Document Accession #: 20220214-3040 Filed Date: 02/14/2022

FEDERAL ENERGY REGULATORY COMMISSION
Washington, DC 20426
February 14, 2022

OFFICE OF ENERGY PROJECTS

Project No. 1389-059 – California
Rush Creek Hydroelectric Project
Southern California Edison Company

VIA FERC Service

Subject: Scoping Document 1 for the Rush Creek Hydroelectric Project

To the Parties Addressed:

The Federal Energy Regulatory Commission (Commission) is currently reviewing the Pre-Application Document submitted by Southern California Edison for relicensing the Rush Creek Hydroelectric Project (Rush Creek) (FERC No. 1389). The project is located on the Rush Creek near the unincorporated community of June Lake in Mono County, California.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, Commission staff will prepare either an environmental assessment or an environmental impact statement (collectively referred to as the "NEPA document"), which will be used by the Commission to determine whether, and under what conditions, to issue a new license for the project. To support and assist our environmental review, we are beginning the public scoping process to ensure that all pertinent issues are identified and analyzed, and that the NEPA document is thorough and balanced.

We invite your participation in the scoping process and are circulating the attached Scoping Document 1 (SD1) to provide you with information on the Kern 3 Project. We are also soliciting your comments and suggestions on our preliminary list of issues and alternatives to be addressed in the NEPA document. Additionally, we are requesting that you identify any studies that would help provide a framework for collecting pertinent information on the resource areas under consideration necessary for the Commission to prepare the NEPA document for the project.

Due to concerns with large gatherings related to COVID-19, we do not intend to conduct in-person public scoping meetings or an in-person environmental site review. Instead, we are soliciting electronic or written comments, recommendations, and information on SD1. The Commission invites you to attend one of the scoping meetings

its staff will conduct by telephone (see Section 2.2, *Scoping Comments and Meetings* of the attached SD1).

SD1 is being distributed to both SCE's distribution list and the Commission's official mailing list for the project (see Section 9.0, *Mailing List* of the attached SD1). If you wish to be added to or removed from the Commission's official mailing list, please send your request by email to efiling@ferc.gov or by mail. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All written or emailed requests must specify your wish to be added to or removed from the mailing list and must clearly identify the following on the first page: **Rush Creek Hydroelectric Project No. 1389-059.**

Please review SD1 and, if you wish to provide comments, follow the instructions in Section 6.0, *Request for Information and Studies*. The Commission strongly encourages electronic filings. If you have any questions about SD1, the scoping process, or how Commission staff will develop the NEPA document for this project, please contact Kelly Wolcott, the Commission's relicensing coordinator for the project, at (202) 502-6480 or kelly.wolcott@ferc.gov. Additional information about the Commission's licensing process and the project may be obtained from our website, www.ferc.gov. The deadline for filing comments is **April 15, 2022.** The Commission strongly encourages electronic filings.

Enclosure: Scoping Document 1

Document Accession #: 20220214-3040 Filed Date: 02/14/2022

SCOPING DOCUMENT 1

RUSH CREEK HYDROELECTRIC PROJECT

PROJECT NO. 1389

CALIFORNIA

Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
Washington, DC

February 2022

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

SCOPING DOCUMENT 1

1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),[1] may issue licenses for terms ranging from 30 to 50 years for the continued operation, and maintenance of non-federal hydroelectric projects. On December 16, 2021, Southern California Edison Company (SCE) filed a Pre-Application Document (PAD) and Notice of Intent (NOI) to seek a new license for the Rush Creek Hydroelectric Project (Rush Creek Project or project) (FERC Project No. 1389).[2] The Rush Creek Project is located on Rush Creek in Mono County, California. The existing FERC project boundary encompasses approximately 1,129 acres of federal land in Inyo National Forest and Ansel Adams Wilderness Area administered by the U.S. Forest Service. The project as licensed has a total installed capacity of 13.1 megawatts (MW) and the average annual generation from 1990 to 2011 was 46, 018 megawatt-hours. In 2012, due to seismic concerns, the Commission required the project to lower reservoir levels throughout the project, which reduced the project capacity to 11.7 MW with an average annual generation from 2012-2020 of 33.826 megawatt-hours. Section 3.0, *Proposed Action and Alternatives* provides a detailed description of the project, and figure 1 shows the project location and the primary project facilities.

The National Environmental Policy Act (NEPA) of 1969,[3] the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of relicensing the project as proposed and consider reasonable alternatives.[4] We will prepare an environmental document (NEPA document) that describes and evaluates the probable effects, if any, of the licensee's proposed action and alternatives. The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the

[1] 16 U.S.C. § 791(a)-825(r).

[2] The current license for the project was issued on February 4, 1997, with an effective date of February 1, 1997 and the license expires on January 31, 2027.

[3] 42 U.S.C. §§ 4321-4370(f).

[4] The Council on Environmental Quality (CEQ) issued a final rule on July 16, 2020, revising the regulations under 40 C.F.R. Parts 1500 – 1518 that implement NEPA (see *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act*, 85 Fed. Reg. 43,304). The Final Rule became effective on September 14, 2020, and applies to any NEPA process begun after September 14, 2020. Commission staff intends to conduct its NEPA review in accordance with CEQ's new regulations.

Commission issues an environmental assessment (EA) or an environmental impact statement (EIS).

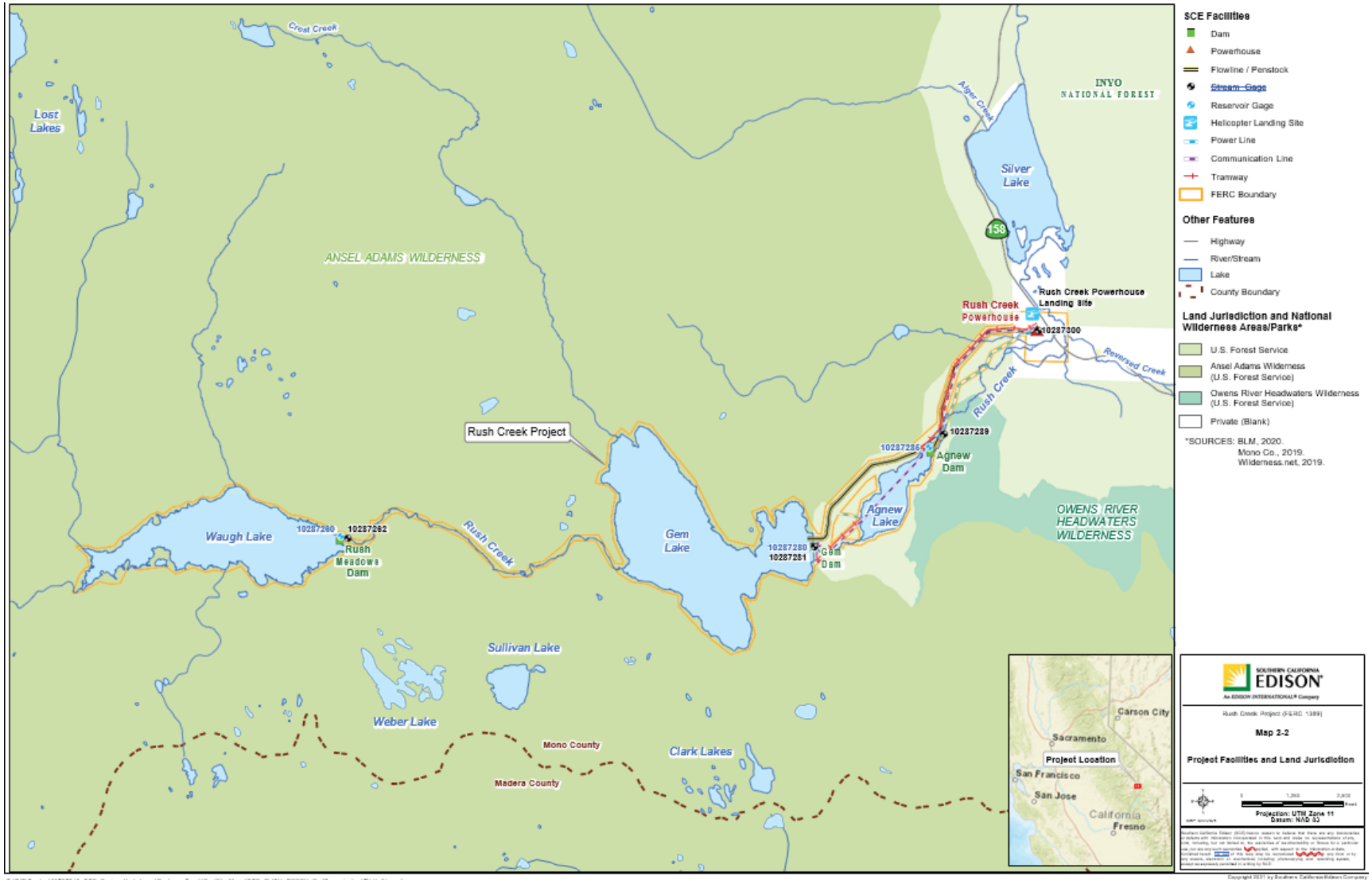

Figure 1. Location and project facilities for Rush Creek Project (Source: SCE's PAD).

2.0 SCOPING

This Scoping Document 1 (SD1) is intended to advise all participants as to the proposed scope of the Commission's NEPA document and to seek additional information pertinent to this analysis. This document contains: (1) a description of the scoping process and current processing schedule for the license application; (2) a description of the licensee's proposed action and alternatives; (3) a preliminary identification of environmental issues and proposed studies; (4) a request for comments and information; and (5) a preliminary list of comprehensive plans that are applicable to the project.

2.1 PURPOSES OF SCOPING

Scoping is the process used to identify issues, concerns, and opportunities for enhancement or mitigation associated with a proposed action. In general, scoping should be conducted during the early planning stages of a project. The purposes of the scoping process are as follows:

- invite participation of federal, state, and local resource agencies; Indian tribes; non-governmental organizations (NGOs); and the public to identify significant environmental and socioeconomic issues related to the proposed project;
- determine the resource issues, depth of analysis, and significance of issues to be addressed in the NEPA document;
- identify reasonable alternatives to the proposed action that should be evaluated in the NEPA document;
- solicit, from participants, available information on the resources at issue, including existing information and study needs; and
- determine the resource areas and potential issues that do not require detailed analysis during review of the project.

2.2 SCOPING COMMENTS AND MEETINGS

During the preparation of the NEPA document, there will be several opportunities for agencies, Indian tribes, NGOs, and the public to provide input. These opportunities occur:

- during the public scoping process and study plan meetings, when we solicit written comments regarding the scope of the issues and analysis for the NEPA document;

- in response to the Commission's notice that the project is ready for environmental analysis; and

- after issuance of the NEPA document when we solicit written comments on the document.

Due to on-going concerns with large gatherings related to COVID-19, we do not intend to hold in-person public scoping meetings or an environmental site review. Instead, we are soliciting written comments and recommendations on the preliminary list of issues and alternatives to be addressed in the NEPA document. In addition to written comments solicited by this SD1, Commission staff will hold two public scoping meetings using a telephone conference line. The daytime meeting will focus on concerns of resource agencies, Native American tribes, and NGOs while an evening meeting will focus on receiving comments from the public. Nevertheless, we invite all interested agencies, Native American tribes, NGOs, and individuals to attend any of these meetings to assist us in identifying the scope of environmental issues that should be analyzed in the NEPA document. Public comments will be accepted and recorded during the agency meeting and the public meeting. In addition, SCE has provided a virtual site tour of the project on its website (under *Existing Project Description*) that can be accessed at: https://www.sce.com/regulatory/hydro-licensing/rush-creek. The meetings are scheduled as follows:

Meeting for resource agencies, Tribes, and NGOs:
Monday, March 14, 2022 9:00 a.m. - 12:00 p.m. PST Call in number: 800-857-4233 Access code: 1572324 Following entry of the access code, please provide the required details when prompted
Meeting for the general public:
Monday, March 14, 2022 6:00 p.m. - 8:00 p.m. PST Call in number: 800-857-4233 Access code: 1572324 Following entry of the access code, please provide the required details when prompted

Commission staff will be moderating the scoping meetings. The meetings will begin promptly at their respective start times listed above.

At the start of the meeting, staff will provide further instructions regarding the meeting setup, agenda, and time period for participant comments and questions. We ask for your patience as staff present information and field comments in orderly manner. To indicate you have a question or comment, press * and 3 to virtually "raise your hand". Oral comments will be limited to 5 minutes in duration for each participant. Both scoping meetings will be recorded by a court reporter and the transcripts will be made available on eLibrary.

Please note, that if no participants join the meetings within 15 minutes after the start time, staff will end the meeting and conference call. The meetings will end after participants have presented their oral comments or at the specified end time (listed above), whichever occurs first.

Interested stakeholders who choose not to speak or who are unable to attend the scoping meetings may provide written comments and information to the Commission as described in Section 6.0, *Request for Information and Studies*. These meetings are posted on the Commission's calendar at https://www.ferc.gov/news-events/events, click on the "Scoping Meeting" link on the left side of the page.

Scoping commenters should provide information on issues and/or concerns as they pertain to the proposed continued operation and maintenance of the project. It is advised that commenters review the PAD when preparing comments. Copies of the PAD may be viewed on the Commission's website (http://www.ferc.gov), using the "eLibrary" link. Enter docket number P-1389 to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov, or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning COVID-19 issued by the President on March 13, 2020.

Following the scoping comment period, all issues raised will be reviewed and decisions made as to the level of analysis needed. If preliminary analysis indicates that any issues presented in this scoping document have little potential for causing significant effects, the issue(s) will be identified and the reasons for not providing a more detailed analysis will be given in the NEPA document.

If we receive no substantive comments on SD1, then we will not prepare a Scoping Document 2 (SD2). Otherwise, we will issue a SD2 to address any substantive comments received. The SD2 will be issued for informational purposes only; no response will be required. The NEPA document will address recommendations and input received during the scoping process.

3.0 PROPOSED ACTION AND ALTERNATIVES

In accordance with NEPA, the environmental analysis will consider the following alternatives, at a minimum: (1) the no-action alternative, (2) SCE's proposed action, and (3) the alternatives to the proposed action.

3.1 NO-ACTION ALTERNATIVE

Under the no-action alternative, the Rush Creek Project would continue to operate as required by the current project license (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.

3.1.1 Existing Project Facilities

Rush Meadows Development

Rush Meadow Dam

Rush Meadows Dam is a concrete radial-arch structure. The crest is 463 feet long and located at 9,418.6 feet mean sea level[5] in elevation. The maximum height of the dam is 50 feet. Metal pipe handrails are installed along a runway atop the crest of the dam. A geomembrane layer covers the upstream face of the dam. The north end of the dam abuts the canyon wall, and the south end is buttressed. The south end of the dam adjoins a wing wall that contains the spillway, which prior to 2018 was a 55-foot-long ungated notch 3 feet lower than the crest, at an elevation of 9,415.6 feet. In 2018, an additional notch was constructed in the spillway to increase the capacity to pass inflows during high-runoff years. The 12-foot-wide by approximately 19-foot-high notch was installed in the spillway's left section and reinforced with two concrete buttresses on the downstream side. The crest elevation of the new spillway notch is 9,395.6 feet. A concrete inlet chamber is located off-center at the base of the upstream side of the dam. The upstream face of the inlet chamber contains a pair of 6-foot-wide metal grates. Behind the grates, two slide gates installed in the dam face control the flow of water into two steel outlet pipes (the right outlet is circular with a 24-inch-diameter and the left outlet is square with sides measuring 30 inches) located at an elevation of 9,368.6 feet. 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.

[5] All elevations in this scoping document are relative to mean sea level, unless otherwise specified.

Waugh Lake

As originally designed, Rush Meadows Dam impounded Waugh Lake, a 185-acre reservoir with a storage capacity of 5,277 acre-feet. However, since 2012, as required by the Commission, Waugh Lake has been limited to an elevation of 9,392.1 feet to meet seismic restrictions and alleviate safety concerns, resulting in a 130-acre reservoir with a storage capacity of 1,555 acre-feet.

Gem Lake Development

Gem Dam

Gem Dam is a reinforced concrete multiple-arch structure. The crest is 688 feet long and located at 9,057.5 feet elevation. The maximum height of the dam is 84 feet. Metal pipe handrails are installed along a runway atop the crest. A geomembrane layer covers the upstream face of the dam. The dam comprises 16 full arches adjoined by buttresses and two partial arches at each end. Each full arch segment is 40 feet wide between the centers of the adjoining buttresses. The northern-most partial arch is not numbered. The remaining arches are designated from north to south as Arches No. 1 to No. 17. Two spillways are located at the south end of the dam. The partial arch segment at the south abutment (Arch No. 17) contains the upper spillway at 9,053.64 feet in elevation, comprising five rectangular openings, each approximately 5 feet wide and 2 feet high, arranged in a horizontal row just below the crest of the dam. The adjacent arch segment (Arch No. 16) contains the lower spillway, consisting of a row of eight identical openings approximately 5 feet wide and 2 feet high, set two feet lower than the upper spillway at 9,051.63 feet in elevation. A 48-inch-diameter, steel flowline from Gem Lake Intake passes beneath the dam structure (Arch No. 3) and conveys water to the Agnew Junction.

From the Agnew Junction, water is conveyed via penstock(s) to the Rush Creek Powerhouse. A 36-inch-diameter low-level outlet pipe (8,985 feet in elevation) installed at the base of the dam (Arch No. 8) is used to pass high flows downstream and release water to maintain the minimum instream flow requirements in the existing license. The upstream end of the outlet pipe is covered by a grate. The downstream end of the pipe passes through a small, galvanized iron valve house and terminates at an anchor block, situated on a concrete footing at the base of the dam. The Arch No. 8 outlet valve was retrofitted with a 36-inch knife gate fitting, and the existing 36-inch-diameter discharge pipe was replaced with a 54-inch-diameter pipe. Below Gem Dam, the existing license requires a continuous minimum flow of 1 cubic feet per second (cfs) or natural flows when the level of Gem Lake falls below the level of the face of the dam.

Gem Lake

As originally designed, Gem Dam impounded Gem Lake, a 282-acre reservoir with a storage capacity of 17,228 acre-feet. Since 2012, as required by the Commission, Gem Lake has been limited to an elevation of 9,027.5 feet to meet seismic restrictions and alleviate safety concerns, resulting in a 256-acre reservoir with a storage capacity of 10,752 acre-feet.

Tramway

The Gem Tram, an approximately 1,490-foot-long (0.28 mile) incline railroad, is used to transport personnel and equipment between the Upper Agnew boathouse/dock on the southwestern shore of Agnew Lake and the Gem Tram Hoist House located near the south abutment of Gem Dam.

Agnew Lake Development

Agnew Dam

Agnew Dam is a reinforced concrete, multiple-arch structure. The crest is 278 feet long and located at 8,498.9 feet in elevation. The maximum height of the dam is 30 feet. Metal pipe handrails are installed along a runway atop the crest. A geomembrane layer covers the upstream face of the dam. The dam comprises five full arches adjoined by buttresses and two partial arches at each end, which are designated from north to south as Arches No. 1 to No. 7. Each full arch segment is 40 feet wide between the centers of the adjoining buttresses. Spillways are located in Arches No. 5 and No. 6. Each spillway comprises eight rectangular openings, each approximately 5 feet wide and 2 feet high, arranged in a horizontal row just below the crest of the dam, at 8,495.88 feet in elevation. The inlet works is a concrete chamber built against the base of the upstream face, between Arches No. 4 and No. 5, at an elevation of 8,470 feet. The sloping upstream face of the chamber is approximately 16 feet wide by 20 feet long. The opening of the chamber is covered with a steel grate that is approximately 13 feet wide by 17 feet long. The chamber is connected to a 30-inch-diameter, steel outlet pipe (8,470 feet in elevation) that passes through the base of the dam at Arch No. 4. This outlet pipe is the intake to the Agnew Flowline and is controlled by a butterfly valve that is located in an enclosure immediately downstream of the dam.

Historically, water was conveyed through the flowline to the Agnew Junction. From Agnew Junction, water was conveyed via penstock into the Rush Creek Powerhouse. In 2017, two rectangular notches measuring 6 feet 2 inches wide by 5 feet high were cut in Agnew Dam at the base of Arches No. 5 and No. 6 (base of notch is 8,472 feet in elevation) to allow the reservoir to pass high flows downstream to facilitate compliance with the Commission-mandated reservoir elevation restrictions. In addition,

SCE constructed two buttress walls on the downstream side of each notch to provide additional stability and prevent downcutting or scour behind the dam. Currently, the flowline intake is closed and the new notches at the dam are used to meet minimum instream flow requirements in the existing license and pass high flows downstream. Below Agnew Dam, the existing license requires a continuous minimum flow of 1 cfs or natural flows when the level of Agnew Lake falls below the level of the face of the dam.

Agnew Lake

As originally designed, Agnew Dam impounded Agnew Lake, a 40-acre reservoir with a storage capacity of 810 acre-feet. Since 2013, under the Commission-mandated storage restrictions, only a small natural lake, 23 acres with a storage capacity of 569 acre-feet, that pre-dates the Project, exists upstream of the dam.

Tramway

The Agnew Tram, an approximately 4,280-foot-long incline railroad, is used to transport personnel and equipment between Rush Creek Powerhouse and the Agnew Tram Hoist House located at the north abutment of Agnew Dam. The Agnew Tram Landing (500 feet below the hoist house) is located adjacent to the Agnew Cabin and is used for loading/unloading of personnel and equipment. A barge provides for transport of personnel and equipment across Agnew Lake to the Gem Tram.

Water Conveyance System

Water captured in Waugh Lake is released directly into Rush Creek for conveyance to Gem Lake; no Project water conveyance system is associated with Waugh Lake / Rush Meadows Dam. Water captured in Gem and Agnew lakes can be either conveyed via Project flowlines and penstocks to the Rush Creek Powerhouse or released into the natural stream channel from low-level outlets and/or flowline valves. From Gem Dam, water is conveyed through a 48-inch-diameter riveted-steel flowline downhill approximately 4,584 linear feet to the Agnew Junction. The flowline from the reservoir to the Agnew Junction is completely underground. Water can be released from the Arch No. 8 Outlet and minimum instream flow release at the base of the dam; a bypass flowline just downstream of the dam; and from a pressure release valve or new 18-inch valve located just upstream of Agnew Junction. The new 18-inch valve was installed in 2017 at an existing flange in the Gem Flowline to maximize outflows and reduce reservoir levels of Gem Lake. From Agnew Dam, historically, water was conveyed through a lap welded, 30-inchdiameter steel flowline downhill approximately 575 linear feet to the Agnew Junction. Along the flowline between Agnew Dam and Agnew Junction, a release valve was used to provide the minimum instream flow requirements downstream of the dam, and a drain valve was used to draw down the reservoir.

The flowline from Agnew Dam includes sections that are both above ground and below ground. In 2017, SCE modified the Agnew Flowline to release additional water from the reservoir (emergency action) due to the high projected runoff (220 percent of the average snowpack). The bottom of the Agnew Flowline was cut in two places to maximize outflows and expedite lowering of Agnew Lake. Currently, the flowline intake is closed, and the new notches at the dam are used to meet minimum instream flow requirements in the existing license and pass high flows downstream. At the Agnew Junction, water from the Gem Dam Flowline can enter either the penstock for Powerhouse Unit No. 1 or No. 2. Historically, water from the Agnew Dam Flowline could only enter the penstock for Powerhouse Unit No. 1. However, with the Agnew Flowline modification in 2017 and the seismic restriction, no water from Agnew Lake is available for generation. From the Agnew Junction, two parallel, 30-inch to 28-inch-diameter welded steel penstocks convey water 4,280 linear feet to the powerhouse. From Agnew Junction, both penstocks are underground until 75 feet before entering the Rush Creek Powerhouse where they become visible.

Powerhouse and Appurtenant Facilities

The Rush Creek Powerhouse is located on an approximately 10-acre complex on SCE-owned lands. The powerhouse, located at an elevation of 7,253 feet, is a two-story structure that is approximately 40 feet wide by 80 feet long by 63 feet high. The powerhouse contains two single-overhung, single-jet, impulse turbines (Pelton water wheel) rated at a total of 16,515 horsepower (HP) (Unit No. 1 – 8,515 HP; Unit No. 2 – 8,000 HP); two horizontal-shaft generator units with a total installed capacity of 13,010-kilowatts (kW) (Unit No. 1 – General Electric, 5,850-kW; Unit No. 2 – Allis Chalmers, 7,161-kW). 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 for additional specifications.

Originating at the Agnew Junction, two 28-inch-diameter steel penstocks enter the west side of the powerhouse and connect to the turbines. From the east side of powerhouse, a 470-foot-long tailrace returns water to Rush Creek. U.S. Geological Survey (USGS) Gage No. 102873000/ SCE No. 367 is located on the west wall and records flow through the powerhouse.

A 150-foot-long, 2.4-kV transmission line (project facility) conveys power from the powerhouse turbines to the switchyard 7 (non-project facility) when the project is generating electricity and from the switchyard to the powerhouse when the project is not generating. Historically, a 1.59-mile-long, 4-kV project power line extended between the Rush Creek Powerhouse and Gem Dam, including a 0.78-mile-long segment to Agnew Dam and a 0.81-mile-segment that continued to Gem Dam. The line also included two short distribution lines—one to Agnew Dam (200-foot-long) and the other to the Upper Agnew Boat Dock (620 -foot-long). In 2020, the portion of this power line from Agnew

Dam to Gem Dam (0.81-mile segment) was physically removed. The remaining operational Project power lines include the 0.78-mile-long segment from the Rush Creek Powerhouse to Agnew Dam and the distribution line to Agnew Dam that distributes power to the dam appurtenances. While the distribution line to the Upper Agnew Boat Dock was not physically removed, it is no longer operational.

The Communication Line from Rush Creek Powerhouse to Gem Lake Dam (approximately 1.63 miles long) is the main Project communication line. The line runs from the Rush Creek Powerhouse along the Agnew Tram to the Agnew Tram Hoist House. From the Agnew Tram Hoist House, the line continues across Agnew Lake in an armored plastic conduit on the bottom of the lake to the Upper Agnew Lake Boathouse/Dock. From the Upper Agnew Lake Boathouse/Dock, the communication line extends along the Gem Tram to the Gem Tram Hoist House. The following spurs extend from the main line: (1) communication line from Agnew Hoist House to Agnew Boathouse (170-foot-long); (2) communication line from Gem Tram Hoist House to Gem Valve House (510-foot-long); and (3) communication line from Gem Valve House to Arch No. 8 Valve House (240-foot-long).

Ancillary facilities at the Rush Meadows Development include an equipment shed, a gage house, and a solar facility.

Ancillary Project facilities associated with the Gem Development include: (1) the Gem Valve House and Cabin includes personnel housing on the main floor and the valve house on the bottom floor (i.e., basement); (2) the Gem Valve House Tunnel provides access from the Gem Cabin to the bypass valve controls on the flowline; (3) the Gem Bunkhouse, Outhouse, and Cookhouse provide accommodations/ support facilities for personnel; (4) the Gem Weather Station and Satellite Dish located between the Gem Valve House/Cabin and the Bunkhouse;[6] (5) Gem Lake Dock is located near the south abutment of the dam and stores the Gem Lake Motor Barge, which is used to transport personnel and equipment across the lake; and (6) a compressor shed and storage shed located near the south abutment of the dam along with two overhead hoist houses—one to transport materials along the dam length and another to lift the barge into the lake.

Ancillary facilities associated with the Agnew Development include: (1)Agnew Cabin located south of the dam provides personnel housing; (2) Agnew Weather Station located on the southwest side of Agnew Cabin records meteorological data; (3) Agnew Flume is located approximately 500 feet downstream of Agnew Dam and facilitates flow measurements in Rush Creek; (4) Lower Agnew Lake Boathouse/Dock is located near

[6] The weather station records meteorological data, and the satellite dish is used to support communication. The Gem Solar Facility located at the Gem Valve House and Cabin powers controls and metering devices.

the north abutment of the dam; and (5) Upper Agnew Lake Boathouse/Dock located on the southwest end of the lake provides access to the Gem Tram.

Gaging Stations

SCE maintains one stream gage and one reservoir gage associated with the Rush Meadows development: (1) Rush Creek below Rush Meadows (Waugh Lake) (U.S. Geological Survey [USGS] No. 10287262; SCE No. 359R) is a stream gage located approximately 160 feet downstream of Rush Meadows Dam; and (2) Waugh Lake (USGS No. 10287260; SCE No. 359) is a reservoir gage located in gage house adjacent to north abutment of dam.

The following gages measure stream flow and reservoir elevation in the vicinity of Gem Dam: (1) Rush Creek below Gem Lake (USGS No. 10287281; SCE No. 352R) is a stream gage located at the Gem Valve House; and (2) Gem Lake (USGS No. 10287280; SCE No. 352 is a reservoir gage located at the Gem Valve House.

The following gages measure stream flow and reservoir elevation in the vicinity of Agnew Dam: (1) Rush Creek below Agnew Lake (USGS No. 10287289; SCE No. 357) is a stream gage located approximately 600 feet downstream of Agnew Dam at the Project flume; and (2) Agnew Lake (USGS No. 10287285; SCE No. 351) is a reservoir gage located at the Agnew boathouse.

Access Trails

The Rush Meadows Dam Access Trail (project trail) extends approximately 160 feet from the Rush Creek Trail (non-project trail) providing access to the dam and ancillary facilities adjacent to the north side of the dam.

The Gem Lake Development includes the following access trails: (1) the Lower Gem Dam Access Trail; (2) the Gem Dam Arch 8 Access Trail; and (3) the Upper Gem Dam Access Trail. The Lower Gem Dam Access Trail is a 980-foot-long project trail that extends from Rush Creek Trail (non-project trail) to the Gem Tram Lower Landing. This trail includes a footbridge adjacent to the lower tram landing. Gem Dam Arch 8 Access Trail is a 120-foot-long project trail that extends from the Lower Gem Dam Access Trail (near the Bunkhouse) to the Arch No. 8 Valve House. Upper Gem Dam Access Trail is a 430-foot-long project trail that extends from the Lower Gem Dam Access Trail (near the cookhouse) to the south abutment of the Dam. This trail includes a footbridge over Rush Creek.

The Agnew Lake Development has one access trail, the Agnew Stream Gage Access Trail, which extends approximately 170 feet from Agnew Cabin to the project gaging station/flume.

3.1.2 Existing Project Operation

The project is operated in compliance with existing regulatory requirements, agreements, and water rights to generate power.

Historic Operations

Waugh Lake

Historically, the low-level outlets for Rush Meadows Dam were closed and Waugh Lake began filling between late April and mid-June depending on Rush Creek inflow and weather conditions affecting access to the facilities. Waugh Lake typically began filling about 2.5 weeks after the larger downstream reservoir, Gem Lake, began filling. Waugh Lake typically filled to the spillway elevation (5,100 acre-feet; 9,415.6 feet elevation) or greater each year (storage increased above the spillway elevation during spill events). Storage was then maintained to the extent sufficient water was available to meet minimum stream flow requirements in Rush Creek below Waugh (10 cfs or natural inflows, if less) from July 1 through the Tuesday following Labor Day weekend, at which point the storage was released into Rush Creek/Gem Lake for generation at an average rate of approximately 100 cfs until the water level dropped to the level of the low-level outlets (9,368.6 feet). The reservoir low-level outlets were then left open through winter and early spring (no storage and no water on the dam face).

Gem Lake

Gem Lake began filling in the spring between early April and late May, depending on the Rush Creek inflow. Gem Lake would typically fill up to the spillway elevation (17,000 acre-feet; 9,051.63 feet elevation) or greater (storage increased above the spillway elevation during spill events). 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. Typically, the reservoir elevation was maintained until Waugh Lake was fully drained and then Gem Lake was lowered at an average rate of 40 cfs until either: (1) spring flows triggered refill the following year, or (2) the storage dropped to approximately 1,000 to 4,000 acre-feet.

Agnew Lake

Agnew Lake began filling in the spring between approximately late March and early June, depending on Rush Creek inflow. Agnew Lake would then remain filled

consistent with the July 1 through Labor Day weekend license requirement (within 15 feet of the spillway elevation; 8,496 feet [1,379 acre-feet]). Typically, maximum storage was maintained, to the extent sufficient water was available to meet minimum stream flow requirements in Rush Creek below Agnew Lake, until approximately the second week of October and after Waugh Lake was fully drained. At this point, Agnew would be drained at an average rate of 25 cfs until the water level dropped to near the level of the intake at 8,470.0 feet.

Current Operations

Waugh Lake

Under current operations, Waugh Lake storage is maintained below the seismic restrictions to the extent possible given the infrastructure and inflows. During the winter and early spring, the reservoir is completely drained (the low-level outlets are left open). Since approximately 2017, the low-level outlets have generally been left open year-round. The notching of the spillway in 2018 facilitates compliance with the FERC-mandated reservoir elevation restrictions. Storage releases from Rush Meadows Dam travel down Rush Creek into Gem Lake. The releases are measured at USGS Gage No. 10287262/SCE No. 359R.

Gem Lake

Under current operations, Gem Lake fills up to the maximum seismic restriction capacity of approximately 10,752 acre-feet (9,027.5 feet elevation) and maintains storage through the summer. A majority of the storage is released in the fall and the reservoir remains low until spring high flows refill it the following year. Releases from Gem Lake, not including spills, are either diverted into the Rush Creek Powerhouse or travel downstream in Rush Creek to Agnew Lake (1-cfs minimum flow release).

Agnew Lake

Agnew Lake is no longer used for storing water or power generation. A pre-project natural lake is present with a maximum elevation of 8,470 feet and gross storage of 569 acre-feet. Currently, water entering the lake passes through the two notches in the bottom of the dam and flows into Rush Creek, eventually entering Silver Lake.

The historical Rush Creek Powerhouse dependable capacity is 11.7 MW. The powerhouse has an installed capacity of 13.01 MW, and during a period of high energy demand (July/August of a low Water Year (WY)), the powerhouse could operate at a plant capacity factor of approximately 0.9 (90 precent) for a period of days or weeks. Average annual energy production for WY 1990–2011 was 46,017,944 kilowatt-hours

(kWh). The minimum and maximum annual power production for the same period were 10,434,200-kWh and 71,051,882-kWh, respectively.

Since the seismic restrictions have been in place, the current average annual energy production for the WY 2012–2020 was 33,825,683 kWh. The minimum and maximum annual power production for the same period were 14,474,962-kWh and 60,790,380-kWh, respectively.

3.2 SCE'S PROPOSAL

3.2.1 Proposed Project Facilities and Operations

While SCE's relicensing proposal is not finalized, in their PAD they propose to either partially or fully remove Rush Meadows and Agnew Dams, such that no water is impounded by either dam, and discontinue their operation. SCE also proposes the following modifications to Gem Dam to address seismic restrictions: (1) remove the upper portions of Arches No. 10 to No. 14 and develop a new ungated spillway with a crest elevation of 9,027.5 feet; (2) remove approximately the top 22 feet of Arches No. 1 to No. 9; (3) remove approximately the top 10 feet of the vertical piers between Arches No. 1 to No. 9; and (4) use the demolished concrete as fill in Arches No. 10 to No. 14 to support the downstream chute of the new spillway.

3.2.2 Proposed Environmental Measures

SCE does not currently propose any new environmental measures.

3.3 DAM SAFETY

It is important to note that dam safety constraints may exist and should be taken into consideration in the development of proposals and alternatives considered in the pending proceeding. For example, proposed modifications to the dam structure, such as the addition of flashboards or fish passage facilities, could impact the integrity of the dam structure. As the proposal and alternatives are developed, the applicant must evaluate the effects and ensure that the project would meet the Commission's dam safety criteria found in Part 12 of the Commission's regulations and the Engineering Guidelines (http://www.ferc.gov/industries/hydropower/safety/guidelines/eng-guide.asp).

3.4 ALTERNATIVES TO THE PROPOSED ACTION

Commission staff will consider and assess all alternative recommendations for operational or facility modifications, as well as protection, mitigation, and enhancement measures identified by the Commission, agencies, Indian tribes, NGOs, and the public.

3.5 ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED STUDY

At present, we propose to eliminate the following alternatives from detailed study in the NEPA document.

3.5.1 Federal Government Takeover

In accordance with § 16.14 of the Commission's regulations, a federal department or agency may file a recommendation that the United States exercise its right to take over a hydroelectric power project with a license that is subject to Sections 14 and 15 of the FPA.[7] We do not consider federal takeover to be a reasonable alternative. Federal takeover of the project would require congressional approval. While that fact alone would not preclude further consideration of this alternative, there is currently no evidence showing that federal takeover should be recommended to Congress. No party has suggested that federal takeover would be appropriate, and no federal agency has expressed interest in operating the project.

3.5.2 Non-power License

A non-power license is a temporary license the Commission would terminate whenever it determines that another governmental agency is authorized and willing to assume regulatory authority and supervision over the lands and facilities covered by the non-power license. At this time, no governmental agency has suggested a willingness or ability to take over the project. No party has sought a non-power license, and we have no basis for concluding that the Rush Creek Project should no longer be used to produce power. Thus, we do not consider a non-power license a reasonable alternative to relicensing the project.

3.5.3 Project Decommissioning

As the Commission has previously held, decommissioning is not a reasonable alternative to relicensing in most cases.[8] Decommissioning can be accomplished in different ways depending on the project, its environment, and the particular resource

[7] 16 U.S.C. §§ 791(a)-825(r).

[8] *See, e.g., Eagle Crest Energy Co*., 153 FERC ¶ 61,058, at P 67 (2015); *Public Utility District No. 1 of Pend Oreille County*, 112 FERC ¶ 61,055, at P 82 (2005); *Midwest Hydro, Inc*., 111 FERC ¶ 61,327, at PP 35-38 (2005).

needs.[9] For these reasons, the Commission does not speculate about possible decommissioning measures at the time of relicensing, but rather waits until an applicant actually proposes to decommission a project, or a participant in a relicensing proceeding demonstrates that there are serious resource concerns that cannot be addressed with appropriate license measures and that make decommissioning a reasonable alternative.[10] SCE does not propose decommissioning, nor does the record to date demonstrate there are serious resource concerns that cannot be mitigated if the project is relicensed; as such, there is no reason, at this time, to include decommissioning as a reasonable alternative to be evaluated and studied as part of staff's NEPA analysis.

[9] In the unlikely event that the Commission denies relicensing a project or a licensee decides to surrender an existing project, the Commission must approve a surrender "upon such conditions with respect to the disposition of such works as may be determined by the Commission." 18 C.F.R. § 6.2 (2020). This can include simply shutting down the power operations, removing all or parts of the project (including the dam), or restoring the site to its pre-project condition.

[10] *See* generally *Project Decommissioning at Relicensing*; Policy Statement, FERC Stats. & Regs., Regulations Preambles (1991-1996), ¶ 31,011 (1994); *see also City of Tacoma, Washington,* 110 FERC ¶ 61,140 (2005) (finding that unless and until the Commission has a specific decommissioning proposal, any further environmental analysis of the effects of project decommissioning would be both premature and speculative).

4.0 SCOPE OF RESOURCE ISSUES

4.1 RESOURCE ISSUES

In this section, we present a preliminary list of potential environmental issues to be addressed in the NEPA document.[11] We identified these issues, which are listed by resource area, by reviewing the PAD and the Commission's public record for the Rush Creek Project. This list is not intended to be exhaustive or final, but contains the issues raised to date. After the scoping process is complete, we will review the list and determine the appropriate level of analysis needed to address each issue in the NEPA document.

4.1.1 Geologic and Soils Resources

- Effects of continued project operation on turbidity and suspended sediment loads.
- Effects of continued project operation and maintenance on shoreline stability and erosion upstream and downstream of the project.
- Effects of the proposed full dam removal of Rush Meadows Dam and proposed partial dam removal modifications to Rush Meadows on erosion and sedimentation including sediment transport in the Rush Creek, Gem Lake and Agnew Lake.
- Effects of the proposed full dam removal of Agnew Dam and proposed partial dam removal modifications to Agnew development on erosion and sedimentation including sediment transport in the Rush Creek.
- Effects of the proposed retrofitting of Gem Dam and proposed drawdowns and modifications to Gem dam on erosion and sedimentation including sediment transport in the Rush Creek, and the Agnew Lake.

4.1.2 Water Resources

- Effects of continued project operation on hydrology of Waugh Lake after the partial or full removal of Rush Meadows Dam.

[11] Per CEQ's final rule (July 16, 2020), Commission staff will consider and evaluate effects that are reasonably foreseeable and have a reasonably close causal relationship (proximate cause) to the proposed action.

- Effects of continued project operation on hydrology of Agnew Lake after the partial or full removal of Agnew Dam.
- Effects of continued project operation on hydrology of Gem Lake after the retrofitting of Gem Dam and the full or partial removal of Rush Meadows Dam.
- 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.
- Effects of continued project operation while retrofitting Gem Dam, including construction of new spillway, lowering of remaining arches, and use of infill from both activities to support Arches No. 10 to No. 14.
- Effects of potential channel enhancements of Rush Creek described in the proposed action to address local flooding near SR-158 during high-runoff events.
- Effects on water resources of construction activities in the base(s) of operations, removal of material, and movement of equipment and personnel around the project area.

4.1.3 Aquatic Resources

- Effects of continued project operation on fish habitat and fish resources during all phases of construction for the partial or complete removals of Rush Meadows and, Agnew Dams, and the retrofitting of Gem Dam.
- Effects of continued project operation on western steelhead in Waugh, Gem, and Agnew Lakes.
- Effects of project water diversions and instream flow on fish habitat in the proposed project area, including potential for algal blooms from nutrient runoff associated with construction activities.
- Effects of project flow fluctuations on fish resources during project start-up and shut-down of individual full or partial dam removal of Rush Meadows and Agnew Dam, and the retrofitting of Gem Dam.
- Effects of anticipated sediment transport from exposed lake bottoms resulting from drained dams on aquatic habitat and resources in the project area.
- Effects of fish entrainment during all phases of construction for the partial or complete removals of Rush Meadows and Agnew Dams, and the retrofitting of Gem Dam on fish resources in the project area.

- Effects of the partial or complete removals of Rush Meadows and Agnew Dams, and the retrofitting of Gem Dam on upstream and downstream fish passage.

4.1.4 Terrestrial Resources

- 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 wetlands, riparian habitat, and the Quaking Aspen sensitive natural community.
- 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 PAD[12] as well as whitebark pine (*Pinus albicaulis*), fell-fields claytonia (*Claytonia megarhiza*), and bog sandwort (*Sabulina stricta*).
- Effects of continued project construction (including the partial or complete removal of Rush Meadows and Agnew Dams, and retrofitting Gem Dam), operation, maintenance activities, and project-related recreation on the introduction and spread of non-native, invasive plant species (NNIP) including potential effects of NNIP on native plant communities, special-status species, and wildlife habitat.
- Effects of continued project operation and maintenance activities including project-related recreation, vegetation management, and herbicide use on special-status wildlife species including those identified in SCE's PAD[13] as well as Forest Service Species of Conservation Concern and nesting migratory birds.[14]

[12] Section 4.6.1.2 and Table 4.6-2 of the PAD identified three special-status plant species known to occur in the vicinity of the project.

[13] Section 4.6.2.2 and Table 4.6-5 of the PAD identified 32 special-status wildlife species known to occur or potentially occurring in the vicinity of the project.

[14] Migratory birds include any species protected under the Migratory Bird Treaty Act (50 CFR 10.13).

4.1.5 Threatened and Endangered Species

- 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*). [15]

4.1.6 Recreation Resources

- 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 current and future recreation use of project lands and reservoirs.

- 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 current and future recreation use of Forest Service lands and facilities and on current and future recreation use of private recreation facilities in the project-affected area.

- 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 current and future angling in project-affected reaches of Rush Creek.

4.1.7 Land Use and Aesthetic Resources

- 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 current and future land use (including wilderness areas) in the project-affected area.

[15] The official species list provided by the Information, Planning, and Conservation database accessed by Commission staff on February 10, 2022, also includes the federally endangered Fisher, Southwestern willow flycatcher, and the threatened Yellow-billed cuckoo. SCE's PAD indicates that the fisher is unlikely to occur in the project area.

- 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 aesthetic resources (including current and future visual quality and noise) in the project-affected area.

- 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 National Wild and Scenic River System eligible river segments in the project-affected area.

4.1.8 Cultural and Tribal Resources

- Effects of continued project operation, maintenance, and/or modifications on historic or archaeological resources, and traditional cultural properties that may be eligible for inclusion in the National Register of Historic Places, or on other areas or places of religious, cultural, and traditional importance to Indian tribes.

4.1.9 Socioeconomics

- Effects of continued project operations and flow diversions on agriculture and other consumptive uses in Rush Creek watershed.
- 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.
- Effects of the proposed partial or complete removal of Rush Meadows Dam and Agnew Dam on the recreation and tourism economy on Rush Creek including economic impacts in Mono County.

5.0 PROPOSED STUDIES

Depending upon the findings of studies completed by SCE and the recommendations of the consulted entities, SCE will consider, and may propose certain other measures to enhance environmental resources affected by the project as part of the proposed action. SCE's initial study proposals are identified by resource area in Table 3. Detailed information on SCE's initial study proposals can be found in the PAD. Further studies may need to be added to this list based on comments provided to the Commission and SCE from interested participants, including Indian tribes.

Table 3. SCE's initial study proposals for the Rush Creek Project. (Source: SCE's PAD Volume I, Appendix C)

PROPOSED STUDIES
Water Resources
Study AQ-1: Instream Flow – SCE proposes to conduct hydraulic and habitat modeling to characterize aquatic and riparian habitats as a function of flow and use the results to examine potential channel restorations and enhancements in Rush Creek and sediment scour and deposition in Rush Creek near the Silver Lake inlet.
Study AQ-2: Hydrology – SCE proposes to: (1) compile hydrologic gage data from SCE, U.S. Army Corp of Engineers, and the Los Angeles Department of Water and Power; (2) verify gage data through a quality assurance process at the hourly level; and (3) summarize gage data for use in resource evaluations.
Study AQ3: 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.
Study AQ4: Water Quality Technical Study Plan – SCE proposes to collect seasonal physical, chemical, and bacterial water quality field data from project-affected stream reaches and reservoir systems to allow for comparison with objectives/criteria of the Basin Plan and other water quality standards.
Study AQ5: Geomorphology Technical Study Plan – SCE proposes to: (1) characterize channel conditions in the project-affected stream reaches; (2) evaluate sediment capture/deposition in project reservoirs; (3) identify flows necessary to maintain geomorphic processes; (4) identify historical and existing sediment sources and project-related erosion areas; (5) develop potential restoration efforts of the Rush

Creek channel within the former lakebed of Waugh Lake; (6) develop potential enhancement of channels near SR-158; and (7) evaluate sediment deposition/transport in Rush Creek near the Silver Lake inlet.
Study AQ6: Fish Populations and Barriers Technical Study Plan – SCE proposes to: (1) document existing fish populations, including species composition, in project-affected stream reaches and reservoir systems; (2) characterize barriers to fish passage in the project area, and (3) estimate potential for passage based on average seasonal flow levels. In addition, SCE proposes to develop a fish life stage periodicity chart, or life history chronology chart, for each species in project-affected stream reaches, as well as length frequency histograms of sampled fish to develop age structure of fish populations.
Study AQ7: Special-Status Amphibians Technical Study Plan – SCE proposes to: (1) conduct species-specific surveys for the Sierra Nevada yellow-legged frog and Yosemite toad using standard protocols as well as surveys for Primary Constituent Elements of suitable habitat for each, including surveys for species in respective breeding habitats; and (2) develop geographic information system maps for habitats and overlay information on Project facilities, construction areas, restoration areas, and the potential enhancement area.
Terrestrial Resources
Study TERR-1: Botanical Resources – SCE proposes to: (1) update vegetation alliances, including the riparian community, within one mile of the project boundary; (2) document special-status plant, moss, and lichen populations within the project boundary; (3) document non-native invasive plant populations within the project boundary; (4) characterize historic and current botanical resources in the historic inundation zones of project reservoirs (i.e., documenting historic location, distribution, and size of trees within the inundations zones and current plant species composition, distribution, and abundance in the historic inundation zones); (5) characterize riparian resources along selected stream segments, including the relationship between the riparian community and stream flow; and (6) document the riparian community and wetlands in the potential enhancement area near the Rush Creek Powerhouse.
Study TERR-2: Wildlife Resources – SCE proposes to: (1) update the California Wildlife Habitat Relationship (CWHR) habitats within one mile of the project boundary based on vegetation alliances developed as part of the TERR 1; (2) update information on special-status wildlife species potentially occurring in CWHR habitats within one mile of the project boundary; (3) consult with resource agencies to determine Sierra Nevada bighorn sheep distribution and use of lands within the project boundary and adjacent Critical Habitat; (4) conduct wildlife reconnaissance survey to characterize wildlife use within the project boundary and within the potential

enhancement area; (5) document raptor nests along the proposed helicopter flight paths; (6) determine whether project transmission line and power line pole configurations are consistent with guidelines for the avoidance of avian mortalities; and (7) document the presence of bat roosts at project facilities.
Recreation and Land Use
Study REC-1: Recreation – SCE proposes to: (1) characterize the recreation setting and opportunities in the Rush Creek Watershed and in the immediate vicinity of the Project ;(2) characterize non-commercial recreation use along the Rush Creek Trail and in the vicinity of the Project, including day and overnight use; (3) characterize commercial use along the Rush Creek Trail and in the vicinity of the project, including day and overnight trips; (4) characterize hourly changes in water surface elevation in Rush Creek downstream of the Rush Creek Powerhouse Tailrace associated with project operations (peaking); (5) estimate potential future recreation use in the vicinity of the project using existing use data and published recreation trends information; and (6) document potential public safety issues and existing programs and measures that are implemented by SCE to protect public health and safety.
Study LAND-1: Aesthetics – SCE proposes to: (1) establish key observation points from which the project facilities are visible to the public; (2) document the existing scenic integrity of the existing project facilities on National Forest Service land and their associated viewsheds relative to the Forest Service scene integrity objectives; (3) document the visual condition of the existing project facilities on private land relative to Mono County goals and policies that pertain to visual resources; and (4) document the visual character of Horsetail Falls under different flow conditions.
Study LAND- 2: Noise – SCE proposes to characterize ambient and project-generated noise at sensitive receptor areas (i.e., residences, businesses, recreation areas, and wildlife areas) and compare to applicable state and local noise regulations/ordinances associated with the following activities: (1) routine operations of the Rush Creek Powerhouse; (2) retrofitting/removal of dams and potential enhancement of the lower Rush Creek channel; (3) helicopter use; (4) construction equipment use; and (5) truck use.
Cultural Resources

Study CUL-1 Built Environment – SCE proposes to: (1) update physical documentation and information on known built environment cultural resources located with the project's area of potential effects (APE); (2) conduct intensive built environment surveys within the project's APE using current protocols; (3) provide National Register of Historic Places (National Register) evaluations or update evaluations of historic period built environment resources that could be potentially affected by project-related activities; and (4) update National Register evaluations of the Rush Creek Hydroelectric System Historic District (District) that documents the current status and conditions of the District contributions and includes project facilities that were not documented as part of previous District recordation.
Study CUL-2: Archaeology – SCE proposes to: (1) update physical documentation and information on known archaeological resources located within the project's APE; (2) conduct intensive archaeological surveys within the project's APE using current protocols; (3) provide National Register evaluations or updated evaluations of cultural resources that could be potentially affected by project-related activities; and (4) update National Register evaluations and condition assessment of the Rush Meadows Archaeological District.
Study CUL 3: Tribal Resources – SCE proposes to: (1) conduct an ethnohistory of lands within the vicinity of the project; (2) conduct an archival research and interviews with tribal members to identify tribal resources within the project's APE; and (3) provide National Register evaluations of tribal resources that could be potentially affected by project-related activities.

6.0 REQUEST FOR INFORMATION AND STUDIES

We are asking federal, state, and local resource agencies, Indian tribes, NGOs, and the public to file with the Commission any information that will assist us in conducting an accurate and thorough analysis of the project-specific and cumulative effects associated with relicensing the Rush Creek Project. The types of information we request includes, but are not limited to:

- information, quantitative data, or professional opinions that may help define the scope of the analysis, and that helps identify significant environmental issues;
- identification of, and information from, any EA, EIS, or similar environmental study/report (previous, on-going, or planned) relevant to the proposed relicensing of the Rush Creek Project;
- existing information and any data that would help characterize environmental conditions, habitats, and effects of the project on environmental and socioeconomic resources;
- the identification of any federal, state, local resource plans, or documentation showing why any resources should be excluded from further study or consideration; and
- study requests by federal and state agencies, local agencies, Indian tribes, NGOs, and the public that would help provide a framework for collecting pertinent information on the resource areas under consideration necessary for the Commission to prepare the NEPA document for the project.

All requests for studies filed with the Commission must meet the criteria found in Appendix B, *Study Plan Criteria*.

The requested information, comments, and study requests should be submitted to the Commission **no later than April 15, 2022.** All filings must clearly identify the following on the first page: **Rush Creek Hydroelectric Project (P-1389-059)**. Scoping comments may be filed electronically via the Internet. See 18 C.F.R. 385.2001(a)(1)(iii) and the instructions on the Commission's website https://ferconline.ferc.gov/FERCOnline.aspx. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at https://ferconline.ferc.gov/QuickComment.aspx. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may

also be paper-filed. To paper-file, mail an original and five copies. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Register online at https://ferconline.ferc.gov/FERCOnline.aspx to be notified via email of new filings and issuances related to these or other pending projects. For assistance, please contact FERC Online Support mailto: ferconlinesupport@ferc.gov.

Any questions concerning the scoping process or how to file written comments with the Commission should be directed to Kelly Wolcott, the Commission's relicensing coordinator for the Rush Creek Project, at (202) 502-6480 or kelly.wolcott@ferc.gov. Additional information about the Commission's licensing process and the Rush Creek Project may be obtained from the Commission's website, www.ferc.gov.

7.0 CURRENT PROCESSING SCHEDULE

The decision on whether to prepare an EA or EIS will be determined after the license application is filed and we fully understand the scope of effects and measures under consideration. The NEPA document will be distributed to all persons and entities on the Commission's service and mailing lists for the Rush Creek Project. The NEPA document will include our recommendations for operating procedures, as well as environmental protection and enhancement measures that should be part of any license issued by the Commission. The comment period will be specified in the notice of availability of the NEPA document.

The major milestones, with pre-filing target dates, are as follows:

Major Milestone	Date
Stakeholder Comments on SD1 due	April 15, 2022
FERC Issues SD2 (if necessary)	May 30, 2022
SCE Files Proposed Study Plan	May 30, 2022
FERC Issues Study Plan Determination	October 27, 2022
SCE Conducts Studies	Spring/Summer 2023/2024
SCE's Final License Application Due	January 31, 2025

A process plan, which has a complete list of relicensing milestones for the Rush Creek Project is attached as Appendix A.

8.0 COMPREHENSIVE PLANS

Section 10(a)(2) of the FPA, 16 U.S.C. section 803(a)(2)(A), requires the Commission to consider the extent to which a project is consistent with federal and state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by a project. Commission staff have preliminarily identified and reviewed the plans listed below that may be relevant to the Rush Creek Project. Agencies are requested to review this list and inform the Commission staff of any changes. If there are other comprehensive plans that should be considered for this list that are not on file with the Commission, or if there are more recent versions of the plans already listed, they can be filed for consideration with the Commission according to 18 CFR 2.19 of the Commission's regulations. Please follow the instructions for filing a plan at https://cms.ferc.gov/media/list-comprehensive-plans.

The following is a list of comprehensive plans currently on file with the Commission that may be relevant to the Rush Creek Project.

Federal Plans

Forest Service. 1988. Inyo National Forest Land and Resource Management Plan. Department of Agriculture, Bishop, California. August 1988.

Forest Service. 1989. Mono Basin National Forest Scenic Area Comprehensive Management Plan. Department of Agriculture, Bishop, California.

National Park Service. The Nationwide Rivers Inventory. Department of the Interior, Washington, D.C. 1993.

U.S. Fish and Wildlife Service. Canadian Wildlife Service. 1986. North American Waterfowl Management Plan. Department of the Interior. Environment Canada. May 1986.

U.S. Fish and Wildlife Service. n.d. Fisheries USA: The Recreational Fisheries Policy of the U.S. Fish and Wildlife Service. Washington, D.C.

California Plans

California Department of Fish and Game. U.S. Fish and Wildlife Service. 2010. Final Hatchery and Stocking Program Environmental Impact Report/Environmental Impact Statement. Sacramento, California. January 2010.

California Department of Fish and Game. 2007. California Wildlife: Conservation

Challenges, California's Wildlife Action Plan. Sacramento, California. 2007.

California Department of Fish and Wildlife. 2008. California Aquatic Invasive Species Management Plan. Sacramento, California. January 18, 2008.

California Department of Parks and Recreation. 1998. Public Opinions and Attitudes on Outdoor Recreation in California. Sacramento, California. March 1998.

California Department of Parks and Recreation. 1994. California Outdoor Recreation Plan. Sacramento, California. April 1994.

California State Water Resources Control Board. 2015. ISWEBE Plan: Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California. Sacramento, California. April 2015. [Amended May 2017 and August 2018.]

California State Water Resources Control Board. 2016. Water Quality Control Plan for the Lahontan Region. South Lake Tahoe and Victorville, California. January 2016.

9.0 MAILING LIST

The list below is the Commission's official mailing list for the Rush Creek Hydroelectric Project (FERC No. 1389). If you want to receive future mailings for the project and are not included in the list below, please send your request by email to efiling@ferc.gov or by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, DC 20426. All written and emailed requests to be added to the mailing list must clearly identify the following on the first page: **Rush Creek Hydroelectric Project No. 1389-059**. You may use the same method if requesting removal from the mailing list below.

Register online at https://ferconline.ferc.gov/FERCOnline.aspx to be notified via email of new filings and issuances related to this or other pending projects. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659.

Official Mailing List for the Rush Creek Hydroelectric Project

Bureau of Reclamation Pacific Northwest Region 1150 N. Custis Rd. Boise, ID 83706-1234	David Shabazian, Director California Department of Conservation MS 24-01 801 K St. Sacramento, CA 95814-3500
Chris Shutes, FERC Projects Director California Sportfishing Protection Alliance 1608 Francisco Street Berkeley, CA 94703	Allen S. Robertson, Coordinator California Department of Forestry & Fire Protection P.O. Box 944246 Sacramento, CA 94244-2460
California Department of Parks and Recreation P.O. Box 942896 Sacramento, CA 94296-0001	California Office of the Attorney General P.O. Box 944255 Sacramento, CA 94244-2550
Executive Director California State Lands Commission 100 Howe Avenue Suite 100 South Sacramento, CA 95825-8202	Nancy Foster F/PR NOAA National Marine Fisheries Service 1315 E West Hwy Silver Spring, MD 20910

Northern California Power Agency 651 Commerce Drive Roseville, CA 95678-6411	Resource Agency of California Room 1311 1416 9th St. Sacramento, CA 95814-5511
U.S. Department of Agriculture 1400 Independence Ave., SW Washington, DC 20250	Pacific SW Region 5, MRM-LANDS Staff 1323 Club Dr Vallejo, CA 945921110 Solano
Executive Director Wildlife Conservation Board 1416 9th Street Sacramento, CA 95814-5511	Kelly Henderson, Attorney Southern California Edison Company PO Box 800 Rosemead, CA 91770-0800
Wayne P. Allen Southern California Edison Company 1515 Walnut Grove Avenue Rosemead, CA 91770	Mary M. Richardson Senior Advisor Regulatory Affairs & Compliance Southern California Edison Company 25 S. Oak Knoll Avenue, Apt. 209 Pasadena, CA 91101
Martin Ostendorf Compliance Manager Southern California Edison Company 54170 Mtn Spruce Road PO Box 100 Big Creek, CA 93605	Mary Schickling Senior Specialist Southern California Edison Company 1 Pebbly Beach Road Avalon, CA 90704
Nick von Gersdorf Dam Safety Engineer Southern California Edison Company 1515 Walnut Grove Ave Rosemead, CA 91770	Patrick B. Le Southern California Edison Company 1515 Walnut Grove Ave Rosemead, CA 91770
Cornelio Artienda Senior Advisor Southern California Edison Company 1515 Walnut Grove Ave Rosemead, CA 91770	Matthew Woodhall Southern California Edison Company 1515 Walnut Grove Ave. Rosemead, CA 91770
FERC Case Administration Southern California Edison Company 2244 Walnut Grove Ave Rosemead, CA 91770	Julie Smith Cardno ENTRIX 701 University Parkway, Suite 200 Sacramento, CA 95825

APPENDIX A

PROCESS PLAN AND SCHEDULE
RUSH CREEK HYDROELECTRIC PROJECT NO. 1389

Shaded milestones are unnecessary if there are no study disputes. If the due date falls on a weekend or holiday, the due date is the following business day. Early filings or issuances will not result in changes to these deadlines.

Responsible Entity	Milestone	Date	FERC Regulation
SCE	Filed NOI and PAD	12/16/2021	5.5, 5.6
FERC	Consultation Meetings with Tribes	1/15/2022	5.7
FERC	Issue Notice of Commencement of Proceeding and SD1	2/14/2022	5.8
All Stakeholders	File Comments on PAD/SD1 and Study Requests	4/15/2022	5.9
FERC	Issue SD2 (if necessary)	5/30/2022	5.10
SCE	File Proposed Study Plan	5/30/2022	5.11(a)
All Stakeholders	Study Plan Meeting	6/29/2022	5.11(e)
All Stakeholders	File Comments on SCE's Proposed Study Plan Due	8/282022	5.12
SCE	File Revised Study Plan	9/27/2022	5.13(a)
All Stakeholders	File Comments on SCE's Revised Study Plan	10/12/2022	5.13(b)
FERC	Issue Study Plan Determination	10/27/2022	5.13(c)
Mandatory Conditioning Agencies	File Any Study Disputes	11/16/2022	5.14(a)
Dispute Panel	Select Third Dispute Resolution Panel Member	12/1/2022	5.14(d)
Dispute Panel	Convene Dispute Resolution Panel	12/6/2022	5.14(d)(3)

Responsible Entity	Milestone	Date	FERC Regulation
SCE	File Comments on Study Disputes	12/11/2022	5.14(i)
Dispute Panel	Dispute Resolution Panel Technical Conference	12/16/2022	5.14(j)
Dispute Panel	Issue Dispute Resolution Panel Findings	1/5/2023	5.14(k)
FERC	Issue Director's Study Dispute Determination	1/25/2023	5.14(l)
SCE	Conduct First Study Season	10/27/2023	5.15(a)
SCE	File Initial Study Report	10/27/2023	5.15(c)(1)
All Stakeholders	Initial Study Report Meeting	11/11/2023	5.15(c)(2)
SCE	File Initial Study Report Meeting Summary	11/26/2023	5.15(c)(3)
All Stakeholders	File Disagreements/Requests to Amend Study Plan	12/26/2023	5.15(c)(4)
All Stakeholders	File Responses to Disagreements/Amendment Requests	1/25/2024	5.15(c)(5)
FERC	Issue Director's Determination on Disagreements/Amendments	2/24/2024	5.15(c)(6)
SCE	Conduct Second Study Season	Spring/ Summer 2024	5.15(a)
SCE	File Updated Study Report	10/26/2024	5.15(f)
All Stakeholders	Updated Study Report Meeting	11/10/2024	5.15(f)
SCE	File Updated Study Report Meeting Summary	11/25/2024	5.15(f)
All Stakeholders	File Disagreements/Requests to Amend Study Plan	12/25/2024	5.15(f)
All Stakeholders	File Responses to Disagreements/Amendment Requests	1/24/2025	5.15(f)
FERC	Issue Director's Determination on Disagreements/Amendments	2/23/2025	5.15(f)

Responsible Entity	Milestone	Date	FERC Regulation
SCE	File Preliminary Licensing Proposal (or Draft License Application)	9/3/2024	5.16(a)-(c)
All Stakeholders	File Comments on Preliminary Licensing Proposal (or Draft License Application)	12/2/2024	5.16(e)
SCE	File Final License Application	1/31/2025	5.17
SCE	Issue Public Notice of Final License Application Filing	2/14/2025	5.17(d)(2)

APPENDIX B

STUDY PLAN CRITERIA
18 CFR Section 5.9(b)

Any information or study request must contain the following:

1. Describe the goals and objectives of each study proposal and the information to be obtained;

2. If applicable, explain the relevant resource management goals of the agencies or Indian tribes with jurisdiction over the resource to be studied;

3. If the requester is not a resource agency, explain any relevant public interest considerations in regard to the proposed study;

4. Describe existing information concerning the subject of the study proposal, and the need for additional information;

5. Explain any nexus between project operations and effects (direct, indirect, and/or cumulative) on the resource to be studied, and how the study results would inform the development of license requirements;

6. Explain how any proposed study methodology (including any preferred data collection and analysis techniques, or objectively quantified information, and a schedule including appropriate filed season(s) and the duration) is consistent with generally accepted practice in the scientific community or, as appropriate, considers relevant tribal values and knowledge; and

7. Describe considerations of level of effort and cost, as applicable, and why proposed alternative studies would not be sufficient to meet the stated information needs.

For more information, see the Guide to Understanding and Applying the Integrated Licensing Process Study Criteria on the Commission's web site (https://www.ferc.gov/sites/default/files/2020-04/AGuidetoUnderstandingandApplyingtheIntegratedLicensingProcessStudyCriteria.pdf).

Document Content(s)