

# **Southern California Edison Company Kaweah Project (FERC No. 298)**

## **DRAFT**

### **Relicensing Process Plan**



**Southern California Edison Company  
Power Production  
FERC Licensing & Compliance  
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**Table**

Table 1. Proposed Relicensing Process Schedule for Kaweah Project (FERC Project No. 298).

**Figure**

Figure 1. Integrated Licensing Process Schematic.

**Attachment**

Attachment 1. Communication and Participation Protocols.

## 1.0 INTRODUCTION

The following Relicensing Process Plan summarizes Southern California Edison Company's (SCE) approach for relicensing the Kaweah Project (Federal Energy Regulatory Commission [FERC or Commission] Project No. 298) and includes Communication and Participation Protocols (Protocols) for stakeholder participation. SCE intends to use FERC's Integrated Licensing Process (ILP) to relicense the Kaweah Project and complete the process by the license expiration date.

The Relicensing Process Plan is organized to address the content requirements outlined in FERC's regulations specified in Title 18 of the Code of Federal Regulations (CFR) § 5.6(d). Specifically, it describes SCE's plan and schedule for pre-application activities, incorporating the time frames for pre-filing consultation, information gathering, and studies. This includes filing of the Notice of Intent (NOI) and Pre-Application Document (PAD); FERC scoping; study plan development, execution and reporting; filing the License Application; and FERC application processing.

This document also contains Draft Protocols that provide guidelines for participation in the relicensing process by interested parties, including governmental agencies, non-governmental organizations, Native American tribes, and unaffiliated members of the public. These interested parties are referred to as stakeholders or Relicensing Participants. The Draft Protocols are included in Attachment 1 and are briefly described in Section 4.0 below.

## 2.0 RELICENSING ACTIVITIES

SCE intends to relicense the Kaweah Project using FERC's ILP and complete the process by the license expiration date. To facilitate communication during the relicensing, SCE will establish a publicly-accessible Internet website for the Kaweah Project relicensing which contains information regarding past and current relicensing activities, including meeting notices and agendas, meeting summaries, documents distributed to or received from participants, reference materials, key decisions, and links to relevant information sources such as FERC's ILP regulations. Updates to this Relicensing Process Plan and schedule will be posted on the website. In addition, all materials developed during the relicensing will be available at the Kaweah Hydro Headquarters Office, Kaweah 1 Powerhouse, 44511 Sierra Drive, Three Rivers, CA 93271. Specific relicensing process objectives include:

- Ensure SCE retains its FERC license.
- Meet all regulatory deadlines and acquire a new license by December 31, 2021.
- Engage stakeholders (Federal and state resource agencies, Native American tribes, local governments, non-governmental organizations, and members of the public) in an open and transparent forum that promotes a free exchange of ideas and sharing of information among the participants.

- Maintain an efficient process by retaining a neutral facilitator and providing stakeholders with informative presentations and “first drafts” of technical study plans and reports for review and comments.
- Complete the study phase (development, implementation and reporting) and analytical tool development (i.e., Project operations model) early in the process to provide sufficient time for SCE and the stakeholders to fully evaluate Project effects and collaboratively develop new license conditions for inclusion in the License Application.

An overview of the major elements of the FERC relicensing process and corresponding ILP regulatory requirements is illustrated on Figure 1 and briefly discussed below.

## **2.1 EARLY RELICENSING ACTIVITIES**

Prior to submittal of the PAD, SCE will initiate relicensing activities to:

- Enhance stakeholder involvement and understanding of available resource information; Project facilities, operations and maintenance activities; and potential Project improvements under consideration.
- Collaborate with stakeholders on the development of communication protocols that provide guidelines for participation by interested parties in the relicensing process.
- Design and complete select baseline environmental studies in consultation with resource agencies to augment existing resource information, facilitate early issue identification, and assist in the development of focused technical study plans.
- Reach stakeholder consensus on the scope of technical study plans included in the PAD and implement select data collection activities in 2017 for studies that require multiple years to complete or whose results are integral to completion of another study.

## **2.2 FORMAL RELICENSING ACTIVITIES**

### **2.2.1 Filing of Notice of Intent and Pre-Application Document**

SCE’s filing of the NOI and PAD with FERC on December 14, 2016, formally initiates the relicensing process for the Kaweah Project and the associated regulatory deadlines specified in the ILP. Although not required, SCE’s PAD will include proposed technical study plans developed in collaboration with stakeholders. At the time of filing the NOI and PAD, SCE will request designation as the Commission’s non-Federal representative for the purpose of consultation under Section 7 of Endangered Species Act (ESA) and authorization to initiate consultation under Section 106 of the National Historic Preservation Act (NHPA).

### **2.2.2 FERC Scoping**

As part of formal scoping for the Project, FERC is required to hold an Initial Tribal Consultation Meeting with Federally-recognized tribes within 30 days of the filing of the NOI and PAD. Within 60 days of the filing of the NOI and PAD, FERC is required to issue a Notice of Commencement of Proceeding and Scoping Document. Within 30 days of the Notice of Commencement of Proceeding, FERC will conduct a public scoping meeting(s) and site visit(s). The purpose of the scoping meeting(s) is to discuss resource issues, management objectives, information needs, and finalize the Relicensing Process Plan and schedule. Comments on the PAD and Scoping Document 1 must be submitted to FERC within 60 days following FERC's Notice of Commencement of Proceeding.

### **2.2.3 Study Plan Development, Execution and Reporting**

Although proposed technical study plans were developed in collaboration with stakeholders for inclusion in the PAD, FERC has a well-defined process for evaluation of study plans. Due to extensive early consultation with stakeholders on study plans prior to submittal of the PAD, SCE does not anticipate that modifications to the PAD study plans will be required during FERC's review process.

Within 45 days following the end of the PAD/Scoping Document 1 comment period, SCE must file proposed study plans with FERC. During a 90-day comment period, that begins once the proposed study plans are filed, but no later than 30 days after filing the proposed study plans, SCE must hold an initial study plan meeting to resolve any outstanding issues. Following the close of the comment period, SCE will prepare revised study plans, as appropriate, that address stakeholder comments received and, if necessary, explain why additional study requests were not adopted. Revised study plans are due within 30 days of the close of the initial comment period, followed by another 15-day stakeholder comment period.

FERC will then issue a Study Plan Determination, with regard to SCE's revised study plans, including any modifications deemed necessary in light of the record. If no disputes are received by a mandatory conditioning agency, the study plans are deemed approved and implementation of the plans must proceed. In the case of a dispute, FERC initiates a formal dispute resolution process and within 70 days makes a final determination of the fate of the dispute, which must be incorporated into the study plans. Any comments on study plans that are not under dispute must be implemented by SCE according to the proposed schedule.

SCE will then be required to implement the study plans according to the final scope of work and schedule. Annually during study implementation, SCE must file a progress report and initial study report with FERC describing overall progress in implementation of the study plans, including data collected to date, any deviations in technical approaches or schedules, and a proposed schedule for completion of the remaining study plan components. The report must also include a description of any proposed modifications to the approved studies or new studies proposed by SCE. FERC will then amend the approved study plans, as appropriate, after reviewing comments by stakeholders

received during a public meeting or filed in writing. However, any modification of the approved study plans or additions of new study plans must meet strict criteria prior to being considered.

#### **2.2.4 Filing of License Application**

By negotiating early, SCE expects that the License Application will include proposed new license conditions developed in collaboration with stakeholders, address multiple resource interests, and represent the best comprehensive use of the waterway. SCE believes that this collaboration will lead to the development of new license conditions that meet multiple resource interests while maintaining the benefits of the Kaweah Project for SCE.

SCE must file a Preliminary Licensing Proposal or Draft Application with FERC no later than 150 days before the Final Application is filed (August 2, 2019). Stakeholder comments on the Draft Application are due within 90 days of filing (October 31, 2019), and will be addressed by SCE in the Final Application. The Final Application must be filed with FERC by December 31, 2019, two years before the license expiration date.

#### **2.2.5 FERC Application Processing**

A two-year period is allocated within the ILP regulations for FERC's processing of the License Application. Upon receipt of the Final Application, FERC issues a tendering notice, and subsequently, a Notice of Acceptance and Notice of Ready for Environmental Review (REA). Preliminary terms and conditions from the resource agencies and requests for intervention are due to FERC no later than 60 days following the REA. The remainder of the time is allocated to FERC's environmental review process, document preparation, and finalization of resource agencies' mandatory terms and conditions. During this time, FERC will issue a draft and final National Environmental Policy Act (NEPA) document (either an Environmental Assessment or an Environmental Impact Statement) evaluating Project-related impacts and proposed new license conditions.

Terms and conditions from resource agencies with mandatory conditioning authority will be included in the environmental document and new license, including those contained in the required Clean Water Act Section 401 Certification. Based on consideration of recommendations by FERC staff in the NEPA document, FERC should issue a new license to SCE for continued operation and maintenance of the Kaweah Project on or before the current license expiration date of December 31, 2021, pending issuance of the 401 Certification by the State Water Board.

### **3.0 RELICENSING SCHEDULE**

The proposed Relicensing Process Plan schedule for the Kaweah Project was developed consistent with the regulations provided in Title 18 CFR Part 5 – Integrated License Application Process. Figure 1 provides an overview of key activities in the ILP. SCE's proposed schedule presented in Table 1 provides each of the major relicensing activities

in the ILP, the associated CFR reference, the party responsible for implementation of the activity, and the deadline for each activity.

The proposed process schedule is based on SCE filing the Kaweah Project NOI and PAD on December 14, 2016 (15 days prior to the statutory deadline of December 31, 2016). The deadlines presented in the schedule identify the specific date that each activity must be completed by to comply with Federal regulations. However, relicensing activities may be completed early, prior to the specific deadline. The ILP regulations also provide flexibility regarding the timing when some relicensing activities must be completed. Additionally, the initiation of some activities is dependent on the completion date of other activities. For example, the timing of study implementation is highly dependent on whether the dispute resolution process is initiated. The current process schedule includes timeframes for Formal Dispute Resolution even though any study disputes may be resolved through informal dispute resolution. Therefore, the process schedule is subject to change during the relicensing process. SCE will revise the Relicensing Process Plan and schedule for the Kaweah Project, as needed, and post the updated version on the SCE relicensing website.

#### **4.0 COMMUNICATION AND PARTICIPATION PROTOCOLS**

Draft Protocols for the Kaweah Project (Attachment 1) provide guidelines for participation in the relicensing process by SCE and interested parties, including governmental agencies, non-governmental organizations, Native American tribes, and unaffiliated members of the public.

At the June 9, 2015 Plenary meeting, SCE discussed the FERC relicensing process and provided a copy of the draft Relicensing Process Plan to stakeholders for review. The document was also posted to the Kaweah Project relicensing website on July 7, 2015. SCE requested that stakeholders review the Relicensing Process Plan and provide any comments by August 5, 2015. To date, no comments have been received.



**TABLE**

**Table 1. Proposed Relicensing Process Schedule for the Kaweah Project (FERC Project No. 298).** (Relicensing activities that are shown in bold represent key milestone activities in the relicensing process).

FERC 18 CFR §	Relicensing Activity	Responsible Party	Activity Time Frame	Deadline <sup>1,2</sup>
<b>Initiation of Relicensing Process</b>				
5.5 5.5(d)	<b>Filing of Notification of Intent (NOI)</b>	SCE	Five to five and one half years prior to existing license expiration. Filed concurrent with Pre-application Document.	12/14/2016
5.5(e)	Request to be non-Federal representative under Section 7 of the Endangered Species Act (ESA)	SCE	Provide simultaneously with filing of NOI.	12/14/2016
5.5(e)	Request to initiate consultation under Section 106 of the National Historic Preservation Act (NHPA)	SCE	Provide simultaneously with filing of NOI.	12/14/2016
5.6 5.6(a)	<b>Filing of Pre-application Document (PAD)</b>	SCE	Five to five and one half years prior to existing license expiration. Filed concurrent with NOI.	12/14/2016
<b>FERC Scoping</b>				
5.7	<b>Initial Tribal Consultation Meeting</b>	FERC	Within 30 days following filing of NOI/PAD.	1/13/2017
5.8 5.8(a)	<b>Notice of Commencement of Proceeding and Scoping Document</b>	FERC	Within 60 days of filing NOI/PAD.	2/13/2017
5.8(a)(b) 5.8(b)(iv)	Issue notice of NOI/PAD and request for comments	FERC	Included in notice of commencement of proceeding.	2/13/2017
5.8(b)(2)	Decision regarding licensee request to initiate informal consultation under Section 7 of the ESA, or Section 106 of the NHPA	FERC	Included in notice of commencement of proceeding.	2/13/2017
5.8(c)	Issue Scoping Document 1 (SD1)	FERC	Concurrent with notice of commencement of proceeding.	2/13/2017
5.8(b)(3)(viii)	<b>Conduct public scoping meeting and site visit</b>	FERC	Within 30 days of the notice of commencement of proceeding.	March 2017
5.9 (a)	File comments on PAD and SD1, and provide study requests	Participants	Within 60 days following the notice of commencement of proceeding.	4/14/2017
5.10	Issue Scoping Document 2 (if necessary)	FERC	Within 45 days following the deadline for filing of comments on SD1.	5/30/2017

**Table 1. Proposed Relicensing Process Schedule for the Kaweah Project (FERC Project No. 298).** (Relicensing activities that are shown in bold represent key milestone activities in the relicensing process).

FERC 18 CFR §	Relicensing Activity	Responsible Party	Activity Time Frame	Deadline <sup>1,2</sup>
<b>Study Plan Development</b>				
5.11 5.12	<b>Proposed Study Plan and Study Requests</b>			
5.11(a)	<b>File Proposed Study Plan</b>	SCE	Within 45 days following the deadline for filing of comments on the PAD and providing study plan requests.	5/30/2017
5.11(e)	File proposal for conducting study plan meeting(s) during 90-day Proposed Study Plan review period.	SCE	Concurrent with Proposed Study Plan	5/30/2017
5.11(e)	<b>Conduct initial study plan meeting</b>	SCE	No later than 30 days after the deadline date for filing the Proposed Study Plan.	6/29/2017
5.12	File comments on Proposed Study Plan or submit revised study requests	Participants	Must be filed within 90 days after the Proposed Study Plan is filed.	8/28/2017
5.13	<b>Revised Study Plan and Study Plan Determination</b>			
5.13(a)	File Revised Study Plan	SCE	Within 30 days following the deadline for filing comments on the Proposed Study Plan.	9/27/2017
5.13(b)	File comments on Revised Study Plan	Participants	Within 15 days following filing of the Revised Study Plan.	10/12/2017
5.13(c)	<b>Issue Study Plan Determination</b>	FERC	Within 30 days following filing of the Revised Study Plan.	10/27/2017
5.13(d) 5.14(a)	File notice of study dispute	Mandatory Conditioning Agencies	Within 20 days of the Study Plan Determination.	11/16/2017
5.13(d)	Study Plan approved, if no notice of study dispute is filed	FERC	Twenty days following the notice of study dispute filing period.	11/16/2017
5.14	<b>Formal Study Dispute Resolution Process</b>			
5.14(d)	Convene Dispute Resolution Panel, if notice of Study Plan dispute is filed	FERC	Within 20 days of the notice of study dispute.	12/6/2017
5.14(i)	File with Commission and serve upon panel members comments and information regarding dispute	SCE	No later than 25 days following the notice of study dispute.	12/11/2017
5.14(k)	Issue findings and recommendations regarding the study plan dispute to Director of the Office of Energy Projects	Dispute Resolution Panel	No later than 50 days following the notice of study dispute.	1/5/2018
5.14(l)	<b>Issue written determination on study plan dispute</b>	FERC	No later than 70 days from the date of filing of the notice of study dispute.	1/25/2018

**Table 1. Proposed Relicensing Process Schedule for the Kaweah Project (FERC Project No. 298).** (Relicensing activities that are shown in bold represent key milestone activities in the relicensing process).

FERC 18 CFR §	Relicensing Activity	Responsible Party	Activity Time Frame	Deadline <sup>1,2</sup>
<b>Conduct Studies</b>				
5.15(a)	Conduct First Year Studies (for study plans not under dispute)	SCE	November 1, 2017 through October 31, 2018	10/31/2018
5.15(b) 5.15(c)(1)	File progress report and Initial Study Report	SCE	Within one year after Commission approval of the study plan (10-27-17).	10/29/2018
5.15(c)(2)	Conduct Initial Study Report Meeting	SCE	Within 15 days of filing the Initial Study Report.	11/13/2018
5.15(c)(3)	File Initial Study Report Meeting Summary, including any study modifications or new studies	SCE	Within 15 days following the Initial Study Report Meeting.	11/28/2018
5.15(c)(4)	File disagreement with Initial Study Report Meeting Summary	FERC and Participants	Within 30 days following the filing of the Initial Study Report Meeting Summary.	12/28/2018
5.15(c)(7)	If no disagreements are filed, approve Initial Study Report Meeting Summary and any proposed study plan amendments	FERC	Thirty days following the filing of the Initial Study Report Meeting Summary.	1/28/2019
5.15(c)(5)	If disagreements are filed, file responses to disagreement with Initial Study Report Meeting Summary	FERC, SCE and Participants	Within 30 days of the filing of a disagreement with Initial Study Report Meeting Summary	2/27/2019
5.15(c)(6)	Resolve disagreement and amend approved study plan	FERC	Within 30 days following the due date for responses to disagreement.	3/29/2019
5.15(f)	Conduct Second Year Studies	SCE	November 1, 2018 through October 31, 2019	10/31/2019
5.15(f)	File progress report and Updated Study Report	SCE	Within two years after Commission approval of the study plan.	10/28/2019
5.15(c)(2)	Conduct Updated Study Report Meeting	SCE	Within 15 days of filing the Updated Study Report.	11/12/2019
5.15(c)(3)	File Updated Study Report Meeting Summary, including any study modifications or new studies	SCE	Within 15 days following the Updated Study Report Meeting.	11/27/2019
5.15(c)(4)	File disagreement with Updated Study Report Meeting Summary	FERC and Participants	Within 30 days following the filing of the Updated Study Report Meeting Summary.	12/27/2019
5.15(c)(7)	If no disagreements are filed, approve Updated Study Report Meeting Summary and any proposed study plan amendments	FERC	Thirty days following the filing of the Updated Study Report Meeting Summary.	1/27/2020

**Table 1. Proposed Relicensing Process Schedule for the Kaweah Project (FERC Project No. 298).** (Relicensing activities that are shown in bold represent key milestone activities in the relicensing process).

FERC 18 CFR §	Relicensing Activity	Responsible Party	Activity Time Frame	Deadline <sup>1,2</sup>
<b>Conduct Studies (continued)</b>				
5.15(c)(5)	If disagreements are filed, file responses to disagreement with Updated Study Report Meeting Summary	FERC, SCE and Participants	Within 30 days of the filing of a disagreement with Updated Study Report Meeting Summary.	2/26/2020
5.15(c)(6)	Resolve disagreement and amend approved study plan	FERC	Within 30 days following the due date for responses to disagreement.	3/27/2020
5.15(f)	Promptly proceed with any remaining undisputed studies or amended studies	SCE		Starting 4/1/2020
<b>Filing of License Application</b>				
5.16(a)	<b>File Preliminary Licensing Proposal or Draft Application</b>	SCE	No later than 150 days prior to the deadline for filing a new license application.	8/2/2019
5.16(e)	File comments on Preliminary Licensing Proposal or Draft License Application	FERC and Participants	Within 90 days of the filing date of the Preliminary Licensing Proposal or Draft Application.	10/31/2019
5.17(a)	<b>File License Application</b>	SCE	No later than 24 months before the existing license expires.	12/31/2019

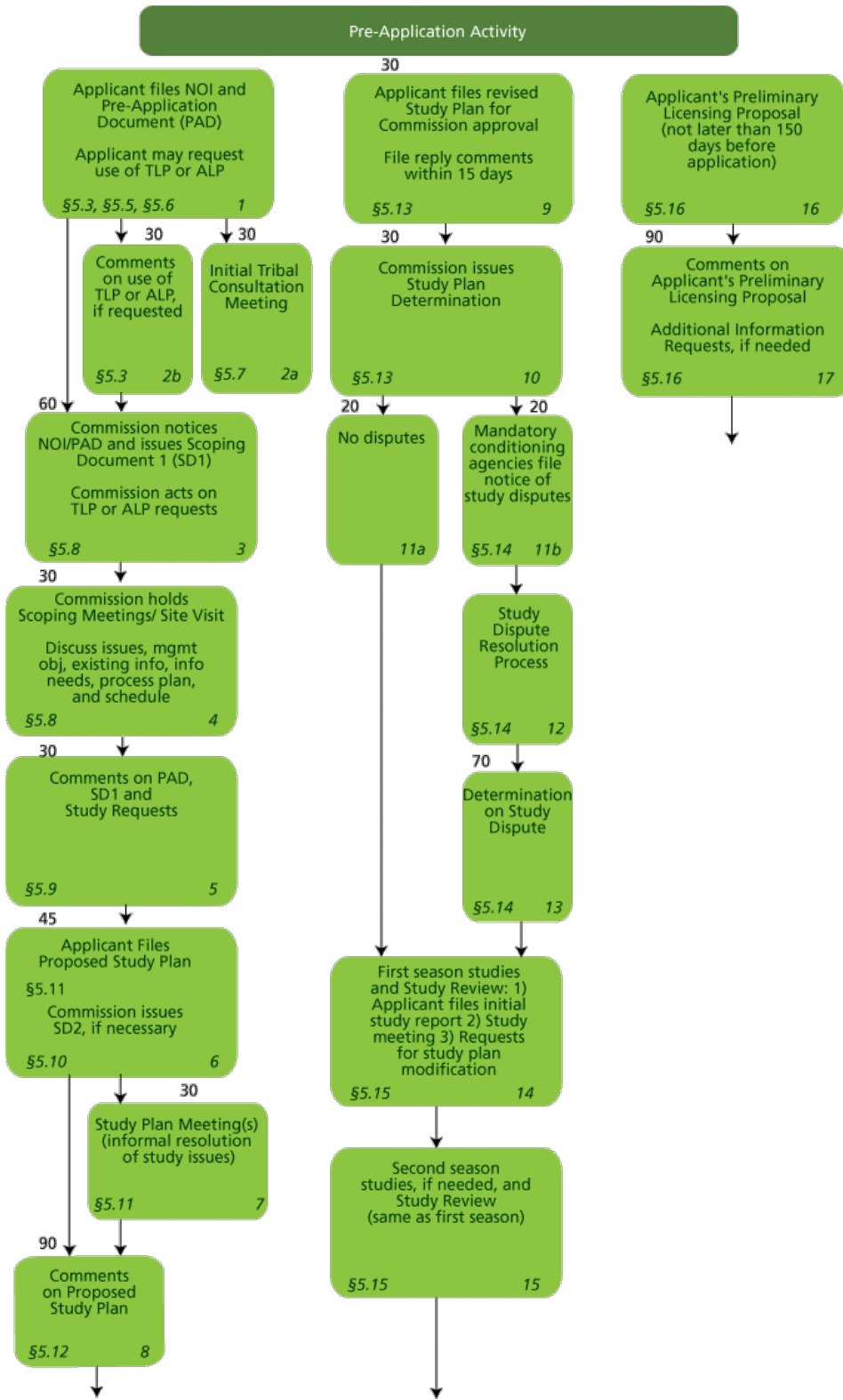
**Notes:**

1 If deadline falls on a weekend or holiday, the deadline was moved to the following business day.

2 Time periods begin the day after a filing/issuance date.

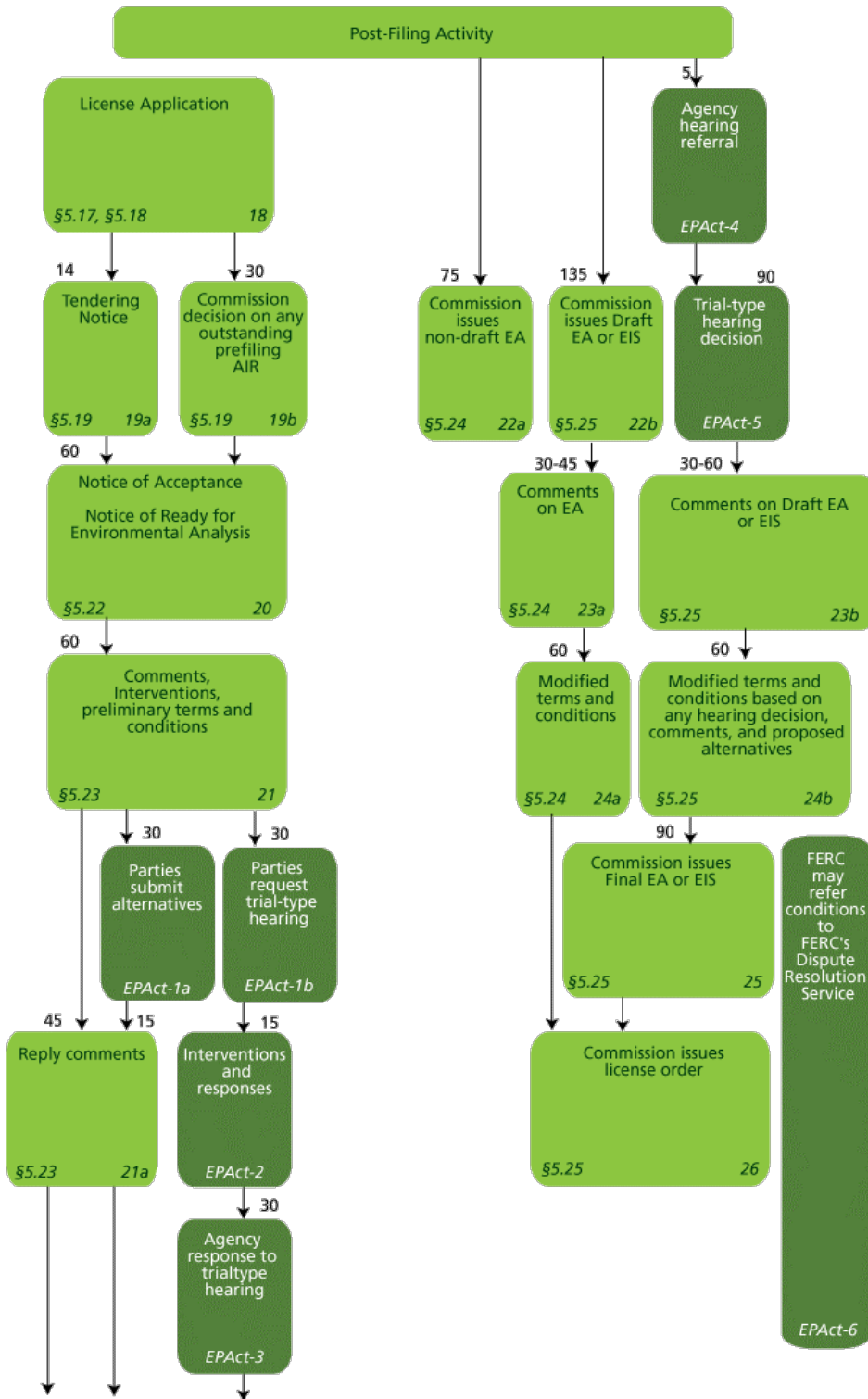
**FIGURE**

Figure 1. FERC Integrated Licensing Process – Pre-Application Activity (5.5 to 5 Years Prior to License Expiration).



Source: <http://www.ferc.gov/help/processes/flow/hydro-5.asp>

Figure 1. FERC Integrated Licensing Process – Post-Filing Activity (2 Years Prior to License Expiration)



Source: <http://www.ferc.gov/images/flowcharts/post-filing-activity.gif>



**ATTACHMENT 1**  
**Communication and Participation Protocols**

# **Southern California Edison Company Kaweah Project (FERC No. 298)**

## **DRAFT**

### **Communication and Participation Protocols**



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## 1.0 OBJECTIVE OF COMMUNICATION AND PARTICIPATION PROTOCOLS

The objective of the Communication and Participation Protocols (Protocols) is to provide guidelines for participation in the relicensing process for Southern California Edison Company's (SCE or Licensee) Kaweah Project (Project), Federal Energy Regulatory Commission (FERC or Commission) Project No. 298. The Protocols pertain to the Licensee, governmental agencies, non-governmental organizations, Native American tribes, and unaffiliated members of the public who participate in the proceeding. The Protocols were formulated to provide guidance during the relicensing proceeding, including discussions on proposed license terms and conditions for the Kaweah Project.

## 2.0 DEFINITIONS

The following definitions apply:

- Administrative Provisions: Any provisions, other than protection, mitigation, and enhancement (PM&E) measures, agreed to by Relicensing Participants.
- FERC: Federal Energy Regulatory Commission.
- FERC Project No. 298 Mailing List: A mailing list of Relicensing Participants prepared and maintained by the Licensee for the relicensing of the Kaweah Project.
- FERC Project No. 298 Service List: A mailing list of parties that have formally intervened in the relicensing proceeding. The mailing list is prepared and maintained by FERC.
- ILP: FERC's Integrated Licensing Process defined in Title 18 CFR Part 5.
- Licensee: Southern California Edison Company, the owner and operator of the Kaweah Project (FERC No. 298) and its negotiating team.
- Licensee's FERC Project No. 298 Interested Parties List: A list of interested parties the Licensee has prepared and maintains for the relicensing. The Licensee anticipates that the Licensee's FERC Project No. 298 Interested Parties List will be updated periodically during the relicensing.
- PAD: Pre-Application Document required by FERC.
- Plenary: Group of Relicensing Participants with decision-making authority.
- PM&E Discussion: Discussions by the Plenary regarding proposed protection, mitigation, and enhancement measures.
- PM&E Measures: Protection, mitigation, and enhancement measures under FERC jurisdiction.
- Process Plan and Schedule: The Relicensing Process Plan and Schedule prepared by the Licensee and included in the Licensee's PAD, which will be maintained and updated by the Licensee through the relicensing process.

- **Rationale Statement:** A report or reports documenting the rationale for PM&E Measures proposed as new license conditions to FERC.
- **Relicensing:** The relicensing process for the Kaweah Project, FERC Project No. 298.
- **Relicensing Participants:** The Licensee and those Federal and state resource agencies, local governments, non-governmental organizations, Native American tribes, members of the public, and others interested in the relicensing and represented at a scheduled relicensing meeting or who participate in relicensing activities.
- **Technical Working Group (TWG):** Focus group working on specific technical issues during the relicensing.

### **3.0 PARTICIPATION**

#### **3.1 RELICENSING PARTICIPANTS**

Participation in the relicensing proceeding is open to Federal and state resource agencies, local governments, non-governmental organizations, Native American tribes, members of the public, and others having an interest in the relicensing. To facilitate communication, governmental agencies and non-governmental organizations are encouraged to designate one individual and one alternate to represent them during the relicensing proceeding. The individuals designated as the representative for an agency or organization will be the point of contact for relicensing correspondence and are responsible for keeping their respective organizations and constituencies informed of relicensing activities. The designated individual is expected to have the authority to speak on behalf of the organization.

Relicensing Participants will clearly identify who they represent at the beginning of each meeting and if they represent more than one entity, all organizations will be identified. Participation by members of the media, in their official capacity, is discouraged during the PM&E Measure Development Phase. The intent of the license condition discussions is to allow the Relicensing Participants to fully explore and evaluate a range of potential PM&E Measures in an open and transparent forum without concerns that these initial discussions or proposals will be reported in the media or attributed to specific Relicensing Participants. Media members that attend any meeting, in their official capacity, must notify the Relicensing Participants of their affiliation and intent at the beginning of any Licensee-sponsored meeting.

#### **3.2 LATE PARTICIPATION IN THE RELICENSING**

Relicensing Participants who begin participating in the relicensing after commencement of the proceeding are expected to get themselves informed and “up-to-speed” with the rest of the Relicensing Participants. Absence or late/delayed participation will not be allowed to disrupt the process. Upon first contact with new Relicensing Participants, the Licensee will offer the new participant a copy of the Protocols and direct them to the PAD on the Project webpage. Upon request, the Licensee will provide individuals who begin

participating in the relicensing after the proceeding has commenced a brief overview of the proceeding, key decisions to date, and layout of the webpage where relicensing material is maintained. Confidential material will be provided to the participant, if appropriate, according to guidelines specified in the Protocols. Questions about past work, decisions, or status of the relicensing process should be directed to the Licensee.

### **3.3 ROLES OF RELICENSING PARTICIPANTS WITH INDEPENDENT STATUTORY AUTHORITY**

Certain Relicensing Participants administer statutory authorities that may constrain participation in development of PM&E Measures. The Protocols do not modify the rights or duties of any such Relicensing Participant. Federal agencies with mandatory conditioning authority will participate in the relicensing process with the goal of reaching consensus on proposed PM&E Measures, but will retain their independent statutory authority to condition the license.

### **4.0 RELICENSING WEBSITE**

The Licensee will establish and maintain a publicly-accessible Internet website as a means of making relicensing information readily available to Relicensing Participants. The Licensee anticipates posting the PAD, meeting notices/agenda, meeting summaries, public documents sent and received, reference materials, the Relicensing Process Plan, and other relicensing information on the website. However, communications, materials, and documents developed to inform Relicensing Participants during PM&E discussions will not be posted on the website. The Kaweah Project relicensing website can be accessed at <http://on.sce.com/kaweah>.

### **5.0 MEETINGS**

Relicensing Participants will sign in at the beginning of the meetings to record who is in attendance and their representation. Meetings will begin with introductions of all participants, including the organization(s) they represent.

#### **5.1 TYPES OF MEETINGS**

FERC's regulations require that certain meetings be conducted, and the Relicensing Process Plan and Schedule identify several of these meetings. The ILP regulations stipulate that some meetings are the responsibility of FERC and some are the responsibility of the Licensee. In addition to the required meetings, the Licensee anticipates that other meetings will be needed, particularly during development of study plans, and potential PM&E Measures. The Protocols apply only to meetings sponsored by the Licensee.

##### **5.1.1 General Protocols**

- Notice/Agenda – The Licensee anticipates that it will provide notice for meetings not specifically required by the regulations (e.g., study plan development meeting), principally via e-mail using the Licensee's FERC Project No. 298 Interested Parties Mailing List and on the Licensee's relicensing website. The Licensee-sponsored

relicensing meetings will generally be scheduled with the consensus of the Relicensing Participants present. The Licensee will develop an agenda for upcoming meetings based on input from the Relicensing Participants at the previous meeting and will provide it to Relicensing Participants at least seven days ahead of the meeting. The last agenda topic prior to adjourning a relicensing meeting will always be to identify agenda topics for the next scheduled meeting. Relicensing Participants may request items be added to a meeting agenda.

- Meeting Moderation – The Licensee anticipates that they will lead the Licensee’s meetings and a third-party facilitator will be responsible to assure that all Relicensing Participants are heard. The relicensing meetings will reflect the Licensee’s commitment to conduct an open and transparent process with a free exchange of information and interests.
- New Participants – At relicensing meetings, the facilitator will ask all first time participants to identify themselves and their interest.
- Meeting Summaries – The Licensee will prepare a memo summarizing each relicensing meeting to assist Relicensing Participants. The purpose of the memo is to summarize decisions and action items committed to at the meeting for reference in future meetings and for review by those who could not attend the meeting. This memo is not intended to be a transcript of the meeting or meeting notes or to state the position of any Relicensing Participant. The Licensee will distribute such meeting summaries via e-mail using the Licensee’s FERC Project No. 298 Interested Parties Mailing List and post all meeting notices and summaries on the Project website, with one exception. Meetings summaries regarding PM&E discussions will not be posted on the Project website. One of the first agenda items at each Licensee-sponsored meeting will be the review and approval of the most recent meeting summary.
- Use of Facilitator – The Licensee will use an independent third-party neutral facilitator for the Plenary and TWG meetings. If requested, the Licensee will provide a neutral facilitator for the other Licensee-sponsored meetings.
- Decision Making – Relicensing Participants are expected to make a good faith effort to make decisions and reach agreement by consensus among the Relicensing Participants present at any scheduled Licensee-sponsored relicensing meeting. Consensus means that all Relicensing Participants to a given decision can “live with” the decision. For all major decisions the Relicensing Participants make, the moderator/facilitator will call the decision to question, asking each participant if they can “live with” the decision. Relicensing Participants are expected to “speak-up” and respond to all decisions that are put to question. Unless otherwise indicated, all decisions made by Relicensing Participants are considered interim decisions subject to further discussion and modification based on new information. All decisions and agreements of Relicensing Participants will be documented in writing and be used to update any Relicensing Participant who misses a meeting about key decisions or agreements.
- Dispute Resolution – If consensus regarding a particular issue is not achieved after reasonable efforts, then the issue will be considered to be in dispute. If the parties

cannot move past the dispute, then the Licensee will document the dispute and present it to the Plenary Group for resolution. The Licensee's obligation in this situation is to keep an accurate record of the parties' issues and important milestones regarding the dispute. If the Plenary Group cannot find a solution to a FERC Jurisdictional issue, then the Plenary Group may request assistance from FERC's formal dispute resolution team. Any unresolved disputes will be documented in the formal record and submitted to FERC.

FERC also has a formal study dispute resolution process described in 18 CFR § 5.14. The formal dispute resolution process is used by FERC when any Federal agency with authority to provide mandatory conditions pursuant to the Federal Power Act (FPA) Section 4(e) or to prescribe fishways pursuant to FPA Section 18 or any agency with authority to issue a water quality certification under Section 401 of the Clean Water Act files a notice of study dispute with respect to the Licensee's Revised Study Plans.

### **5.1.2 Additional Protocols for PM&E Discussions**

A specific process objective of the Kaweah Project relicensing is to complete the study phase and analytical tool development early in the process to provide sufficient time for the Licensee and the Relicensing Participants to fully evaluate Project effects and collaboratively develop proposed new license conditions. The purpose of the negotiations is to reach a comprehensive written collaborative agreement among the Relicensing Participants on FERC Jurisdictional PM&E Measures and Administrative Provisions. The following outlines additional elements of the collaborative process during the PM&E Measure Development Phase. It should be noted that all other sections of this document (Protocols) are in effect during the PM&E Measure Development Phase.

Meetings – To facilitate discussion on proposed new PM&E Measures, the Licensee will sponsor a series of Plenary meetings from June 2018 to June 2019. These Plenary meetings will be organized and scheduled on a topic-specific basis, based on the completion of technical studies. The discussion will address issues under FERC jurisdiction.

Decision-Making – All the decision-making protocols described in Section 5.1.1 remain in effect during the PM&E Measure Development Phase of the relicensing. The following identifies additional protocols that will be in effect during this phase of the relicensing.

- At the start of the PM&E Measure Development Phase, each organization will appoint a Lead Negotiator to take the lead role in collaborating on proposed new PM&E Measures during Plenary meetings. This individual will serve as the primary spokesperson for their organization during the PM&E discussions, drawing on input from other Relicensing Participants for technical support, as necessary. In addition, the Lead Negotiator is responsible for keeping their organization well informed throughout the PM&E Measure Development Phase. To the extent possible, organizations should strive to maintain a consistent Lead Negotiator throughout the process. The Licensee will maintain a list of Lead Negotiators for each organization.



- One goal of the collaborative discussions is to reach consensus on a comprehensive package of proposed new PM&E Measures for inclusion in the Draft Application for New License (August 2019). Since topic-specific PM&E discussions are scheduled to occur from mid-2018 to mid-2019, all agreements on topic-specific issues will be considered tentative until the Plenary has reached consensus on a comprehensive package of proposed new PM&E Measures.
- Another goal of the collaborative discussions is to reach consensus on Administrative Provisions under FERC jurisdiction prior to submittal of the Draft Application for New License.
- The collaborative process is based on reaching consensus on proposed PM&E Measures within the specified timeframe identified in the FERC–approved Relicensing Process Schedule for the Kaweah Project.
  - If collaborative agreement is reached on a comprehensive package of proposed PM&E Measures by the Plenary, then the Licensee will file a Draft License Application in August 2019 with FERC that incorporates the proposed PM&E Measures and associated Rationale Statements into the recommended preferred alternative. The Draft License Application will accurately identify the process used and Plenary participants involved in obtaining consensus on the proposed PM&E Measures.
  - As previously noted, it is the goal of the Licensee to reach agreement on proposed PM&E Measures with all Relicensing Participants prior to submittal of a Draft License Application in August 2019. If consensus is not reached, then the Licensee will file a Draft License Application with FERC that includes a preferred alternative that identifies new PM&E Measures proposed by the Licensee. The Licensee’s preferred alternative in the Draft Application may include those PM&E Measures that were tentatively agreed upon by the Licensee and the other Relicensing Participants, as well as, the Licensee’s proposal for those PM&E Measures that were not collaboratively agreed upon by the Relicensing Participants. Until a Comprehensive Collaborative Agreement is reached, neither the Licensee nor the Relicensing Participants will characterize PM&E Measures as tentative agreements in any filing with FERC without the agreement of Relicensing Participants.
  - If a Comprehensive Collaborative Agreement has not been reached at the time the Draft or Final License Application is filed, the Licensee will continue to attempt to reach collaborative agreement with Relicensing Participants.
  - If consensus is subsequently reached on PM&E Measures after the submittal of the Draft Application, then these new PM&E Measures would be provided to FERC and fully documented in the Final Application. Any disagreement with the Licensee’s preferred alternative, or alternative PM&E Measures proposed by other Relicensing Participants, will be fully documented by the Licensee in the Draft and Final Application for New License.
  - If consensus is reached with Relicensing Participants after submittal of the Final Application, the Licensee will file an amended License Application

reflecting PM&E Measures included in the Comprehensive Collaborative Agreement.

## **5.2 ATTENDANCE AT MEETINGS**

Relicensing Participants are expected to make a good faith effort to attend or have a representative attend every Plenary meeting and each TWG, and subgroup meeting in which the participant is active. If a Relicensing Participant is unable to attend or have a representative attend a meeting, then the Relicensing Participant will make a good faith effort to provide to the Licensee any input at least two working days prior to the meeting.

Relicensing Participants unable to attend a meeting may request to receive all materials distributed and may provide written comments to the Licensee for consideration by the Relicensing Participants.

## **5.3 CAUCUS**

Any Relicensing Participant may call for a caucus at any time during any meeting. Relicensing Participants may caucus between meetings. Relicensing Participants should report that they met and, if possible, provide details of the caucus, or disclose any agreements that were reached.

## **5.4 PREPARATION**

Relicensing Participants are expected to make a good faith effort to read background information provided before each meeting and to be prepared to effectively discuss topics on the meeting agenda.

## **6.0 DOCUMENTS**

### **6.1 TYPES OF DOCUMENTS**

FERC's regulations identify a number of documents required for the ILP. The ILP regulations stipulate that some documents are the responsibility of FERC and some are the responsibility of the Licensee. The Licensee anticipates that there will also be other informal documents generated during the course of the relicensing.

#### **6.1.1 FERC's Documents**

For documents issued by FERC, the Licensee anticipates that FERC will distribute these documents in accordance with its Protocols. FERC will use its FERC Project No. 298 Mailing List for such distributions. The Licensee anticipates that all documents issued or received by FERC will be posted and publicly available in the "eLibrary" on FERC's website at [www.ferc.gov](http://www.ferc.gov). Click on "Documents and Filing," "eLibrary," then "General Search." The website provides further instructions for obtaining documents.

Each Relicensing Participant can register to receive a notice each time FERC posts a document to its website regarding the relicensing. To register, go to FERC's website at

www.ferc.gov. Click on “Documents and Filing,” then “eSubscription.” The website provides further instructions.

### **6.1.2 Licensee’s Documents**

The Licensee will use electronic filing, whenever possible, for documents it files with FERC, and will distribute such documents by e-mail to the Licensee’s FERC Project No. 298 Interested Parties Mailing List. The distribution will also go to FERC’s Project No. 298 Service List. The Licensee will also use e-mail for distribution of informal documents. The Licensee will also post on the relicensing website all public documents it sends or receives regarding the relicensing.

### **6.1.3 Other Participants’ Documents**

The Licensee anticipates that most Relicensing Participants will use electronic filing for documents they file with FERC and will distribute such documents by e-mail to the Licensee’s FERC Project No. 298 Interested Parties Mailing List. Whenever possible, hard copies of documents filed with FERC should be made to FERC’s Project No. 298 Mailing List (the distribution will go to FERC’s Project No. 298 Service List after the License Application is filed). The Licensee anticipates that all documents received by FERC will be posted and publicly available in the eLibrary on FERC’s website at www.ferc.gov. The Licensee anticipates that most Relicensing Participants will use e-mail for distribution of informal documents they initiate.

### **6.1.4 Public Review File**

The Licensee shall maintain a Public Review File that constitutes the formal written record of the relicensing process. The Public Review File will include copies of written correspondence, summaries of all Plenary Group and TWG meetings, study plans and reports, status reports, contact logs, decision logs, and other documents submitted for inclusion in the formal record. The public file will not contain draft PM&E Measures or tentative agreements reached by the Relicensing Participants during the PM&E Development Phase of the relicensing.

The Licensee will document all action items and critical decisions of Relicensing Participants and post them on the website so that Relicensing Participants can track the decision-making and actions. However, tentative decisions reached during PM&E discussions will not be posted on the Project website. The action items and decisions will be reviewed at the end of each meeting.

The Licensee will document oral communications for significant consultation activities (i.e., teleconferences) and information requests.

The Public Review File will be made available at the following locations:

- In electronic format, at the Licensee’s hydro relicensing web page, accessible through <http://on.sce.com/kaweah>.

- In paper format, at the Licensee's Resource Library, located at Kaweah Hydro Headquarters Office – Carpenters Shop, 44511 Sierra Drive, Three Rivers, CA 93271. To access the Licensee's Resource Library, individuals must schedule an appointment by contacting Jim Kennard at 559-684-3793 or james.kennard@sce.com.

FERC's website will also have formally submitted documents. Any interested party may submit comments and other materials to the Licensee and FERC for inclusion in the Public Review File. All written and electronic communications that an interested party would like to include in the Public Review File for the Kaweah Project should be sent to both the Licensee and FERC.

Written comments to the Licensee should be mailed or emailed to:

Southern California Edison Company  
Power Production  
Attn: David Moore  
Hydro Licensing and Implementation  
1515 Walnut Grove Ave  
Rosemead, CA 91770  
david.moore@sce.com

Written comments to FERC should be mailed to FERC's Secretary of the Commission (not FERC's staff assigned to the relicensing) at:

Kimberly D. Bose, Secretary  
Nathaniel J. Davis, Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Comments can also be electronically filed on FERC's website at [www.ferc.gov](http://www.ferc.gov). All material submitted for inclusion in the formal record must clearly display the following information on the first page: Kaweah Project, Project No. 298 Formal Communication. Relicensing Participants should provide all material in electronic format, to the extent reasonably possible, to allow the material to be posted promptly on the Licensee's relicensing website. Material may be submitted in both electronic and paper format, if appropriate. Written comments received by FERC will become part of the official record for the Kaweah Project and be posted and publicly available in the eLibrary on FERC's website.

## **6.2 SINGLE-TEXT APPROACH**

Participants in Plenary, TWGs and Subgroups meetings will use a single-text approach for development of important, decision-based documents such as the Protocols, study plans, proposed management and monitoring plans, proposed license articles, and agreements. All comments by the Relicensing Participants on a given document under

consideration in or among the Plenary, TWGs, and Subgroups will be made on the actual document in question, using track/edit changes if possible, such that the comments can easily be understood, shared, and integrated into a revised text. Each version of the text shall be clearly labeled. Alternatively, a group may elect to jointly edit a document during a meeting, with all Relicensing Participants offering comments during the session.

The Licensee will maintain a cumulative record of the decisions reached on a given document. Documents will include a footer, the title of the document, page numbers, date of origination, date of revision, version number, and initials of last person who has edited the document.

## **7.0 CONFIDENTIALITY**

Some information developed under the ILP may be confidential under California or applicable law. For example, information on Native American resources, locations of sensitive environmental and cultural resources, and engineering drawings of Project facilities are considered confidential material with restrictions on their distribution. It is the responsibility of the Relicensing Participant providing confidential information under applicable law to identify the information as confidential in advance of disclosure and inform the group.

The Licensee's approach is to provide an open and transparent process acknowledging that confidentiality agreements with the tribes on certain cultural resource issues as well as FERC's regulations regarding the distribution of Privileged and Critical Energy Infrastructure Information (CEII) must be honored.

## **8.0 PERSONAL CONDUCT**

### **8.1 RESPECT FOR PARTICIPANTS**

The personal integrity, values, and legitimacy of the interests of each Relicensing Participant are expected to be respected by all other Relicensing Participants. In addition, each Relicensing Participant agrees to adhere to the ground rules provided and reviewed by the Facilitator at each meeting.

### **8.2 COMMITMENTS**

Commitments will not be made lightly and will be kept.

### **8.3 COMMUNICATING INTERESTS**

Every Relicensing Participant is responsible for communicating their interests and the interests of the governmental agency or non-governmental organization they represent on topics under consideration. It is incumbent upon each Relicensing Participant to state his or her interests. Voicing these interests is essential to enable meaningful dialogue and full consideration of different points of view. Resource information germane to assessment of potential Project impacts and development of potential PM&E Measures is expected to be shared with the other Relicensing Participants.

## **8.4 GOOD FAITH**

All Relicensing Participants are expected to make a good faith effort to achieve relicensing objectives through use of the ILP.

## **9.0 COMMUNICATIONS**

### **9.1 COMMUNICATIONS AMONG RELICENSING PARTICIPANTS**

All Relicensing Participants are free to informally communicate with each other; however, Relicensing Participants are encouraged to share relevant communications among all Relicensing Participants, as appropriate.

Other than verbal communications at meetings, e-mail will be the primary means of formal communication among the Relicensing Participants. The initiator of any such e-mail is responsible for ensuring that it is sent to all Relicensing Participants, as applicable.

The Licensee anticipates that telephone calls among Relicensing Participants will be treated informally, with no specific documentation.

### **9.2 COMMUNICATIONS WITH FERC**

Written comments to FERC should be mailed to FERC's **Secretary of the Commission** (not FERC's staff assigned to the relicensing) or electronically filed on FERC's website at [www.ferc.gov](http://www.ferc.gov). Written comments received by FERC will not be distributed but will become part of the official record for the Kaweah Project and be posted and publicly available in the eLibrary on FERC's website. Each participant in the relicensing can register to receive a notice each time FERC posts a document to its website regarding the relicensing (see Section 6.1.1).

### **9.3 MEDIA COMMUNICATIONS**

Relicensing Participants may communicate with the media regarding their own views, interests and positions, but will avoid making statements characterizing other Relicensing Participants' interests. Relicensing Participants will promptly inform the Licensee and other Relicensing Participants of relevant communications with the media. The Facilitator will not make public statements, except at the request of the Relicensing Participants. Relicensing Participants will make every effort to notify the Licensee and other participants prior to making statements to the media, or responding to media requests.

During the PM&E Measure Development Phase, Relicensing Participants are strongly encouraged to avoid discussions with the media regarding draft PM&E Measures proposed by Relicensing Participants or tentative agreements reached by the parties until the Plenary has reviewed and reached consensus on the overall PM&E package.

## **10.0 COMPLIANCE WITH PROTOCOLS**

Each Relicensing Participant is expected to voluntarily abide by the Protocols. The Licensee does not propose that participation in the relicensing is contingent upon formal acceptance of the Protocols, but that the Licensee, Federal and state resource agencies, local governments, non-governmental organizations, Native American tribes, members of the public, and others participating in relicensing voluntarily abide by the letter and intent of the Protocols. Violations of the Protocols by any Relicensing Participants will be brought to the attention of the Plenary. The Plenary will decide the appropriate action to be taken.