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Filed electronically

September 8, 2026

Debbie-Anne A. Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Subject: Lee Vining Hydroelectric Project, FERC Project No. 1388;
Response to Ready for Environmental Analysis Notice and Comments on
Preliminary Terms, Conditions, and Recommendations**

Dear Secretary Reese:

On January 29, 2025, Southern California Edison Company (SCE) filed with the Federal Energy Regulatory Commission (FERC or Commission) a Final Application for New License (FLA) for the Lee Vining Hydroelectric Project (FERC Project No. 1388) (Project). On May 28, 2026, FERC issued a Notice of Application Accepted for Filing with the Commission, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Terms and Conditions, Recommendations, and Preliminary Fishway Prescriptions (REA Notice). Pursuant to this REA Notice, several agencies and stakeholders provided preliminary terms, conditions, and recommendations for consideration in the new FERC license, including:

- The U.S. Forest Service (USFS) filed Preliminary Section 4(e) Terms and Conditions on July 20, 2026;
- The California Department of Fish and Wildlife (CDFW) filed Section 10(j) Recommendations on July 27, 2026;
- The State Water Resources Control Board (State Water Board or SWRCB) filed Preliminary Terms and Conditions on July 23, 2026, pursuant to the FERC-SWRCB Memorandum of Understanding dated November 19, 2013;
- California Sportfishing Protection Alliance (CSPA) filed a Motion to Intervene on June 25, 2026;
- The Mono Lake Committee (MLC) filed comments on July 27, 2026; and
- Mono County filed a Motion to Intervene on July 16, 2026.

SCE has developed responses to the preliminary terms, conditions, and recommendations received from agencies and stakeholders (included herein as Attachment A). In summary, SCE largely agrees with the USFS preliminary Section 4(e) conditions; SCE provided comments on several of CDFW's Section 10(j) recommendations and MLC's recommendations to be consistent with the USFS conditions. SCE also provided comments urging Commission staff to reject certain conditions filed under the Federal Power Act (FPA) Section 10(j), including where the filing agency failed to demonstrate that the recommendations satisfied the standards set forth in the FPA, which

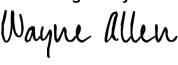
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require such recommendations to be supported by substantial evidence and have a nexus to Project effects.

SCE respectfully requests that FERC use the environmental review and license-order process to provide clear guidance on the relationship among USFS's preliminary Section 4(e) conditions, CDFW's Section 10(j) recommendations, the State Water Board's preliminary Section 401 terms, and stakeholder comments. SCE appreciates the participation of FERC staff, resource agencies, and other stakeholders in the relicensing of the Lee Vining Hydroelectric Project.

If you have any questions regarding this filing, please contact Matthew Woodhall, SCE Relicensing Project Manager, by phone at 909-362-1764 or via email at matthew.woodhall@sce.com.

Sincerely,

DocuSigned by:

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Wayne P. Allen
Principal Manager

Attachment A: SCE's Response to Ready for Environmental Analysis Notice and Comments on Preliminary Terms, Conditions, and Recommendations

Attachment A

**SCE's Response to Ready for Environmental Analysis Notice and Comments on
Preliminary Terms, Conditions, and Recommendations**

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of the Application of
SOUTHERN CALIFORNIA EDISON COMPANY

For New Major License for the
Lee Vining Hydroelectric Project

FERC Project No. P-1388-082

**SOUTHERN CALIFORNIA EDISON COMPANY'S RESPONSE TO
READY FOR ENVIRONMENTAL ANALYSIS NOTICE AND
COMMENTS ON PRELIMINARY TERMS, CONDITIONS,
AND RECOMMENDATIONS**

Filed: September 8, 2026

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ACRONYMS

A

ABAAS	Architectural Barriers Act Accessibility Standards
AIS	aquatic invasive species
AQ-1	Reservoir Fish Populations Study
AQ-2	Stream Fish Populations Study
AQ-3	Aquatic Habitat Mapping and Sediment Characterization Study
AQ-4	Aquatic Invasive Plants Study
AQ-5	Operations Model
AQ-6	Lower Lee Vining Creek Channel Morphology Study

C

CAISO	California Independent System Operator Corporation
CAL FIRE	California Department of Forestry and Fire Protection
Cal-IPC	California Invasive Plant Council
Caltrans	California Department of Transportation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
cfs	cubic feet per second
Commission	Federal Energy Regulatory Commission
CPUE	catch per unit effort
CSPA	California Sportfishing Protection Alliance
CWA	Clean Water Act

D

DLA	Draft License Application
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E

EA	environmental assessment
ESA	Endangered Species Act

F

FERC	Federal Energy Regulatory Commission
FLA	Final License Application
Forest Service	United States Forest Service
FPA	Federal Power Act
FSORAG	Forest Service Outdoor Recreation Accessibility Guidelines
FSTAG	Forest Service Trail Accessibility Guidelines

H

HPMP	Historic Properties Management Plan
HRO	Hydro-Resource Optimization

K

KOP	Key Observation Point
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L

LADWP	Los Angeles Department of Water and Power
LAND-1	Project Lands and Roads Study
LAND-2	Visual Resource Assessment
Licensee	Southern California Edison Company
LOP	Limited Operating Period

M

mg/L	milligrams per liter
MIF	minimum instream flow
MLC	Mono Lake Committee
MW	megawatt(s)
MWh	megawatt-hour(s)

N

NEPA	National Environmental Policy Act
NFS	National Forest System
NNIP	non-native invasive plants

NOI	Notice of Intent to Prepare an Environmental Assessment
NRHP	National Register of Historic Places

P

PME	protection, mitigation, and enhancement
PME-1	Water Management
PME-2	Enhanced Fish Stocking
PME-3	Resource Management Plan
PME-6	Erosion and Sediment Control Plan
Project	Lee Vining Hydroelectric Project, FERC Project No. P-1388-082

R

REA Notice	Notice of Application Accepted for Filing with the Commission, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Terms and Conditions, Recommendations, and Preliminary Fishway Prescriptions
RMP	Resource Management Plan

S

SCC	Species of Conservation Concern
SCE	Southern California Edison Company
SHPO	State Historic Preservation Office
State Water Board	California State Water Resources Control Board
SWRCB	California State Water Resources Control Board

T

TERR-2	General Wildlife Resources Survey
TRG	Technical Review Group
TSMP	Transportation System Management Plan
TWG	Technical Working Group

U

USFS	United States Forest Service
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USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

W

WQC	Water Quality Certification
WUA	weighted usable area

SECTION I: INTRODUCTION AND PROCEDURAL BACKGROUND

A. OVERVIEW

Southern California Edison Company (SCE or Licensee) respectfully submits this filing in response to the Federal Energy Regulatory Commission's (FERC or Commission) Notice of Application Accepted for Filing with the Commission, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Terms and Conditions, Recommendations, and Preliminary Fishway Prescriptions (REA Notice), issued May 28, 2026, in connection with SCE's application for a new major license for the Lee Vining Hydroelectric Project (Project; FERC Project No. P-1388-082).

This filing provides SCE's response to the preliminary conditions, recommendations, comments, and interventions submitted in response to the REA Notice. SCE acknowledges the filing of preliminary terms and conditions by the United States Forest Service (USFS or Forest Service), pursuant to Section 4(e) of the Federal Power Act (FPA), and by the California State Water Resources Control Board (State Water Board or SWRCB), pursuant to Section 401 of the Clean Water Act (CWA). SCE further acknowledges the California Department of Fish and Wildlife's (CDFW) recommendations submitted pursuant to Section 10(j) of the FPA. Unlike mandatory Section 4(e) conditions or final Section 401 certification conditions, CDFW's Section 10(j) measures are recommendations for Commission consideration under the statutory process in FPA Section 10(j). SCE also acknowledges the Motion to Intervene filed by the California Sportfishing Protection Alliance (CSPA) on June 25, 2026, the comments filed by the Mono Lake Committee (MLC) on July 27, 2026, and the Motion to Intervene filed by Mono County on July 1, 2026.

B. PROJECT DESCRIPTION

The Lee Vining Hydroelectric Project is an existing hydroelectric development located in Mono County, California, near the eastern border of Yosemite National Park. The Project encompasses four dams—Saddlebag Dam, Tioga Dam, Tioga Auxiliary Dam, and Rhinedollar Dam—and three reservoirs: Saddlebag Lake, Tioga Lake, and Ellery Lake. Water from Saddlebag Lake and Tioga Lake flows into Ellery Lake, which serves as the intake and regulating reservoir for Poole Powerhouse. The Project has an installed generating capacity of 11.25 megawatts (MW) and produces an average annual generation of approximately 27,082 megawatt-hours (MWh). The current FERC Project Boundary encompasses 625.47 acres, of which 97 percent is federally owned and managed by the Inyo National Forest. SCE's current license expires on January 31, 2027.

C. PROCEDURAL BACKGROUND

On January 29, 2025, SCE filed a Final License Application (FLA) proposing to relicense the Project. On July 15, 2026, SCE filed an Amendment to the FLA, including a revised Protection, Mitigation, and Enhancement Measure No. 1, Water Management (PME-1), reflecting 6 months of Technical Working Group (TWG) consultation with USFS, CDFW, State Water Board, MLC, and CSPA. The Revised PME-1 modifies minimum instream

flow (MIF) requirements and reservoir level requirements, as set forth in the amended Tables 1 and 2 of that measure.

On August 7, 2026, FERC issued a Notice of Intent to Prepare an Environmental Assessment (NOI). Based on the information in the record, including comments filed on the REA Notice, FERC has indicated through the NOI that it does not anticipate that relicensing the Project would constitute a major federal action significantly affecting the quality of the human environment and therefore intends to prepare an environmental assessment (EA), rather than an environmental impact statement. The target date for issuance of the EA is August 7, 2027.

This filing is therefore intended to assist the Commission's National Environmental Policy Act (NEPA) review by responding to the preliminary terms and conditions, recommendations, comments, and intervention filings submitted in response to the REA Notice before Commission staff prepares the EA. In response to the REA Notice, the following filings were received by the FERC deadline for comments of July 27, 2026:

- USFS filed Preliminary Section 4(e) Terms and Conditions on July 20, 2026 (39 conditions);
- CDFW filed Section 10(j) Recommendations on July 27, 2026 (10 recommendations);
- The State Water Board filed Preliminary Terms and Conditions on July 23, 2026 (33 conditions), pursuant to the FERC-SWRCB Memorandum of Understanding dated November 19, 2013;
- CSPA filed a Motion to Intervene on June 25, 2026;
- MLC filed comments on July 27, 2026; and
- Mono County filed a Motion to Intervene on July 16, 2026.

SECTION II: RESPONSE TO USFS PRELIMINARY SECTION 4(E) CONDITIONS

A. OVERVIEW

USFS filed Preliminary Terms and Conditions pursuant to Section 4(e) of the FPA on July 20, 2026. These conditions are based on the September 2019 Land Management Plan (as amended) for the Inyo National Forest, as approved by the Regional Forester of the Pacific Southwest Region. The Forest Service's Section 4(e) conditions are preliminary at this stage and may be revised as the licensing record develops, including in response to FERC's NEPA analysis, agency and stakeholder comments, and any additional information or alternatives evaluated by the Commission. Once the Forest Service submits final Section 4(e) conditions, those final conditions are mandatory and, subject to applicable procedures, must be included in any license issued by the Commission. The 39 conditions are organized into two parts: Part I (Administrative Conditions, Nos. 1–27) and Part II (Resource Conditions, Nos. 28–39).

B. PART I: ADMINISTRATIVE CONDITIONS (Nos. 1–27)

SCE acknowledges each of the 27 administrative conditions and provides the following responses:

Condition No. 1 – Reservation of Authority, Resource Plan Modification and Approval, and Variance Requests

SCE acknowledges the Forest Service's reserved right to modify Section 4(e) conditions throughout the license term, including in response to mandatory conditions from other agencies such as Section 7 Biological Opinions and Section 401 Water Quality Certifications (WQC). SCE notes that the 45-day advance written request process for non-emergency variances is workable and consistent with SCE's operational planning practices.

Condition No. 2 – Consultation

SCE supports the requirement for an annual consultation process with the Forest Service by April 15 each year. SCE will coordinate meeting logistics, distribute advance materials no fewer than 2 weeks prior to the meeting, notify all required resource agencies (i.e., U.S. Fish and Wildlife Service [USFWS], CDFW, SWRCB), and file the meeting record with FERC within 60 days of the meeting. SCE notes that the annual consultation agenda aligns with requirements under Condition Nos. 34 (Instream Flow), 36 (Fish Stocking), 37 (Terrestrial Biological), 38 (Aquatic Biological), and 39 (Vegetation), creating an efficient single-forum coordination mechanism.

Condition No. 3 – Forest Service Approval of Final Design

SCE acknowledges the requirement for prior written Forest Service approval of final design plans for any new construction on National Forest System (NFS) lands. SCE does not propose new construction facilities.

Condition No. 4 – Approval of Changes

SCE acknowledges the prior written approval requirement for changes affecting NFS lands and will follow the 60-day FERC filing requirement following Forest Service approval.

Condition No. 8 – Surrender of License or Transfer of Ownership

USFS's preliminary Condition No. 8 provides that:

Prior to any surrender of this license, Licensees shall provide assurance acceptable to Forest Service that Licensees shall restore any project area directly affecting NFS lands to a condition satisfactory to Forest Service upon or after surrender of the license, as appropriate. To the extent restoration is required, Licensees shall prepare a restoration plan which shall identify the measures to be taken to restore such NFS lands and shall include adequate financial mechanisms to ensure performance of the restoration measures.

In the event of any transfer of the license or sale of the project, Licensees shall assure that, in a manner satisfactory to the Forest Service, Licensees or transferee will provide for the costs of surrender and restoration. If deemed necessary by Forest Service to assist it in evaluating Licensees' proposal, Licensees shall conduct an analysis, using experts approved by Forest Service, to estimate the potential costs associated with surrender and restoration of any project area directly affecting NFS lands to Forest Service specifications. In addition, Forest Service may require Licensees to pay for an independent audit of the transferee to assist Forest Service in determining whether the transferee has the financial ability to fund the surrender and restoration work specified in the analysis.

While SCE appreciates and values USFS's participation in this relicensing, and appreciates USFS as a partner in managing the Project Area, SCE is concerned that Condition No. 8 is inconsistent with Section 4(e) of the FPA, which authorizes FERC:

To issue licenses to citizens of the United States, or to any association of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works ... necessary or convenient ...for the development, transmission, and utilization of power...upon any part of the public lands and reservations of the United States.¹

Thus, Section 4(e) of the FPA does not extend mandatory conditioning authority to USFS or other land management agencies in a license transfer proceeding under FPA Section 8, or in a license surrender proceeding under FPA Section 6—as USFS's Condition No. 8 attempts to do. The plain language of FPA Section 8 prohibits the voluntary transfer of any license “without the written approval of the Commission.”² The plain language of FPA Section 6 similarly authorizes the Commission to issue a license surrender “only upon mutual agreement between the licensee and the Commission after thirty days' public notice.”³ Neither license transfer nor license surrender involves the issuance of a license that triggers mandatory Section 4(e) conditioning authority, and the plain language of neither Section 8 nor Section 6 authorizes federal agencies to submit mandatory terms and conditions for those proceedings.

Additionally, USFS's Condition No. 8 would impermissibly usurp the Commission's exclusive authority to regulate such matters. Under FPA Section 8, no license may be transferred without Commission approval, and the Commission's evaluation of a proposed transfer, including the financial fitness and technical competency of a proposed

¹ 16 USC § 797(e) (emphasis added).

² 16 USC § 801.

³ *Id.* § 799.

transferee, is a core function of the Commission's regulatory authority.⁴ Condition No. 8 undermines that authority by requiring SCE to independently assess a transferee's financial capacity and fund a Forest Service-directed financial audit of that transferee before any transfer may proceed.

By conditioning a future license transfer on Forest Service-prescribed financial fitness criteria, the Forest Service has effectively inserted itself into a future transfer proceeding over which it has no statutory role. Allowing an agency through its mandatory conditioning authority in a relicensing action to unilaterally impose transferee financial review requirements in an entirely separate and distinct Commission proceeding would allow any mandatory conditioning agency to usurp roles and responsibilities that Congress conferred exclusively on the Commission, and to shape or effectively veto Commission decisions in transfer proceedings—a result plainly inconsistent with Congress's carefully delineated jurisdictional structure.

The transfer-related provision of Condition No. 8 also conflicts with long-settled Commission policy. The Commission has consistently declined to impose decommissioning funds in connection with relicensing. As a matter of policy, the Commission does not “generally impose decommissioning funding requirements on licensees” during relicensing.⁵ The Commission may impose decommissioning funding requirements in individual cases, but only when there “may be particular facts on the record requiring the establishment of decommissioning cost trust funds in order to assure the availability of funding when decommissioning occurs.”⁶ In setting this policy, the Commission observed that decommissioning funding is generally not an issue for financially viable licensees—particularly for utilities with rate recovery authority.⁷

Consistent with this policy, the Commission has repeatedly declined to impose decommissioning funding requirements in license transfer proceedings. For example, the Commission has declined to impose decommissioning funding requirements when the record “does not reveal any reasons to question either the project's future viability and usefulness or [the licensee's] ability to finance decommissioning at a future time.”⁸ The Commission has also observed that requiring decommissioning studies in connection with a license transfer is impractical when “the time horizon [of a new 40-year license] and general financial strength of the licensee may be such that there is no substantial need for a pre-retirement funding program.”⁹ The Commission has also concluded that

⁴ 16 USC § 801 (providing that “no voluntary transfer of any license shall be made without the written approval of the Commission”); e.g., *Alcoa Power Generating Inc.*, 157 FERC ¶ 62,188, at P 4 (2016) (“In evaluating a license transfer application, we consider the fitness of the transferee to carry out its responsibilities under the license, including the transferee's control over the project's facilities and payment of the project's annual charges under the FPA, and whether the transfer is in that sense in the public interest.”).

⁵ Project Decommissioning at Relicensing; Policy Statement, 60 Fed. Reg. 339-01, 340 (Jan. 4, 1995) [hereinafter, Decommissioning Policy].

⁶ *Id.* at 346.

⁷ *Id.* at 347.

⁸ *Wis. Elec. Power Co.*, 73 FERC ¶ 61,346, at p. 62,007 (1995).

⁹ *Fraser Papers, Inc.*, 83 FERC ¶ 61,129, at pp. 61,585-86 (1998).

decommissioning funding will not be required when the record contains no evidence suggesting the project will be decommissioned, or that the life of the project will end, during the license term.¹⁰

The same analysis applies with respect to Condition No. 8's surrender-related requirements. Condition No. 8 requires SCE to provide assurance "acceptable to Forest Service" that NFS lands will be restored to a condition "satisfactory to the Forest Service" prior to any license surrender, and requires a Forest Service-approved restoration plan with "adequate financial mechanisms" to ensure performance.¹¹ Under FPA Section 6, however, Congress has conferred upon the Commission (with the "mutual agreement" of the licensee) the authority to determine what conditions should apply to any license surrender.¹² The Forest Service has no statutory authority to predetermine the financial framework within which a licensee may surrender its license, and incorporating Condition No. 8 into the Project license effectively delegates to the Forest Service a gatekeeper role in a Commission-controlled, non-licensing action, absent any Congressional intent.

Finally, USFS Condition No. 8 would unlawfully impose mandatory financial reserves in conflict with FPA Section 10, which requires licensees to: maintain adequate depreciation reserves to keep their projects in good repair;¹³ requires licensees to establish and maintain amortization reserves after the first 20 years of operation;¹⁴ and authorizes the Commission to "fix" annual charges that, among other things, compensate the United States for the use, occupancy, and enjoyment of federal lands and property.¹⁵ Through these three sections, Congress established a comprehensive and integrated framework under the FPA for financial reserves and fees applicable to hydropower licensees, and Congress endowed the Commission with exclusive authority to administer those programs. Simply stated, USFS cited no authority under the FPA in support of its decision to impose funding requirements, including the establishment of reserves and other financial assurances to the Forest Service's satisfaction under Condition No. 8.

Thus, for the reasons described above, the Commission should decline to adopt USFS Condition No. 8 as unlawful and unenforceable.

Condition No. 10 – Indemnification

USFS's Condition No. 10 provides that:

Licensees shall indemnify, defend, and hold harmless the United States for:

- Any violations incurred under any laws and regulations applicable to, or
- Judgments, claims, penalties, fees, or demands assessed against the United States caused by, or

¹⁰ *Id.*

¹¹ *Pac. Gas & Elec. Co.*, 195 FERC ¶ 62,186, at App. B (2026).

¹² 16 USC § 799.

¹³ 16 USC § 803(c).

¹⁴ *Id.* § 803(d).

¹⁵ 16 USC § 803(e)(1).

- Costs, damages, and expenses incurred by the United States caused by, or
- The release or threatened release of any solid waste, hazardous substances, pollutant, contaminant, or oil in any form in the environment related to the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license.

Licensees' indemnification of the United States shall include any loss by personal injury, loss of life, or damage to property caused by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto under the license. Indemnification shall include, but is not limited to, the value of resources damaged or destroyed; the costs of restoration, cleanup, or other mitigation; fire suppression or other types of abatement costs; third-party claims and judgments; and all administrative, interest, and other legal costs. Upon surrender, transfer, or termination of the license, Licensees' obligation to indemnify and hold harmless the United States shall survive for all valid claims for actions that occurred prior to such surrender, transfer, or termination.

However, SCE respectfully requests that FERC reject Condition No. 10 because it is contrary to the express terms of the FPA, which already establishes a scheme for liability of the licensee and the United States, providing:

That the licensee shall maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, shall make all necessary renewals and replacements, shall establish and maintain adequate depreciation reserves for such purposes, shall so maintain and operate said works as not to impair navigation, and shall conform to such rules and regulations as the Commission may from time to time prescribe for the protection of life, health, and property. Each licensee hereunder shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto, constructed under the license, and in no event shall the United States be liable therefor.¹⁶

But because USFS's Condition No. 10 would impose its own liability scheme on the license, it would usurp the Commission's exclusive authority under Section 10(c) of the FPA and is therefore *ultra vires* and unlawful.¹⁷

Additionally, Condition No. 10 is inconsistent with the indemnification provisions of the FPA Section 10(c) to the extent it would survive "surrender, transfer, or termination of the

¹⁶ 16 USC § 803(c).

¹⁷ See *City of Arlington v. F.C.C.*, 569 U.S. 290, 297 (2013) (noting that an agency's "power to act and how they are to act is authoritatively prescribed by Congress, so that when they act improperly, no less than when they act beyond their jurisdiction, what they do is *ultra vires*"); 5 USC § 706(2)(C) (noting that agency action "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right" is unlawful); *Avista Corp.*, 93 FERC ¶ 61,116, at p. 61,330 n.28 (2000) ("[i]t is possible that the FPA and our public interest responsibilities might preclude enforcement of mandatory conditions that on their face conflict with the FPA or other laws.").

License,” because, as discussed above in response to Condition No. 8, Section 4(e) of the FPA does not extend mandatory conditioning authority to USFS in a license transfer proceeding under FPA Section 8, or in a license surrender proceeding under Section 6—as USFS’s Condition No. 10 attempts to do. Neither license transfer nor license surrender involves the *issuance* of a license that triggers mandatory Section 4(e) conditioning authority, and the plain language of neither Section 8 nor Section 6 authorizes federal agencies to submit mandatory terms and conditions.

Condition Nos. 5 through 7, 9, and 11 through 13 – General Land Management and Access

SCE acknowledges the conditions pertaining to maintenance of improvements (No. 5), existing claims (No. 6), regulatory compliance (No. 7), property protection (No. 9), damage liability (No. 11), hazard identification (No. 12), and access rights (No. 13). SCE notes these are standard license articles consistent with Form L-1 (Standard Form, revised October 1975).

Condition No. 14 – Crossings

SCE acknowledges the requirement to maintain suitable crossings for roads and trails intersecting Project linear facilities.

Condition No. 15 – Surveys, Land Corners

SCE will avoid disturbance to all public land survey monuments and restore any markers disturbed by Project activities in accordance with specified survey standards.

Condition No. 16 – Signs

SCE acknowledges the prior approval requirement for signs on NFS lands and notes that sign designs will incorporate avian perching deterrents.

Condition No. 17 – Ground Disturbing Activities

SCE acknowledges the scoping requirement for ground-disturbing activities not addressed in prior NEPA processes and will fund reasonable Forest Service staff time as required.

Condition No. 18 – Use of National Forest System Roads for Project Access

SCE acknowledges the requirement to file a Transportation System Management Plan (TSMP) or Road Management Plan within 1 year of license issuance. SCE understands the scope of that plan to be limited to Project roads used for Project access and identified in Table 4.1-2 of the LAND-1 Project Lands and Roads Final Technical Report Road Inventory, including the Saddlebag Dam road and Tioga Dam road. This formulation provides appropriate sideboards by tying the TSMP to roads with a clear Project nexus and excluding non-Project roads, public highways, recreation access routes, and other Forest Service or third-party roads that are maintained by others and are not Project roads. SCE will coordinate with the Forest Service on the final TSMP scope to ensure that Project-related access, maintenance responsibilities, and any cost allocation are

clearly distinguished from broader transportation-system management obligations outside SCE's control.

Condition Nos. 19 and 20 – Access and Road Use

SCE acknowledges unrestricted United States access rights over Project roads and will confine Project vehicles to authorized roads and access routes.

Condition No. 21 – Pesticide-Use Restrictions

SCE acknowledges that no pesticides may be used on NFS lands without prior Forest Service approval and will submit annual pesticide use proposals as part of the annual consultation required by Condition No. 2.

Condition No. 22 – Safety Plan and Construction Inspections

SCE will file a Safety During Construction Plan at least 60 days before any ground-disturbing activity on NFS lands, subject to Forest Service approval. Daily construction inspections will be documented and shared with the Forest Service per the plan's communication protocols.

Condition No. 23 – Unattended Construction Equipment

SCE acknowledges the prohibition on staging construction equipment on NFS lands outside agreed mobilization/demobilization periods.

Condition No. 24 – Review of Improvements on National Forest System Lands

SCE will obtain required special use authorizations for any Project activities on NFS lands outside the current FERC Project Boundary.

Condition No. 25 – Investigation of Project-Related Fires

SCE will cooperate fully with any fire investigations and preserve all physical evidence as required.

Condition No. 26 – Recreation Facilities on National Forest System Lands

SCE acknowledges that any new or replacement recreation facilities on NFS lands must comply with current Architectural Barriers Act Accessibility Standards (ABAAS), Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG), and Forest Service Trail Accessibility Guidelines (FSTAG). However, to the extent that Condition No. 26 requires any "new or replacement recreation facilities on NFS lands," it is inconsistent with the Relicensing Settlement on Recreation Resources, which provides that the "USFS will not include in its FPA section 4(e) conditions any requirements related to the USFS Recreation Facilities, and in consideration thereof SCE will provide off-license funding for the USFS Recreation Facilities."

Condition No. 27 – Annual Employee Training

SCE acknowledges the requirement for annual environmental awareness training for all hydropower operations and maintenance staff. Training will cover: locations of federal

lands and environmentally sensitive areas; general license contents; identification guides for special-status species, non-native invasive plants (NNIP), and aquatic invasive species (AIS); biology of special-status species; reporting procedures; and white-nose syndrome awareness.

C. PART II: RESOURCE CONDITIONS (No. 28–39)

Condition No. 28 – At-Risk Species

SCE acknowledges the requirement to prepare and submit an At-Risk Assessment to the Forest Service before taking actions to construct new Project features on NFS lands. The assessment will evaluate impacts on federally recognized threatened, endangered, proposed, and candidate species and Forest Service Species of Conservation Concern (SCC), including specific species documented in the Project Area: whitebark pine (*Pinus albicaulis*), mountain bent grass (*Agrostis humilis*), and Yosemite toad (*Anaxyrus canorus*).

Condition No. 29 – Annual Review of Special-Status Species Lists

SCE acknowledges the requirement, beginning in the first full calendar year after license issuance, to annually review current at-risk species lists in consultation with the Forest Service. SCE notes that this condition is substantively aligned with CDFW Section 10(j) Recommendation No. 1 (Annual Review of Special-Status Species Lists), as discussed further in Section III below. SCE supports a coordinated approach to the annual review under both conditions.

SCE acknowledges that before taking actions to construct new Project features on NFS lands, SCE shall prepare and submit an At-Risk Assessment for Forest Service approval at those locations where new Project features/new ground-disturbing activities would have the potential to adversely affect Forest Service at-risk species.

SCE further acknowledges the requirement to notify the Forest Service within 48 hours of new occurrences of Forest Service at-risk species immediately prior to or during SCE activities. SCE requests that this condition distinguish notification of new occurrences from the threshold for additional protective measures or Endangered Species Act (ESA)/state-agency consultation. SCE supports prompt notification to the Forest Service when new occurrences of Forest Service at-risk species are detected during construction of new Project features, or operations or maintenance activities that extend beyond routine into native vegetation. This 4(e) condition should only require additional measures or agency consultation when it has been determined Project-related activities may “adversely affect” self-sustaining populations or, for state-listed or fully protected species, whether the species may be “adversely affected.” This formulation better aligns the condition with ESA effects terminology and facilitates a more efficient communication of data beneficial for the Forest Service’s management of at-risk species.

Cross-reference: CDFW Recommendation No. 1; SWRCB Condition No. 14.

Condition No. 30 – Hazardous Materials Management Plan

SCE acknowledges the requirement to submit an updated Hazardous Materials Management Plan for Forest Service approval prior to storing hazardous substances on NFS lands. The plan will include regulatory framework, prevention practices, employee training, best management practices, spill cleanup equipment locations, response procedures, and annual reporting protocols.

Cross-reference: SWRCB Preliminary Condition No. 8 (Hazardous Material Plan).

Condition No. 31 – Erosion Management Plan

SCE acknowledges the requirement to file an updated Erosion and Sediment Control Management Plan with FERC within 2 years of license issuance, subject to prior Forest Service review and approval. The plan will address inventory and monitoring methods for erosion sites, risk ranking criteria, erosion control measures, implementation schedules, effectiveness monitoring, and emergency protocols. Annual reports will be provided during the annual consultation meeting.

Cross-reference: SWRCB Preliminary Condition No. 7 (Erosion and Sediment Control Plan).

Condition No. 32 – Fire Prevention and Response Plan

SCE acknowledges the requirement to file a Project-specific Fire Prevention and Response Plan within 2 years of license issuance, developed in consultation with the Forest Service and California Department of Forestry and Fire Protection (CAL FIRE). SCE will develop a Project-specific plan based on the corporate SCE Wildfire Mitigation Plan. The plan will cover fuels treatment/vegetation management, emergency response preparedness, and fire control/extinguishing resources.

Condition No. 33 – Historic Properties Management Plan

SCE acknowledges the requirement to implement the revised Historic Properties Management Plan (HPMP) filed with FERC on July 24, 2025, with the Forest Service-specified modifications. SCE will update the plan as needed when substantial changes in resource management occur.

SCE has identified a typo in the rationale that suggests the management of ineligible precontact resources is required, specifically related to the following bullet on page 11 of the Enclosure 2 USFS 4(e) rationale: “Describe site-specific management measures for archaeological resources including NRHP ineligible prehistoric sites that are of importance to Native Americans.” SCE believes the intent was for this condition to apply to “unevaluated resources.”

Condition No. 34 – Instream Flow

This is a central condition of the new license and the subject of extended TWG negotiations. SCE's Revised PME-1, filed with FERC on July 15, 2026, is substantially aligned with USFS Condition No. 34 with respect to the minimum streamflow

requirements and reservoir level requirements specified in Tables 1 and 2 of that condition, with the exception of the releases below Poole Powerhouse between August 1 and September 30 during dry years (discussed in SCE's response). Key elements of the USFS instream flow condition, and SCE's response, are as follows:

Minimum Flows by Location and Year Type

The USFS Condition No. 34 Table 1 faithfully replicates SCE's July 15 proposal except as shown below, with strikethrough and underline formatting (Table 1).

Table 1. Minimum Flows by Location and Year Type, SCE's July 15 Proposal. For the August 1 through September 30 timeframe in dry years, the USFS condition replaced the word "required" with "measured", as indicated by the strikethrough and underlined text.

Location	Water Year Type	Minimum Flow (cfs)	Timing/Duration
Below Saddlebag Dam a	Wet	30	Week 1, for 1 week ^c
		22	Week 2, for 1 week
		16	Week 3, for 1 week
		9 ^b	Remainder of the year (late summer and over-winter flows)
	Normal	20	Week 1, for 1 week ^c
		14	Week 2, for 1 week
		10	Week 3, for 1 week
		6 ^b	Remainder of the year (late summer and over-winter flows)
	Dry	4 ^b	Year-round
Below Tioga Dam a	Wet	10	2 weeks ^c
		2	Until October 29
		5 ^d	October 30 through early spring
	Normal	5	2 weeks ^c
		2	Until October 29
		5 ^d	October 30 through early spring
	Dry	2	June 1 ^c until October 29
		5 ^d	October 30 through early spring

Location	Water Year Type	Minimum Flow (cfs)	Timing/Duration
Below Poole Powerhouse ^f	Wet	25 ^{a, e}	June 1 ^c – July 31
		18	Aug 1 – September 30
		The lessor of: the sum of the required releases from the reservoirs or the sum of the measured average daily release from Saddlebag and Tioga dams ^{a, e}	Oct 1 – May 31
	Normal	20 ^{a, e}	June 1 ^c – July 31
		10	Aug 1 – September 30
		The lessor of: the sum of the required releases from the reservoirs or the sum of the measured average daily release from Saddlebag and Tioga dams ^{a, e}	Oct 1 – May 31
	Dry	10 ^{a, e}	June 1 ^c – July 31
		The sum of the required <u>measured</u> releases from the reservoirs ^{a, e, g}	Aug 1 – September 30
		The lessor of: the sum of the required releases from the reservoirs or the sum of the measured average daily release from Saddlebag and Tioga dams ^{a, e, g}	Oct 1 – May 31

^a Minimum flow requirements below Saddlebag and Tioga dams are determined annually based upon water year type, no later than May 1 of each calendar year.

^b After September 30, the Saddlebag Dam release valve will be set to not less than the values shown in the table. Overwinter flows at Saddlebag Dam may be less than the valve setting due to natural inflow conditions and reduced head. Between October 1 and as soon as access allows in the spring, the Licensee shall limit operationally generated flow fluctuations below Saddlebag Dam. Flow releases made during this timeframe and any associated ramping reductions to reach the minimum flow shall be limited to a maximum of 10 cfs per 24 hours.

^c Beginning June 1, or as soon as access allows. These flows shall be coordinated to coincide as closely as possible with the corresponding wet and normal 3-week releases schedule for Saddlebag.

^d No later than October 30, the Tioga release valve will be set at not less than 5 cfs through drawdown, after which time outflow may be less than the valve setting due to natural inflow conditions and reduced head on the outlet due to falling reservoir elevations.

^e Flows are measured by a continuously recording gaging device (acoustic velocity meter).

^f As measured by the sum of flows measured by USGS Gage No. 10287762, Poole PH Conduit Intake Near Lee Vining, CA, and USGS Gage No. 10287770, Lee Vining Creek Below Rhinedollar Dam Near Lee Vining, CA.

^g If the sum of measured releases below Saddlebag (USGS Gage No. 10287655) and below Tioga (USGS Gage No. 10287720) is less than 8 cfs, the Licensee shall notify the USFS of the flow change and release sum of daily average releases as the instantaneous flow.

SCE requests that the Forest Service modify the August 1 through September 30 flows in Condition No. 34 to mirror SCE's July 15, 2026 filing. In this filing, SCE anticipated being able to match required releases from the reservoirs between August 1 and September 30 in dry years. SCE believes that this change in dry years between August 1 and September 30 was unintentional on the part of the Forest Service, but it has significant ramifications. A key difference between the flow requirements of the existing

license and the proposed PME-1 is how the license addresses flows that are less than the required MIF. The previous license utilized the term “or inflow” to modify the MIF when baseflow conditions at the Project were insufficient to meet the target. The TWG was concerned that the “or inflow” condition was difficult to measure and create a compliance structure around, especially during the winter when operators do not have access to the manually operated valves. Sometime in the month of October, the operators establish a valve setting that will drain the Tioga and Saddlebag lakes (reservoirs) by April 1 to comply with the 1933 Sales Agreement with the Los Angeles Department of Water and Power (LADWP).

The term “measured average daily releases” was identified as a viable means of reflecting that as the lakes drain, there may be a point where the flows below the reservoirs fall below the MIF target. This scenario would occur when (1) inflows drop below the released flows; (2) reservoir levels fall, which reduces the pressure at the valve outlet; and (3) outflows reduce due to the lower pressure. The intent of the MIF conditions below Poole Powerhouse between October 1 and May 31 is to ensure that there would be flows that were protective of the resource based on a target flow, but that once SCE does not have direct operational control of the valves at the reservoirs there would be a minimum instantaneous and daily average flow delivered below Poole Powerhouse based on availability of water.

The operational impact of the change annotated above is significant because it now requires SCE to match the releases from the reservoirs as a MIF below Poole Powerhouse regardless of water availability and removes any operational flexibility to use the available storage at Ellery Lake to match generation with load requirements (herein referred to as Hydro-Resource Optimization, or HRO), whether it is from the California Independent System Operator Corporation (CAISO) or to meet local service disruptions (see Need for Power section of the FLA, Exhibit E, Section 1.2.2). As described in SCE’s responses to CDFW and MLC’s filings below (CDFW Recommendation Nos. 2, 5, and 10; MLC’s comment regarding Hydropeaking Operations Below Poole Powerhouse), SCE’s relicensing studies have not discerned significant Project effects from its operations, including HRO.

The potential to remove operational flexibility by requiring SCE to match measured releases from the reservoirs below Poole Powerhouse is also relevant to SCE’s responses to CDFW filings below.

Water Year Type Determination

SCE supports water year determination being made by Dana Meadows snow course precipitation data relative to the preceding 30-year hydrologic record. Annual determination will be made no later than May 1. SCE notes that this condition does not conflict with CDFW recommendations, which also address methodologies around water year determination.

Measurement

SCE agrees with the intent to use instantaneous 15-minute streamflow at U.S. Geological Survey (USGS) gages (No. 10287655 below Saddlebag, No. 10287720 below Tioga, No.

10287762 below Poole Powerhouse). Minimum instantaneous flow must be at least 90 percent of prescribed mean daily flow.

Reservoir Level Requirements

SCE acknowledges that the Condition's reservoir level requirements substantively match the intent of SCE's July 15, 2026 filing:

- Tioga Lake: maintained within 2 feet of spillway crest July 4 through September 30 (all year types; dry year minimum flows take priority).
- Ellery Lake: maintained full (within 2 feet of spillway) during recreation season (Friday before Memorial Day through end of September).

Ramping Restrictions (Saddlebag)

SCE is supportive to limiting flow releases below Saddlebag Dam to a maximum 10 cubic feet per second (cfs) per 24 hours between October 1 and the point at which SCE is able to regain access to the reservoir's valves in the spring. While the language diverges from SCE's July 15, 2026 filing, the intent is consistent with SCE's Revised PME-1 and captures the protective intent of the existing license Article 405; therefore, such a license article would not be needed in a new license issued by FERC.

Cross-reference: CDFW Recommendation No. 2 (Revise Scope of PME-1, Water Management); CDFW Recommendation No. 3 (Flow Fluctuations); SWRCB Preliminary Condition No. 1 (Minimum Instream Flows); SWRCB Preliminary Condition No. 2 (Ramping Rates); SWRCB Preliminary Condition No. 3 (Water Year Type Classification).

Condition No. 35 – Visual Quality Management

SCE acknowledges the requirement to develop a plan and schedule within 2 years of license issuance to remove the unused Operator's Cabin located northwest of the Rhinedollar Dam. SCE's archeologist as the non-federal representative for purposes of consultation under Section 106 of the National Historic Preservation Act has reviewed and determined that the Operator's Cabin is not eligible for listing on the National Register of Historic Places (NRHP). SCE, per letter dated July 24, 2025, requested concurrence from the State Historic Preservation Office (SHPO), and currently this determination is pending. Implementation of the removal of the Operator's Cabin would be dependent on the outcome of the SHPO consultation.

Condition No. 35 contemplates that prior to any modification of Project facilities, including additions on NFS lands that may result in changes to the visual environment, the Licensee shall notify the Forest Service in writing of the planned modification and identify any potential adverse effects to the visual environment at least 90 days prior to the proposed work. SCE notes that there are no planned additions to Project facilities under the proposed action. Under the lists of "General" and "Mitigations," the condition appears to suggest that SCE must identify the existing visual condition areas within 0.5 mile from Project lakes, rivers, developed recreation sites, trails, and any other socially sensitive viewpoints; analyze and mitigate for existing facilities; consult with the Forest Service;

and then make repairs or modifications to meet visual quality objectives. In addition, Condition No. 35 provides a list of specific mitigation measures.

As part of the relicensing proceeding, SCE conducted a visual resource assessment (*Visual Resource Assessment [LAND-2] Final Technical Report*, SCE, 2024) that characterized and documented the existing visual character of Project facilities and features from affected viewsheds and representative Key Observation Points (KOPs) and documented the associated visual quality and management objectives identified in the Forest Service Land Management Plan for the Inyo National Forest (USFS, 2019). The study plan and KOP selection was conducted in consultation with the Land Use TWG, including the Forest Service. The draft technical report was distributed to the Land Use TWG, and no comments were received. The final technical report is included in the FLA filing.

SCE is proposing implementation of a Resource Management Plan (RMP; PME-3) to guide management and stewardship activities of Project-related facilities and resources, including routine operations and maintenance activities, over the term of a new license. The RMP includes a comprehensive approach for management of Project-related resources, including aesthetic resources and consideration that Project-related routine operations and maintenance activities would consider building materials, color, conservation of vegetation, and landscaping to preserve the aesthetics. In addition, SCE is proposing implementation of an HPMP under the proposed action, which would address modifications to existing Project-related facilities, specifically under Section 4.4.3 of the HPMP, over the term of a new license. Any repairs or modifications to Project facilities would be aligned with the RMP and HPMP, and therefore additional consultation efforts with USFS would not be necessary. SCE suggests that the RMP and HPMP provide the necessary guidance and proposes that Condition No. 35 is neither necessary nor appropriate.

In reviewing this Condition against SCE's proposed PME's as filed with the FLA (i.e., the Resource Management Plan), it is acknowledged that implementation should be coordinated with HPMP review, as appropriate. SCE suggests that any final license order or final management plan submittal establish that consultation framework, consistent with the Commission's Section 106 responsibility.

References:

SCE (Southern California Edison Company). 2024. *Visual Resource Assessment [LAND-2] Final Technical Report*. FERC Project No. 1388-CA.

USFS (United States Forest Service). 2019. *Land Management Plan for the Inyo National Forest. Fresno, Inyo, Madera, Mono and Tulare Counties, California; Esmeralda and Mineral Counties, Nevada. R5-MB-323a. Pacific Southwest Region*. September. Accessed: August 2026. Available online: <https://www.fs.usda.gov/sites/nfs/files/legacy-media/inyo/Inyo%20NF%20Land%20Management%20Plan%20Oct%202019.pdf>

Condition No. 36 – Fish Stocking

SCE acknowledges the requirement to stock a minimum of 2,000 catchable trout, not to exceed 1,000 pounds, within 1 year of license issuance and annually thereafter. Stocking will be coordinated consistent with the annual consultation requirements in Condition No. 2. SCE notes that USFS Condition No. 36 addresses the same general subject matter as CDFW Recommendation No. 6, which recommends a substantially higher annual stocking obligation. SCE appreciates the Forest Service's measured approach because it is grounded in the Forest Service's management responsibilities for NFS lands and is well supported by the Forest Plan objectives and supporting rationale described in Enclosure 2. In particular, the Forest Service's approach provides a stocking level that is proportional to the record and implementable through annual consultation.

Cross-reference: CDFW Recommendation No. 6 (Revise Scope of PME-2, Enhanced Fish Stocking); SWRCB Preliminary Condition No. 10 (Biological Resources Plan).

Condition No. 37 – Terrestrial Biological Management and Monitoring

SCE acknowledges the requirement to develop a Terrestrial Biological Management and Monitoring Plan within 2 years of license issuance to be approved by USFS; as described below, SCE believes there is additional information that may warrant reconsideration of the scope of this condition. The plan, as envisioned, would be prepared in conjunction with soliciting input from USFS, CDFW, potentially affected Tribes, and other interested parties. Key plan components requested include notification and consultation schedule for at-risk species activities; Yosemite toad acoustic surveys in Project-affected habitat below the Slate Creek confluence and within Tioga Lake for 3 years following plan approval (with additional surveys in Years 6 and 9 if use is documented); pre-disturbance surveys; Limited Operating Periods (LOPs); and qualified Biological Monitor presence during ground-disturbing activities in Yosemite toad-occupied areas.

Based on recent communications with USFS, SCE believes the recommendations to perform additional Yosemite toad surveys are based on the Project study results from Years 2022 and 2023, as published in the FLA. Following the submittal of the FLA, SCE filed a Biological Assessment for the Project with FERC, which includes results from a third consecutive study year (2024) performed by SCE. This Biological Assessment was used for the USFWS ESA Section 7 consultation, and USFWS subsequently issued a determination (Concurrence Letter) that the proposed action would result in No Effect to protected wildlife species, including Yosemite toad. This Biological Assessment and the subsequent USFWS Concurrence Letter were filed with FERC on August 13, 2025, and November 24, 2025, respectively, and may be accessed through the FERC docket.¹⁸

Regarding the U.S. Forest Service's rationale for Condition No. 37, SCE would like to clarify the primary water source in the wetted areas (features) repeatedly surveyed for Yosemite toad along Lee Vining Creek and the Tioga Lake margin. Attachment D of the Yosemite Toad Final Technical Report (Volume III of the FLA) lists the visually observed

¹⁸ Biological Assessment Accession Number [20250813-5060](#); USFWS Letter of Concurrence Accession Number [20251124-5123](#)

water inflow source for each feature surveyed (note: the “Pool number” listed in the second column aligns with the numbered features shown on both Figure A-4 of Yosemite Toad Final Technical Report and Exhibit 9 in the Biological Assessment). These inflow source determinations are based on two field observations: 1) substantially declined water levels in the features even as water levels remained high in Project-affected bodies (Lee Vining Creek or Tioga Lake), and/or 2) direct observations of water flow into the feature from a Project-affected body. These observations strongly suggest the majority of the features included in the Yosemite toad study are not hydrologically connected to Project operations.

SCE respectfully requests that USFS re-evaluate this condition in light of the post-FLA data collection, the Biological Assessment, and Concurrence Letter, and revise as appropriate to reflect the Biological Assessment’s determination on potential effects of Project operations.

Cross-reference: CDFW Recommendation No. 4 (Develop a Terrestrial Biological Management and Monitoring Plan); SWRCB Preliminary Condition No. 6 (Aquatic Resource Management Plan).

Condition No. 38 – Aquatic Biological Management and Monitoring

SCE acknowledges the requirement to develop, within 2 years of license issuance, an Aquatic Biological Management and Monitoring Plan in consultation with the Forest Service, CDFW, potentially affected Tribes, and interested parties, subject to Forest Service approval. Key plan requirements include fish population and condition trend assessments in lower Lee Vining Creek below Poole Powerhouse at specified monitoring intervals (once every 3 years for first 9 years, then once every 10 years); standardized sampling and data protocols consistent with relicensing studies; protocols to monitor for and prevent AIS; and reporting of monitoring results within 1 year of data collection with GIS maps. SCE anticipates that the monitoring plan would utilize the aquatic sites surveyed for relicensing studies as baseline for the trend comparison.

Cross-reference: CDFW Recommendation No. 5 (Develop an Aquatic Biological Management and Monitoring Plan); SWRCB Preliminary Condition No. 6 (Aquatic Resource Management Plan).

Condition No. 39 – Vegetation and Invasive Weed Management and Monitoring

SCE acknowledges the requirement to submit a Vegetation and Invasive Weed Management Plan for Forest Service approval within 2 years of license issuance. The plan will address: survey, monitoring, and treatment protocols for invasive plant species (known infestations of cheat grass [*Bromus tectorum*] monitored every 3 years; re-survey every 3 years); treatment protocols for hazard tree removal and powerline clearing; mountain bent grass population surveys every 5 years for the first 20 years; whitebark pine avoidance and minimization measures consistent with the Biological Assessment and USFWS concurrence; revegetation of disturbed native sites; soil protection and erosion control; establishment/revegetation with culturally important plant populations; and use of clean, weed-free, locally collected native seed.

SCE anticipates implementing avoidance and minimization measures consistent with the Biological Assessment for whitebark pine and USFWS concurrence letter. These measures will include annual work training, maps of known whitebark pine locations, use of existing roads and trails, pre-work biological surveys and flagging where routine operations and maintenance activities occur near known trees, no-work zones for trees/root zones and seed banks, staging and refueling limited to pavement or existing roadways, and project-by-project evaluation of ground disturbance. These measures are limited to whitebark pine and will be implemented for Project operations and maintenance activities and at locations with a clear Project nexus.

Cross-reference: CDFW Recommendation No. 7 (Revise Scope of PME-4, Invasive Species Monitoring); SWRCB Preliminary Condition No. 5 (Aquatic Invasive Species Management Plan).

SECTION III: RESPONSE TO CDFW SECTION 10(J) RECOMMENDATIONS

A. OVERVIEW

CDFW filed 10 Section 10(j) Recommendations on July 27, 2026, pursuant to Section 10(j) of the FPA and Title 18 of the Code of Federal Regulations (CFR) § 4.34(b)(2). CDFW is the trustee for California's fish and wildlife resources (Fish & G. Code, §§ 711.7, 1802) and filed its recommendations to preserve, protect, and restore habitat necessary to support fish, wildlife, and plant species within and adjacent to the Project Boundary. CDFW noted that its Section 10(j) Recommendations are "largely consistent" with the USFS preliminary Section 4(e) conditions, with certain exceptions explained in CDFW's accompanying Rationale Report. SCE recognizes that Section 10(j) recommendations are not self-executing or mandatory conditions in the same manner as USFS Section 4(e) conditions or final CWA Section 401 certification conditions. Rather, under Section 10(j), the Commission must consider CDFW's recommendations and include them in any license unless it finds that a recommendation is inconsistent with the purposes and requirements of Part I of the FPA or other applicable law, in which case the Commission must attempt to resolve the inconsistency and make the findings required by Section 10(j)(2). See 18 CFR § 4.34(e). SCE offers the following comments on CDFW's recommendations.

B. RECOMMENDATION NO. 1 – ANNUAL REVIEW OF SPECIAL-STATUS SPECIES LISTS

CDFW recommends that SCE, within 2 years of license issuance and in consultation with CDFW and the Forest Service, annually review current lists of special-status species that may occur on Project-affected lands or be affected by Project operations, maintenance, and recreational activities.

SCE Response: SCE notes that CDFW Recommendation No. 1 is substantively aligned with USFS Condition No. 29, which already requires annual review of at-risk species lists in consultation with the Forest Service. SCE supports a coordinated, single annual review process conducted jointly under both obligations to avoid duplicative reporting. SCE acknowledges the breadth of special-status species documented within the Project Area,

including Yosemite toad (federal ESA threatened), Sierra Nevada bighorn sheep (*Ovis canadensis sierrae*; state and federal ESA endangered), bald eagle (*Haliaeetus leucocephalus*; California ESA threatened), golden eagle (*Aquila chrysaetos*; fully protected), and whitebark pine (federal ESA threatened). SCE notes that the issuance of this license supports the continued operation of the Project, and SCE has addressed potential effects to the existing special-status species lists; any new construction or Project activity would be subject to a separate regulatory review at that time. A review of potential effects of those actions on updated lists of special-status species would be warranted at the time any new construction is proposed.

Cross-reference: USFS Condition No. 29; SWRCB Condition No. 14 (ESA take prohibition).

C. RECOMMENDATION NO. 2 – REVISE THE SCOPE OF PME-1, WATER MANAGEMENT

CDFW identifies a concern about how the current license requires continuous minimum flows: (August–May, 27 cfs or the natural flow; and June–July, 89 cfs or the natural flow). CDFW argues that MIFs were intended to be continuous but were undermined by the ambiguous “or-inflow” alternative and lacked a clear biological basis. SCE’s revised PME-1 addressed this concern by establishing measurable, enforceable minimum release thresholds below Poole Powerhouse, eliminating the problematic inflow-based alternative, and requiring instantaneous compliance using 15-minute gage data. This approach provides a clearer biological rationale and ensures that minimum flows function as a true threshold, not an average or inflow proxy, thereby improving protection of aquatic resources while maintaining operational feasibility.

CDFW also recommends minimum streamflows at specified levels for Project reaches, proposing flows that differ from both SCE’s Revised PME-1 (July 15, 2026) and the USFS Condition No. 34. Key CDFW departures from SCE’s PME-1 and the USFS condition are summarized in Table 2.

Table 2. CDFW Recommendation No. 2 versus SCE’s PME-1 and USFS Condition No. 34. (simplified)

Flow Location / Parameter	SCE PME-1 / USFS Condition No. 34	CDFW Recommendation No. 2
Below Saddlebag Dam Normal year base flow	6 cfs	8 cfs
Below Saddlebag Dam Wet year base flow	9 cfs	12 cfs
Below Tioga Dam Normal year until Oct 29	2 cfs	4 cfs
Below Poole Powerhouse Aug 1–Sept 30	Lesser of measured average daily releases or required releases ¹	Sum of measured average daily releases (removes operational ceiling)

Flow Location / Parameter	SCE PME-1 / USFS Condition No. 34	CDFW Recommendation No. 2
Below Poole Powerhouse Oct 1–May 31	Lesser of measured average daily releases or required releases	Sum of measured average daily releases (removes operational ceiling)

¹USFS wording currently states “sum of measured”; however, SCE understands that was a transcription error from SCE’s July 15 2026 revised PME-1.

CDFW's rationale for higher flows cites: (1) existing weighted usable area (WUA)-based habitat analyses showing the 9/6/2 cfs baseflows in SCE's PME-1 would reduce maximum WUA in Upper Lee Vining Creek by approximately 10 percent compared to existing license conditions; (2) concern that reduced summer baseflows in Upper Lee Vining Creek and Glacier Creek would increase late-summer reservoir drawdown volumes, creating larger and more harmful fall flow pulses during the biologically sensitive trout spawning period; and (3) the need for MIFs that buffer the ecological impacts of hydropeaking operations in lower Lee Vining Creek that SCE has expanded since approximately 2015.

SCE Response: SCE does not support CDFW's proposed revisions to PME-1. CDFW's recommended MIFs are inconsistent with the carefully balanced flow regime reflected in SCE's Revised PME-1 and USFS Condition No. 34, and they are not supported by the relicensing record.

Before filing the FLA, and again through consultation revising PME-1, SCE worked closely with the resource agencies and stakeholders to revise the MIF table in order to: provide higher flows in the spring to reflect the natural hydrograph; follow the format of upstream hydrology that changes according to water year type; provide a minimum flow that is directly measurable; provide an instantaneous minimum flow and buffering capacity from peak discharges in lower Lee Vining Creek and protect associated aquatic habitat; and limit flow fluctuations during fall spawning. The higher spring-flow component of the negotiated package was not developed as a mitigation measure for any identified Project effect—rather, it was an enhancement to help agencies address their resource management goals; it was not developed in isolation.

The goal expressed by CDFW and MLC was to identify a flow regime that more closely mimicked the natural hydrograph for ecological benefit. To address these proposals, SCE initiated protection, mitigation, and enhancement (PME) discussions in 2024 and included potentially interested stakeholders, including USFS, CDFW, USFWS, the State Water Board, MLC, Mono County, Tribes, LADWP, and CSPA. This stakeholder group formed the PME TWG and convened nine times in 2024. In 2025, the TWG met five times, with the group consisting of USFS, CDFW, the State Water Board, and MLC. The TWG met seven times in 2026, with the group consisting of USFS, CDFW, the State Water Board, MLC, and CSPA. During initial discussions, the TWG recognized that several factors would need to be balanced to achieve CDFW's request.

During the TWG meetings, this group worked to balance the following factors:

- Increasing the magnitude of flows released in the spring and aligning spring flows with natural snowmelt timing in wet and normal water year types.
- Introducing spring recession events in wet and normal water year types.
- Upholding constraints of the Sales Agreement, which dictates that SCE may only hold over 5 percent of the total Project storage and that Tioga and Ellery lakes must be maintained within 2 feet of spill for recreation.
- Reducing the reliance on annual flow-setting meetings with the agencies.
- Maintaining year-round generation capabilities.
- Considering operational limitations of the system (e.g., valve capacity and winter limitations).

In collaboration with the TWG, SCE developed a Microsoft Excel-based operations model to aid the group in balancing these factors. This model was made available to the TWG for review and manipulation. Stakeholders were asked to develop possible flow scenarios that met their agency resource objectives and share them for SCE consideration; despite robust debate during TWG meetings, SCE did not receive any alternative PME language from stakeholders in advance of filing the FLA; rather TWG members described their desired outcomes and SCE developed a modeling analysis to achieve this result. For example: through the modeling effort, the SCE estimated the unimpaired flow for Lee Vining Creek by calculating total historic daily inflow into Saddlebag and Tioga lakes based on historic releases, then deducting the daily historic storage changes in Saddlebag and Tioga lakes. From these data, the TWG identified the target timing for initiation of a spring pulse flow as early as possible in June during wet and normal water year types (Figure 1). The TWG determined that a spring recession could be emulated by reducing the release twice after the initial pulse, with each pulse being maintained for 1 week. Based on these discussions, SCE's FLA included these high spring flow releases as an enhancement described in SCE's Proposed PME-1. To facilitate understanding of the SCE's PME-1, Appendix A to this filing includes comparisons of historic flows in the reaches of concern to CDFW with modeled outcomes from the Proposed PME-1.

Proposed Minimum Instream Flows

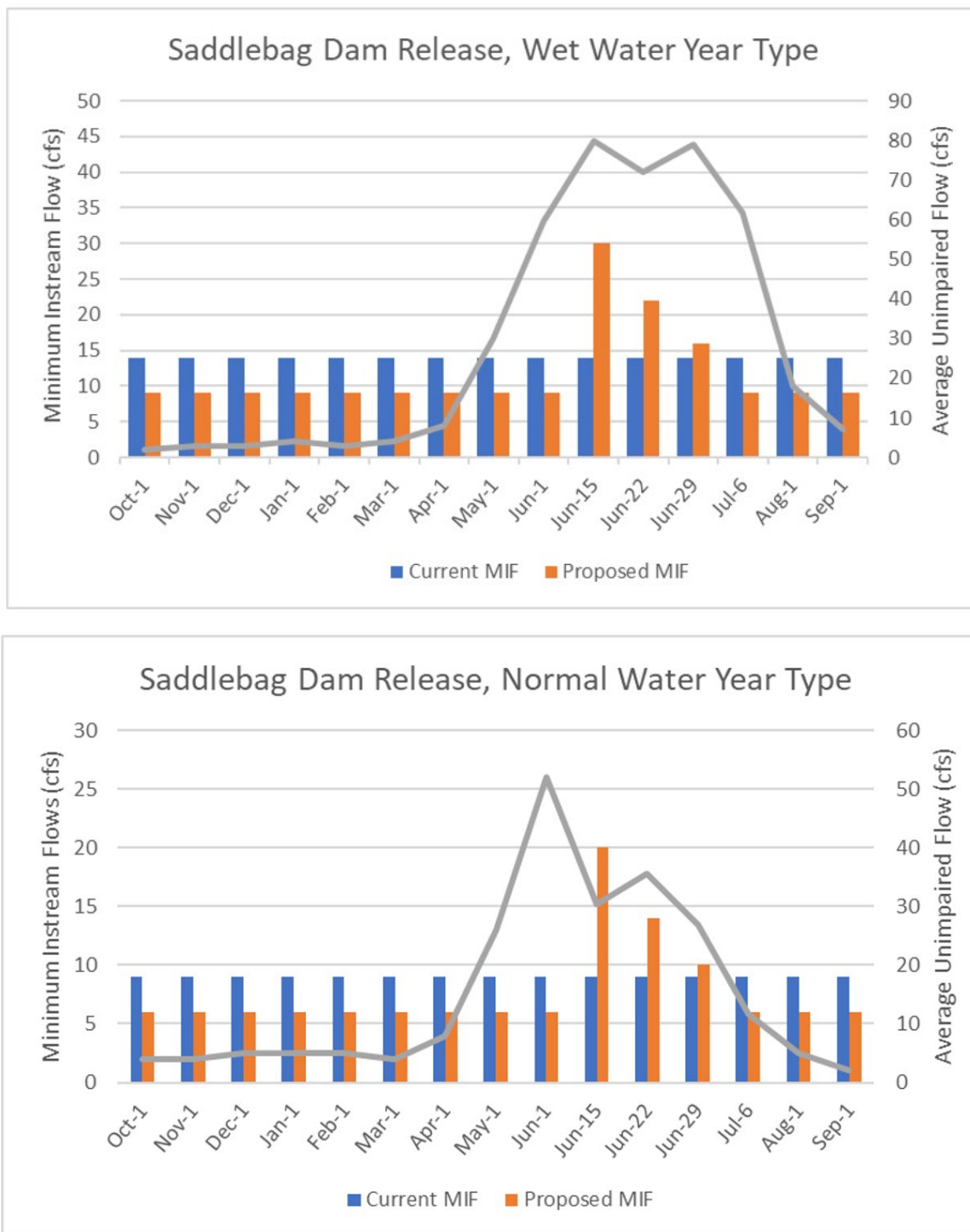


Figure 1. Slides 8 and 9 from SCE's Presentation at the November 21, 2024 PME Measures TWG Meeting Illustrating Existing and Proposed MIFs and Estimated Unimpaired Flows in Lee Vining Creek.

Based on negotiations with the TWG, the FLA proposed the requested higher spring flows, paired with lower baseflows during the remaining months to maintain reservoir-level objectives, preserve reasonable operational flexibility, and allow the Project to continue providing hydroelectric generation benefits without imposing unnecessary restrictions. In other words, the spring-flow enhancement was the product of an overall seasonal trade-off: higher spring releases to better approximate natural conditions once the reservoirs can be actively managed, balanced by lower late-summer, fall, and overwinter flow obligations. The proposed summer, fall, and winter minimum flows were determined during review of the estimated unimpaired hydrograph, which illustrated average monthly flows during these seasons are frequently lower than 4 cfs during all water year types.

During the November 21, 2024 meeting, the TWG discussed the possibility that the proposed flows may reduce habitat quantity for non-native trout from summer through winter. However, because SCE would continue to drain Project reservoirs in the fall, effects would likely be minor and limited to summer months when less sensitive life stages (i.e., adult and juvenile) are present in Lee Vining Creek (see Appendix 1).

SCE further evaluated this potential impact to WUA in Section 6.5.2.1 of the FLA. CDFW's Rationale for Recommendation No. 2 asserts that proposed MIFs would diminish usable habitat in Upper Lee Vining Creek between Slate and Glacier creeks to a level that would adversely affect the most productive trout reach within the Project Area. CDFW failed to provide any evidence that a reduction in WUA would significantly adversely affect the population, nor did CDFW provide evidence that Recommendation No. 2 flows would provide measurable benefit to the non-native trout population. Given that unimpaired flows from Slate Creek and other tributaries are expected to continue to supplement MIF releases in this reach (see Appendix 1), the minor reduction in habitat quantity from the proposed flows is not expected to substantively affect this recreational fishery. This conclusion is supported by the abundance of suitable habitat and spawning gravel documented during SCE's Aquatic Habitat Mapping and Sediment Characterization Study (AQ-3) and the high fish abundance and density observed in SCE's Stream Fish Populations Study (AQ-2).

CDFW's Recommendation No. 2 would upset that balance described above by accepting the higher spring-flow portion of the recently negotiated PME-1 package while also seeking to increase flows from the proposed measure (keeping flows generally consistent with the current license) during the remainder of the year. That approach is inconsistent with the USFS preliminary Section 4(e) Condition No. 34, Instream Flow, which substantially tracks SCE's July 15, 2026 Revised PME-1, and would materially increase the operational burden beyond the framework developed through a collaborative consultation process. CDFW has not identified new study results or other recorded evidence demonstrating flows provided in CDFW Recommendation No. 2 are necessary to protect aquatic resources. Further, results from relicensing studies (i.e., AQ-2) suggest there are healthy, naturally reproducing populations of brook trout (*Salvelinus fontinalis*) and brown trout (*Salmo trutta*) within all Project-affected stream reaches. In the absence of demonstrated aquatic-resource impacts requiring additional protection, CDFW's

proposed higher MIFs would impose operational restrictions disproportionate to the record and inconsistent with the negotiated seasonal structure of PME-1.

CDFW's Rationale for Recommendation No. 2 asserts that releases associated with SCE's proposed PME-1 would increase fall releases and pose direct risk to embryo survival and redd retention. CDFW only raised this concern in mid-June of 2026 after months of discussions around the requested higher spring flows. Results from AQ-2 suggest brook and brown trout are successfully spawning and recruiting within all Project-affected stream reaches, which indicates that CDFW concerns related to fall drawdown are unfounded. Further, under SCE's proposed instream flow regime, monthly average flows may increase slightly in Upper Lee Vining Creek from October through early winter compared to the existing conditions in most water year types (see Appendix 1). In Glacier Creek downstream of Tioga Dam, monthly average flows may be generally consistent with existing conditions during fall and early winter compared to existing conditions (see Appendix 1). There is no evidence to support CDFW's claim that SCE's proposed flow regime would pose direct risk to embryo survival and redd retention. Please also see response to CDFW Recommendation No. 3 below.

In CDFW's Rationale for Recommendation No. 2, the agency asserts that the presence of different age classes of brook and brown trout populations suggests that hydropeaking has the potential to affect the most vulnerable age classes. CDFW continues to reference literature-based potential impacts of hydropeaking with complete disregard for empirical observations and data collected during relicensing studies. CDFW postulates that stranding, spawning gravel depletion, and turbidity effects to incubating eggs must be occurring in Lee Vining Creek because these effects have been documented in other stream systems. CDFW alludes to its use of SCE's HEC-RAS models to substantiate its general concerns about potential hydropeaking impacts. To our knowledge, CDFW used the HEC-RAS model developed for AQ-5 which was developed for a specific purpose for limited sites. The one-dimensional hydraulic model developed as part of AQ-5 (Operations Model) was used to evaluate the hydraulic response of lower Lee Vining Creek to selected operating conditions (velocity and water surface elevation) below Poole Powerhouse in response to specific questions raised during the Project scoping. It was not developed as a hydropeaking impact model, a fish-stranding model, a turbidity causation model, a spawning-gravel scour model, or a biological response model. Similarly, AQ-6 used HEC-RAS hydraulic outputs, together with field-measured channel morphology and particle-size information, to describe general channel conditions and evaluate bed mobility and sediment transport potential at responsive study sites between Poole Powerhouse and the LADWP Diversion Dam. AQ-6 did not attempt to isolate hydropeaking effects from natural runoff events, tributary inflows, large-wood dynamics, channel confinement, or other geomorphic controls, and it did not conclude that hydropeaking is causing adverse channel-morphology, sediment, benthic macroinvertebrate, riparian-vegetation, or fish-population effects.

SCE has provided a detailed analysis of these potential issues using empirical data collected from the Project Area during relicensing, in collaboration and consultation with CDFW and other stakeholders. Please see Sections 6.3.2.1, 6.4.2.1, and 6.5.2.1 of the FLA and SCE's Responses to Stakeholder Scoping Comments for a detailed analysis of

these potential effects. CDFW has not identified new study results or other recorded evidence demonstrating that SCE's proposed instream flow requirements will adversely affect aquatic resources in Lee Vining Creek.

SCE also does not support CDFW's proposed use of "measured average daily releases" as the controlling minimum flow obligation in lower Lee Vining Creek below Poole Powerhouse from October 1 through May 31.

As explained in SCE's response to USFS Condition No. 34, the "measured release" concept was developed to address a specific compliance issue: once SCE sets the manually operated release valves at Saddlebag and Tioga dams in the fall, winter access limitations, diminishing reservoir head, and natural inflow conditions may cause actual outflows to fall below nominal target values. The intent was to establish a practical and enforceable overwinter flow standard based on available water and actual reservoir releases, not to require SCE to pass through all measured reservoir releases below Poole Powerhouse throughout the entire October 1 through May 31 period.

CDFW's recommended formulation would materially alter that intent. By requiring the downstream Poole Powerhouse flow obligation to equal the sum of **measured** reservoir releases even when above the required releases, CDFW's recommendation would effectively eliminate SCE's ability to use Ellery Lake storage to manage generation, respond to CAISO dispatch needs, or address local reliability conditions during most of the non-summer operating season.¹⁹ In practice, the recommendation would convert a winter compliance accommodation into a rigid pass-through requirement, thereby removing nearly all operational flexibility from October 1 through May 31.

Such a severe operational restriction is not justified by the relicensing record. CDFW has not shown that eliminating SCE's operational flexibility for 8 months of the year is necessary to protect aquatic resources, particularly where the SCE/USFS flow regime already provides higher spring flows, defined seasonal obligations, gage-based compliance, and targeted overwinter protections. SCE therefore requests that the Commission reject CDFW's proposed higher MIFs and its proposed "measured release" formulation, and instead retain the approach reflected in SCE's Revised PME-1 and USFS Condition No. 34, with any clarifications necessary to preserve the intent of the negotiated flow package.

Cross-reference: USFS Condition No. 34; SWRCB Preliminary Condition No. 1; SCE Revised PME-1 (filed July 15, 2026).

¹⁹ See *Bear Swamp Power Co., LLC*, 195 FERC P 61,109, at P 11 (2026) (modifying a license article that provided for enhanced flows for whitewater boating opportunities, stating "[w]e recognize the importance of the project to the regional grid and take seriously the concern that the impoundment level requirement could limit the project's ability to timely supply electricity or respond to other system reliability needs.").

D. RECOMMENDATION NO. 3 – CONTROL FLOW FLUCTUATIONS DOWNSTREAM OF SADDLEBAG AND TIOGA LAKES

CDFW recommends restricting flow fluctuations below Saddlebag and Tioga dams by not varying flow released between September 15 and April 1 by more than or less than 10 cfs from the average daily flow between September 1 and September 14.

CDFW's recommendation expands upon existing license Article 405 in two significant ways: (1) it moves the protective window beginning date from October 15 to September 15, to capture documented early-fall trout spawning activity (including milting males and a redd observed in SCE's AQ-2 survey [inadvertently cited as AQ-3 in CDFW's filing] conducted September 16–22, 2022); and (2) it extends the restrictions to releases below Tioga Dam, which has no equivalent flow fluctuation protection under the existing license.

CDFW distinguishes its recommendation from SCE's Revised PME-1 by noting that SCE's proposed "10 cfs per 24 hours" ramp rate restriction would allow unlimited successive changes without an upper bound, effectively replacing the fixed fluctuation cap of Article 405 with a rolling ramp-rate restriction.

SCE Response: SCE does not support CDFW Recommendation No. 3 as proposed. SCE recognizes the resource-protection purpose underlying existing license Article 405 and agrees that fall flow-management requirements should avoid operationally generated fluctuations that could adversely affect spawning resources below Saddlebag Dam. The USFS Condition No. 37 addresses this need through the ramping structure of Table 1, Note b ("Flow releases made during this timeframe and any associated ramping reductions to reach the minimum flow shall be limited to a maximum of 10 cfs per 24 hours"). However, CDFW's recommendation would substantially expand the scope of Article 405 by moving the start date to September 15, extending the restriction to Tioga Dam, and maintaining a fixed-baseline fluctuation cap through April 1. Those changes are not supported by the relicensing record, would impose unnecessary operational constraints, and would not provide commensurate resource-protection benefits beyond the Revised PME-1 and USFS Condition No. 34 framework.

SCE objects to CDFW Recommendation No. 3 because it introduces a material expansion of existing Article 405 and the Revised PME-1 framework after completion of the study process and after the record had already been developed around different flow-management issues—and all with CDFW's participation. The emerging concern about redd scour and spawning success was not identified as a study request, was not raised as a disputed study need, was not presented as an information deficiency in response to SCE's relicensing studies, and was not identified during FERC scoping as an issue requiring additional Article 405-type restrictions below Saddlebag or Tioga dams; CDFW raised the concern of late fall "pulse" flows during the June 24, 2026 TWG meeting (approximately one month before the end of the REA comment period). CDFW has shifted the restrictions a full month earlier by proposing new restrictions, based on September 1 through September 14 baseline; CDFW has also applied the restriction to Tioga Dam for the first time, without the benefit of scoping or relicensing studies to determine whether they would be beneficial. In doing so, CDFW seeks to impose a new operational constraint

without the benefit of study-plan development, focused technical analysis, or TWG vetting comparable to the process used to develop Revised PME-1.

SCE therefore requests that the Commission reject Recommendation No. 3 as CDFW has not demonstrated a nexus between the need for this recommendation and the resources affected by the Project. This is particularly true in light of SCE's revised PME-1, which is consistent with USFS's preliminary prescription. The USFS Condition No. 37, at Table 1, Note b, more accurately reflects the intent of Article 405 by limiting flow variation after October 1 to plus/minus 10 cfs.

Operational Parameters

SCE's Revised PME-1, as reflected in the USFS Condition No. 34 ramping table Note b for Saddlebag Dam, provides a practical and enforceable operating standard by limiting operationally generated flow reductions below Saddlebag Dam to no more than 10 cfs per 24 hours between October 1 and the point at which SCE regains seasonal access to the outlet works in spring. This approach preserves the protective intent of Article 405 while recognizing the physical and operational realities of managing manually operated high-elevation reservoir outlet works that may be inaccessible during winter conditions.

CDFW's proposed fixed-baseline cap would instead restrict releases between September 15 and April 1 to within 10 cfs of the September 1–14 average daily flow. That structure is materially different from the overwinter framework that is consistent with the current operational baseline and developed through the TWG process. It would convert a protective fall-spawning measure into a seasonal operating constraint tied to a 2-week September baseline that may not reflect hydrologic conditions, reservoir storage needs, downstream minimum-flow obligations, or late-season operational requirements. In wet years in particular, SCE must retain the ability to manage reservoir space and outlet settings in spring as access conditions allow. Extending a fixed fluctuation cap through April 1 would constrain necessary reservoir-management actions during a period when the stated biological rationale—protection of fall-spawning resources—is no longer the controlling resource concern.

SCE also does not agree that the record supports extending Article 405-type restrictions to Tioga Dam. Tioga Lake is a comparatively small reservoir with limited operational storage, and releases during the relevant late-summer and early-fall period are already constrained by the requirement to maintain Tioga Lake within 2 feet of the spillway crest through September 30, subject to applicable minimum-flow requirements: CDFW's scheme would mean that the already constrained operational flow to maintain lake elevation would become a baseline that defines a reduced flow over the winter. There is no record or evidence demonstrating that historical Tioga Dam operations have caused adverse spawning effects below Tioga Dam or that an additional fixed fluctuation cap would materially improve resource protection. Accordingly, any fluctuation requirement (i.e., the USFS condition 34) should remain focused on the reservoir and reach for which Article 405 was developed and for which the Revised PME-1 provides a clear operational standard: Saddlebag Dam.

Operationally, SCE's Revised PME-1 and the USFS Condition No. 34 proposed to retain the overwinter flow requirements "between October 1 and as soon as access allows in the spring" (Table 1, Note b), at which point the flow enhancements requested by the agencies (Weeks 1-3) would take effect. This contemplates situations where it may be desirable to access valves earlier in the spring to manage water, especially in high water years. CDFW's recommendation modifies this to "Beginning June 1, or as soon as access allows." SCE prefers the USFS formulation and does not see the benefit of specifying a date for this trigger: the resource goals of the 3-week flows should be largely driven by the hydrograph and not a calendar.

Resource Assessment

Redd surveys were conducted in approximately 1.2 miles of Upper Lee Vining Creek during the AQ-2 relicensing study. A single redd was observed on September 22, 2022, and less than 1 percent of fish captured displayed signs of spawning condition (i.e., milting). The robust recruitment of young brown and brook trout (Tables 6.5-12 through 6.5-17 of the FLA) within Upper Lee Vining Creek is indicative of successful spawning, and the presence of multiple age classes indicates regular and successful recruitment. Furthermore, no redds were observed in Project-affected stream reaches surveyed during relicensing study AQ-3 from August 29 to September 7, 2023. While SCE agrees that brook and brown trout spawning in Project-affected stream reaches may occur during September, empirical observations and data collected during relicensing studies suggest that peak spawn timing is likely to occur later in the fall, as detailed in Table 6.6-1 of the FLA. A reasonable conclusion based on this site-specific data is that SCE's existing operations are not having a significant adverse effect on the fish population.

CDFW's rationale relies on concerns regarding potential fall spawning and redd scour; however, the proposed expansion of Article 405-based restrictions is not grounded in a study-phase finding that additional fluctuation controls were necessary. As discussed above, CDFW's newly found concern for fall spawning and redd scour from existing operations was not identified as an issue at any point in the study development process. SCE's AQ-2 and AQ-3 results provide useful information regarding the timing of spawning activity, including limited observations in the second half of September, but those observations do not support the notion that **continuing** the established Project reservoir drawdown operations under the Revised PME-1 would adversely affect spawning resources or that a September 15 to April 1 fixed-baseline cap is needed.

The operational scenario CDFW describes—successive daily changes that cumulatively increase or decrease releases without an upper bound—is also not representative of how Saddlebag and Tioga dam operations are implemented. Outlet adjustments require manual operator access dispatched from the Bishop Operations Center, with a drivetime of approximately 1:30 hours, and are not made as continuous or automated daily changes for HRO purposes. CDFW's concern that a 10 cfs per 24-hour ramping limit would permit "repeated, unlimited operational changes" therefore overstates the practical risk and does not justify replacing the Revised PME-1 ramping standard with a fixed seasonal cap.

SCE does not support adopting CDFW's broader September 15 through April 1 restriction or extending the restriction to Tioga Dam absent additional record evidence

demonstrating a clear Project nexus, operational feasibility, and measurable resource benefit.

Cross-reference: USFS Condition No. 34 (ramping Table 1, Notes b and d); SWRCB Preliminary Condition No. 2 (Ramping Rates); Existing License Article 405.

E. RECOMMENDATION NO. 4 – DEVELOP A TERRESTRIAL BIOLOGICAL MANAGEMENT AND MONITORING PLAN

CDFW recommends development of a Terrestrial Biological Management and Monitoring Plan within 2 years of license issuance, approved by CDFW. CDFW's recommendation differs from USFS Condition No. 37 in the following key respects shown in Table 3:

Table 3. CDFW Recommendation No. 4 versus USFS Condition No. 37.

Parameter	USFS Condition No. 37	CDFW Recommendation No. 4
Yosemite toad survey period	3 years; extensions to Years 6 and 9 if use documented	5 years; extensions to Years 7, 9, and 11 if use documented
Geographic scope	Project-affected habitat below Slate Creek confluence and within Tioga Lake	Expanded: includes lower Lee Vining Creek below Poole Powerhouse to Mono Lake
Plan approval authority	Forest Service	CDFW

SCE Response: SCE supports the development of a coordinated Terrestrial Biological Management and Monitoring Plan as discussed in SCE's response to USFS Condition No. 37 above. In addition to SCE's coordination with USFWS,²⁰ SCE recognizes that USFS is the approval authority on federal lands but appreciates CDFW's input and support for a consolidated Terrestrial Biological Management and Monitoring Plan. SCE has coordinated extensively with CDFW staff throughout the relicensing effort, including development of the approved Terrestrial Wildlife Study Plan and throughout the implementation of the terrestrial wildlife studies. As noted in SCE's response to USFS Condition No. 37 above, SCE will continue to engage CDFW during the development of the plan. SCE disagrees with CDFW's assertion that CDFW should have plan approval authority for a federal action on federal land.

CDFW requested the Terrestrial Biological Management and Monitoring Plan include SCE notification and consultation with CDFW for activities with potential to affect species greater than 5 miles outside of the FERC Project Boundary (the inlet to Mono Lake). The FERC Project Boundary is the geographic extent of the Project that FERC determines a licensee must own or control on behalf of its licensed hydropower project, including lands necessary for operation and maintenance of the Project and for other Project purposes,

²⁰ SCE is the federal designee for FERC during the completed federal ESA Section 7 consultation for this relicensing effort.

including protection of environmental resources, as designated in the Project license. The area studied for this relicensing effort was expanded beyond the FERC Project Boundary to confirm the FERC Project Boundary was sufficient to appropriately assess potential effects to protected wildlife. The study area was developed in close coordination with CDFW prior to approval of the Terrestrial Wildlife Resources Technical Study Plan, and the sufficiency of the study area's extent was verified during implementation of the study plan. Based on the results discussed in the General Wildlife Resources Survey (TERR-2) Final Technical Report and subsequent FLA, the Project was determined to not affect protected wildlife species within or adjacent to the FERC Project Boundary. CDFW has not provided new or unresolved evidence that Project operations have potential to affect protected wildlife outside of the FERC Project Boundary, and SCE does not agree with the expansion of the plan components requested by CDFW.

With respect to CDFW's request to include Yosemite toad survey efforts beyond what is requested by USFS, SCE acknowledges that CDFW may not have reviewed the results of the third consecutive Yosemite toad study year (2024) discussed in the Biological Assessment filed with FERC on August 13, 2025. The USFWS issued a determination that the proposed action would result in No Effect on protected wildlife species. Regardless, SCE supports the expertise and guidance by the USFS resource management staff and acknowledges their responsibility for study plan approval for this federal action on federal land. SCE further supports implementation of biological resource measures that are tied to Project operations and maintenance as refined through the license process. SCE supports coordinated, non-duplicative biological resource planning that uses existing SCE corporate programs and Project-specific measures where appropriate. SCE requests that any CDFW biological resources condition not duplicate broader terrestrial wildlife species obligations already addressed through USFS Section 4(e) conditions or FERC license articles.

Cross-reference: USFS Condition No. 37.

F. RECOMMENDATION NO. 5 – DEVELOP AN AQUATIC BIOLOGICAL MANAGEMENT AND MONITORING PLAN

CDFW recommends a comprehensive Aquatic Biological Management and Monitoring Plan within 2 years of license issuance, approved by CDFW. In addition to USFS Condition No. 38, which requires SCE to develop an Aquatic Biological Management and Monitoring Plan, CDFW's recommendation proposes to add the following additional requirements: (a) fish habitat assessments with evaluation of riffle habitat conditions across all three Project-affected stream reaches in each water year type; (b) assessment of hydropeaking impacts before, during, and after events, including deployment of continuous water quality and stage-height loggers; (c) LiDAR-based aerial change detection monitoring in lower Lee Vining Creek; (d) reduced long-term monitoring interval (every 5 years after Year 9, versus USFS every 10 years); (e) expanded geographic scope to lower Lee Vining Creek below Poole Powerhouse to Mono Lake; and (f) explicit requirement to report negative trends to FERC and consult with CDFW on more protective measures.

SCE Response: As described in the response to USFS Condition No. 38, SCE supports the development of a coordinated Aquatic Biological Management and Monitoring Plan that satisfies the requirements of USFS Condition No. 38. CDFW's Recommendation No. 5, however, adds additional plan components that are not based on a nexus to Project effects, as required by the FPA.

USFS's July 20, 2026 proposal in Enclosure 1 establishes implementation requirements grounded in documented management objectives for aquatic ecological resource PME. These objectives are further substantiated in Enclosure 2, which provides the biological, operational, and land-management rationale underlying the Aquatic Biological Management and Monitoring Plan proposal. Together, Enclosure 1 and Enclosure 2 present a clear, evidence-based framework that is reasonably related to the PME of aquatic resources consistent with the Forest Service's responsibilities under FPA §4(e).

In contrast, CDFW's 10(j) Recommendation No. 5 requires additional plan components, including LiDAR-based aerial change detection monitoring and intensive fish habitat assessments, without providing any recorded evidence demonstrating a nexus between the need for this recommendation and the resources affected by the Project, or the need for these very costly components.

CDFW provides no rationale to evaluate potential changes in channel morphology, bank stability, floodplain connectivity, or riffle-pool structure, merely stating that "the potential impacts of hydropеaking in lower Lee Vining Creek have not been directly studied as part of the relicensing effort." Relicensing studies captured empirical data on aquatic habitat and fish population conditions under existing operating conditions, which have included varying degrees of hydropеaking since 2015. Reasonable efforts were made to evaluate SCE's AQ-2, AQ-3, and Lower Lee Vining Creek Channel Morphology (AQ-6) study results collectively and to use the resulting data on fish populations, channel morphology, and related channel conditions to identify and assess potential effects attributable to hydropеaking.

However, CDFW's requested LiDAR study is a cost prohibitive approach unlikely to yield information suitable to address potential hydropеaking impacts on channel morphology and aquatic habitat as described in Recommendation No. 5. Traditional aerial LiDAR does not reliably penetrate the water surface and therefore would not characterize submerged channel morphology, including the portions of the channel bed most relevant to riffle-pool structure, sediment deposition and scour, or aquatic habitat conditions of the wetted channel. Much of lower Lee Vining Creek is bordered by tall conifers and substantial riparian vegetation that would further limit the usefulness of LiDAR to characterize channel morphology. Topobathymetric, or "Green" LiDAR, can penetrate water, but it is unlikely to provide useful information in the steep, highly turbulent channel reaches of lower Lee Vining Creek.

Similarly, CDFW has not demonstrated that its recommended monitoring intervals, which far exceed the scope of standard fisheries monitoring, are supported by the findings of the relicensing studies. Alternatively, an Aquatic Biological Management and Monitoring Plan consistent with the sampling frequency proposed by USFS in its preliminary

prescription would provide sufficient data to evaluate population trends over time. The natural variability in water year type and its potential effect on individual fish condition and size-class structure would be detectable through a monitoring frequency of 3 years. Moreover, the relicensing studies did not identify significant adverse effects to the fish community or aquatic habitat conditions downstream of Poole Powerhouse that would warrant the intensive monitoring framework or methodology proposed by CDFW (see AQ-2, AQ-3, and AQ-6 Final Technical Reports).

Consistent with the findings of the relicensing studies, USFS's preliminary prescription recognized that periodic monitoring of species composition, relative abundance, condition factors, and age-class structure would provide a sufficient basis to evaluate fish population status following license issuance, confirm that the proposed MIFs are functioning as intended, and detect any deleterious changes should they occur. USFS concluded that such monitoring frequency is sufficient to track long-term biological trends and would facilitate timely coordination between SCE and resource agencies if corrective actions become warranted.

Recommendations filed under FPA Sections 10(a) and 10(j) must be supported by substantial evidence and have a nexus to a Project effect. If a recommendation is not supported by substantial evidence, or if its proponent has failed to establish a nexus between the need for the measure and the resources affected by the Project, the Commission must reject the measure. As discussed above, USFS Condition No. 38 provides a targeted and proportionate aquatic monitoring framework based on relicensing studies and fish population and condition trends in Project-affected reaches. By contrast, CDFW has not demonstrated the need for its broader monitoring proposal, which would impose substantial additional cost and operational burden without demonstrating a commensurate resource-protection benefit. SCE therefore requests that FERC adopt the USFS Condition No. 38 framework rather than the expanded monitoring elements proposed by CDFW.

Cross-reference: USFS Condition No. 38; SWRCB Preliminary Condition No. 6 (Aquatic Resource Management Plan).

G. RECOMMENDATION NO. 6 – REVISE SCOPE OF PME-2, ENHANCED FISH STOCKING

CDFW recommends that SCE annually stock 10,000 catchable trout (or the equivalent of 5,000 pounds) in the Project Area, with location and timing determined in consultation with CDFW. This represents a fivefold increase over the 2,000 catchable trout (1,000 pounds) required under USFS Condition No. 36 and proposed by SCE in its FLA PME-2.

CDFW's rationale: (1) 2024 creel survey data showed catch per unit effort (CPUE) of 0.69 fish per hour against CDFW's target of 1.0 fish per hour; (2) CDFW currently stocks an average of 8,268 pounds annually across the three Project reservoirs; (3) approximately 1,680 catchable trout are lost annually to entrainment at the unscreened Ellery Lake intake; and (4) CDFW calculates a target of 13,623 pounds annually for a CPUE of 1.0 and proposes SCE fund 5,000 pounds of that total.

SCE Response: SCE supports FERC's adoption of the Forest Service's fish-stocking proposal contained in Enclosure 1, together with the supporting rationale provided in Enclosure 2, pursuant to the Forest Service's authority under FPA §4(e).

The USFS proposal in Enclosure 1 establishes stocking levels and implementation requirements grounded in documented management objectives for recreational angling and aquatic resource enhancement on NFS lands. These objectives are further substantiated in Enclosure 2, which provides the biological, recreational, and land-management rationale underlying the stocking proposal. Together, Enclosure 1 and Enclosure 2 present a clear, evidence-based framework that is reasonably related to the PME of fish and wildlife resources consistent with the Forest Service's responsibilities under FPA §4(e).

In contrast, CDFW's 10(j) Recommendation No. 6 is not supported by documented management objectives. CDFW proposes a target CPUE of 1.0 fish per hour but has not provided any approved fishery management plan, policy document, or biological analysis supporting this metric. The CPUE management value is presented only "personal communication" and therefore lacks the evidentiary foundation required for a 10(j) recommendation.

The stocking measure under the existing license ties SCE's contribution of stocked fish to a percentage of CDFW's stocked fish. SCE's proposed PME-2 decouples CDFW's stocking performance from SCE's to ensure a reliable minimum stocking level that maintains recreational angling opportunities and offsets entrainment losses in years when CDFW does not meet its allotment targets for whatever reason.

SCE's stocking proposal is linked to assumed Project entrainment. Although updated entrainment studies were neither requested nor conducted for this relicensing, SCE's stocking measure is intended to: (1) address ongoing entrainment commitments; (2) enhance recreational angling opportunities; and (3) provide a consistent stocking lower limit independent of CDFW's annual performance. This nexus to Project-affected resources is consistent with FERC precedent for stocking measures tied to entrainment.

CDFW's assertion that the Project increases angling pressure is not supported by the record. Access to Project reservoirs is provided by State Route 120, which is not a Project road. The Project does not create or enhance public access, nor does it induce additional recreational demand. Therefore, CDFW's claim that the Project is responsible for increased angling pressure—and must therefore stock thousands of pounds of fish annually—is unsupported.

For these reasons, CDFW's 10(j) Recommendation No. 6 is not reasonably related to the PME of fish and wildlife under FPA §10(j). In contrast, the USFS stocking proposal in Enclosure 1, supported by the rationale in Enclosure 2, is grounded in documented management objectives, is consistent with federal land-management responsibilities, and provides a defensible basis for fish-stocking requirements in the new license.

Accordingly, SCE supports FERC's adoption of the USFS stocking proposal under FPA §4(e).

Cross-reference: USFS Condition No. 36; SWRCB Preliminary Condition No. 10; Existing License Article 406.

H. RECOMMENDATION NO. 7 – REVISE SCOPE OF PME-4, INVASIVE SPECIES MONITORING

CDFW recommends a Vegetation and Invasive Weed Management Plan for CDFW approval within 2 years of license issuance. CDFW's recommendation is substantively aligned with USFS Condition No. 39 but specifies CDFW as the approval authority and references California Food and Agriculture Code section 7270.5 and California Invasive Plant Council (Cal-IPC) inventory for targeted species identification.

SCE Response: SCE supports development of a single, consolidated Vegetation and Invasive Weed Management Plan that satisfies both USFS Condition No. 39 and substantially satisfies CDFW Recommendation No. 7. SCE recognizes that USFS is the approval authority on federal lands but appreciates CDFW's input and support for a consolidated Vegetation and Invasive Weed Management Plan. Please see SCE's response to USFS Condition No. 39. SCE has proposed to monitor cheat grass every 3 years because it is listed by USFS for management (i.e., Treatment Strategy 3: Contain) on forest service land.

Cross-reference: USFS Condition No. 39; SWRCB Preliminary Condition No. 5 (Aquatic Invasive Species Management Plan).

I. RECOMMENDATION NO. 8 – DEVELOP AND IMPLEMENT A WATER QUALITY MONITORING PLAN

CDFW recommends a Water Quality Monitoring Plan for CDFW approval within 2 years of license issuance, covering: water quality testing of all Project reservoirs for nitrogen, phosphorus, dissolved oxygen, chlorophyll-a, and contaminants at least once every 3 years for the first 9 years, then once every 5 years; protocols to monitor for and prevent spread of didymo (*Didymosphenia geminata*); and a revised Invasive Mussel Prevention Plan addressing golden mussels (*Limnoperna fortunei*).

SCE Response: As stated in the FLA, significant adverse Project effects on water quality have not been identified. Water quality in Project reservoirs supports aquatic beneficial uses and is consistent with applicable Basin Plan water quality objectives with few exceptions (i.e., dissolved oxygen, pH, temperature, and toxicity [mercury]). Observations outside the ranges identified in the Basin Plan water quality objectives are due to natural processes unrelated to Project operations. Furthermore, Project reservoirs are oligotrophic (low nutrients and chlorophyll-a), and no instances where algal blooms or decreased water quality have been reported.

SCE recognizes CDFW's interest in maintaining water quality conditions protective of aquatic habitat, including regular water testing to respond promptly to emerging concerns; however, SCE notes regulatory authority to require preparation of a Water Quality

Monitoring Plan resides with SWRCB. The SWRCB Preliminary Condition No. 4 includes a Water Quality Monitoring Plan. If mandated, SCE looks forward to collaborating with SWRCB in the development of a Water Quality Monitoring Plan to the extent that such a plan is necessary to comply with state and federal statutory requirements.

SCE acknowledges the history of didymo in the basin. Although no invasive aquatic algae or plant species were documented during the 2023 surveys, Section 6.5.2.2 of the Draft License Application (DLA) indicates that high flows in 2023 may have removed masses of previously observed didymo. Findings of this study suggest that didymo populations are episodic in the Lee Vining Creek watershed. Because didymo is both episodic and exists elsewhere in the Mono Lake basins, it is clear that the Project is not the source of nor likely to contribute to the introduction or spread of didymo. Specific protocols to monitor and prevent spread are not warranted given the current lack of a didymo issue and the lack of Project nexus. SCE supports including incidental didymo observations in applicable monitoring plans, such as the Aquatic Biological Management and Monitoring Plan identified in the USFS Condition No. 38 above, and, if conditioned, the Water Quality Monitoring Plan and AIS Management Plan, identified in SWRCB Preliminary Condition Nos. 4 and 5.

With respect to golden mussels, SCE acknowledges that its existing Invasive Mussel Prevention Plan (SCE, 2017) addressed only quagga and zebra mussels and did not account for golden mussel tolerances. SCE notes that golden mussels were first detected in California in October 2024 and that CDFW proposed amendments to relevant regulations in July 2026. SCE is prepared to update its Invasive Mussel Prevention Plan (SCE, 2017) to include a golden mussel vulnerability assessment of Project reservoirs, monitoring, and management of recreational activities consistent with CDFW's July 2026 Guidance for Developing an Invasive Mussel Control Plan. Site-specific reservoir vulnerability, feasibility of monitoring, and scientific recommendations will be considered during the development of the monitoring program, including sampling methods and frequency in each of the Project reservoirs.

SCE recognizes that golden mussels have been documented in waters with lower calcium concentrations than quagga and zebra mussels. SCE notes, CDFW provided categorical risk of successful golden mussel colonization based on available literature (CDFW, 2024, 2025), indicating a low likelihood of successful golden mussel establishment in waterbodies with calcium concentrations between 3 to 5 milligrams per liter (mg/L) (CDFW, 2024; 2025). According to the categorical risk, calcium concentrations in Project reservoirs (2.24 to 3.95 mg/L) collected in 2009 and 2010 (SCE, 2017) were within the low likelihood of successful golden mussel (CDFW, 2024).

References:

CDFW (California Department of Fish and Wildlife). 2024. *Golden Mussel Habitat Suitability*. Golden Mussel Update. Presented by CDFW on November 22, 2024.

_____. 2025. Invasive Mussel Water Agency Summit 2025: Questions and Answers. Accessed: August 7, 2025. Available online: <https://nrm.dfg.ca.gov/FileHandler.?DocumentID=231007&inline>.

SCE (Southern California Edison Company). 2017. Invasive Mussel Prevention Plan. FERC Project No. 1388-CA. July 2017.

Cross-reference: SWRCB Preliminary Condition No. 4 (Water Quality Monitoring Plan); SWRCB Preliminary Condition No. 5 (Aquatic Invasive Species Management Plan).

J. RECOMMENDATION NO. 9 – REPORT UNPLANNED FLOW REDUCTIONS IN A TIMELY MANNER

CDFW recommends that, if flow below any Project outlet ceases for greater than 5 minutes, SCE report the cessation to CDFW as a potential fish-stranding event.

SCE Response: SCE does not object to timely notification of actual, unplanned flow interruptions where such events have a reasonable potential to strand fish or otherwise affect aquatic resources. However, SCE does not support CDFW Recommendation No. 9 as written because CDFW has not identified record evidence demonstrating that unplanned flow cessations have occurred at the Project in a manner that has caused or is likely to cause fish stranding or other aquatic-resource impacts. Absent such documentation, the recommendation appears to impose a new reporting obligation based on a generalized concern rather than a demonstrated Project-specific issue.

Notwithstanding SCE's concerns about lack of basis for the request, CDFW's proposed trigger—any cessation of flow below any Project outlet for greater than 5 minutes—also requires clarification. Project flows are measured and reported through gaging systems that typically rely on defined measurement intervals, and brief apparent zero-flow or near-zero-flow readings may reflect sensor limitations, maintenance, or other incidental causes (e.g., icing, debris) rather than an actual cessation of flow capable of causing fish stranding. Without a clear operational definition of “cessation,” the recommendation could generate false-positive reporting obligations and divert attention from events that may have actual resource significance.

SCE therefore requests that the Commission not adopt CDFW Recommendation No. 9 unless the record documents that unplanned flow cessations are a Project-specific concern. If FERC determines that a reporting condition is warranted, SCE requests that it be limited to confirmed, unplanned operational events within SCE's control that result in an actual interruption of required minimum flows for a duration and magnitude reasonably likely to affect aquatic resources.

K. RECOMMENDATION NO. 10 – ASSESS PROJECT IMPACTS OUTSIDE THE FERC PROJECT BOUNDARY

CDFW recommends that within 2 years of license issuance, SCE develop an assessment of hydropeaking impacts below the LADWP Diversion Dam, covering: how hydropeaking-driven flow changes affect habitat stability, sediment transport, riparian vegetation, and aquatic species; and how varying ramping rates affect those variables.

SCE Response: SCE does not support CDFW's recommendation to develop a study that assesses the impacts of hydropeaking outside the FERC Project Boundary. Consistent with FERC precedent, SCE's analysis is appropriately limited to Project facilities and operations within the FERC Project Boundary and Lee Vining Creek downstream to LADWP Diversion Dam. Because LADWP oversees water management at its Diversion Dam, flows downstream of the diversion do not have the requisite nexus to Lee Vining Project operation. Flows downstream of the LADWP Diversion Dam are influenced by LADWP diversions; SCE does not solely control flows in this reach. The reach of Lee Vining Creek downstream of LADWP's diversion is subject to regulation by the State Water Board under Decision 1631 (1994), which mandates restoration flows to protect ecosystem health. As such, SCE included a discussion of Cumulative Effects in Exhibit E, Section 7.0 of the FLA.

SCE's studies AQ-1 (Reservoir Fish Populations), AQ-4 (Aquatic Invasive Plants), and AQ-6 (Channel Morphology) upstream of the LADWP diversion demonstrate that Project operations have no significant adverse effect on spawning gravel quality and aquatic habitat. SCE's operations provide peak flows in the spring (April through June) that frequently exceed 250 cfs in wetter water year types. Flows greater than 250 cfs promote primary ecosystem functions such as riparian recruitment and sediment transport in Lee Vining Creek downstream of the LADWP diversion (McBain & Trush, Inc., and Ross Taylor and Associates, 2010). In accordance with SWRCB Decision 1631, LADWP allows SCE peak flows to pass the diversion. SCE hydropeaking has the greatest potential to affect fish populations in Lee Vining Creek downstream of the LADWP diversion during baseflow periods. However, monitoring conducted by LADWP since 2000 confirms that resident fish populations downstream of the diversion have remained robust, healthy, and self-sustaining (Ross Taylor and Associates, 2026), indicating Project operations have a less than significant effect on the fish population in Lee Vining Creek below LADWP Diversion Dam.

Similar to our responses to Recommendation 2, SCE is concerned that this recommendation is being supported by inappropriate use of HEC-RAS models developed for relicensing. Extending modeled results beyond the boundaries and reaches evaluated in the relicensing studies is problematic. The AQ-5 hydraulic model was developed for the lower Lee Vining Creek reach downstream of Poole Powerhouse and does not provide a basis for drawing reach-wide conclusions below the LADWP diversion. AQ-6 likewise focused on lower Lee Vining Creek between Poole Powerhouse and the LADWP Diversion Dam, with selected responsive study sites chosen to characterize channel morphology and sediment-transport potential within that study area. Assertions regarding effects below the LADWP Diversion Dam depend on additional assumptions about diversion operations, tributary inflows, channel form, storage, attenuation, and resource conditions in reaches not evaluated by SCE's HEC-RAS model or the AQ-6 morphology study.

Because all water impounded by SCE's Project is released downstream, and the magnitude of hydropeaking flows attenuate (lessen) with increased distance from Poole Powerhouse, any potential cumulative effects downstream of the diversion are primarily attributable to LADWP's diversion operations, not SCE's Project operations. SCE is in

discussions with LADWP on ways to support the understanding of the real-time flow releases from Poole Powerhouse so SCE can better meet the needs of its own compliance points downstream of the LADWP Diversion Dam.

References:

McBain & Trush, Inc., and Ross Taylor and Associates. 2010. Mono Basin stream restoration and monitoring program: Synthesis of instream flow recommendations to the State Water Resources Control Board and the Los Angeles Department of Water & Power. Final report. McBain & Trush, Inc., Arcata, CA, and Ross Taylor and Associates, McKinleyville, CA.

Ross Taylor and Associates. 2026. Mono Basin fisheries monitoring report: Rush, Lee Vining, and Walker Creeks 2025. Prepared for the State Water Resources Control Board, the Los Angeles Department of Water & Power, and the Mono Basin Monitoring Administration Team. Ross Taylor and Associates, McKinleyville, CA.

SECTION IV: RESPONSE TO MONO LAKE COMMITTEE COMMENTS

A. OVERVIEW

On July 27, 2026, MLC filed comments in response to the REA Notice. MLC states that it is a nonprofit citizens' group dedicated to protecting and restoring Mono Lake and the Mono Basin ecosystem and that it has participated actively in the Project relicensing process. MLC's comments focus on three principal issues: (1) unregulated hydropеaking operations below Poole Powerhouse and related effects on lower Lee Vining Creek, including areas below the LADWP Diversion Dam; (2) winter MIFs below Poole Powerhouse and potential icing risk; and (3) cumulative recreation-related effects associated with Project facilities, access routes, reservoirs, and downstream recreation. MLC also notes its intent to participate in the State Water Board's Section 401 WQC process and identifies potential relevance of Tribal Beneficial Uses under future Basin Plan amendments.

B. HYDROPEAKING OPERATIONS BELOW POOLE POWERHOUSE

MLC asserts that hydropеaking operations at Poole Powerhouse, introduced in approximately 2015 and implemented irregularly since then, may produce large and rapid flow fluctuations in lower Lee Vining Creek, including below the LADWP Diversion Dam. MLC relies on its prior DLA and FERC scoping comments, 15-minute flow data from LADWP and SCE, the 2009 Rush and Lee Vining Creeks Instream Flow Study, the 2010 Synthesis of Instream Flow Recommendations, and subsequent monitoring information to argue that unseasonal high flows and sudden decreases in flow could adversely affect brown trout spawning, fry emergence, winter holding habitat, sediment mobility, and fish stranding risk.

MLC recommends prohibiting hydropeaking at Poole Powerhouse in November and May, limiting Poole Powerhouse releases from November through May to less than 70 cfs, and applying a prescribed down-ramping requirement to large-magnitude flow reductions during the November-through-May spawning, winter holding, and fry-emergence period.

SCE Response: SCE acknowledges MLC's comments and the importance of evaluating Project operations in the context of applicable resource protection standards. SCE notes that hydropeaking, minimum flow, ramping, and downstream effects are already central issues in the agency recommendations and preliminary conditions addressed in Sections II through IV of this filing, including USFS Condition Nos. 34 and 38, CDFW Recommendation Nos. 2, 3, 5, and 10, and SWRCB Preliminary Condition Nos. 1, 2, 6, and 9.

However, because LADWP oversees water management at its Diversion Dam, flows downstream of the diversion do not have the requisite nexus to Lee Vining Project operation. Flows downstream of the LADWP Diversion Dam are influenced by LADWP diversions; SCE does not solely control flows in this reach. Additionally, as of the Supreme Court's May 2025 decision in *Seven County Infrastructure Coalition v. Eagle County*, FERC no longer requires a separate, discrete cumulative effects analysis in its environmental reviews under NEPA.

MLC's comments fail to establish a record-supported basis for prohibiting hydropeaking in November and May, imposing a less-than-70 cfs November-through-May Poole Powerhouse release cap, or adding new down-ramping requirements. MLC does not provide evidence in support of their recommendation for a 70 cfs maximum flow from Pool Powerhouse through winter. MLC asserts that a maximum release of 70 cfs is needed to protect spawning gravels from being mobilized. Appendix B-2, Table 3, of the Synthesis Report that MLC cited in support of this claim (McBain & Trush, Inc., and Ross Taylor and Associates, 2010) indicates that pool tails may be mobilized at much higher flows (e.g., above 193 cfs). Pool tails are one of the most preferred microhabitats for trout spawning. There is no evidence that 70 cfs would be more protective of spawning gravels than the current operational maximum release of 110 cfs.

Further, there is no evidence that the brown trout population in Lee Vining Creek below LADWP Diversion Dam is significantly adversely affected by hydropeaking. Fish densities observed in 2025 are within the range of densities for this reach reported over the past 15 years; densities are also comparable to other, nearby watersheds. Trout condition factors across all study sites in this reach are similar throughout time, suggesting a benthic macroinvertebrate population sufficient to maintain nutritional health of the fishery.

As explained in SCE's July 23, 2025 response to CDFW, the State Water Board, and MLC comments on the DLA, the record developed through AQ-2, AQ-3, AQ-5, and AQ-6 does not support MLC's conclusions. AQ-2 indicates that fish populations in lower Lee Vining Creek are self-sustaining and in good condition, with evidence of regular recruitment and multiple age classes. AQ-3 documents that lower Lee Vining Creek contains abundant cover and habitat features, including large woody debris and coarse

substrate, and it does not show that hydropeaking is causing fish stranding or recruitment failure. AQ-6 describes channel morphology and sediment mobility but does not identify a Project-caused sediment imbalance or a demonstrated adverse geomorphic trend requiring hydropeaking restrictions.

MLC's proposed November and May prohibition and less-than-70 cfs November-through-May cap are not appropriate. The proposed restrictions are not tied to a specific demonstrated Project effect, a defined biological threshold, or a modeled operational alternative shown to provide commensurate resource benefit. Instead, MLC seeks to convert generalized concerns about sensitive life-stages and downstream flow variability into categorical limits on Poole Powerhouse operation.

Such limits would materially reduce SCE's ability to use Ellery Lake storage for HRO, CAISO dispatch, and local reliability needs, without record evidence demonstrating that the restrictions are necessary to protect fish, aquatic habitat, sediment processes, or recreation.

The USFS Condition No. 38 provides a targeted and proportionate framework for that purpose by requiring periodic monitoring of fish population and condition trends in lower Lee Vining Creek using standardized methods and reporting through the annual consultation process. That framework is scaled appropriately to confirm that the new minimum-flow regime is functioning as intended and to identify any deleterious biological trends if they occur. As noted in SCE's response to CDFW's Recommendation No. 5, creating a burdensome monitoring program involving extended modeling to address theoretical concerns runs counter to the intent of the relicensing studies and the results of those studies.

SCE requests that the Commission reject MLC's proposed November and May hydropeaking prohibition, proposed less-than-70 cfs November-through-May Poole Powerhouse release cap, and proposed additional down-ramping requirements. SCE further requests that the Commission treat MLC's arguments as, at most, hypotheses regarding potential hydraulic conditions—not as evidence of Project-caused ecological harm. The Commission should rely instead on the integrated record developed through the relicensing studies, SCE's July 15, 2026 Revised PME-1, USFS Condition No. 34, and USFS Condition No. 38, which together provide a clearer flow-compliance framework and a targeted aquatic-monitoring approach that are proportionate to the record and consistent with the Commission's public-interest balancing obligations.

References:

McBain & Trush, Inc., and Ross Taylor and Associates. 2010. Mono Basin stream restoration and monitoring program: Synthesis of instream flow recommendations to the State Water Resources Control Board and the Los Angeles Department of Water & Power. Final report. McBain & Trush, Inc., Arcata, CA, and Ross Taylor and Associates, McKinleyville, CA.

C. WINTER MINIMUM INSTREAM FLOW AND ICING RISK

MLC comments that SCE's July 15, 2026 amendment to PME-1 would reduce the wintertime MIF below Poole Powerhouse from the existing-license value of 27 cfs to a water year type-dependent value based on the lesser of required reservoir releases or measured average daily reservoir releases. MLC states that this approach could produce effective winter flows below Poole Powerhouse of approximately 14 cfs in wet years, 11 cfs in normal years, and 9 cfs in dry years, or less under reduced reservoir head and winter inflow conditions. MLC argues that such flows may increase icing risk in lower Lee Vining Creek and cites the 2009 Instream Flow Study, the 2010 Synthesis Report, a 1992 FERC stream-ice report, more recent literature regarding regulated rivers, and January 2007 field observations of ice in lower Lee Vining Creek.

MLC recommends increasing required releases at Saddlebag and Tioga dams so that the combined winter release produces an effective 16 cfs MIF below Poole Powerhouse from October 30 through early spring for all water year types.

SCE Response: SCE acknowledges MLC's winter-flow and icing concerns. SCE's Revised PME-1 was developed through extended TWG consultation to balance winter access constraints, reservoir head limitations, natural inflow conditions, downstream resource needs, and reservoir-level objectives. SCE notes that any winter-release requirement must account for the practical limitations of setting and maintaining releases at Saddlebag and Tioga dams during periods when access and hydraulic head are constrained.

In developing its recommendations, MLC provided model outputs from the operations model developed by SCE in collaboration with the TWGs. It is noteworthy that correspondence with MLC indicates the model was configured functionally to meet minimum flows only; this does not reflect the baseline operational practices and requirements of the Sales Agreement, which govern operations of the reservoirs.

In developing the model, an early functional mode simulated reservoir releases only following minimum flow targets (this was designated as model "mode 2"). When it was observed that this was significantly different than historic operations, the need to follow the Sales Agreement and conduct storage drawdown cycles was discovered as the reason for the deviation. A new model "mode 4" was subsequently developed to reflect the logic functions of reservoir drawdowns, and recommendations to use "mode 4" to accurately reflect operational requirements was documented in meetings with the TWG in June 2, 11, and 24, 2026. Using the "mode 2" of operation negates the existing drawdown practice and also causes Saddlebag Lake to spill in a quarter of the years in the modeled period of record, whereas real spill has occurred only once in that timeframe. Thus, MLC's use of "mode 2" for the reservoir drawdown artificially increases the ability to provide higher overwinter flows during all year types and does not reflect historic practice.

D. RECREATION AND CUMULATIVE EFFECTS

MLC comments that the Project's reservoirs, dams, roads, pullouts, signs, managed shorelines, and altered scenery invite and concentrate recreation and that existing visitor facilities and access management are insufficient in certain locations. MLC identifies concerns relating to parking, pedestrian safety, sanitation, trash, shoreline protection, boat access, shoreline erosion, dispersed camping, fire rings, vehicles driving or parking on reservoir beds, AIS, crowding, winter and shoulder-season recreation, Saddlebag Lake Road access improvements, and downstream recreation along Lee Vining Creek. MLC recommends a more comprehensive recreation-management framework coordinated with relevant land-management and transportation agencies.

SCE Response: SCE acknowledges MLC's recreation-related comments and agrees that recreation use in the Project Area involves multiple overlapping jurisdictions, including lands and facilities managed by the Forest Service and California Department of Transportation (Caltrans). SCE's position is that license conditions should be tied to Project nexus, Project effects, and SCE's legal authority to implement measures. SCE will continue to coordinate with the Forest Service and other agencies on public safety and recreation-related measures that are appropriately connected to Project operations, Project facilities, or SCE-controlled access.

Cross-reference: USFS Condition Nos. 18, 26, and 34; CDFW Recommendation Nos. 2, 3, 5, and 10; SWRCB Preliminary Condition Nos. 1, 2, 5, 6, 9, 11, and 12.

SECTION V: RESPONSE TO STATE WATER RESOURCES CONTROL BOARD PRELIMINARY TERMS AND CONDITIONS

A. OVERVIEW

SWRCB filed Preliminary Terms and Conditions on July 23, 2026. SWRCB's preliminary conditions encompass 33 numbered provisions across Attachment A (Comments) and Attachment B (Preliminary Terms and Conditions).

SCE notes that the State Water Board serves as the California Environmental Quality Act (CEQA) lead agency for Project relicensing. On July 6, 2026, State Water Board staff issued a Notice of Informal Consultation with Responsible and Trustee Agencies regarding the CEQA process, with comments due July 31, 2026.

B. SCE'S RESPONSE TO PRELIMINARY TERMS AND CONDITIONS

Preliminary Condition No. 1 – Minimum Instream Flows

The State Water Board states it will likely condition MIFs "in light of the whole record," including FERC's NEPA analysis and CEQA process. The State Water Board notes that flow minimums would likely be specific to particular reaches, water-year types, and timeframes. The State Water Board has not yet specified particular flow values.

SCE Response: As discussed above in response to USFS Condition No. 34 and CDFW Recommendation No. 2, SCE's Revised PME-1 provides specific flow values that appropriately balance resource protection with operational feasibility and provide the appropriate foundation for final flow conditions. Based on its extensive consultation with resource agencies and the studies completed during relicensing, SCE's Revised PME-1 would provide a specific, gage-based, water-year-type framework that balances aquatic resource protection, reservoir level objectives, recreation, and continued Project generation. SCE does not support incorporating the higher flow proposals or pass-through formulations where they do not have a nexus to Project effects, are not supported by the relicensing record, and would materially reduce operational flexibility without commensurate water quality or aquatic resource benefit.

SCE reminds the State Water Board that “mode 4” of the operations model most accurately reflects logic functions of reservoir drawdowns and operational requirements. As described above in SCE's response to MLC's comment regarding winter MIFs, model “mode 2” is an early functional mode that simulates reservoir releases only following minimum targets, which is significantly different than historic operations; using “mode 2” negates the existing drawdown practice and also causes Saddlebag Lake to spill in a quarter of the years in the modeled period of record, whereas real spill has occurred only once in that timeframe.

Cross-reference: USFS Condition No. 34; CDFW Recommendation No. 2; SWRCB Condition Nos. 2, 3.

Preliminary Condition No. 2 – Ramping Rates

The State Water Board may condition ramping rates to protect beneficial uses (recreation, cold freshwater habitat, spawning) from Project operation impacts.

SCE Response: SCE does not support inclusion of ramping-rate conditions in the new license because the relicensing record does not demonstrate that additional ramping restrictions are necessary to protect beneficial uses or address Project effects. The State Water Board's preliminary condition states that ramping rates may be conditioned to protect recreation, cold freshwater habitat, and spawning from Project operation impacts; however, the relicensing studies do not identify Project-caused effects to those beneficial uses that would warrant such conditions.

Specifically, the Project studies do not show that existing or proposed Project operations have significantly affected the fish population in lower Lee Vining Creek via fish stranding, spawning impairment, redd scour, significant turbidity impacts, sediment instability, geomorphic degradation, or aquatic habitat degradation; nor do they indicate recreation-related effects requiring ramping restrictions. SCE's July 23, 2025 response to agency and stakeholder comments addressed substantially similar concerns regarding fish stranding, turbidity, wading safety, future HRO operations, and proposed ramping limitations. Those concerns remain unsupported by site-specific study findings demonstrating a Project effect.

To the extent the State Water Board considers ramping conditions in its Section 401 or CEQA analysis, SCE requests that the State Water Board clearly identify the record evidence it intends to rely on to support such conditions, including the specific study results, beneficial uses, Project operations, and causal link between those operations and any asserted adverse effect. Generalized concerns regarding hydropeaking, or hydraulic modeling outputs standing alone, should not be treated as evidence of Project-caused ecological or recreational harm.

SCE is providing HEC-RAS models to the State Water Board that were developed for specific relicensing study purposes, including evaluation of selected hydraulic conditions in lower Lee Vining Creek below Poole Powerhouse and support for study-specific assessments of channel morphology, bed mobility, and sediment-transport potential at responsive study sites. Those models were not developed, calibrated, or validated as hydropeaking impact models, fish-stranding models, turbidity causation models, spawning-gravel scour models, water-quality models, biological response models, or comprehensive geomorphic trend models. Accordingly, model outputs should not be used as a substitute for site-specific biological, water-quality, sediment, geomorphic, or recreation impact findings.

For these reasons, SCE requests that the State Water Board not include ramping-rate conditions in the final certification. If the State Water Board nonetheless determines that ramping conditions are warranted, SCE requests that the certification explain the specific record evidence supporting that determination and demonstrate how any condition is necessary to address a documented Project effect on water quality or beneficial uses.

Cross-reference: CDFW Recommendation No. 3; Existing License Article 405; SCE Revised PME-1 (ramping restrictions below Saddlebag Dam, October 1 – spring access).

Preliminary Condition No. 3 – Water Year Type Classification

The State Water Board will likely determine the criteria for water year type classification for Project-affected reaches.

SCE Response: SCE's Revised PME-1 and USFS Condition No. 34 both use the Dana Meadows snow course as the classification metric, relative to the preceding 30 years of hydrologic data. SCE supports use of this metric.

Preliminary Condition No. 4 – Water Quality Monitoring Plan

The State Water Board will likely condition a Water Quality Monitoring Plan including: monitoring locations in Project reservoirs and stream reaches; monitoring frequency and duration; constituents (temperature, pH, dissolved oxygen, water quality samples); reporting to FERC and SWRCB; and adaptive management if standards are exceeded.

SCE Response: SCE is supportive of developing a Water Quality Monitoring Plan to the extent that such a plan is necessary to comply with state and federal statutory requirements. As stated in the FLA and described in the response to CDFW Recommendation No. 8, significant adverse Project effects on water quality have not been identified. SCE therefore requests that any Water Quality Monitoring Plan be

targeted to parameters, locations, and frequencies necessary to confirm continued compliance with applicable Basin Plan objectives, rather than establishing broad monitoring unrelated to documented Project effects. Monitoring requirements should also be coordinated with any AIS Management Plan and Aquatic Biological Management and Monitoring Plan to avoid duplicative sampling and reporting.

Cross-reference: CDFW Recommendation No. 8.

Preliminary Condition No. 5 – Aquatic Invasive Species Management Plan

The State Water Board will likely require an AIS Management Plan identifying established AIS, high-potential AIS, spread pathways, and control methods.

SCE Response: SCE is supportive of developing an AIS Management Plan to the extent that established or high-potential AIS introduction and spread have a Project nexus. As described in the response to CDFW Recommendation No. 8, specific protocols to monitor and prevent spread are not warranted given the current lack of a didymo issue and the lack of Project nexus; SCE's Invasive Mussel Prevention Plan addresses quagga and zebra mussels, and it is preparing to update its plan to include golden mussel.

Cross-reference: CDFW Recommendation No. 8.

Preliminary Condition No. 6 – Aquatic Resource Management Plan

The State Water Board will likely require an Aquatic RMP including monitoring sites, fish and amphibian monitoring and reporting, monitoring schedules, adaptive management provisions, and reporting to FERC and SWRCB.

SCE Response: SCE supports an Aquatic RMP to the extent it is consistent with USFS Condition No. 38. As discussed in SCE's response to CDFW Recommendation No. 5, the USFS framework provides a targeted, proportionate monitoring program focused on fish population and condition trends in Project-affected reaches using standardized relicensing study methods. SCE requests that the State Water Board avoid incorporating CDFW's broader suite of additional monitoring requirements—such as expanded habitat modeling, hydropeaking-specific deployments, LiDAR change detection, expanded downstream geographic scope, or shortened long-term intervals—unless the State Water Board identifies specific record evidence demonstrating that those measures are necessary to protect water quality or beneficial uses and are proportionate to the expected management value.

Cross-reference: USFS Condition No. 38; CDFW Recommendation No. 5.

Preliminary Condition No. 7 – Erosion and Sediment Control Plan

The State Water Board will likely require SCE to implement its Erosion and Sediment Control Plan (PME-6), updated to current National Pollutant Discharge Elimination System General Permit requirements.

SCE Response: SCE supports implementation of an updated Erosion and Sediment Control Plan consistent with USFS Condition No. 31 and applicable construction stormwater requirements. SCE requests that the final condition be limited to Project-related ground disturbance, Project facilities, and Project roads or access areas with a clear nexus to SCE operations and maintenance. Broader watershed erosion or sediment issues unrelated to Project facilities or activities should remain outside the scope of the certification condition.

Cross-reference: USFS Condition No. 31.

Preliminary Condition No. 8 – Hazardous Material Plan

The State Water Board will likely require implementation of the Hazardous Material Plan with additional provisions for spill containment, water protection protocols, secondary containment requirements, and notification protocols.

SCE Response: SCE supports maintaining and, as appropriate, updating a Hazardous Materials Management Plan consistent with USFS Condition No. 30 and applicable state and federal requirements for spill prevention, containment, response, and notification. SCE requests that any State Water Board condition be coordinated with the USFS hazardous materials condition so that SCE implements one consolidated plan with clear reporting, spill response, and agency notification protocols, rather than overlapping or inconsistent plans.

Cross-reference: USFS Condition No. 30.

Preliminary Condition No. 9 – Coordinated Operations with LADWP

The State Water Board will likely require SCE, in consultation with resource agencies, to develop and implement a plan for coordinated operations of the Project and LADWP's Lee Vining Creek diversion structure to protect beneficial uses.

SCE Response: SCE recognizes the State Water Board's interest in protecting beneficial uses downstream of the LADWP diversion. However, SCE requests that any coordinated operations condition recognize the limits of SCE's legal and operational authority over LADWP facilities and operations. LADWP's diversion is separately regulated, including through State Water Board Decision 1631 and related orders, and SCE cannot unilaterally compel LADWP operational changes. SCE supports consultation and information-sharing to the extent it is feasible and within SCE's control, but any final condition should not impose obligations on SCE that depend on third-party actions outside SCE's authority. This position is consistent with SCE's response to CDFW Recommendation No. 10 regarding alleged downstream hydropeaking effects outside the FERC Project Boundary.

Preliminary Condition No. 10 – Biological Resources Plan

The State Water Board will likely require SCE to implement PME-2 (Enhanced Fish Stocking) and PME-3 (Resource Management Plan), with potential additional provisions for wetland protection and ensuring maintenance activities do not adversely impact surface waters.

SCE Response: SCE supports implementation of biological resource measures that are tied to Project operations and maintenance, including SCE's proposed PME-2 and PME-3, as refined through the license process. As discussed in SCE's responses to USFS Condition Nos. 36, 37, and 39 and CDFW Recommendation Nos. 4, 6, and 7, SCE supports coordinated, non-duplicative biological resource planning that uses existing SCE corporate programs and Project-specific measures where appropriate. SCE requests that any State Water Board biological resources condition be limited to measures necessary to avoid adverse impacts to surface waters and beneficial uses and not duplicate broader terrestrial, fish-stocking, or invasive species obligations already addressed through USFS Section 4(e) conditions or FERC license articles.

Cross-reference: USFS Condition No. 36; CDFW Recommendation No. 6.

Preliminary Condition No. 11 – Technical Review Group

The State Water Board will likely require SCE to organize a Technical Review Group (TRG) meeting at least annually, with participation by USFS, USFWS, CDFW, State Water Board, appropriate Tribes, LADWP, and interested non-governmental organizations. SCE would file a meeting summary with FERC and the State Water Board within 30 days following each TRG meeting. Meeting materials would be made available at least 30 days in advance.

SCE Response: SCE notes that the TRG proposed by the State Water Board is substantially similar to the annual consultation meeting already required under USFS Condition No. 2. SCE requests that the Commission and agencies consider whether the USFS annual consultation meeting and the SWRCB TRG can be coordinated or consolidated into a single, annual multi-agency meeting to reduce administrative burden while meeting all agency reporting and coordination objectives.

Preliminary Condition No. 12 – Public Information Measures

The State Water Board may require SCE to install signage or provide public information regarding Project operation hazards.

SCE Response: SCE supports public information measures where they address Project-related public safety or recreation hazards within SCE's control. Any signage or public information requirement should be limited to Project facilities, Project operations, and areas where SCE has authority to install, maintain, and update information. SCE requests coordination with USFS and other land managers for any signs on NFS lands or non-Project recreation areas.

C. GENERAL AND ADMINISTRATIVE CONDITIONS (Nos. 13–33)

The State Water Board's Preliminary Terms and Conditions include 21 additional general and administrative conditions (Nos. 13–33) addressing data submission requirements, ESA compliance, FERC license requirements, modification/revocation authority, CEQA compliance, Basin Plan compliance, reporting obligations, climate change adaptive management, contractor obligations, laboratory accreditation, public hearing rights, wetland no-net-loss requirements, and certification severability.

SCE acknowledges the State Water Board's standard general and administrative certification conditions, including requirements related to data submission, reporting, contractor compliance, laboratory accreditation, public hearing rights, severability, and wetland and riparian habitat protection. SCE requests that these provisions be applied in a manner consistent with the scope of Section 401 certification authority, FERC's licensing authority, and SCE's control over Project facilities and operations. Where a condition reserves authority to modify, reopen, or require additional measures, SCE requests that any future action be supported by record evidence, provide notice and opportunity to be heard, and be limited to measures necessary to protect water quality and beneficial uses affected by the Project.

SECTION VI: RESPONSE TO CSPA MOTION TO INTERVENE

A. OVERVIEW

On June 25, 2026, CSPA, a non-profit fishery conservation organization representing over 1,000 members incorporated in 1983, filed a Motion to Intervene pursuant to 18 CFR § 385.214. CSPA seeks to protect non-developmental values of Lee Vining Creek and its watershed, with particular interest in instream flow conditions, instream conditions, and reservoir elevations for Saddlebag, Tioga, and Ellery reservoirs.

B. SCE RESPONSE TO CSPA INTERVENTION

SCE does not oppose CSPA's Motion to Intervene. CSPA has been a consistent participant in the relicensing process, including attendance at TWG meetings from June 17, 2026, onward. SCE acknowledges that CSPA has expertise in instream flows and healthy river management and that its participation may contribute to a more complete administrative record.

SECTION VII: SECTION VII: RESPONSE TO MONO COUNTY MOTION TO INTERVENE

A. OVERVIEW

On July 15, 2026, Mono County filed a Motion to Intervene pursuant to 18 CFR § 385.214. Mono County seeks to protect its environment, local economy, tourism, and recreational assets, which are directly affected by the operation and maintenance of the Project.

B. SCE RESPONSE TO MONO COUNTY INTERVENTION

SCE does not oppose Mono County's Motion to Intervene. SCE acknowledges that Mono County has a substantial interest in the Project and that its participation may contribute to a more complete administrative record.

SECTION VIII: CONCLUSION

Pursuant to Section 313(b) of the FPA, PME measures for fish and wildlife resources filed pursuant to FPA Section 10(j) must be supported by substantial evidence, must have a nexus to (or address) Project effects, and must contain specific measures to protect, mitigate damages to, or enhance Project resources. Section 10(j) recommendations must also identify the relevant fish and wildlife goals and objectives and provide an evidentiary or legal basis for the proposed measures. Where the Commission determines that a fish and wildlife recommendation is inconsistent with the purposes and requirements of Part I of the FPA or other applicable law, the Commission must attempt to resolve the inconsistency and, if unresolved, make the findings required by Section 10(j)(2). In doing so, SCE urges FERC to distinguish between record-supported measures necessary to address Project effects and broader resource-management preferences that are not supported by the licensing record or are disproportionate when evaluated against the full range of public-interest considerations.

In considering SCE's FLA, SCE requests that the Commission apply its independent responsibilities under Part I of the FPA to determine whether a new license will be best adapted to a comprehensive plan for improving or developing the waterway, while giving equal consideration to power and developmental values, energy conservation, fish and wildlife protection and enhancement, recreation, irrigation, flood control, water supply, and other public-interest purposes. In doing so, FERC must evaluate whether each proposed license condition is supported by substantial evidence in the record; has a nexus to (or would address) Project effects; would contain specific measures to protect, mitigate damages to, or enhance the resource feasible to implement; and be proportionate to the public-interest benefit it would provide.

The Forest Service's conditions warrant substantial weight in that analysis. The Project is located predominantly on NFS lands, and the Forest Service has proposed conditions under FPA Section 4(e) directed to the adequate protection and utilization of those lands and resources. In several key areas—including instream flows and reservoir levels, aquatic biological monitoring, terrestrial biological monitoring, vegetation and invasive weed management, and fish stocking—the Forest Service has provided a concrete, implementable framework supported by Forest Plan objectives and the explanatory rationale in Enclosure 2. SCE supports the Commission's use of those Forest Service conditions—which, as discussed herein, were developed in consultation with other resource agencies and relicensing stakeholders—as the principal resource-protection baseline for the new license, subject to the clarifications identified in this filing.

By contrast, certain recommendations proposed by CDFW would substantially expand license obligations beyond the Forest Service's proposed framework. As discussed above, while there is considerable overlap with the USFS preliminary Section 4(e) conditions, CDFW recommended several PME measures for the new Project license that exceed the USFS preliminary Section 4(e) prescriptions, are not supported by substantial evidence, or are otherwise unnecessary.

SCE specifically requests that the Commission:

- reject or narrow CDFW Recommendation No. 2 to the extent it would displace the balanced flow regime reflected in SCE's July 15, 2026 Revised PME-1 and Forest Service Condition No. 34;
- confirm that the revised flow measure should preserve SCE's ability to use Ellery Lake storage for HRO, CAISO dispatch, and local reliability needs, absent a record-supported finding that additional restrictions are necessary to address Project-caused resource effects;
- reject or narrow CDFW Recommendation No. 3 to the extent it would impose an inflexible, fixed-baseline fluctuation cap below both Saddlebag and Tioga lakes from September 15 through April 1;
- adopt the Forest Service's approach to biological management and monitoring as the appropriate baseline as outlined in Condition Nos. 37 and 38;
- adopt Forest Service Condition No. 36 as the appropriate fish-stocking requirement and reject CDFW Recommendation No. 6 to the extent it would impose a fivefold increase without record evidence demonstrating that the increased stocking level, CPUE target, or asserted relationship between Project operations and angling pressure is necessary to address Project effects;
- distinguish between measures that can be implemented through the FERC license and proposals that depend on third-party operations, facilities, or lands outside SCE's control, including proposals related to LADWP operations, conditions below the LADWP Diversion Dam, recreation management involving Forest Service or Caltrans facilities, and broad watershed-level monitoring; and
- use the EA and license order to coordinate overlapping agency requirements by encouraging single, consolidated plans, a single annual consultation forum, and clear reporting procedures where Forest Service Section 4(e) conditions address the same subject matter as CDFW recommendations or State Water Board preliminary terms, thereby avoiding duplicative obligations, conflicting approval authorities, and unnecessary administrative burden.

SCE is committed to obtaining a new license for the Lee Vining Hydroelectric Project that appropriately protects and enhances the resources of the Inyo National Forest and the Lee Vining Creek watershed while maintaining the operational flexibility necessary to serve SCE's customers and the California electric grid. SCE has engaged in extensive pre-filing and post-REA consultation with all resource agencies and stakeholders and will continue to work collaboratively toward mutually acceptable license conditions.

SCE requests that the Commission consider this filing in its NEPA analysis and in developing its staff alternative and preferred alternative for the new license.

Respectfully submitted,

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Dated: September 8, 2026

Lee Vining Hydroelectric Project
Response to Comments and Recommendations

FERC Project No. 1388
Ready for Environmental Analysis

CERTIFICATE OF SERVICE

I hereby certify that the foregoing filing has this day been filed electronically with the Federal Energy Regulatory Commission and served via email upon each person designated on the official Service List compiled by the Commission Secretary for FERC Project No. P-1388-082, in accordance with 18 CFR § 385.2010.

Dated: September 8, 2026

DocuSigned by:

Wayne Allen

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Wayne P. Allen

Southern California Edison Company

APPENDIX A
MODELED AND HISTORIC FLOW TABLES BY WATER YEAR TYPE

Table 1. Comparison of **Average Year** historic flows (current license term) with anticipated (modeled) flows from SCE Revised PME-1 (July 15, 2026).

Month	Historic					SCE Revised PME-1 (Model Scenario)				
	Saddlebag Outflow	Tioga Outflow	Unregulated Flow into ULVC ¹	Ellery Spill	All Project Outflows ²	Saddlebag Outflow	Tioga Outflow	Unregulated Flow into ULVC ¹	Ellery Spill	All Project Outflows ²
Jan	9.9	3.2	1.9	1.2	16.2	11.5	4.1	1.9	0	17.5
Feb	9.5	2.8	2.4	0.6	15.3	10.5	3.2	2.4	0	16.1
Mar	9.7	2.4	4.1	3.2	19.4	9.6	2.8	4.1	0.2	16.7
Apr	9.8	3.8	13.2	6.1	32.9	8.8	3.2	13.2	0.2	25.4
May	9	8.3	39.8	21.8	78.9	9.9	6.5	39.8	6.9	63.1
Jun	10.7	17.9	46.5	42.9	118	12.6	19.9	46.5	40.3	119.3
Jul	12.4	12.7	31.5	23.3	79.9	9.8	13.4	31.5	22.8	77.5
Aug	12.2	5.8	12.9	3.1	34	8.3	5.1	12.9	0.9	27.2
Sep	13	4.3	0	5.4	22.4	7.1	2.8	0	0	9.9
Oct	9.4	7.4	0	4.6	20.4	14.7	10.4	0	0	25.1
Nov	9.1	8.1	0.6	2.5	20.3	13.4	6.8	0.6	0	20.8
Dec	10	4.8	1.6	2	18.4	12.5	5.4	1.6	0.2	19.7

Notes: ULVC = Upper Lee Vining Creek between Saddlebag Dam and Ellery Lake

- ¹ Unregulated inflows into Upper Lee Vining Creek (ULVC) are calculated based on drainage area; approximately 1/3 of unregulated inflow into upper Lee Vining Creek (ULVC) may be attributed to Slate Creek. Historic flow calculations have been used under the Modeled Scenarios; the All Project Outflows column has been adjusted accordingly.
- ² Total outflows from Poole Powerhouse and spill from Rhinedollar out of Ellery, but excludes unregulated inflows from Warren Fork upstream of the Poole tailrace confluence with Lee Vining Creek.

Table 2. Comparison of **Dry Year** historic flows (current license term) with anticipated (modeled) flows from SCE Revised PME-1 (July 15, 2026).

Month	Historic					SCE Revised PME-1 (Model Scenario)				
	Saddlebag Outflow	Tioga Outflow	Unregulated Flow into ULVC ¹	Ellery Spill	All Project Outflows ²	Saddlebag Outflow	Tioga Outflow	Unregulated Flow into ULVC ¹	Ellery Spill	All Project Outflows ²
Jan	5.8	3.5	3.1	0.2	12.6	7.9	3.7	3.1	0	14.7
Feb	5.7	3	5	0	13.7	7.4	2.3	5	0	14.7
Mar	5.1	2.6	5	6.4	19.1	6.8	1.6	5	0.5	13.9
Apr	5.2	3.7	16.5	8.2	33.6	6.5	2.2	16.5	0	25.2
May	8.2	5.2	29.2	25.5	68.1	9.9	5.4	29.2	0.9	45.4
Jun	10.2	3.5	29.8	13.6	57.1	5.1	3.3	29.8	0.4	38.6
Jul	9.6	3.4	12.7	3.9	29.6	5.1	3.4	12.7	0	21.2
Aug	9.4	2.8	3.2	2	17.4	5	2.6	3.2	0	10.8
Sep	10.8	4.8	0	3	17.9	4.9	2.2	0	0	7.1
Oct	5.8	5.1	0	3.9	13.7	9.7	9.4	0	0	19.1
Nov	6	5.6	2.3	0.9	14.8	8.9	6.1	2.3	0	17.3
Dec	6.8	4.4	3.3	0.1	14.6	8.4	5	3.3	0	16.7

Notes: ULVC = Upper Lee Vining Creek between Saddlebag Dam and Ellery Lake

- ¹ Unregulated inflows are calculated based on drainage area; approximately 1/3 of unregulated inflow into upper Lee Vining Creek (ULVC) may be attributed to Slate Creek. Historic flow calculations have been used under the Modeled Scenarios; the All Project Outflows column has been adjusted accordingly.
- ² Total outflows from Poole Powerhouse and spill from Rhinedollar out of Ellery, but excludes unregulated inflows from Warren Fork upstream of the Poole tailrace confluence with Lee Vining Creek

Table 3. Comparison of **Normal Year** historic flows (current license term) with anticipated (modeled) flows from SCE Revised PME-1 (July 15, 2026).

Month	Historic					SCE Revised PME-1 (Model Scenario)				
	Saddlebag Outflow	Tioga Outflow	Unregulated Flow into ULVC ¹	Ellery Spill	All Project Outflows ²	Saddlebag Outflow	Tioga Outflow	Unregulated Flow into ULVC ¹	Ellery Spill	All Project Outflows ²
Jan	11.6	2.8	2.4	1.4	18.2	10.5	5	2.4	0	17.9
Feb	12.3	--	0.4 ³	0	16.7	9.8	4.5	0.4 ³	0	17.9
Mar	12.6	--	3.7 ³	0.3	20.1	9.2	4.2	3.7 ³	0	17.9
Apr	12.3	3.1	16.1	0.8	32.3	8.8	4.5	16.1	0	29.4
May	6.1	8.3	53.6	9.1	77.1	9.2	7	53.6	8.2	78
Jun	6.2	16	60.9	24.9	108	13.7	18.8	60.9	26.2	119.6
Jul	7.6	7.4	34.9	1.3	51.2	7.3	7.6	34.9	1.2	51
Aug	7.2	6.4	8	0.5	22.1	7	4.2	8	0	19.2
Sep	9.4	3.6	0	3.4	15.2	6.9	2.4	0	0	9.3
Oct	8.5	8.6	0	3	19.7	13	10.6	0	0	23.6
Nov	9.3	10.5	3.3	0.5	23.6	12	7.2	3.3	0	22.5
Dec	11.1	6.9	0.4	2.6	21	11.2	5.9	0.4	0.6	18.1

Note: “—” represents missing data

ULVC = Upper Lee Vining Creek between Saddlebag Dam and Ellery Lake

- ¹ Unregulated inflows are calculated based on drainage area; approximately 1/3 of unregulated inflow into upper Lee Vining Creek (ULVC) may be attributed to Slate Creek. Historic flow calculations have been used under the Modeled Scenarios; the All Project Outflows column has been adjusted accordingly.
- ² Total outflows from Poole Powerhouse and spill from Rhinedollar out of Ellery, but excludes unregulated inflows from Warren Fork upstream of the Poole tailrace confluence with Lee Vining Creek
- ³ Modeled values used here due to missing historical =data downstream of Tioga

Table 4. Comparison of **Wet Year** historic flows (current license term) with anticipated (modeled) flows from SCE Revised PME-1 (July 15, 2026).

Month	Historic					Model Scenario				
	Saddlebag Outflow	Tioga Outflow	Unregulated Flow into ULVC ¹	Ellery Spill	All Project Outflows ²	Saddlebag Outflow	Tioga Outflow	Unregulated Flow into ULVC ¹	Ellery Spill	All Project Outflows ²
Jan	12.8	2.6	0.6	2.0	18.0	17.5	3.5	0.6	0.0	21.6
Feb	10.4	2.4	0.4	2.3	15.5	15.6	2.7	0.4	0.0	18.7
Mar	11.4	1.8	2.2	3.4	18.8	13.6	2.4	2.2	0.0	18.2
Apr	12.1	4.3	5.7	10.9	32.9	11.9	2.7	5.6	0.7	20.9
May	14.0	14.0	32.1	35.4	95.6	11.0	7.1	32.2	12.8	63.1
Jun	17.9	41.5	44.9	106.2	210.5	20.6	42.9	44.9	111.8	220.2
Jul	22.6	32.1	51.4	79.5	185.7	19.6	34.5	51.5	83.1	188.7
Aug	23.0	8.9	32.4	8.1	72.4	14.3	9.5	32.4	3.2	59.4
Sep	20.8	4.7	1.8	11.3	38.5	10.2	4.1	1.7	0.0	16
Oct	15.4	8.4	0.0	7.8	29.9	23.7	11.3	0	0.0	35
Nov	12.9	8.1	0.0	7.4	22.3	21.4	7.2	0	0.0	28.6
Dec	12.4	3.6	0.0	3.2	19.3	19.5	5.2	0.1	0.0	24.8

Notes: ULVC = Upper Lee Vining Creek between Saddlebag Dam and Ellery Lake

- ¹ Unregulated inflows are calculated based on drainage area; approximately 1/3 of unregulated inflow into upper Lee Vining Creek (ULVC) may be attributed to Slate Creek. Historic flow calculations have been used under the Modeled Scenarios; the All Project Outflows column has been adjusted accordingly.
- ² Total outflows from Poole Powerhouse and spill from Rhinedollar out of Ellery, but excludes unregulated inflows from Warren Fork upstream of the Poole tailrace confluence with Lee Vining Creek