

**DEPARTMENT OF WATER RESOURCES**

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February 1, 2024

*Electronically filed*

Ms. Debbie-Anne A. Reese, Acting Secretary  
Federal Energy Regulatory Commission  
888 First Street, Northeast  
Washington, DC 20426

FERC Project No. 2876—Pine Flat Transmission Line Project  
Request for Authorization to Use the Traditional Licensing Process

Dear Ms. Reese:

The California Department of Water Resources (DWR) is the licensee for the Pine Flat Transmission Line Project, Federal Energy Regulatory Commission (FERC) Project Number (No.) 2876 (Project). On March 24, 1980, FERC issued a license to DWR, stating that the license would be effective from the first day of the month of license issuance through August 31, 2029.

Pursuant to Sections (§§) 5.1(f)(1) and 5.3 of Title 18 of the Code of Federal Regulations (CFR), DWR requests FERC's authorization to use the Traditional Licensing Process (TLP), as described in Title 18 of the CFR, Part 4, Subparts D-H and, as applicable, Part 16, to relicense the Project. On February 1, 2024, DWR filed with FERC a Notice of Intent (NOI) to file an application for a new license for the Project on or before August 31, 2027, and an accompanying Pre-Application Document (PAD).<sup>1</sup>

**BACKGROUND**

The Project is located on the western slope of the Sierra Nevada near the community of Piedra, in Fresno County, California, and 30 miles east of the city of Fresno. The Project starts on the north bank of the Kings River 200 feet downstream of United States Army Corps of Engineers' (USACE) Pine Flat Dam, beginning at the switchyard for the Kings River Conservation District's Jeff L. Taylor Powerhouse, which is a part of the Jeff L. Taylor-Pine Flat Hydroelectric Project, FERC Project No. 2741. The transmission line crosses above the Kings River from the switchyard to the south bank of the Kings River and continues south in a draw to the crest of a nearby ridge, and then proceeds southeast until it connects with Pacific Gas and Electric Company's 230-kilovolt (kV) Balch #2-McCall transmission line. The entire line is approximately 0.8 mile in length. The Project is a single-circuit 230 kV transmission line constructed on three self-supporting, square-based steel lattice towers. The three towers vary in height from 79 to 112 feet and have a life expectancy of at least 80 years from their erection. The three-phase conductors of the single-circuit line consist of a 605,000-circular mil steel-

<sup>1</sup> FERC's decision regarding whether to grant DWR's request to use the TLP has no effect on the contents of DWR's NOI or PAD. DWR developed the NOI and PAD so that they would apply regardless of which process is used.

reinforced aluminum cable. The 11.52-acre FERC Project boundary includes 7.94 acres of federal lands administered by the USACE, 1.11 acres of State of California lands submerged by the Kings River, and 2.46 acres of private lands. DWR is the existing licensee and current owner and operator of the Project.

## **JUSTIFICATION FOR USE OF THE TLP**

As required by 18 CFR § 5.3(c)(1), DWR's justification to use the TLP is provided below.

### **Complexity of Resource Issues:**

None of the anticipated resource issues associated with the relicensing are complex because the Project and its operation are not complex. The Project includes a single transmission line on a steep slope adjacent to the Kings River. The Project does not include generation facilities, dams, reservoirs, open water conveyance facilities, streamflow gages, recreation facilities, or borrow and spoil areas. The FERC Project boundary includes less than 12 acres. Within and adjacent to the FERC Project boundary there are no special environmental areas (e.g., refuges, cores, or protected areas), residences, tribal land, or any USACE jurisdictional wetlands. The Project does not include a discharge to surface waters. The Project does not impact the Kings River, and there are no wilderness areas, national and State parks, or California recreation areas impacted by the Project. Recent surveys of the entire FERC Project boundary did not find any cultural resources or Endangered Species Act (ESA)-listed species. DWR proposes no changes to Project facilities or operations.

The Project is anticipated to have no more than minor, if any, cumulative effects on resources. DWR sees no reason why the cumulative or other impacts analysis cannot be adequately addressed in the TLP. In its NOI, DWR requested that FERC designate DWR as FERC's non-federal representative for consultation under the ESA and Section 106 of the National Historic Preservation Act (NHPA). Should there be resource impacts to cultural resources and ESA-listed species, Section 7 ESA consultation with the United States Department of the Interior, Fish and Wildlife Service and Section 106 consultation under the NHPA can occur effectively under the TLP. DWR anticipates that consultation with the National Marine Fisheries Service is not needed because the Project does not involve any discharge to surface waters, Project operations and maintenance does not involve any instream activities, and no ESA-listed anadromous fishes or critical habitat occurs in the Project vicinity.

Level of Anticipated Controversy:

DWR anticipates little controversy because, as described above, the Project footprint is less than 12 acres in size and includes only a transmission line; the Project does not include generation facilities, dams, reservoirs, recreation facilities, open water conduits, or powerhouses; and, as described below, extensive recent existing information is readily available and familiar to potentially interested parties. The Project does not impact the Kings River or its aquatic resources.

Amount of Available Information and Potential for Significant Disputes over Studies:

As mentioned above, given the less than 12-acre footprint of the Project, DWR has conducted recent botanical, wildlife, and cultural surveys within the FERC Project boundary. No ESA-listed species or cultural resources were found. In addition, as mentioned above, the Project does not have any impact to the Kings River or its aquatic resources.

DWR does not expect significant disputes over studies. However, if any do occur, DWR can adequately address them in the TLP.

Cost of Using the TLP as Compared to the Cost of Using the Integrated Licensing Process (ILP):

Based on broad estimates, DWR's relicensing consultant, HDR, Inc., estimates that the cost of relicensing the Project using the TLP would be about 60 percent of the cost to relicense the Project using the ILP. The main reason for the difference is process cost (e.g., ILP includes a greater number of meetings, reports, and FERC filings). Using the TLP would result in very important cost savings to DWR, and cost and time savings to participating agencies, Native American tribes, and other parties, including FERC.

Likelihood of Timely License Issuance:

For the reasons stated above, DWR believes that FERC can issue a timely new license for the Project using the TLP. Further, regardless of whether the TLP or ILP is used, any ESA Section 7 or NHPA Section 106 consultation, if needed, would likely occur after DWR files its application. Because the Project does not discharge into waters of the United States, DWR will not need to apply for a Clean Water Act Section 401 water quality certification from the California State Water Resources Control Board.

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#### Other Pertinent Factors:

The Pine Flat Transmission Line Project is a simple project and a simple relicensing. The Project is geographically constrained (less than 12 acres), and does not include any generation facilities, dams, reservoirs, recreation areas or open water conduits. DWR is not proposing any changes to Project facilities or operations. The Project overall has minor environmental impacts. DWR feels that this straightforward relicensing is a good example of the reason that FERC's regulations provide an applicant with the option to request the TLP, which would cost significantly less and require less time and resources from participating agencies, tribes, and others, including FERC, than the ILP. DWR believes the level of process effort that must be invested in an ILP by the applicant, FERC, resource agencies, and other interested parties is not warranted for this relicensing effort.

#### **REQUEST TO USE TLP**

For the reasons stated in this letter, DWR requests FERC's authorization to use the TLP, as described in 18 CFR Part 4, Subparts D-H and, as applicable, 18 CFR Part 16, to relicense the Pine Flat Transmission Line Project.

#### **AVAILABILITY OF DWR'S REQUEST FOR PUBLIC COMMENT**

As required by 18 CFR §5.3(d)(1), by copy of this letter, DWR makes all affected resource agencies, Native American tribes, and members of the public likely to be interested in the Pine Flat Transmission Line Project relicensing aware of DWR's request for FERC's authorization to use the TLP.

These parties are advised that comments regarding this request to use the TLP must be filed with FERC within 30 days of the date that DWR files its request with FERC, and that comment letters filed with FERC should reference the Pine Flat Transmission Line Project, FERC Project No. 2876.

DWR has filed a notification of this request, which includes the information required in 18 CFR § 5.3(d)(2), in the Fresno Bee, a newspaper of general circulation in Fresno County where the Project is located.

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If you have any questions or would like to discuss this further, please contact me at (916) 699-8414, or your staff may contact Joseph Muradyan, Relicensing Project Manager, at (916) 837-8598.

Sincerely,

A handwritten signature in black ink that reads "Jeremiah McNeil". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Jeremiah McNeil, Manager  
Hydropower License Planning and Compliance Office  
Executive Division

cc: Mr. Frank Blackett, P.E.  
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