

170 FERC ¶ 62,015

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Southern California Edison Company

Project No. 1388-080

ORDER INCORPORATING REVISED FOREST SERVICE 4(e) CONDITIONS

(January 13, 2020)

1. On October 17, 2019, Southern California Edison Company (licensee) filed a request with the Federal Energy Regulatory Commission (Commission) to incorporate the revised U.S. Forest Service's (USFS) 4(e) conditions no. 4 and no. 5 into the project license for the Lee Vining Project No. 1388. The project is located on Lee Vining Creek in Mono County, California. The project occupies lands of the Inyo National Forest.

License Requirements

2. Ordering Paragraph (D) of the project license¹ incorporates the USFS 4(e) conditions into the license. Specifically, Article 404 of the license requires the licensee to comply with condition no. 4 of the USFS 4(e) conditions contained in Appendix A² of the license as amended.^{3,4} Condition no. 4 contains detailed requirements regarding flow releases and required monitoring of flows. Condition no. 5 contains the exact locations that monitoring equipment will be installed.

¹ Order Issuing New License (78 FERC ¶ 61,110), issued February 4, 1997.

² Order Amending License, Lifting Stay, and Dismissing Request for Rehearing as Moot (90 FERC ¶ 61,223), issued February 29, 2000.

³ Order Amending Forest Service Condition Number 5 (95 FERC ¶ 62,284), issued June 28, 2001).

⁴ Order Revising Section 4(e) Conditions and License Articles Regarding Scheduling of Annual Agency Consultation Meetings (113 FERC ¶ 62,139), issued November 22, 2005.

Licensee's Requests

3. The licensee is requesting an amendment to the 4(e) conditions to change the location of one of the stream flow monitoring sites from below Poole Powerhouse to Lee Vining Creek downstream of Ellery Lake. The licensee states that this is necessary because Lee Vining Creek between Ellery Lake and Poole Powerhouse is a losing reach in that some of the flow becomes subsurface. There is also an insignificant contribution from Warren Fork, there are numerous channel configuration problem associated with locating a gaging site below Poole Powerhouse, and the associated over releases from Ellery Lake to make up for subsurface losses is creating a conflict with maintain upstream reservoir surface elevations for recreational requirements.

Consultation

4. On December 12, 2012, the U.S. Geological Survey (USGS) issued a letter supporting the amendment. The California Department of Fish and Wildlife (California DFW) issued a letter on January 11, 2013, supporting the amendment. The USFS filed the amended 4(e) conditions in the Commission's eLibrary system and their support of the amendment on October 16, 2019.

Discussion and Conclusions

5. The licensee requested and received from the USFS, an amendment to the USFS's mandatory 4(e) conditions for the project. The licensee requested to move the location of one of the streamflow monitoring gages from below Poole Powerhouse to Lee Vining Creek downstream of Ellery Lake stating that it would alleviate the issue of excessive discharges it must make to compensate for water lost to subsurface flow that has been contributing to difficulties meeting upstream reservoir surface elevation requirements. The licensee requested that the Commission incorporate the USFS's revised 4(e) conditions into the project license.

6. The USFS has amended its 4(e) conditions that include revisions to condition no. 4 and no. 5; specifically, changes to the location of the streamflow monitoring gage. The relocation of the gage to a site that does not have channel configuration issues or that loses water to subsurface flows would allow the licensee to more accurately measure its flow discharges and improve project operation and compliance with its license. The amendment is supported by the USGS and California DFW. The licensee's request to incorporate the amended USFS 4(e) is reasonable and would support project operations; therefore, the licensee's request should be approved.

The Director orders:

(A) Southern California Edison Company's (licensee) October 17, 2019 request to incorporate the U.S. Forest Service's revised 4(e) conditions, filed with the Commission on October 16, 2019, for the Lee Vining Hydroelectric Project (FERC No. 1388), is approved.

(B) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of its issuance, as provided in section 313(a) of the Federal Power Act, 16 U.S.C. § 825*l* (2018), and the Commission's regulations at 18 C.F.R. § 385.713 (2019). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Thomas J. LoVullo, Chief
Aquatic Resources Branch
Division of Hydropower Administration
and Compliance

Document Content(s)

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