

Lee Vining, FERC Project No. 1388

CULTURAL AND TRIBAL RESOURCES TWG 3 MEETING NOTES

MARCH 31, 2021; 1:30 PM – 3:00 PM PDT

**These meeting notes are documentation of general discussions from the meeting held on the above-noted date. These notes are not a verbatim account of proceedings, are not meeting minutes, and do not represent any final decisions or official documentation for the project or participating agencies.*

1. Attendees

Relicensing Team Members

Audry Williams, SCE
Carissa Shoemaker, ERM
Finlay Anderson, Kleinschmidt
Kelly Larimer, Kleinschmidt
Lynn Compas, HRA
Matthew Woodhall, SCE
Shannon Luoma, Kleinschmidt
Shelly Davis-King, DKA

Agencies, Tribes, and Interested Stakeholders

Monique Sanchez, USFS
Monty Bengochia, Bishop Paiute Tribe
Raymond Andrews
Tara Fouch-Moore, Southern Sierra Miwuk Nation
Bill Tucker, Southern Sierra Miwuk Nation

2. Compiled Action Items for Relicensing Team

- The Relicensing Team will invite Raymond Andrews to the other three TWG meetings and send him a copy of the March 31 TWG PowerPoint presentation.
- The Relicensing Team will ensure that mining/mine shafts in the Project Area are discussed in the PAD.

3. Welcome and Introductions

- The Relicensing Team introduced the meeting, presented a safety moment, and introduced themselves

4. Relicensing Process, Project Overview, Other TWGs Potential Studies

- SCE provided a Lee Vining Project overview
- Review of notes/comments from February TWG
- Discuss the 30-day review period for the draft PAD sections (April 16 - May 16)
- Comment: Raymond Andrews
 - Concerned with public having information on cultural and gathering site locations. There has been a lot of desecration of gathering and other cultural sites. Concerned about the public receiving the PAD.
 - Response: Relicensing Team - The publicly available PAD documents does not include maps of resource locations. Those are included in a confidential appendix of the PAD so the general public cannot access it. We also try and make the locations described in the PAD vague so they are hard(er) for the public to find. Please review the PAD ahead of time and give us feedback if a description is too specific. The locations of important

plant species will hopefully be identified in the study, but the locations will not be described in detail in PAD, they'll be in confidential portions of the study report.

- Comment: Monique Sanchez, USFS
 - Will draft portions of PAD shared with other groups, like Aquatics to the Aquatics TWG?
 - Response: Relicensing Team - We don't intend to share all PAD sections with TWGs, only Cultural and Tribal for now. Note that there is some information already available online. The Cultural and Tribal sections are different because of the personal connection that Tribes have with the resources discussed. These two PAD sections will be shared with tribes and the USFS representative only.
- Comment: Bill Tucker, Southern Sierra Miwuk Nation
 - Have you looked at species like bighorn sheep and reptiles? Where is the FERC boundary line - between the counties or does it go down to Yosemite NP and Tioga Pass?
 - Response: Relicensing Team - The other technical working groups are doing studies for other species, studies for wildlife for example. Bighorn sheep will definitely be assessed. The Project doesn't go above Tioga Lake, and is not actually within Yosemite NP and doesn't go up to the Tuolumne County line. Biological species of concern would be addressed in the Tribal Resources study in addition to the other technical groups.
 - The Relicensing Team reviewed the APE and Study Areas and the proximity to Yosemite. The 5-mile Tribal Resources buffer around the APE goes into Yosemite NP.
- Comment: Raymond Andrews
 - This project includes "the blood of mother earth". There is a lot of water coming from surrounding area into this project. Does SCE have an agreement with the state regarding keeping Mono Lake at a certain level? Our gathering is affected when water levels are low.
 - Response: Relicensing Team - All of our hydro systems have an agreement with LADWP, we put all of the water back into the system. All of the water makes it down into Mono Lake, except for the amount that remains in the reservoirs. For Lee Vining and Lundy as well, SCE has FERC requirements around how and when water is released between the project's reservoirs. They can fluctuate at certain times of the year for recreation, etc. There is also an annual consultation with USFS that changes it a bit each year. This information will all be presented in the PAD.
 - Comment: Raymond Andrews - Is there an agreement with LADWP with the water that goes into the tunnel to LA?
 - Response: Relicensing Team - No, we don't have anything to do with putting water into the tunnel. Once the water leaves our project area it is out of our control.
- The Relicensing Team listed the potential studies / study requests that are being discussed in the other resource TWGs
- The Relicensing Team reviewed the goal of study plans
- Comment: Raymond Andrews
 - How about the migratory bird act, I know there are eagles there. It's not on your list of regulations.
 - Response: Relicensing Team - Yes, we will be complying with MBTA and BGEPA as well, this list was just an example of the main ones. Also raptor surveys will be conducted.
- The Relicensing Team reviewed the FERC process with a relicensing overview

5. Discussion of Study Plans

- The Relicensing Team reviewed the Cultural Resources and Tribal Resources study plans
- Comment: Raymond Andrews
 - I'm wondering about archaeological surveys and permitting. Sometimes we don't make agreements with agencies for gathering sites; for example, we didn't want to do one with NPS because they wanted sensitive info that we didn't think they needed. I'm not interested in gathering permits. We sometimes don't want to divulge the information to the agencies because of the way they use the data. Is there going to be a Tribal monitor on this project during construction?
 - Response: Relicensing Team - Since this project is already built there is no construction, so no Tribal monitor would be needed. If there is a requirement in the HPMP, then yes. For surveys we would use Tribal participation.
 - Comment: Raymond Andrews - For example, if there was a flood then there would be construction to fix any damage, and you'd use a tribal monitor.
 - Response: Relicensing Team - During the Tribal resources study, we hope to take numerous people from Tribes out to the project area and identify significant locations in the field. I'd welcome you walking along with me anywhere out there to discuss the project.
- Comment: Bill Tucker, Southern Sierra Miwuk Nation
 - For some water history of the area, the Tioga Pass area water runs to LA and the water in Yosemite Valley runs all the way to San Francisco.

6. Schedule & Next Steps

- The Relicensing Team reviewed the proposed upcoming meeting date and remainder of the relicensing schedule
- Comment: Monique Sanchez, USFS
 - The November 13, 2021 date for filing proposed study plans is at the peak of the fire season. We are trying to reach agreement on some of our requests/issues, hoping to reach agreements before August. Is everything subject to change up until the November 13 date?
 - Response: Relicensing Team - This is a good reminder that the more we can consult now is better and easier for our deadlines. However, the deadlines are driven by statute. In the PAD, we won't have complete study plans but they will be substantive. If what we propose in the PAD works for you, then you won't need to worry about requesting any additional studies and your next interaction could be in January 2022. But you'll want any other comments on record by November 13. The more we can do now, the less we have to do later.
- Comment: Raymond Andrews
 - Regarding the September 2021 consultation that you have listed, this is not consultation, this is a meeting. Are you going to have individual consultations too?
 - Response: Relicensing Team - SCE is conducting early outreach to Tribes and other stakeholders to provide FERC with background information. FERC will send the Tribes a

letter to begin formal consultation, and may then designate SCE to conduct consultation on its behalf. You will have an opportunity to consult throughout the life of the project, either with FERC directly or with SCE and its contractors.

- Comment: Raymond Andrews - That's how we have done it in the past. You also have THPOs in there, and they don't do consultation. A Tribal consultant does the consultation, they meet individually with the Tribes.
- Response: Relicensing Team - Consultation can be via letter, in-person, on the phone, in emails, etc. All of the background info on the project is sent out and there is an opportunity to participate in consultation. FERC's consultation goal is to make sure they have addressed all issues that may arise. This project team is looking to initiate communication with the Tribes early so we can make sure your interests are identified and communicated on behalf of SCE to FERC. Sometimes FERC representatives in Washington DC will participate in these TWGs, but sometimes they don't. We want to make sure we are communicating with the right people.
- Comment: Bill Tucker, Southern Sierra Miwuk Nation
 - Have you checked into mine shafts area at top of Tioga Pass? There are several mine shafts that drain back into Lee Vining Creek that are 60-80 feet deep. There is ranger station right above it.
 - Response: Relicensing Team - Mining operations and resulting water flow in the vicinity would typically be included in the PAD discussion.
- Comment: Raymond Andrews
 - Can we attend the recreation meeting? And can I get a copy of this presentation? I'd like to be added to all the other TWGs.
 - Response: Relicensing Team - Yes, you can, we can add you to the TWG invite lists and I can get you a copy of the presentation.
- Draft meeting notes to be circulated for review
- Additional action items are underlined above

7. Upcoming TWG Meetings

Aquatics 4	May 24, 2021 9:30am
Terrestrial 4	May 26, 2021 10am
Cultural and Tribal 4	May 26, 2021 1:30pm
Recreation and Land Use 4	May 27, 2021 10am