



Wayne P. Allen
Principal Manager
Regulatory Support Services

Filed Electronically

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Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1-A
Washington, DC 20426

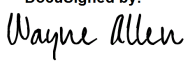
**Subject: Rush Creek Hydroelectric Project, FERC Project No. 1389
Submittal of Comments on FERC's Notice of Commencement of the
Proceeding and Scoping Document 1**

Dear Secretary Bose:

Southern California Edison Company (SCE) is the licensee, owner, and operator of the Rush Creek Hydroelectric Project (Project) (Federal Energy Regulatory Commission [FERC or Commission] Project No. 1389) located on Rush Creek on the eastern slope of the Sierra Nevada in Mono County, California. On December 16, 2021, pursuant to 18 Code of Federal Regulations § 5.5 and 5.6 of the Commission's regulations, SCE filed its Notice of Intent (NOI) to file an Application for New License for the Project and a Pre-Application Document (PAD). On February 14, 2022, the Commission issued a Notice of Commencement of the Proceeding and Scoping Document 1 (SD1) to interested parties for review and comment. Attachment A provides SCE's comments on the Notice of Commencement of the Proceeding and SD1.

SCE appreciates the opportunity to comment. If you have any questions or concerns regarding this filing, please contact Matthew Woodhall, SCE's Relicensing Project Manager, by phone at (909) 362-1764 or via e-mail at matthew.woodhall@sce.com.

Sincerely,

DocuSigned by:

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Wayne P. Allen
Principal Manager

Attachment: Comments on Notice of Commencement of the Proceeding and Scoping Document 1



Wayne P. Allen
Principal Manager
Regulatory Support Services

Attachment A

Comments on Notice of Commencement of the Proceeding and Scoping Document 1

Rush Creek Hydroelectric Project (FERC Project No. 1389)

This attachment provides Southern California Edison Company's (SCE) comments on the Federal Energy Regulatory Commission's (FERC or Commission) Notice of Commencement of the Proceeding and Scoping Document 1 (SD1) for the Rush Creek Project (FERC Project No. 1389). SCE offers the following minor comments and suggested revisions to the Commission in redline/strikeout format.

Comments on Notice of Commencement of the Proceeding

1. Item f

The number of acres (1,129) identified in the Notice of Commencement of the Proceeding is taken from the existing license (issued February 4, 1997). On April 20, 2009, SCE filed GIS data and corresponding exhibit drawings to revise the total acreage of federal lands used by the Project. The 2009 filing identified that the total amount of federal land within the project (1,129.38 acres) was incorrect due to the inclusion of non-project facilities (transmission and telephone lines) in the Project. Using more accurate mapping standards and excluding non-project facilities, the total of federal lands within the project is 688 acres.

On May 1, 2009, FERC issued an Order Amending Annual Charges which verifies the acreage of federal lands as 688 acres and revised Article 201(b) accordingly (127 FERC ¶ 62,090).

In addition, Item F implies that all land within the FERC Project boundary is federal land which is incorrect. The Project occupies both federal and private land (SCE owned). Refer to PAD Section 1.2, Project Location which states that the area around the Rush Creek Powerhouse is located on SCE-owned lands. However, the majority of the Project facilities occupy federal lands within the Inyo National Forest which is under the jurisdiction of the United States Forest Service.

Please correct the number of acres identified as being encompassed in the FERC Project boundary and clarify the associated land jurisdiction, as shown below.

f. Location: The project is located on Rush Creek in Mono County, California. The existing FERC project boundary encompasses a total of 688 ~~1,129~~ acres of land and a portion of the Project occupies federal land in Inyo National Forest and Ansel Adams Wilderness Area administered by the U.S. Forest Service.

Comments on Scoping Document 1

1. Cover Letter, Page 1 Paragraph 3

The SD1 cover letter incorrectly refers to the Kern 3 Project.

Please replace the Kern 3 Project reference with the Rush Creek Project, as shown below.

Cover Letter, Page 1 Paragraph 3

We invite your participation in the scoping process and are circulating the attached Scoping Document 1 (SD1) to provide you with information on the Rush Creek Kern-3 Project.

2. SD1, Table of Contents, Page iii

The table of contents (Figure 1) incorrectly refers to the Kern 3 Project.

Please replace the Kern 3 Project reference with the Rush Creek Project, as shown below.

Table of Contents, Page iii

Figure 1. Location and project facilities for the Rush Creek Kern-3 Project.....3

3. SD1, Page 1, Section 1.0, Paragraph 1

The number of acres (1,129) identified in Section 1.0 is from the existing license (issued February 4, 1997). On April 20, 2009, SCE filed GIS data and corresponding exhibit drawings to revise the total acreage of federal lands used by the Project. The 2009 filing identified that the total amount of federal land within the project (1,129.38 acres) was incorrect due to the inclusion of non-project facilities (transmission and telephone lines) in the Project. Using more accurate mapping standards and excluding non-project facilities, the total of federal lands within the project is 688 acres.

On May 1, 2009, FERC issued an Order Amending Annual Charges which verifies the acreage of federal lands as 688 acres and revised Article 201(b) accordingly (127 FERC ¶ 62,090).

In addition, this sentence implies that all land within the FERC Project boundary is federal land which is incorrect. The Project occupies both federal and private land (SCE owned). Refer to PAD Section 1.2, Project Location which states that the area around the Rush Creek Powerhouse is located on SCE-owned lands. However, the majority of the Project facilities occupy federal lands within the Inyo National Forest which is under the jurisdiction of the United States Forest Service.

Please correct the number of acres identified as being encompassed in the FERC Project boundary and clarify the associated land jurisdiction, as shown below.

...The existing FERC project boundary encompasses approximately 688 1,129 acres of land and a portion of the Project occupies federal land in Inyo National Forest and Ansel Adams Wilderness Area administrated by the U.S. Forest Service...

4. SD1, Page 1, Section 1.0, Paragraph 1

Please correct the total installed capacity to read “13.01 megawatts”, as shown below. This total installed capacity is consistent with the revised Exhibit A filed July 29, 2013 by SCE and subsequently approved by FERC on October 30, 2013 (145 FERC ¶ 62,072).

...The project as licensed has a total installed capacity of 13.01 megawatts (MW) and the average annual generation from 1990 to 2011 was 46,018 megawatt-hours...

5. SD1, Page 7, Section 3.1, Paragraph 1

Please correct the description of the no-action alternative, as shown below. The Rush Creek Project is currently being operated consistent with the current Project license, as modified by the seismic restrictions placed on the Project dams by FERC and DSOD in 2012. In addition, modifications to Rush Meadows Dam (spillway notching) and Agnew Dam (notching at the base of the dam) were implemented in 2017 and 2018 to facilitate compliance with the seismic restrictions during high-runoff years. No additional modification of the Project or new environmental measures are proposed. The existing Project will continue to be operated under the conditions described above until a long-term solution is reached, which is one of the objectives of the relicensing proceeding. Therefore, the no-action alternative described below is a more accurate depiction of the existing Project and existing Project operations and maintenance activities that influence the current environmental conditions.

Under the no-action alternative, the Rush Creek Project would continue to operate as required by the current project license under the seismic restrictions and current modifications to Rush Meadows Dam (spillway notching) and Agnew Dam (notching at the base of the dam) (i.e., there would be no change to the existing environment). No new environmental protection, mitigation, or enhancement measures would be implemented. We use this alternative to establish baseline environmental conditions for comparison with other alternatives.

6. SD1, Page 7, Section 3.1.1, Rush Meadows Dam, Paragraph 1

The minimum instream flow (MIF) requirements below Gem and Agnew dams were included in SD1, but were omitted for Rush Meadows Dam. For consistency, please add the MIF requirement below Rush Meadows Dam, as shown below.

...On the downstream side of the dam, there is a valve house and both outlet pipes discharge into Rush Creek, which flows into Gem Lake. Below Rush Meadows Dam, the existing license requires a continuous minimum flow of 10 cubic feet per second (cfs) or natural flow into Waugh Lake, whichever is less.

7. SD1, Page 11, Section 3.1.1, Powerhouse and Appurtenant Facilities, Paragraph 1

SD1 includes reference to Table 2-2 which was included in the PAD; however this table was not included in SD1. Please correct the table reference, as shown below.

...The powerhouse is equipped with one 20-ton overhead crane and a 2-ton secondary crane, which provide hoisting capability for all major equipment. Refer to Table 2-2 [of the PAD](#) for additional specifications.

8. SD1, Page 14, Section 3.1.2, Gem Lake, Paragraph 1

As identified in 4(e) Condition No. 8 of the existing license (78 FERC ¶ 61,109), the target cubic feet per second (cfs) through the powerhouse in low-water years should read “14 cfs”. In the PAD, this was correctly depicted, however, there was also a footnote “10” associated with this text. In SD1, the footnote was inadvertently included as part of the target cfs release number. Please correct the typographical error, as shown below.

...Storage would be maintained consistent with the July 1 through Labor Day weekend recreation requirements to the extent sufficient water was available to meet minimum stream flow requirements in Rush Creek below Gem Lake and, in low water years, a target ~~1410~~ cfs release from the powerhouse...

9. SD1, Page 20, Section 4.1.2, Water Resources, Bullet 3

Please delete the following bullet. The Agnew Dam flowline is currently non-operational – the intake is shut off and the bottom of the flowline was removed in two places in 2017 to facilitate compliance with the seismic restriction during the 220% water year. Currently, the flowline is empty and SCE does not intend to put it back into service. Therefore, removal of the flowline as described in the full or partial dam removal alternatives would be conducted in upland habitat and would not affect water temperature or dissolved oxygen.

~~• Effects of continued project operation on water temperature and dissolved oxygen in the flowline removal of Agnew Dam described in the complete or partial dam removal.~~

10. SD1, Page 20, Section 4.1.3, Aquatic Resources, Bullet 2

Please modify the following bullet, as shown below. Western steelhead is not located within the Project area. There are no anadromous, catadromous, or migratory species in the vicinity of the Project. The Project reservoirs do provide habitat for rainbow trout, brook trout, and brown trout.

• Effects of continued project operation on ~~western steelhead~~ [rainbow trout, brook trout, and brown trout](#) in Waugh, Gem, and Agnew Lakes.

11. SD1, Page 21, Section 4.1.4, Terrestrial Resources, Bullet 2

As specified in the PAD Section 4.6.1.2 and Table 4.6-2, whitebark pine is known to occur within the FERC Project boundary and fell fields claytonia and bog sandwort are known to occur within 1-mile of the FERC Project boundary. The text has been modified to clarify that these species were previously identified in the PAD.

- Effects of continued project operation and maintenance activities including project-related recreation, vegetation management, and herbicide use on native vegetation and special-status plant species including those identified in SCE's PAD¹². ~~as well as whitebark pine (*Pinus albicaulis*), fell-fields claytonia (*Claytonia megarhiza*), and bog sandwort (*Sabulina stricta*).~~

12. SD1, Page 22, Section 4.1.5, Threatened and Endangered Species, Bullet 1

Please modify the text to remove three species, Fisher–Southern Sierra Nevada Distinct Population Segment (DPS), yellow-billed cuckoo–Western DPS, and Southwestern willow flycatcher. The current geographic range of these species is outside the Project area. Specific information for removal of these species from further analysis is provided below.

- Fisher–Southern Sierra Nevada DPS has been removed because the Project is outside the species' geographic range. The only population of fishers known on the Inyo National Forest occurs on the Kern Plateau along the boundary of the Sequoia National Forest (Forest Service 2018).
- Yellow-billed cuckoo–Western DPS has been removed because the Project area is located outside the species' current geographic range. Although the Project is within the historic range of the species, the nearest known records of this species are 75 miles southeast near Big Pine in Inyo County (CNDDDB 2022). There are also no known breeding records in Mono County. The nearest designated critical habitat (Unit 64, CA-2) is approximately 150 miles south of the Project area on the South Kern River in Kern County, California.
- Southwestern willow flycatcher has been removed because the Project area is located outside the species current geographic range. Although the Project is within the historic range of the species, the nearest known records of this species are 55 miles southeast near Bishop in Inyo County (CNDDDB 2022), and there are no known breeding records in Mono County. The nearest designated critical habitat unit (Unit 10) is approximately 150 miles south of the Project area on the South Kern River in Kern County, California.

Effects of construction activities (including the partial or complete removal of Rush Meadows and Agnew Dams, and retrofitting Gem Dam) and continued project operation and maintenance on the federally endangered Sierra Nevada yellow-legged frog (*Rana sierrae*), Sierra Nevada bighorn sheep (*Ovis canadensis sierrae*), ~~Fisher (*Pekania pennanti*), Southwestern willow flycatcher (*Empidonax traillii extimus*),~~ the threatened Yosemite toad (*Anaxyrus canorus*) and ~~Yellow-billed cuckoo (*Coccyzus americanus*),~~ and candidate for listing under the Endangered Species Act, the monarch butterfly (*Danaus plexippus*), and the proposed threatened whitebark pine (*Pinus albicaulis*).

13. SD1, Page 23, Section 4.1.9, Socioeconomics, Bullet 1

Please edit Bullet 1 to remove the reference to agriculture, as shown below. Agriculture does not occur either within or adjacent to the Project nor does it occur downstream of the Project along Rush Creek. Further, agriculture is not identified as a beneficial use in the Water Quality Control Plan for the Lahontan Region above Grant Lake.

- Effects of continued project operations and flow diversions on ~~agriculture and other~~ consumptive uses in Rush Creek watershed.

14. SD1, Page 23, Section 4.1.9, Socioeconomics, Bullet 2

Please delete Bullet 2 to remove the reference to Rush Creek farmers and communities around Gem Lake and Agnew Lake.

Agriculture does not occur either within or adjacent to the Project nor does it occur downstream of the Project along Rush Creek. Further, agriculture is not identified as a beneficial use in the Water Quality Control Plan for the Lahontan Region above Grant Lake.

In regard to Gem Lake and Agnew Lake, there are no communities adjacent to the lakes. The lakes are located in a roadless area within the Inyo National Forest (a portion of Gem Lake is within the Ansel Adams Wilderness).

- ~~Effects of the proposed partial or complete removal of Rush Meadows Dam and Agnew Dam on water storage alternatives downstream for Rush Creek farmers and communities around Gem Lake and the Agnew Lake.~~

15. SD1, Page 24, Section 5.0, Table 3

For clarity, add "water" to the title of the AQ 3 Technical Study Plan, as shown below.

Study AQ3: Water Temperature Technical Study Plan – SCE proposes to install temperature monitoring probes in stream reaches and reservoir systems affected by the project to provide important water quality data used as an indicator of overall health of the aquatic system.

References

- CNDDDB (California Natural Diversity Database). 2022. Rarefind, Version 5.0. Online Database. California Department of Fish and Wildlife, Version 5.1.1.
- Forest Service (United States Forest Service). 2018. Rationales for Animal Species Considered for Designation as Species of Conservation Concern. August.

Document Content(s)

20220322_P-1389_SCE_FERC_RC_SD1_Comment_Letter_Final.pdf1