

FEDERAL ENERGY REGULATORY COMMISSION
Washington, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 382—California
Borel Project
Southern California Edison

December 17, 2020

VIA USPS First Class Mail

Mr. Barry A. Thom
NOAA Fisheries
West Coast Regional Office
1201 Northeast Lloyd
Portland, OR 97232

Ms. Kim Turner
Deputy Field Supervisor
U.S. Fish and Wildlife Service
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Sacramento, CA 95825

Ms. Julianne Polanco
California State Historic Preservation Office
1725 23rd Street, Suite 100
Sacramento, CA 95816

Subject: Designation of non-federal representative for consultation under the
Endangered Species Act and National Historic Preservation Act

To the parties addressed:

On December 16, 2020, Southern California Edison, filed a request to be designated non-federal representatives to discuss surrender of the Borel Hydroelectric Project, FERC No. 382. The Project is located on the Kern River in Kern County, California and occupies federal lands administered by the U.S. Forest Service and the U.S. Bureau of Land Management.

By this letter, we designate the licensee as our non-federal representative for the purpose of conducting informal consultation with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service pursuant to the regulations at 50 C.F.R. §402.08 implementing section 7 of the ESA. The role of the non-federal representative may include conducting studies, developing and supplying information, attending meetings,

ensuring that pertinent endangered species information is maintained in a project file, participating in informal consultation with your agency, developing a draft biological assessment if necessary, and keeping the Commission apprised of its actions. However, the Commission remains ultimately responsible for all findings and determinations regarding the effects of the project on any federally-listed species or critical habitat.

By this letter, we also designate the licensee as our non-federal representative for the purpose of conducting consultation with the California SHPO, appropriate Indian tribes, and other consultation parties pursuant to the regulations at 36 C.F.R. §800.2(c)(4) implementing section 106 of the NHPA. As our non-federal representative, the licensee can perform tasks in support of our compliance with section 106. Such tasks may include, for example: performing cultural resource surveys and studies, determining areas of potential effect, identifying eligible properties, determining any adverse effects to those properties, proposing mitigation to address adverse effects if needed, and developing a draft Memorandum of Agreement in order to memorialize any proposed mitigation. However, the Commission remains ultimately responsible for all findings and determinations made pursuant to section 106.

We appreciate your assistance with section 7 and section 106 consultations regarding the surrender of the Borel Project. If you have any questions regarding this letter, please contact me at (202) 502-6012.

Sincerely,

Rebecca M. Martin
Environmental Review Branch
Division of Hydropower Administration
and Compliance

cc: VIA FERC Service

James A. Buerkle, Director of Generation
Southern California Edison
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