's see where do we want to go now. Yeah I think that
23 Southern Cal if you guys want to just go ahead and provide a
24 you know, a description of the project and project proposal?

25 MS. RICHARDSON: Sure, thanks Quinn. Again this

1 is Meg Richardson. We are Dan Keverline will give an
2 overview high level of the project, and then Jillian Roach
3 will provide the project proposal, just a high level as I
4 noted on the call earlier today, and we can also put it -- I
5 can send it over to our Court Reporter.

6 We do have a drone footage about 11 minutes
7 that's very good of the overall project, and also lists all
8 the contact information for FERC, key stakeholders, and the
9 SCE team, so with that I'll turn it over to you Dan.

10 MR. KEVERLINE: Thanks Meg. Good evening
11 everyone. So I'll give you just kind of a brief 20,000 foot
12 overview of the project. Kern River 3 project was built in
13 1921. It has approximately 15 miles of flow lines. It has
14 a capacity of around 600 cfs. It's mostly tunnel, but it
15 has a few elevated flumes siphoned, and obviously 10 stocks,
16 a four bay.

17 The Fairview dam is the main intake to the main
18 diversion. There's also two smaller versions at Salmon
19 Creek and Corral Creek, excuse me. Inside the plant there's
20 two generators that are approximately 19 megawatts.
21 Maintenance practices we have you know machine shop
22 carpenter shop all onsite. We try to maintain most of the
23 work that's within our means locally.

24 Anything that goes beyond what we have as far as
25 expertise locally, or projects that are bigger than the

1 manning will allow we will contract out. That's pretty much
2 it on my side. Like Meg said, please look at the drone
3 footage. It's excellent, it gives you a really good
4 understanding of the layout of the project. Back to you
5 Meg.

6 MS. RICHARDSON: Thank you Dan, and I'll turn it
7 over to Jillian to give you the high level of the project
8 proposal please.

9 MS. ROACH: Sure. Thank you Meg. This is
10 Jillian Roach with ERM. As Meg said I am the project
11 manager on the consultant side supporting Southern
12 California Edison with this relicensing. Just to summarize
13 as we presented in the preapplication document or the PAD,
14 Edison's proposed project as we see moving forward through
15 this relicensing.

16 Currently right now SCE would continue current
17 project operations, as well as current license conditions.
18 SCE is not proposing any operational or generation capacity
19 changes. They would also like to continue routine
20 maintenance activities for structural and functional
21 integrity of the project, as well as to maintain public
22 safety of those features.

23 There are no new facilities or modifications to
24 existing facilities proposed, and consistent with other
25 relicensing efforts as part of our due diligence review, we

1 will also be reviewing our FERC project boundary, and
2 propose any changes or revisions as applicable.

3 And this would include making sure that we have
4 all the facilities included within the FERC project boundary
5 that are necessary for ongoing operations and maintenance
6 activities, but also possibly excluding any lands that are
7 no longer necessary for the long-term operation and
8 maintenance of this project.

9 So Meg, or Quinn, that is a nutshell of what
10 Edison's proposed project is moving forward for its
11 relicensing.

12 MR. EMMERING: All right. Thank you very much.
13 So the next thing that we're going to discuss are the
14 potential resource issues, and how this is going to be set
15 up is each member of the FERC team, that will be me, Nick,
16 who's our fisheries biologist, Kyle our recreation guy, and
17 Frank who is our cultural and tribal resources specialist
18 will describe or read what was in the scoping document, and
19 then we will solicit any comments or questions regarding the
20 resource issues.

21 And we're going to do each resource category at a
22 time okay. So before we launch into that you know, we've
23 already we had a meeting earlier today that primarily
24 consisted of a lot of resource agencies, and some other
25 folks, and I would ask anybody that was at that meeting

1 today that has already provided comments, to hold off until
2 everybody else has had a chanced to speak.

3 You know and I would also ask that you do not
4 reiterate any comments that were already said during the
5 earlier meeting. We've got those comments on the record,
6 they've been noted, and we will be reviewing it, so we don't
7 need to reiterate any earlier comments that were said at the
8 previous meeting at 9:00 a.m. today.

9 So please give everybody else a chance that
10 hasn't had anytime to speak yet to do so. All right. But
11 before we move on to the resources I just wanted to see if
12 anybody had any questions regarding you know the project, or
13 SCE. Again let's not get into resource issues just yet
14 until we get there, but if anybody has any questions
15 regarding what SCE just went over. Brett do you have a
16 question?

17 MR. DUXBURY: I do Quinn. We are going to start
18 with resource issues, but I think a lot of people are
19 interested in FD1's elimination of decommissioning in 3.53.
20 Could we start with that?

21 MR. EMMERING: Sure. Do you have --

22 MR. DUXBURY: I do.

23 MR. EMMERING: Okay.

24 MR. DUXBURY: So over the years being up here I
25 found there's been a nagging repeating question coming from

1 everyone who loves this river, and it has never really been
2 answered. Why in this day and age is Edison allowed to
3 continue taking away this beautiful river's water?

4 I mean everyone agrees it's a world class stretch
5 of river, but no one would agree that KR3 is a world class
6 power generator. There are many seasonable and annual
7 fluctuations in KR3 production. There's even daily
8 fluctuations at times. It is not reliable or dependable
9 because of those facts. It has been completely offline for
10 over 1,400 days this license term.

11 If this states electrical consumption is
12 represented by 3,000 Jinga blocks, this project would
13 provide for one of them. Several years ago this project
14 went completely offline for 16 months, and nobody noticed.
15 Power kept being delivered, rates didn't go up, if you
16 recall this was after the local Burrell project had already
17 gone offline, which turned out to be forever.

18 And even in that environment this project was not
19 missed. It is simply not needed enough locally or in this
20 state to justify any further encumbrance of this river, more
21 rational and ecologically friendly power generators have
22 come online that will make your continuation of this project
23 in my opinion look senseless to posterity.

24 So the question remains why? American Whitewater
25 recently asked Martin Ostendorf and he didn't say that the

1 project was profitable. Instead he said it was important
2 for the community. Well the centennial of this project came
3 and went this past spring, and Edison didn't even try to
4 celebrate it with the community. The real community
5 character benefits are Edison's hydro employees who need
6 flows to divert, and it's the well paid executives who need
7 projects to manage.

8 It's not Edison's call to determine the social
9 utility of this project. It is FERC's. If the Commission
10 wants public confidence in this process it must answer that
11 nagging question. Why damage so much for so little? If
12 there is an answer it will have to include a radically
13 expanded -- radically expanded scope of mitigation and all
14 things ecological and recreational to satisfy contemporary
15 expectations, or our grandchildren will be asking the same
16 damn question in 40 years, and thank you for your time and
17 attention and be well.

18 MR. EMMERING: All right thank you Brett. Okay
19 any other questions or comments? All right. I don't think
20 so. All right, so I am going to go ahead and just quickly
21 describe the geologic and soil resource issues that were
22 identified in the scoping document.

23 So we have listed the effects of continued
24 project operation on turbidity and suspended sediment loads.
25 If anybody has any additional comments or questions

1 regarding that, typically our engineer handles these sorts
2 of things, but she's not able to be here today. So yep, it
3 looks like Eric has a question, Eric Kroh, go ahead Eric.

4 MR. KROH: Hey Quinn can you hear me?

5 MR. EMMERING: Yes.

6 MR. KROH: Yeah I'm just curious if anybody from
7 FERC was going to answer that last question from Brett?

8 MR. EMMERING: Well I didn't really feel like it
9 was a question. It was more of a statement, so you know
10 when we look at various alternatives such as
11 decommissioning, you know, at this stage we're so early in
12 the licensing process that you know we're not going to -- we
13 can't state for certainty anything at this stage, because
14 the things that we'll be reviewing through the licensing
15 process which can take up to you know about five years, and
16 we have to look at the license application which is still a
17 couple years away, so it's definitely something that we a
18 thorough review of and will consider, but at this stage you
19 know there's nothing I can say as to whether you know, we're
20 going to decommission the project or not. I definitely
21 can't say anything like that right now.

22 MR. KROH: Well you can say that the
23 decommissioning and that process relevant in today's day and
24 age will be something that FERC will be looking at during
25 this process?

1 MR. EMMERING: It is something that we consider
2 for every project.

3 MR. KROH: Excellent, thank you sir.

4 MR. EMMERING: Yep. All right. Any other
5 questions?

6 MR. PINO: Yes I do. This is Jose Pino, and it's
7 more of a comment than a question to follow-up on both of
8 the previous ones.

9 MR. EMMERING: Okay go ahead.

10 MR. PINO: Yes, so and pointing out that Kern is
11 a wild and scenic river right, and the area that we're
12 talking about that pertains to this call is anything but
13 that right? Obviously, Fairview Dam and KR3 impacting about
14 15 miles of the Kern River right.

15 Since 2005 there's been less than ten rec flow
16 days per year on average with a number of years not having
17 any.

18 MR. EMMERING: Excuse me Jose. Just let me stop
19 you real quick. So we haven't go to recreation yet, so.

20 MR. PINO: I have got more questions though
21 pertaining to decommissioning. Let me get to that if that's
22 okay.

23 MR. EMMERING: Yep.

24 MR. PINO: So today there is the confluence of a
25 number of events right now, including relicensing that we're

1 talking about here. The Federal Infrastructure Bill that
2 was just reviewed by Congress, and of course the solar
3 energy glut that we have where many of the energy days are
4 negative. So I want FERC, and the question here is will
5 FERC be lobbying for funds from the new infrastructure bill
6 to see if we can decommission and restore the wildlife
7 habitat and the river along these 15 miles?

8 MR. EMMERING: I honestly, I don't, I'm not
9 familiar with how the infrastructure bill affects FERC
10 whatsoever. I mean this is something that --

11 MR. PINO: The federal infrastructure bill right
12 now provides 4.5 billion dollars for wildlife restoration.

13 MR. EMMERING: Well Jose I understand that, but
14 this is something that is so well above our pay grade that
15 we can't even begin to broach that subject. We don't really
16 know.

17 MR. PINO: Is that something that can be studied
18 and broached?

19 MR. EMMERING: What? What would be studied?

20 MR. PINO: Studied how we can apply and secure
21 those funds. I'm sure there's many projects that are trying
22 to get these funds.

23 MR. EMMERING: That doesn't really sound like,
24 that's not a study that we would conduct for relicensing
25 though you know, I don't even know what that study would

1 entail really. I don't really understand.

2 MR. PINO: So obviously, so the bill includes for
3 wild and water sequestration, so the study would entail the
4 negative impact of this project on the 15 miles, the amount
5 of money that would be required to go in and restore this
6 watershed area, and the amount of money that would be
7 required to remove the dam and KR3, so that would be a study
8 that I would imagine.

9 MR. EMMERING: So what you're talking about there
10 is a decommissioning study, and since you have not -- we're
11 not at that stage in the licensing process yet where we
12 have, we're going to be evaluating decommissioning yet. We
13 don't know if we will or not. You know it's too early in
14 the process to do that. That would come well after this
15 whole relicensing process if decommissioning were to happen.

16 That would be a while separate process, more than
17 five years from now, and that's when those studies would
18 take place. So that's not something we really -- it's
19 premature to get into that during the meeting today, but we
20 are looking at the various impacts, the environmental
21 impacts of the project, and so we can understand what those
22 impacts are, whether we're talking about wildlife, riparian
23 resources, aquatic and fishery resources. That is what
24 we're here to do today is to identify any of those issues
25 to understand whether there is any existing information to

1 inform those issues.

2 And then later on in the months to come we will
3 be -- the study plan development of the relicensing, and
4 will determine what studies we need to be conducted to
5 inform those various environmental issues. Okay? Does that
6 make sense?

7 MR. PINO: Yes thank you.

8 MR. EMMERING: Okay. All right. So I don't
9 think folks had any questions regarding geology and soils.
10 Nick do you want to go ahead and go over water resource
11 issues and start from there?

12 MR. ETTEMA: Sure. So in scoping document one
13 for water resources we identified potential environmental
14 issues as effects of continued project operation on
15 hydrology of the North Fork Kern River in the project bypass
16 reaches, and downstream of the powerhouse, and also effects
17 of continued project operation on water temperature and
18 dissolved oxygen in the project bypass reaches and
19 downstream of the powerhouse.

20 Does anyone have any specific comments on water
21 resource issues, specifically water dissolved oxygen, water
22 temperature, or the amount of flow at the project, at the
23 bypass reaches or downstream? Let's see Larry has his hand
24 raised. Quinn you're going to have to do the muting and
25 unmuting this time around. I don't have -- oh wait. I do

1 have control.

2 MR. EMMERING: Yeah you do.

3 MR. ETTEMA: Okay thank you. Okay. Larry you
4 should get a request there you go. Are you there Larry?

5 MR. ELMAN: Can you hear me now? Sorry about
6 that.

7 MR. ETTEMA: There you are, got you.

8 MR. ELMAN: Thank you, thank you appreciate that.
9 Well for fly fishers I represent Kern River Fly Fishers
10 group. 50 year-old club that you know our home waters is
11 the Kern, and it seems the dam takes too much precedence
12 over the health of the river, and especially with low flows,
13 the dam diverting way too much water during low flow times
14 like you just mentioned, wondering about the oxygen levels,
15 so you know in our intensely warm summers, you know terrible
16 oxygen levels for the fish, so I was wondering are there
17 specific plans to do a study on the flows affecting the
18 health of the fish and the amount of wild fish in the river.

19 Is that like you mentioned, what studies, was
20 that study planned? And we certainly would request the
21 study be done about that.

22 MR. ETTEMA: Right. I think SCE did include some
23 ideas for proposed plans. I can't remember. I think there
24 was a water quality study, but I don't have that part of the
25 PAD in front of me right now. But this was the point you

1 know after we conduct this meeting, you know, people --
2 members of the public like yourself will be able to submit
3 comments and request studies, so if you have an idea for a
4 study such as studying you know flow rates and how that
5 affects dissolved oxygen, or how it affects fish, or you
6 know what are the fish present, and what is the quantity of
7 fish present is?

8 You know you can certainly request that at this
9 time. At this point there's been no decision on what
10 studies will or will not take place.

11 MR. ELMAN: Got it. Well that's certainly one of
12 the things that's our main concern. I mean right now we
13 just do not see the fishery as being sustainable, flows
14 being too low, and particularly we're really concerned about
15 water being diverted to a hatchery that's not working,
16 hasn't been working, doesn't have any specific plan on when
17 it will be working, and again a hatchery that's old, I don't
18 know if it's as old as the dam, but it seems to be close as
19 far as you know in operating a structure that's kind of old
20 and decrepit.

21 And kind of like Brett I was you know just
22 jotting down a note. You know is this dam worth all the
23 cost? It does not appear to be.

24 MR. ETTEMA: Okay thanks Larry.

25 MR. ELMAN: Is there any particular info you have

1 about water being diverted to the hatchery when it closed?

2 When the hatchery closed?

3 MR. ETTEMA: I have not seen that in the PAD. If
4 SCE has any information on that they can feel free to jump
5 in.

6 MR. ELMAN: What about water being diverted you
7 know, just used for the dam when flows are so abysmal, and
8 you know flows so low? Is that you know a question that
9 you've been dealing with?

10 MR. ETTEMA: I have not seen. I mean all I've
11 seen to date is the PAD, so this is what scoping is for.
12 You've you know, raising this issue, and you if your
13 comments are certainly noted today, and you can also submit
14 them in writing as well. But that's it right now. You're
15 flagging it for me right now.

16 MR. ELMAN: Okay. Thank you. Appreciate it.

17 MR. EMMERING: Yeah that's what we're here for
18 folks, is just you know, we're just at the early stages of
19 this. We're just trying to get and collect some
20 information, some basic issues, to start diving into that
21 later on. SCE has put together some potential studies that
22 they're thinking about proposing. They're still in
23 development and based on discussions today in the months to
24 come they will refine those, and eventually file a proposed
25 study plan in next year of March 6.

1 We don't want to get too much in the weeds of
2 studies right now though. We're mostly here to identify
3 resource issues, to understand what those resource issues
4 are, and get that on the project record okay? I see there
5 is another question. I do not know who this is, could you
6 please state your name and affiliation?

7 MR. ALLEN: Hello can you hear me?

8 MR. EMMERING: Yes.

9 MR. ALLEN: Hi, this is Ross Allen, R-O-S-S
10 A-L-L-E-N. I am a recreational user of the river associated
11 with Kern River Boaters. I had several questions.

12 MR. EMMERING: I didn't get your last name,
13 sorry.

14 MR. ALLEN: Allen, A-L-L-E-N.

15 MR. EMMERING: Oh okay thank you, go ahead.

16 MR. ALLEN: I had a few questions I wanted to
17 get on the record. Unfortunately I wasn't able to unmute.
18 As a follow-on to Jose's question, I think that was a very
19 apt question. As a follow-on to that I guess I would like
20 to ask if decommissioning becomes a viable option, who would
21 pay for that? Who incurs the cost of decommissioning
22 because I think that's very relevant to Jose's question of
23 could we, or could somebody seek funding from the
24 infrastructure bill, or the bill that has recently been
25 passed in Congress?

1 So the specific follow-on to Jose's question is
2 who pays for decommissioning if decommissioning and removal
3 of the dam occurs?

4 MR. EMMERING: I believe that is SCE, but I'm not
5 100 percent sure about that. I have not been involved in
6 any decommissioning's during my time at FERC, and again I
7 can't for all further infrastructure questions,
8 infrastructure bill, I can't answer any questions regarding
9 that.

10 MR. ALLEN: I understand that. I just wanted to
11 --

12 MR. EMMERING: We are at a low on the totem pole,
13 we cannot answer those kinds of questions, and so yeah, go
14 ahead.

15 MR. ALLEN: I have some additional questions. A
16 question on profitability. Do we have numbers, does SCE
17 have numbers on exactly how profitable KR3 is, particularly
18 during times like weekends, when the river would be of most
19 use to you know many recreational or commercial users? And
20 so during the weekends and also during spring when there is
21 a lot of available solar power?

22 MR. EMMERING: Why? So I believe it's part of
23 the license application they do report financials.

24 MR. ALLEN: Okay.

25 MR. EMMERING: But I guess I don't understand why

1 you want that. Why that information?

2 MR. ALLEN: If it's not profitable to run the
3 power plant during the time when it is most useful for
4 recreational users for the community to have water, then it
5 doesn't seem -- the powerplant doesn't seem to be justified.
6 If it's not profitable, it takes something away from the
7 community, that seems like that should be something heavily
8 considered.

9 MR. EMMERING: Okay, okay. I get it.

10 MR. ALLEN: Final question, sorry that I had
11 multiple here, but I figured I'd get them all out. Final
12 question pertains to flows pertaining to I think this is the
13 appropriate time to ask this. My understanding of the way
14 that flows are scheduled is that Kern River 3 under the
15 current license, always gets the first 300 cfs coming down
16 the river.

17 And my understanding is that was for engineering
18 reasons. Do we have documentation of exactly what those
19 engineering justifications are why the power plant
20 absolutely must get the first 300 cfs coming through?

21 MR. EMMERING: I'm going to let Southern
22 California Edison answer that question, field that one.

23 MS. RICHARDSON: Hi. This is Meg Richardson. I
24 will ask if Dan or Martin want to respond on this. My
25 understanding is we're collecting data as part of the

1 scoping meeting, so I don't know that we are going to
2 respond at this point?

3 MR. ALLEN: That's fine to not respond now, but I
4 want that -- yeah, I want to make sure that that question is
5 on the record of I must -- what is the justification for KR3
6 getting the first 300 cfs, and has that justification been
7 validated by a third party engineering study?

8 MR. KEVERLINE: Yeah Meg, I'll just add a little
9 bit to that. We have that this question asked before, so we
10 are definitely looking into it, and since this is a scoping
11 meeting we'll work on that and get that answer out to all
12 parties interested.

13 MR. ALLEN: Okay thank you.

14 MR. EMMERING: All right thank you. All right.
15 It looks like we've got a couple more questions, and just
16 make sure you know we want to stick with the resource issues
17 that we're currently discussing. Please hold off on asking
18 any questions jumping ahead all right. So I just sent a
19 request for the next participant.

20 MR. HACKER: Yes, this is Eugene Hacker. I
21 checked in earlier, but I got disconnected, so I'm not sure
22 if my number is coming up for you.

23 MR. EMMERING: Okay, Eugene Hacker.

24 MR. HACKER: Yep.

25 MR. EMMERING: Okay.

1 MR. HACKER: So in regards to the fish flow, I
2 know our current fish flow is dramatically lower than the
3 standards set out by California agencies and other studies
4 that have been completed like around both domestic and
5 international, so I just wanted that if our current fish
6 loads -- I mean I just know they're dramatically lower, and
7 that should be taken into factor in also.

8 MR. EMMERING: All right. Thank you Eugene. All
9 right. It looks like we've got one other question. Go
10 ahead Scott. Scott are you there? All right. I think
11 Scott doesn't seem to be answering, so I'm going to -- we're
12 going to move on. Nick do you want to take the --

13 MR. TOLAND: Hello, hello, sorry, sorry.

14 MR. EMMERING: There he is, all right.

15 MR. TOLAND: I'm sorry, I'm just new to this
16 system. I unmuted my phone, I didn't realize I needed to do
17 star 6. Real quick, I appreciate it. Scott Toland here.
18 All right. So it seems to be occurring to me as FERC
19 evaluates the value of the power coming out of this dam and
20 powerhouse, I would like to see FERC consider the value of
21 the power versus the value to the recreational use of the
22 river based on not just general blanket considerations, but
23 specifically time of use because we have an emerging
24 situation in California where we have installed, and
25 continue to install tremendous amounts of solar power.

1 So during the day that solar power is so
2 plentiful that sometimes it's turned off, it's excessive.
3 When the sun goes down the power demands are high, and the
4 solar goes away. Now conveniently for recreational use, the
5 water is used as needed during the daytime, so I appreciate
6 the need for clean renewable energy in California, but I
7 would like to see FERC study and consider the value of the
8 power versus the value of the recreational opportunities
9 based on the time of day.

10 I don't know if that's currently in the matrix of
11 the considerations of the studies, but I think because the
12 whole you know green energy movement is an emerging
13 situation, I think that is something that would be very
14 important to include in future studies. Do you have any
15 comments on that?

16 MR. EMMERING: Well you're speaking about a
17 recreation issue, so Kyle do you have anything?

18 MR. OLCOTT: Nothing in particular. We can
19 certainly consider it and enter that into the record.

20 MR. TOLAND: All right. Yeah I want to make this
21 very clear, and that is like turning the dam on and off can
22 be done virtually instantaneously as I've seen okay, I might
23 be wrong, but that's what I've noticed. The power
24 requirements of California go up when the sun goes down, but
25 during the daytime there's so much solar that the power

1 requirements are very low.

2 So what I'm saying is that I think FERC should
3 consider that use of the water, and you know by the hour
4 because the value of the water to the boaters and the
5 fishermen during the daytime is very great. But the value
6 of the electricity is actually very low. At some points the
7 value of electricity actually goes negative during the
8 daytime. They actually sell it you know to producers.

9 So what I'm requesting is that FERC when they do
10 their study to evaluate the value of the project, that they
11 include the timing of the production of the electricity into
12 their equations. Does that make sense? Am I speaking
13 Greek?

14 MR. EMMERING: First of all FERC does not conduct
15 studies. We do an environmental analysis. It's Southern
16 California Edison that does the studies. And so
17 stakeholders request studies from California Edison to
18 conduct, and you know that's going to be the next stage of
19 the process is getting into studies.

20 We do look at project economics in our analysis,
21 our NEPA document, whether that be an EA, or an EIS. We do
22 get into some of those economics. But we don't necessarily
23 compare like what you're talking about, the value of
24 fisheries compared to what the project needs. So we don't
25 look at that so much.

1 But you know studies, that's certainly something
2 that you can file for the record, and request further down
3 the road all right?

4 MR. TOLAND: Okay. So if SCE is conducting the
5 studies, does FERC derive what's included in the studies? I
6 mean what they need to study?

7 MR. EMMERING: We call balls and strikes on
8 everything essentially. So if we need the information in
9 order for us to prepare our environmental analysis document,
10 you know and that's you know that's us looking at all these
11 various issues that are listed in the scoping document, and
12 the issues that we're discussing today.

13 If that information is needed, and it doesn't
14 currently exist, then yeah a study may be required to
15 collect that information. So yes, so we call those balls
16 and strikes on what studies may be needed, and what studies
17 may need to be modified et cetera, so yeah.

18 MR. TOLAND: Okay. So I am requesting that FERC
19 put a requirement into any future studies to consider the
20 value of the electricity generated based on time of use, or
21 time of generation.

22 MR. EMMERING: Okay, well Scott --

23 MR. TOLAND: To make it, get it to the point
24 where you understand hour by hour you know what the value of
25 the electricity is, and so that FERC can balance the value

1 of that electricity against -- does that make sense?

2 MR. EMMERING: Okay Scott. Yeah I got you. We
3 cannot get into -- we do not have time to get into studies
4 during this call. We only have less than an hour.

5 MR. TOLAND: All right.

6 MR. EMMERING: We have lots of people that have
7 comments, so I'm going to have to ask --

8 MR. TOLAND: I surrender the floor.

9 MR. EMMERING: Yep, surrender the floor please.

10 MR. TOLAND: Okay done.

11 MR. EMMERING: And I'm going to go ahead and have
12 Nick go through. Larry I'm going to hold off and let Nick
13 go through these next set of fisheries and aquatic issues to
14 see if there's any comments on those, okay? So hold tight
15 there Larry. Nick do you want to go ahead?

16 MR. ETTEMA: Sure. Let's get through the aquatic
17 resource bullets. So there's quite a few issues identified
18 in scoping document one. The first bullet the effects of
19 continued project operation on fish habitat and fish
20 resources in the project impoundment, bypass reaches and
21 downstream of the powerhouse. The effects of continue
22 project operation on western pearlshell mussel in the
23 project area.

24 Effects of project water diversions and instream
25 flow on fish habitat in the project bypass reaches. Effects

1 of project flow fluctuations on fish resources during
2 project start-up and shutdown below Fairview dam and the
3 powerhouse. Effects of the Fairview dam sandbox flushing on
4 aquatic habitat and aquatic resources in the North Fork Kern
5 River bypassed reach.

6 Effects of fish entrainment at Fairview dam,
7 Salmon Creek diversion, and Corral Creek diversion on fish
8 resources in the project's area, and effects of Fairview
9 dam, Salmon Creek diversion dam, and Corral Creek diversion
10 dam on upstream and downstream fish passage.

11 So if you have any comments about how fish or
12 other aquatic organisms are affected, or how habitat is
13 affected by project operation now is your chance. And well
14 Larry had his hand up before, so why don't we --

15 MR. EMMERING: Yep. I just --

16 MR. ETTEMA: There you go. I'll let you manage
17 that Quinn, so then we don't double.

18 MR. EMMERING: Yeah, yeah, that sounds good.
19 Sorry about that. Go ahead Larry.

20 MR. ETTEMA: Are you there Larry?

21 MR. EMMERING: Sometimes there's a bit of a delay
22 here. Just a reminder guys, you need to hit star 6 to
23 speak. All right. I guess Larry, we can get back to Larry.
24 I'm not sure what's going on all right.

25 MR. ETTEMA: Yeah we can come back later. All

1 right. Anybody else? Any other questions on aquatic
2 resources on this? All right. Other issues?

3 MR. ELMAN: Am I unmuted? This is Larry.

4 MR. EMMERING: Go ahead.

5 MR. ELMAN: Sorry about that. So you mentioned
6 about the different bypasses. Do you know how the fish have
7 been -- kind of been affected by water being diverted, and
8 particular why is So Cal Edison diverting water to a closed
9 hatchery?

10 MR. ETTEMA: At this point again all I have is
11 the information that I have in the PAD. I don't remember
12 seeing anything about the hatchery being closed, and all I
13 know, I believe I read that there are rainbow trout present
14 in the bypass, in the other two streams that feed in, and I
15 think is there rainbow and brown trout in the main bypass
16 reach? That's all I know at this point.

17 MR. ELMAN: So you don't know how they're
18 affected by -- how the river itself is affected. How the
19 fish in the river is affected when water is diverted?

20 MR. ETTEMA: Well at this point I have whatever
21 information is in the PAD, and I mean I'm giving you a brief
22 summary of what I remember going over, so I don't -- you
23 know what, whatever information I have is in there you know,
24 and I haven't done a thorough review of that, but you know
25 if you think there needs to be a study or something like

1 that, or if we need to just want if you're commenting saying
2 that we need to request a study about you know how flows are
3 affecting fish and fish habitat, then I think that's been
4 noted.

5 MR. ELMAN: Yeah, okay thank you.

6 MR. ETTEMA: Yep, thank you.

7 MR. EMMERING: Thank you very much Scott. We
8 have not studied this yet, so we're just collecting
9 information on potential issues. All right? So when we get
10 to our environmental analysis document, that's our NEPA
11 document, our environmental assessment, or EIS, it goes by a
12 variety of different names, our environmental impact
13 statement. When we get to that stage that's when we'll be
14 taking a hard look at these resource issues, conducting our
15 analysis based on what information is provided on the
16 license application which would be filed by SCE two years
17 down the road.

18 So when you ask us you know what's going on with
19 a particular resource, we don't really know yet. We haven't
20 gotten to that state. We haven't analyzed those issues yet.
21 So we're just looking at what information is out there and
22 collecting you know issue. Hey, this is an issue, this is
23 an issue that you need to look at in your environmental
24 analysis all right?

25 So let's see. It looks like we've got one

1 question here. Go ahead Ross.

2 MR. ALLEN: Hi there. Yeah I just wanted to
3 clarify. I think I'm speaking for everyone when I say yes,
4 I think we all understand that the studies have not
5 occurred. Our understanding -- well my understanding is
6 that this is really our only chance to potentially "put in"
7 studies, so you know the questions I'm asking, and I think
8 the questions a lot of other people are asking are trying to
9 make sure that those questions, you know, influence, and
10 are answered in the future studies.

11 So I think we all understand these studies
12 haven't occurred, we just want to make sure the right
13 questions are answered when they do occur.

14 MR. EMMERING: Sure, sure. Now just to clarify
15 you know, this is not the last time you guys can provide
16 input. So you can provide written comments after this, and
17 any time during the licensing process. You can provide
18 comments during the study plan development. There are
19 several opportunities throughout this five year process to
20 provide comments.

21 This is not your last you know time to be able to
22 comment. So don't be afraid to ask. You can definitely
23 send us a letter and file that to the record as well. So
24 all right.

25 MR. OLCOTT: And Quinn, just to clarify, everyone

1 will have an opportunity, anyone can request a study at a
2 later point in the process or you know if they don't feel
3 that way, please propose that output, and we will make a
4 determination on that later on in the process.

5 MR. EMMERING: Yep, yep, yep, yep, so we'll be
6 looking at all these various issues. We're required to do
7 so, and SEC is required to provide the information we need
8 to conduct these various analysis, okay. So moving on, I'm
9 going to go through the terrestrial resource issues
10 expeditiously, and then we'll ask for any comments related
11 to that, and then we'll get on to rec stuff.

12 So terrestrial resource issues. So currently the
13 scoping document has the effects of continued project
14 operations on instream flows and aquatic habitat in the
15 North Fork Kern River and Salmon and Corral Creeks,
16 including project bypassed reaches, on aquatic and
17 semi-aquatic amphibians and reptiles, including the
18 special-status species, the foothill yellow-legged frog and
19 the western pond turtle. Both of those are special-status
20 species.

21 Also scoping documents includes effects on
22 wetlands, riparian habitat, sensitive natural communities.
23 We also have preliminarily identified effects of continued
24 project operation and maintenance activities, including
25 project related recreation, vegetation management and

1 herbicide use on native vegetation and special-status plant
2 species, including those identified in SCE's
3 pre-application document, and that's what was filed earlier
4 this summer, as well as the special-status plant Springville
5 clarkia, and Bakersfield cactus scoping document.

6 It also lists the effects of continued project
7 operation and maintenance activities, project related
8 recreation on the introduction and spread of non-native,
9 invasive plant species, including potential effects of those
10 non-native plant species on native plant communities, and
11 special-status species, and wildlife habitat.

12 And then lastly the scoping document will be
13 looking at effects of continued project operation and
14 maintenance, and project related recreation and vegetation
15 management, and herbicide use on special-status wildlife
16 species. Again, those that have been identified in SCE's
17 pre-application document, as well as any Forest Service
18 species conservation concerns, and nesting migratory birds
19 that occur in the project vicinity. All right?

20 So does anybody have any additional issues they
21 would like to bring up regarding those? Any terrestrial,
22 including wildlife and plant species? All right. I don't
23 see any raised hands. So I'm going to move on and go
24 through some threatened and endangered species issues that
25 we've identified thus far.

1 So the scoping document lists the effects of
2 continued project operation and maintenance on the federally
3 endangered Sierra Nevada Distinct Population Segment of
4 fisher, the California condor, least Bell's vireo,
5 southwestern willow flycatcher, and the Northern California
6 distinct population segment of the mountain yellow-legged
7 frog, the federally threatened California red-legged frog,
8 and the yellow-billed cuckoo, and delta smelt, and as well
9 as a candidate for listing under the Endangered Species Act,
10 the monarch butterfly.

11 So those are the species that we identified as
12 potentially been affected by this project . Does anybody
13 have any additional issues related to the species, or any
14 questions regarding those? Okay. All right. Moving on.
15 I'm going to let Kyle take the reins here and go through rec
16 issues and land use, and aesthetic issues. Kyle go ahead.

17 MR. OLCOTT: All right. Thanks. This is Kyle
18 Olcott with FERC. Quinn basically summarized it. We have
19 the effects of continued project operation and maintenance
20 on recreation resources, on land use, and on esthetic
21 resources, as three separate topics that we will include in
22 our environmental document.

23 So if there are any comments, or I'm sorry, if
24 there are any additional issues or clarifications that
25 anyone would like to make bearing in mind that we will have

1 the opportunity once, after SCE has proposed its study plan,
2 we'll have our study plan development process as part of
3 this licensing process, so there will be formal
4 opportunities to participate and to comment on studies at a
5 later point.

6 So right now just seeking comments on the scope
7 of the issues that we've identified related to recreation,
8 land use and aesthetics, so if anyone has any comments on
9 that, and Quinn can handle the internet stuff for you.

10 MR. EMMERING: Yeah, thank you, thank you for
11 going through that Kyle. Yes please lets in the interest of
12 time again, let's limit it to any issues that we have not
13 already discussed or identified that we should be looking at
14 in our environmental analysis and not get into too many
15 details about studies at this stage okay? We've got one
16 question. Eric go ahead. Eric are you there?

17 MR. KROH: There we go I think I'm unmuted.

18 MR. EMMERING: Now you are, go for it.

19 MR. KROH: Excellent. Hey just a quick comment.
20 I'll try and keep it short. I've worked in the energy
21 sector specifically oil and gas now for 15 years, so I've
22 been to more than one committee meetings, scoping meetings
23 such as this, and been on both sides of the fence. And you
24 know one thing I told my colleagues is that as energy
25 producers we must do a better job of supporting the local

1 communities we operate in.

2 The current community is built around the river,
3 and I think FERC and So. Cal Edison needs to do a better job
4 of supporting that culture and way of life. And the
5 dewatered section of the river has some of the most
6 accessible stretches of river in the state, sections great
7 for tubing and floating with the kids, commercial rafting,
8 some of the best intermediate kayak and fishing runs in the
9 state.

10 And none of it can be used with the current
11 recreational relief scheduled for flows. I grew up in
12 Placerville, and I called the South Fork American River my
13 home. We had guaranteed flows on spring and summer weekends
14 due to recreational releases, which fostered an outdoor
15 culture for families.

16 The river brought people far and wide to the
17 local community to enjoy the recreational releases.
18 Realistic and useable recreational flows on the Kern would
19 provide a healthy watershed not only for the local
20 community, but also for Los Angeles families such as myself.
21 With guaranteed water in the river more families would make
22 the trip to the river, which would also help the local Kern
23 businesses.

24 All that is needed in my opinion, would be to
25 stop water diversion and let the river flow free with a

1 minimum of say 600 cfs for a four hour window, from 9:00
2 a.m. to 12:00 p.m., just enough time to fill the channel
3 with water over the weekend so that people can use the river
4 and plan accordingly. So I would like to ask FERC to
5 request So Cal Edison to study what it would take to create
6 a recreational flow release similar to the South Fork
7 American where a period of four hours over the weekend the
8 diversion is shut off so that the river can fill. We can go
9 fishing and kayaking and enjoy it with family. Thank you
10 Quinn.

11 MR. EMMERING: All right. Thank you Eric. All
12 right. Gene Hacker go ahead.

13 MR. HACKER: Yeah I just wanted to build on what
14 Eric said. Not only is this one of the best you know rivers
15 in the state, but it's also international. I mean people
16 come here all the time. We can't use that stretch of water
17 of course because you know a lot of years it's completely
18 dewatered, but the Forks and the Kern, which is above the
19 dam is you know, heavily used.

20 I always run into Europeans up there. I mean
21 this is not just like it's not some local river. It is the
22 river for Southern California, for L.A., San Diego. People
23 come up almost every weekend five hours to use this river,
24 and to just have this entire massive stretch dewatered.

25 And on dry years we get nothing. On dry years

1 with this diversion plan the paddle, the boatable releases
2 that we were promised like 21 days we get like nine on
3 average. On dry years we get zero. It decimates recreation
4 on the Kern. This isn't -- it's not like oh, this would be
5 nice. It just completely makes that section unusable,
6 especially in the shoulder seasons even of a normal year.
7 It's a much bigger issue, you know, it's not just for a
8 local. This brings tons of money into the community, it's a
9 big deal.

10 This is the river for California, for Southern
11 California.

12 MR. EMMERING: And which section were you
13 referring to?

14 MR. HACKER: The dewatered section, from the 15
15 miles that aren't usable you know. A lot of people come in
16 to you know on a dry year we have to go up to the Forks
17 which normally, because it's not dewatered, would have
18 enough flows to run at 600-700-800 on a dry year, but even
19 with the fires, the train ended up being closed.

20 We've had virtually no boating on the upper Kern
21 during the last drought year. And you know it's an amazing
22 resource that just sits there, and we can't use because it's
23 completely dewatered.

24 MR. EMMERING: All right. Well thank you Gene.
25 Yeah I hope we can get out there once this pandemic lightens

1 up, come and see it. Does anybody else have any questions
2 or comments related to rec issues, land use, aesthetic
3 issues? All right. We've got another individual here. I
4 don't have your name down. Could you please state your
5 name, and any affiliation you may have?

6 MR. FARRELL: Yeah this is Michael Farrell. Last
7 name is F (as in Frank)-A-R-R-E-L-L. I'm just a private
8 citizen.

9 MR. EMMERING: Okay.

10 MR. FARRELL: And I'm going to build on what Gene
11 said about the role of this stretch of river. It's
12 well-established that it's nearly unusable, but its
13 potential role is not just as a source of recreation, and in
14 terms of scope, I think the scope of the studies, and the
15 scope of the analysis needs to include the facts that it's
16 not like a hiking trail where we could just drive up river
17 and use a different section of trail, because different
18 difficulties of river, different sections of river apply in
19 different people who are recreated.

20 And by taking out these 15 miles, we have
21 essentially gutted the potential for this river, not just a
22 small stretch of river that you can use a two and a half
23 mile section of, but something we can build an understanding
24 and build a skillset, and really be a local for Southern
25 California Whitewater, because the Forks of the Kern that

1 were referenced before that does attract international
2 kayakers, that does attract people from San Diego all the
3 way through the Bay area will come for the Forks of the
4 Kern. But without those 15 miles people

5 who haven't been kayaking in a long time will not be able to
6 build up the skills to truly utilize the area, utilize the
7 resource, and so the discontinuity of not just a stretch of
8 river, but of the progression required to be a competent,
9 you know, whitewater recreationalist, that discontinuity
10 essentially makes the Forks of the Kern out of reach for
11 most people in Southern California.

12 And with the extreme variability we see year to
13 year, it's essentially unlikely that we'll get enough flow
14 in future years in order to have enough water in the bypass
15 reach consistently to build a culture of recreationalists
16 who can, from southern California, build the skills to
17 utilize the fork.

18 So I hope that the scope of this includes the
19 role of the dewatered stretch in the regional wet water
20 opportunities, because there really isn't that much variety
21 of accessible whitewater that can be the foundation for a
22 skillset, and for a culture, and for communities of
23 whitewater kayakers anywhere else in Southern California.

24 So it's not just 15 miles, it is a true lynch pin
25 in the regional recreational opportunity. Thank you.

1 MR. EMMERING: All right. Thank you Mike. Mike
2 could you spell your last name for me again. I didn't catch
3 it all.

4 MR. FARRELL: Yes, it's F as in Frank,
5 A-R-R-E-L-L.

6 MR. EMMERING: All right. Thank you very much
7 Mike. Ross go ahead. Are you there Ross?

8 MS. JENS: Oh sorry this is his wife, Elizabeth
9 Jens. I just have more of a statement to make, and that's
10 just that the previous negotiated release schedule was
11 impossible essentially to defy. So I have a Ph.D. and could
12 never really work out ahead of time when we were going to
13 have more water released into the tunnel.

14 And I'm one of the people who travels out of town
15 to the river, and so it made it very challenging to know
16 when you might have a better water day, and so looking for
17 more visibility into future releases would be a huge benefit
18 it you can make sure that that's looked at.

19 MR. EMMERING: And this is not. I'm sorry, this
20 is who is this again?

21 MS. JENS: Sorry it's Elizabeth Jens, J-E-N-S.
22 Sorry that's J-E-N-S, Jens.

23 MR. EMMERING: I'm sorry Elizabeth, it's not
24 coming through very clear. Spell your last name very slowly
25 for us for the slow people over here.

1 MS. JENS: Sorry Jens, J-E-N-S. S at the end.

2 MR. EMMERING: There we go J-E-N-S. Thank you
3 very much Elizabeth. All right. Any other questions before
4 I proceed onto cultural and tribal resource issues?

5 MR. WINCHELL: Yeah hi. It's Frank Winchell
6 again for okay the -- what we're looking for essentially for
7 cultural and tribal resources involve the effects of
8 continued project operations on historic or archeological
9 resources, and traditional cultural properties that may be
10 eligible for inclusion in the National Register for Historic
11 Places, or on other areas or places of religious cultural
12 and traditional importance to Indian tribes.

13 And as I briefly described earlier today you know
14 this involves things such as archeological sites, both
15 pre-contact and rural American archeological sites can range
16 from lithic scatters to village sites on up through the
17 project facilities, which are historic as well.

18 So these are the things that we'll be looking for
19 that would involve studies on these particular effects that
20 I've described. And with that, that's what we're looking
21 for and if there's any comments or issues please let me
22 know, thank you.

23 MR. EMMERING: All right. Any comments,
24 questions, other issues related to cultural and tribal
25 resources? I don't see any hands raised. And it's star 3

1 to raise your hand if you don't know that already. Okay.
2 So moving on I'm going to wrap this part of the meeting up
3 with describing the socioeconomic issues.

4 So in the scoping document currently we have
5 effects of continued project operations and flow diversions
6 on agricultural and other consumptive uses in the North Fork
7 Kern River Watershed, so that is what we would be looking at
8 in our environmental document down the road.

9 Any comments or other issues for folks out there?
10 Not seeing anything, all right. Oh we have Eric has a
11 comment, go ahead Eric.

12 MR. KROH: Hey Quinn just from the economic
13 standpoint I just want to make sure that to reiterate what
14 Allen had asked for earlier tonight with respect to the
15 profitability of KR3 during the spring and early summer
16 months when there's excess electrical power provided by the
17 solar, to please include that.

18 MR. EMMERING: Okay thank you.

19 MR. KROH: And then I guess with respect to there
20 was a question about having a third party verify
21 engineering-wise what are the requirements for turning on
22 and off the diversion, so maybe I don't know there's
23 probably an economic portion of that powering back on and
24 powering off, so maybe include that as well.

25 MR. EMMERING: All right. Thank you very much.

1 MR. KROH: Thank you.

2 MR. EMMERING: Eugene? Go ahead.

3 MR. HACKER: The other thing go expand on. So
4 there was a lot of talk about the solar glut, you know, and
5 during the day the power doesn't benefit society at all when
6 the river is being dewatered during the day when there's no
7 demand for that energy, but that's a relatively new
8 phenomenon from what I've been looking at.

9 I mean that's scaling up, as more solar comes
10 online and there's mandates in California here where we have
11 to put it on new construction, on tops of the roof and
12 everything, and when you drive down Kern County, Highway 14,
13 there's massive solar projects and in between the solar
14 projects are basically dirt work equipment where they're
15 going to be putting in more amounts of solar.

16 So this is a trend that's going to ramp up and
17 continue. So I think it's important that the licensing --
18 any consideration takes a lot of solar and how it makes the
19 project basically unneeded during daylight hours is you know
20 study what that trend is going to be in 20-30 years because
21 this is a long-term licensing project.

22 And obviously solar is ramping up. It's not you
23 know it's going to become a bigger issue. And so future
24 consideration, any sort of a study on future you know solar,
25 and how that's going to impact energy demand during the day

1 when you know when recreational doesn't want the water
2 release anyhow, you know, should be added to the list.

3 MR. EMMERING: Okay. I'm not quite sure if
4 that's not something we typically study. We don't you know
5 we're still as far as you know comparing solar projects to
6 hydro projects, you know, that is not a study we would
7 typically require.

8 MR. HACKER: Well I'm not comparing. It's just
9 that so dewatering a stretch of river that benefits the
10 community, and everyone else when there's no actual need to
11 you know, is something I think that should be considered you
12 know when you're relicensing you know a diversion project.

13 And there's a glut. The energy crisis goes
14 negative I the springtime, especially on weekends, which is
15 when we want the water in the river specifically. And so
16 that's just going to become more and more of an issue, so
17 it's not a solar versus hydro, it's a does this project,
18 does it make sense to take water out of the river when it's
19 not benefitting society in any way?

20 When it's actually a negative that's costing rate
21 holders, not helping you know, rate payers. There's no real
22 benefit to taking that water when there's a glut of solar
23 and energy prices are negative. And that's going to become
24 a bigger issue as time goes on. It's not something that --
25 solar is not going away. It's only ramping up.

1 So this is a relatively new phenomenon that is
2 going to be a bigger factor, and you know this relicensing
3 is you know many, many years, they're going to be able to
4 you know continue to operate under the new plan. It should
5 take in what's going to happen in the future, and what the
6 energy markets look like going forward, and you know when it
7 comes to taking our resource for something that might not be
8 needed.

9 MR. EMMERING: Okay, got you. All right. Thank
10 you very much. And Scott do you have a question?

11 MR. TOLAND: Hey there Scott here, can you hear
12 me?

13 MR. EMMERING: Yep.

14 MR. TOLAND: Okay. Okay yeah I just want to
15 build again on what Gene was saying is that we understand
16 that historically you have not considered these you know the
17 time of the energy being produced, and how much because the
18 solar is coming on and it's changing the game, we're
19 requesting that FERC add elements to the studies.

20 So yes, we understand that this is a new thing,
21 so please hear us. We need the water during the daytime for
22 recreation, and there's no use for the electricity because
23 we have so many solar panels now. It works out really well.
24 It's kind of one of those win/win scenarios, so just please
25 add that to the requirements and the specifications of the

1 requested studies.

2 MR. EMMERING: All right. We noted your
3 comments. Thank you.

4 MR. TOLAND: Thank you.

5 MR. EMMERING: All right. And another caller.
6 Would you please state your name and any affiliations?

7 MR. RUSHING: Dennis Rushing, R-U-S-H-I-N-G. I'm
8 with Kern River Boaters.

9 MR. EMMERING: Okay.

10 MR. RUSHING: And I do think we need to consider
11 the value of this power, and consider the solar, the next
12 door neighbor of this power plant. They are also putting
13 storage in, huge battery storage in this stuff. It's going
14 big like Gene said.

15 And I think you have to realize times change, and
16 times have really changed now, and are really changing as
17 Gino said next three years, next five years, next six years,
18 things are going to change with this power. We already we
19 don't need this. When it's really hot here in the valley we
20 need power. The solar is taking care of it.

21 This power can't really be depended on. It's not
22 reliable, even for us whenever we need power for
23 air-conditioning and everything, it's over 100 degrees by
24 like July. They have very little power, so you have to have
25 power and it's like already to take care of that. So they

1 aren't needed.

2 So KR1 is just a business selling their product,
3 and I think you can compare it to other businesses such as a
4 CVS or a Rite-Aid. At one time KR1 was selling a product,
5 as valuable as prescription medicine. And we appreciate
6 that. We thank them for their service.

7 But now the product is more compared to selling
8 bags of M&Ms, they're just another business selling a
9 product. And it's not like that anymore, so times change,
10 and businesses change, everything has changed. And I know
11 you're not from this area, but you can look at -- , the road
12 went through -- the freeway went through there, was a
13 thriving town. Now it's gone down to almost nothing.

14 All the businesses are gone. It's just times
15 have changed, and we have a place Four Corners down at 395
16 and 58 intersection, A&P out there doing great business
17 because traffic was backed up for miles. They put a road
18 around it now that that is gone. It's kind of like this.
19 It's just another business.

20 MR. EMMERING: Okay.

21 MR. RUSHING: So it's pretty sad what we're
22 doing, and this is a great stretch of river, so we don't
23 need to do this to it. Thank you.

24 MR. EMMERING: All right. Thank you Dennis.
25 Okey doke. All right. Well at this stage I'm going to move

1 on to I'm going to start wrapping it up, but before we end
2 the meeting I want to go over some important dates.

3 So as I mentioned earlier you still have a chance
4 and you can always submit written comments, but comments on
5 the scoping document, the PAD, the PAD being the
6 preapplication document filed by Southern California Edison,
7 and any study requests are due on January 20, 2022. So all
8 those comments and letters are due at that stage.

9 There's information in the scoping document as
10 how to file those comments, and anybody can do it. So that
11 is the next milestone date. And then we will be collecting
12 all those comments and we'll be addressing them in scoping
13 document two, and modify any of those resource issues based
14 on the comments we receive, and we will be issuing that
15 scoping document, the second scoping document which is
16 basically the final draft if you will of the scoping
17 document, and all those resource issues, and any changes to
18 the scoping document will be highlighted by bold and
19 italicized text.

20 So it's a revised version of his scoping
21 document, and we'll be issuing that by March, March 6, 2022.
22 On that same date March 6, Southern California Edison will
23 be filing their proposed study plan. Basically the kick-off
24 the study plan process following the proposed study plan
25 after about a month we will begin our study plan meetings,

1 and so there will be one or two of those as necessary until
2 we move through the study plan process.

3 So that takes a couple months to get through
4 there. And again everybody can file comments, and study
5 requests regarding those relicensing studies. But one thing
6 I want to point out is that this is Southern California
7 Edison is using the integrated licensing process, and under
8 that integrated licensing process we have study plan
9 criteria.

10 And basically what that criteria outlines is that
11 we have requirements, but when you request that is that you
12 provide certain types of information. So that information
13 is again described in the scoping documents, and there is a
14 link to that guidance document that is available on FERC's
15 website, so you can refer to that, and I strongly, strongly
16 consider that any studies that are submitted, any study
17 requests that are submitted that you review that document.

18 And just you know for example, some of the points
19 that are -- some of the criteria that are really important
20 to you know hit a home run are describing existing
21 information concerning the subject of the study proposal,
22 why existing information that is supplied in the project
23 record, or the preapplication document is not adequate, and
24 what's the specific information that's still needed to
25 inform FERC staff's environmental analysis. There needs to

1 be a nexus to the project.

2 That one should be a fairly low ball to hit, but
3 any kind of a study request or has to be a connection
4 between the project and what the study is requesting, the
5 information that would come out of that study.

6 And then the next thing proposed study
7 methodology. So we need to know if you're requesting a
8 study, or how should SCE conduct a study. So you need to
9 get into details. You just can't say hey, SCE should study
10 some flows. Well that's not really -- we don't have
11 anything to really evaluate that. What kind of information
12 are they collecting, over what period of time?

13 We need specific details as to how a study would
14 be conducted using the standard techniques and analysis, et
15 cetera. So the criteria guidance goes over that in great
16 detail. There's an FAQ section at the end of the guidance
17 document that's really helpful.

18 Oh, and lastly we also the level of effort and
19 cost is really important as well. So those are just four of
20 the seven criteria that I really want to point out because
21 we find that those are typically the ones that people don't
22 -- stakeholders and agencies need to strengthen when
23 submitting any study requests. So that is all I have to say
24 about that.

25 And lastly, again any written comments should be

1 filed by Thursday, January 20, 2022. And let's see. Do I
2 have anything else before I ask for any final questions?
3 Okay. That is it. Other than that I just want to eyeball,
4 I'm going to open it up for the next 10 minutes or so, but I
5 want to thank you all for your time and patience during this
6 meeting, and thank you for talking with us about any
7 resources issues that are of concern to you.

8 I really appreciate your time and informing our
9 process here. Again, file some written comments if you feel
10 the need to. We encourage it. Anyway if anybody has any
11 last questions please let me know and raise your hand.
12 That's star 3 to raise your hand, and we can get any last
13 comments or questions. All right. Well if nobody else has
14 any last comments or questions I think that wraps up our
15 meeting.

16 Again, thank you all for your time, and that is
17 all. If you have any questions you can contact me. My
18 contact information again is in the scoping documents. My
19 email and phone number, so that's it. Thank you all. Take
20 care.

21 (Whereupon the meeting adjourned at 10:53 p.m.)

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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