

**APPENDIX E.3
CONSULTATION DOCUMENTATION**

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LIST OF ACRONYMS AND ABBREVIATIONS

AW	American Whitewater
APE	Area of Potential Effects
CAISO	California Independent System Operator
CDFW	California Department of Fish and Wildlife
CFR	Code of Federal Regulations
CUI	Controlled Unclassified Information
CEII	Critical Electric/Energy Infrastructure Information
DLA	Draft License Application
EJ	environmental justice
ESA	Endangered Species Act
FERC	Federal Energy Regulatory Commission
FLA	Final License Application
ISR	Initial Study Report
KR3	Kern River No. 3
NEPA	National Environmental Policy Act
NGO	non-governmental organization
PAD	Preliminary Application Document
Project	Kern River No. 3 Hydroelectric Project (FERC Project No. 2290)
PSP	Proposed Study Plan
RSP	Revised Study Plan
SD1	Scoping Document 1
SD1	Scoping Document 2
SCE	Southern California Edison
SHPO	State Historic Preservation Officer
SQF	Sequoia National Forest
USFWS	U.S. Fish and Wildlife Service
USR	Updated Study Report

E.3. CONSULTATION DOCUMENTATION

This appendix describes Southern California Edison (SCE) Company's consultation efforts completed for relicensing the Kern River No. 3 (KR3) Hydroelectric Project (Project), Federal Energy Regulatory Commission (FERC) Project No. 2290. This appendix is organized by the following subsections:

- E.3.1, *Early Outreach Activities*
- E.3.2, *Preliminary Application Document Development and Distribution*
- E.3.3, *Federal Energy Regulatory Commission Scoping*
- E.3.4, *Study Plan Development and FERC Study Plan Determination*
- E.3.5, *Technical Study Implementation*
- E.3.6, *Endangered Species Act—Section 7 Informal Consultation*
- E.3.7, *National Historic Preservation Act—Section 106 Informal Consultation*
- E.3.8, *Section 106 Informal Consultation with Tribes*
- E.3.9, *Outreach to Environmental Justice Communities*
- E.3.10, *Draft License Application Development and Distribution*
- E.3.11, *License Measure Collaboration*

Documents referred to in this section are available on either SCE's relicensing website at www.sce.com/kr3 or FERC's eLibrary at <https://www.ferc.gov/docs-filing/elibrary.asp> under Docket P-2290. Consultation that has occurred since SCE initiated early outreach activities in 2020 prior to filing the Preliminary Application Document (PAD) is summarized in Table E.3-1, with additional detailed provided below.

As required in the Code of Federal Regulations, Title 18, Section 5.10(b)(5)(ii)(G) (18 CFR § 5.18(b)(5)(ii)(G)), the Distribution List attached to the cover letter of this filing identifies federal and State of California agencies, local agencies, Tribes, non-governmental organizations (NGOs), and member of the public (collectively referred to as "Stakeholders") that SCE consulted during the preparation of this Application for New License.

Table E.3-1. Stakeholder Meeting Dates and Topics

Date	Type/Purpose	General Attendance	Relicensing Process Overview and Schedule	Existing Information/ Data Request	Relicensing Process Plan/ Communication Protocols	Project Facilities and Operations	Technical Study Plan Development	Technical Study Implementation	Project Site Visit	License Application Update and Overview of Proposed Action
3/3/2020	Project Introduction	SQF	*		*					
3/25/2020	Project Introduction	CDFW	*		*					
4/1/2020	Project Introduction	State Water Board	*		*					
4/8/2020	Project Introduction	USFWS	*		*					
8/19/2020	Joint Agency Meeting	SQF, CDFW, State Water Board, USFWS		*						
10/1/2020	Public Open House/Project Kick-off	Interested Stakeholders	*	*	*	*				
10/29/2020	Study Plan Coordination: Aquatic Resources	Interested Stakeholders		*	*		*			
10/29/2020	Study Plan Coordination: Recreation / Land Use Resources	Interested Stakeholders		*	*		*			
11/5/2020	Study Plan Coordination: Terrestrial/Botanical Resources	Interested Stakeholders		*	*		*			
12/3/2020	Study Plan Coordination: Cultural/Tribal Resources	SQF, Tribes		*	*		*			
12/9/2020	Study Plan Coordination: Recreation / Land Use Resources	Interested Stakeholders		*	*		*			
12/9/2020	Study Plan Coordination: Terrestrial/Botanical Resources	Interested Stakeholders		*	*		*			

Date	Type/Purpose	General Attendance	Relicensing Process Overview and Schedule	Existing Information/ Data Request	Relicensing Process Plan/ Communication Protocols	Project Facilities and Operations	Technical Study Plan Development	Technical Study Implementation	Project Site Visit	License Application Update and Overview of Proposed Action
12/10/2020	Study Plan Coordination: Aquatic Resources	Interested Stakeholders		*	*		*			
2/4/2021	Study Plan Coordination: Terrestrial/Botanical Resources	Interested Stakeholders	*		*		*			
2/10/2021	Study Plan Coordination: Recreation / Land Use Resources	Interested Stakeholders		*	*		*			
2/11/2021	Study Plan Coordination: Aquatic Resources	Interested Stakeholders			*		*			
2/18/2021	Study Plan Coordination: Cultural/Tribal Resources	SQF, Tribes		*	*		*			
4/22/2021	Study Plan Coordination: Cultural/Tribal Resources	SQF, Tribes					*			
4/29/2021	Study Plan Coordination: Aquatic, Botanical/ Terrestrial, Recreation Resources	Interested Stakeholders					*			
5/26/2021	Study Plan Coordination: Cultural/Tribal Resources	SQF, Tribes					*			
12/14/2021	FERC Scoping Meeting	Interested Stakeholders	*	*	*	*				
3/22/2022	Proposed Study Plan (PSP) Meeting	Interested Stakeholders	*		*		*			
5/2/2022	Study Plan Coordination: Recreation Resources	SQF						*		
6/3/2022	Study Plan Coordination: Recreation Resources	SQF						*		

Date	Type/Purpose	General Attendance	Relicensing Process Overview and Schedule	Existing Information/ Data Request	Relicensing Process Plan/ Communication Protocols	Project Facilities and Operations	Technical Study Plan Development	Technical Study Implementation	Project Site Visit	License Application Update and Overview of Proposed Action
8/1/2023	FERC Site Visit (in-person)	Interested Stakeholders							*	
8/25/2023	REC-1 Whitewater Boating Study: Level 2 Limited Reconnaissance Visit	Nominated Boaters, SQF							*	
10/17/2023	Initial Study Report (ISR) Meeting	Interested Stakeholders			*				*	
4/11/2024–4/14/2024	REC-1 Whitewater Boating Study: Level 3 Enhanced Flow Opportunity	Interested Stakeholders						*	*	
5/20/2024	Overview of SCE’s Proposed Project and Discussion of Agency Management Goals and Objectives	State Water Board	*							*
5/20/2024	Overview of SCE’s Proposed Project and Discussion of Agency Management Goals and Objectives	CDFW	*							*
5/21/2024	Overview of SCE’s Proposed Project and Discussion of Agency Management Goals and Objectives	SQF	*							*
5/23/2024	Overview of SCE’s Proposed Project and Discussion of Agency Management Goals and Objectives	USFWS	*							*
6/7/2024	REC-1 Whitewater Boating Study Plan Implementation	AW	*					*		
6/17/2024	REC-2 Recreation Facility Use Assessment Study; Outreach regarding feasibility of camera installation	SQF						*		

AW = American Whitewater; CDFW = California Department of Fish and Wildlife; SQF = [Forest Service] Sequoia National Forest; State Water Board = State Water Resources Control Board; USFWS = U.S. Fish and Wildlife Service

E.3.1. EARLY OUTREACH ACTIVITIES

Early outreach activities involved meeting with individual state and federal resource agencies, non-governmental organizations (NGOs), members of the public, and Tribes; and establishing a publicly accessible website. The intent of these early outreach activities was to identify potential Stakeholders and understand their resource interests; provide information related to the FERC relicensing process; describe Project facilities and operations; solicit existing resource information; and provide a mechanism to distribute Project information, reports, and meeting materials.

E.3.2. PRELIMINARY APPLICATION DOCUMENT DEVELOPMENT AND DISTRIBUTION

On September 22, 2021, SCE filed a Notice of Intent and PAD with FERC. The PAD provided FERC, federal and state agencies, and other interested parties with background information related to Project facilities, operations, and maintenance activities; summarized existing, relevant, and reasonably available information; defined pertinent Project issues; and identified potential study needs. The PAD also included 10 draft Study Plans based on the resource issues and additional information needs identified in the document.

The public documents were available electronically via the Project's website, available for download at FERC eLibrary, or a hard copy could be viewed at the KR3 Powerhouse offices via appointment.

E.3.3. FEDERAL ENERGY REGULATORY COMMISSION SCOPING

On November 21, 2021, FERC issued a Notice of Commencement of Pre-Filing Process and Scoping Document 1 (SD1) for the Project. SD1 provided interested parties with FERC's preliminary list of issues and alternatives to be addressed in a National Environmental Policy Act (NEPA) document analyzing potential conditions of a new Project license. Additionally, FERC requested that any party interested in providing comments on the PAD and SD1 and/or submitting formal study requests do so by January 20, 2022, in accordance with a 60-day comment period.

FERC issued Scoping Document 2 (SD2) on March 4, 2022, which refined the list of issues to be addressed in the NEPA document based on comments submitted to FERC from interested Stakeholders.

FERC staff held two public scoping meetings on December 14, 2021. A daytime meeting focused on concerns of resource agencies, Tribes, and NGOs; an evening meeting focused on receiving comments from the public. Transcripts of those meetings are included as part of the Project record on FERC's eLibrary.

On August 1, 2023, FERC staff conducted a Project site visit in Kernville, California. All interested individuals, agencies, Tribes, and NGOs were invited to attend.

E.3.4. STUDY PLAN DEVELOPMENT AND FERC STUDY PLAN DETERMINATION

In response to FERC's SD1 and Stakeholder comments, SCE revised the 10 draft Study Plans and developed 5 new Study Plans that encompassed resource topics including water, biological, botanical, recreation, land use, socioeconomics, geology, and Project operations in its Proposed Study Plan (PSP) filed with FERC on March 4, 2022.

Also on March 4, 2022, FERC issued SD2, which included updates from SD1 to reflect additional issues and alternatives to be considered in the NEPA document based on comments received during FERC's scoping process. SCE's Revised Study Plan (RSP) accounted for FERC's SD2, as well as comments on the PSP filed by Stakeholders and communicated during subsequent focused meetings held to address additional questions on individual Study Plans. SCE filed its RSP on July 1, 2023, with included 18 individual Study Plans: 15 previously developed Study Plans, 1 of which was split into 2 studies; and 2 new Study Plans.

FERC issued their Study Plan Determination on October 12, 2023, that approved SCE's RSP with staff-recommend modifications. Of the 18 studies proposed by SCE, 5 were approved as filed, 12 were approved with staff-recommend modifications, and 1 was not required; FERC also adopted 2 additional Stakeholder-requested studies (with modifications) and 1 staff-recommended study, for a total of 20 Study Plans.

On May 30, 2024, FERC issued a Determination on Requests for Study Modifications and New Studies (FERC Accession No. 20240530-3030). FERC staff addressed Stakeholder-proposed study modifications to six of the approved studies:

1. WR-1, Water Quality—modification was approved;
2. WR-2, Hydrology—of the two requested modifications, one was approved with staff's recommendations and one was not required;
3. REC-1, Whitewater Boating—proposed study modifications were approved with staff's recommended modifications;
4. REC-2, Recreation Facilities Use Assessment—proposed study modifications were approved with staff's recommended modifications;
5. AES-1, Aesthetic Flows—proposed study modifications were approved with staff's recommended modifications; and
6. ANG-1, Enjoyable Angling Flows—proposed study modifications were approved with staff's recommended modifications.

Two requested new studies are not required: NRG-1, Voltage Stepping Costs, and NRG-2, CAISO Bid History.

E.3.5. TECHNICAL STUDY IMPLEMENTATION

SCE began implementing the approved Study Plans in fall 2022. Study progress was documented in SCE's Initial Study Report (ISR) filed with FERC on October 9, 2023. The ISR summarized SCE's overall progress through summer 2023 in implementing the Study Plans, including an explanation of any variances and modifications to ongoing studies. SCE held a meeting in Kernville, California, on October 17, 2023, to discuss the contents of the report and address comments regarding Study Plan implementation. The meeting discussion was documented in a meeting summary that SCE filed with FERC on November 1, 2023.

SCE is continuing with the second study season data collection in spring/summer 2024 for ongoing/outstanding study elements and have included additional study components per FERC's May 30, 2024, Determination on Requests for Study Modifications and New Studies (FERC Accession No. 20240530-3030).

SCE has initiated outreach efforts on June 17, 2024, with the Forest Service regarding installation of cameras at river access locations per FERC's Determination on Requests for Study Modifications and New Studies. SCE will continue to work with the Forest Service and other interested Stakeholders regarding camera installation locations and approach to data collection. However, if no cameras should be used, SCE will consult with interested Stakeholders to determine any additional variances prior to implementation.

E.3.5.1. Technical Study Memorandum

Study methods and results were compiled in a series of Technical Memorandum. Each Technical Memorandum included the following information: (1) study goals and objectives; (2) study area; (3) study approach and methods; (4) data summary, if available, or an update on activities completed to date; (5) summary of study-specific consultation; and (6) outstanding study elements and schedule for completion.

All Technical Memorandum filed to date—filed as part of the ISR (October 2023), as supplemental filings (February, March, or April 2024), or update as part of the Draft License Application (DLA) (July 2024) are included in Appendix E.2 of this Exhibit E. Any ongoing studies completed during summer 2024 as part of the second study season will be provided in the Updated Study Report (USR) to be filed with FERC by October 11, 2024. Following submittal of the USR and consistent with requirements under 18 CFR § 5.15(c)(2), SCE will hold a meeting with Stakeholders to review the study results reported in the USR within 15 days following the USR filing.

E.3.6. ENDANGERED SPECIES ACT—SECTION 7 INFORMAL CONSULTATION

Pursuant to Section 7 of the federal Endangered Species Act (ESA), consultation with the U.S. Fish and Wildlife Service (USFWS) is required when implementation of a project may affect the continued existence of a federally listed species. Species are defined as threatened or endangered by USFWS if they are listed in 50 CFR §§ 17.11 or 17.12. SCE's Section 7 consultation efforts are summarized below.

- SCE requested to be designated as the non-federal representative for the purpose of conducting informal ESA Section 7 consultation with the USFWS for the Project on September 22, 2021. FERC initiated informal consultation with the USFWS on November 22, 2021, while also granting SCE's request as the non-federal representative for carrying out informal consultation.
- On May 23, 2024, SCE met with USFWS to discuss the results of the field surveys on ESA-listed species and the proposed listing of the northwestern pond turtle, which was documented during field studies in Cannell Creek.

E.3.7. NATIONAL HISTORIC PRESERVATION ACT—SECTION 106 INFORMAL CONSULTATION

The Project relicensing is an “undertaking” as defined in 36 CFR 800.16(y). Therefore, the relicensing of the Project is subject to Section 106 of the National Historic Preservation Act, which requires FERC to take into account the effect of continued operations and maintenance of the Project on properties that are listed or recommended as eligible for listing on the National Register of Historic Places. SCE efforts on the behalf of FERC regarding Section 106 consultation are summarized below.

- SCE requested to be designated as the non-federal representative for the purpose of conducting Section 106 consultation with the State Historic Preservation Officer (SHPO) for the Project on September 22, 2021. FERC granted SCE's request on November 22, 2021.
- On January 11, 2022, SCE initiated consultation with the SHPO and (in accordance with 36 CFR § 800.4(a)(1)) requested concurrence on the adequacy of the proposed Area of Potential Effects (APE) for cultural and Tribal resources. SCE received concurrence on the APE from SHPO in a letter dated March 23, 2022.
- On May 6, 2024, the Cultural and Tribal Technical Study Reports were sent to the Sequoia National Forest and Tribes for review and comment. After comments are received and addressed, the reports will be sent to the SHPO for concurrence.
- Following the filing of the DLA, SCE will circulate a draft Historic Properties Management Plan to the consulting parties.
- After accepting the Final License Application (FLA), FERC will continue consultation with the Advisory Council on Historic Preservation and SHPO regarding the Project. FERC typically completes Section 106 by entering into a Programmatic Agreement or Memorandum of Agreement with the Licensee, Advisory Council on Historic Preservation, and SHPO. This agreement is then incorporated by reference into the Project license when it is issued. Upon issuance of a new license, SCE will be responsible for finalizing and implementing the Historic Properties Management Plan and FERC will be responsible for enforcing compliance with the plan.

E.3.8. SECTION 106 INFORMAL CONSULTATION WITH TRIBES

SCE conducted informal Section 106 consultation with Tribes in association with the Project relicensing. SCE coordinated with appropriate Tribal representatives to identify cultural and Tribal resources of traditional cultural or religious importance to Native Americans (including Traditional Cultural Properties as discussed in National Register Bulletin No. 38)¹ that may be present in the Project APE. This informal consultation included a combination of written, telephone, and email correspondence; meetings; and site visits. Additional consultation and efforts to include Tribes in the relicensing process are summarized below.

- At the outset of the relicensing effort, representatives of local federally recognized Tribes were invited to participate in the relicensing process by FERC, as part of its initial Tribal government-to-government formal Section 106 consultation for the Project. Follow-up e-mails and telephone contacts were made by FERC after sending letters by registered mail.
- Throughout the study planning process Cul-1 Cultural Resources and TRI-1 Tribal Resources Study Plans, Tribes were kept informed.
- During implementation of approved Study Plans, Tribes were kept informed of survey dates and were invited to participate during field activities.
- A confidential Cultural Resources and Tribal Resources Reports were provided to Tribes and the U.S. Forest Service on May 6, 2023, for a 30-day review.

E.3.9. OUTREACH TO ENVIRONMENTAL JUSTICE COMMUNITIES

There are no environmental justice (EJ) communities within the study area, but there are low-income EJ communities within 1 mile of the FERC Project Boundary. To support public outreach and consultation, SCE has engaged with interested Stakeholders throughout the relicensing process since 2020. Documents related to the relicensing are publicly available on FERC's eLibrary and on SCE's public website. All interested Stakeholders (including those who have filed a comment on the relicensing proceeding) are notified via email when documents are filed with FERC as part of this proceeding.

In addition to the consultation required as part of the Integrated Licensing Process, SCE has conducted the following Stakeholder engagement activities as part of FERC-approved studies that include direct interactions with the public for Study Plan implementation (e.g., Study REC-2 Recreation Facilities Use Assessment): bilingual (English and Spanish) information flyers, public questionnaires, and bilingual field staff have been deployed.

¹ U.S. Department of the Interior. 1990. *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. National Register Bulletin 38. Accessed: June 20, 2024. Retrieved from: <https://www.nps.gov/subjects/nationalregister/upload/NRB38-Compleweb.pdf>

SCE will continue ongoing outreach to the local communities and relicensing Stakeholders to obtain comments regarding Project relicensing and to understand primary concerns and questions from interested Stakeholders as part of the Integrated Licensing Process. If a Project-related impact on low-income EJ communities is identified during the relicensing process and there is a potential nexus between the impact and the EJ community, additional consultation and potential mitigation measures may be necessary.

E.3.10. DRAFT LICENSE APPLICATION DEVELOPMENT AND DISTRIBUTION

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

E.3.10.1. Comment Period

Concurrent with the filing of this DLA with FERC, SCE also notified Project Stakeholders on the Distribution List of its filing and availability for a 90-day review and comment period. Reports designated as Controlled Unclassified Information (CUI) and Critical Electric/Energy Infrastructure Information (CEII) were only provided to FERC. Information designated as Privileged (PRIV; e.g., sensitive cultural resource information) was only distributed to FERC and select resource agencies and/or Tribes with jurisdiction over those resources.

SCE will address comments provided on the DLA, as appropriate, in the FLA, which will be filed with FERC and concurrently distributed to Stakeholders on or before November 30, 2024, which is 2 years prior to the license expiration date.

E.3.11. LICENSE MEASURES COLLABORATION

Following distribution of the DLA, SCE will conduct outreach to interested Stakeholders, where applicable, to discuss the proposed environmental measures, management plans, and programs to be included in the new license. SCE will incorporate comments, as appropriate, in the FLA.