

February 1, 2024

*Electronically filed*

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

**SUBJECT:** Jeff L. Taylor-Pine Flat Power Plant  
FERC Project No. 2741  
Request for Authorization to Use the Traditional Licensing Process

Dear Secretary Reese:

Pursuant to Sections (§§) 5.1(f)(1) and 5.3 of Title 18 of the Code of Federal Regulations (C.F.R.), the Kings River Conservation District (KRCD) requests the Federal Energy Regulatory Commission (FERC or Commission) authorize KRCD to use the Traditional Licensing Process (TLP), as described in Title 18 C.F.R, Part 4 and Part 16, to relicense the Jeff L. Taylor-Pine Flat Power Plant, FERC Project Number (No.) 2741 (Project). The Commission issued the Project's original license to KRCD on September 25, 1979, stating that the new license would be effective from the first day of the month of license issuance through August 31, 2029. On February 1, 2024, KRCD filed with FERC a Notice of Intent (NOI) to file an Application for a New License for the Project by 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, 30 miles east of the City of Fresno. The existing Project consists of one development - Pine Flat<sup>2</sup> - that, in total, includes: (a) three penstock extensions from the three 13.5-foot diameter penstocks in Pine Flat Dam to the Jeff L. Taylor Powerhouse; (b) the outdoor Jeff L. Taylor Powerhouse at the toe of the dam, containing three Francis turbines and associated generating units, each with a rated capacity of 55 megawatts (MW); (c) three generator leads and a step-up transformer bank at the Jeff L. Taylor Powerhouse, consisting of three 70 megavolt amperes (MVA) single-phase units; (d) the outdoor Unit 4 Powerhouse containing one Francis turbine and associated generating unit with a capacity of 6.3 MW;<sup>3</sup> (e) one

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

<sup>2</sup> While the Project includes two powerhouses, the powerhouses are adjoining, use the same source of water for power generation (i.e., USACE's Pine Flat Lake) and discharge at the same location in the Kings River. For these reasons, KRCD treats the two powerhouses as one development in this request to use the TLP.

<sup>3</sup> On May 3, 2023, the Commission issued an Order Amending License<sup>3</sup> that approved the addition of a new turbine generator unit (i.e., Unit 4) to the Project. KRCD anticipates the new unit will be constructed, tested, and fully

generator lead and a step-up transformer at the Unit 4 Powerhouse consisting of one 6.6 MVA, three-phase unit; (f) appurtenant facilities; and (g) one recreation facility. The Project's primary transmission line is under separate license to the California Department of Water Resources under FERC Project No. 2876.

The Project is an energy recovery (run-of-river) facility that generates electricity as water is released from the United States Army Corps of Engineers' (USACE) Pine Flat Dam. Releases are conducted by USACE during mandatory flood control operations and as requested by the Kings River Water Association through the Kings River Water Master for irrigation demand and other uses including fisheries management – KRCD does not have the authority to schedule or make releases from Pine Flat Lake for the purpose of power generation. Because they are federally owned facilities, neither the Pine Flat Dam nor Pine Flat Lake is a licensed Project work subject to the Commission's jurisdiction.

The 11.87-acre FERC Project boundary includes 4.94 acres of federal lands administered by the USACE, 4.55 acres of State of California lands submerged by the Kings River, and 2.38 acres of Fresno County lands. KRCD is the existing licensee and current owner and operator of the Project.

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

As required by 18 C.F.R. § 5.3(c)(1), KRCD's justification to use the TLP is provided below.

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

None of the anticipated resource issues associated with the relicensing is complex because the Project and its operation are not complex. The Project includes two powerhouses within the footprint of the USACE Pine Flat Dam, adjacent to the Kings River. The Project does not include dams, reservoirs, open water conveyance facilities, streamflow gages, transmission lines, or borrow and spoil areas. The FERC Project boundary includes less than 12 acres. Within and adjacent to the boundary there are no special environmental areas (e.g., refuges, cores, or protected areas), residences or tribal land, or any USACE jurisdictional wetlands. There are no wilderness areas, National or 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. KRCD proposes no changes to Project facilities or operations.

The Project is anticipated to have no more than minor, if any, cumulative effects on resources. In its NOI, KRCD requested that FERC designate KRCD as FERC's non-federal representative for consultation under the ESA and Section 106 of the National

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operational by approximately late 2025. For the purpose of this PAD, Unit 4 is treated as a part of the "existing Project."

Historic Preservation Act (NHPA). Should there be any currently unanticipated resource impacts to ESA-listed species or cultural resources, Section 7 ESA consultation with the United States Fish and Wildlife Service (USFWS) and/or Section 106 consultation under the NHPA can occur effectively under the TLP. KRCD anticipates that consultation with the National Marine Fisheries Service is not needed because the Project operations and maintenance do not involve any instream activities and no ESA-listed anadromous fishes or critical habitat occur in the Project vicinity.

### **Level of Anticipated Controversy**

KRCD anticipates little controversy because, as described above, the Project footprint is less than 12 acres, most of which have been previously disturbed, and includes only a pair of powerhouses and a single, small recreation area. The Project does not include dams, reservoirs, open water conduits, or transmission lines; and, as described below, extensive recent existing information is readily available and familiar to potentially interested parties. The Project does not control the amount or timing of water releases from the Pine Flat Dam, but simply generates electricity from whatever the USACE releases.

### **Amount of Available Information and Potential for Significant Disputes over Studies**

As mentioned above, given the less than 12-acre footprint of the Project, KRCD has conducted recent botanical, wildlife, and cultural surveys within the FERC Project boundary. No ESA-listed or special-status species or cultural resources were found within the FERC Project boundary.

KRCD does not expect significant disputes over studies. However, if any do occur, KRCD 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 by KRCD's relicensing consultant, HDR, Inc., the cost to relicense 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 KRCD, 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, KRCD 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 KRCD files its application. Similarly, the process of applying for a Clean Water Act Section 401 water quality certification from the State Water Resources Control Board would occur after filing the FERC application and is not affected by use of the TLP or ILP.

### **Other Pertinent Factors**

The Jeff L. Taylor-Pine Flat Power Plant is a simple project and a simple relicensing – the Project is geographically constrained (less than 12 acres), and does not include any dams, reservoirs, or open water conduits or transmission lines. KRCD is not proposing any changes to Project facilities or operations. The Project overall has minor environmental impacts. KRCD feels that this straight-forward 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. KRCD 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, KRCD requests FERC's authorization to use the TLP, as described in 18 C.F.R Part 4, Subparts D-H and, as applicable, 18 C.F.R. Part 16, to relicense the Jeff L. Taylor-Pine Flat Power Plant.

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

As required by 18 C.F.R. §5.3(d)(1), by copy of this letter, KRCD makes all affected resource agencies, Native American tribes, and members of the public likely to be interested in the Jeff L. Taylor-Pine Flat Power Plant relicensing aware of KRCD'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 KRCD files its request with FERC, and that comment letters filed with FERC should reference the Jeff L. Taylor-Pine Flat Power Plant, FERC Project No. 2741.

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

If you have any questions about this notice or requests, please contact Charlotte Gallock at (559) 237-5567 extension 105 or by email at [PowerplantFERC@krcd.org](mailto:PowerplantFERC@krcd.org).

Ms. Debbie-Anne Reese, Secretary

February 1, 2024

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Sincerely,

A handwritten signature in blue ink, appearing to read "D. Merritt", with a stylized flourish at the end.

David Merritt

General Manager

Kings River Conservation District

cc: Frank Blackett – Regional Engineer, FERC, San Francisco Regional Office  
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