

2.0 LICENSING PROCESS PLAN AND SCHEDULE

This Section includes four sub-sections: Section 2.1 describes DWR's approach to relicensing the Project; Section 2.2 includes a detailed process plan and schedule; Section 2.3 presents DWR's proposed dates and locations for early relicensing meetings; and Section 2.4 provides DWR's communication guidelines for the relicensing.

2.1 PROPOSED RELICENSING APPROACH

On August 1, 2016, DWR filed with FERC a request for FERC's authorization for DWR to use the TLP, as described in 18 CFR, Part 4, Subparts D-H and, as applicable, Part 16, rather than FERC's Integrated Licensing Process (ILP), as described in 18 CFR, Part 5, to relicense the Project. DWR provided a copy of its request to use the TLP to affected resource agencies, Native American tribes, and relicensing participants, and published a notice of the request in daily newspapers in the vicinity of the Project. FERC's regulations specify that FERC will reply to DWR's request to use the TLP within 60 days.

2.2 PROCESS PLAN AND SCHEDULE

FERC's TLP regulations establish a schedule of activities and milestone dates to which an applicant and relicensing participants must adhere. Many activities and filing milestones are contingent upon a previous activity (e.g., a party may file comments within 30 days of a FERC ruling) and may be amended by FERC. However, some milestone dates are fixed by the existing license expiration date. These fixed milestone dates for the Project relicensing are:

- August 1, 2016 – The earliest date DWR may file with FERC its NOI and PAD.
- January 31, 2017 – The latest date DWR may file with FERC its NOI and PAD.
- September 3, 2019 – The latest date DWR may file with FERC a Draft Application for a New License (DLA).
- January 31, 2020 – The latest date DWR may file with FERC a Final Application for a New License (FLA).
- January 31, 2022 – The date the initial FERC license for the existing Project expires.

Table 2.2-1 presents a schedule for relicensing the Project through filing of the FLA using FERC's TLP regulations. Because ILP is FERC's default process and using the TLP process requires affirmative approval from FERC, the Appendix C schedule using FERC's ILP regulations is included for reference. DWR developed Table 2.2-1 using the timeframes set forth in 18 CFR, Part 4, Subparts D-H, as well as Part 16, as applicable, and based the table on anticipated NOI and PAD filing dates of August 1, 2016, the earliest possible filing date. Table 2.2-1 shows: (1) the pertinent regulations for each

activity; (2) the party or parties responsible for initiating the activity; (3) a description of the activity including, where appropriate, a previous activity linked to the activity; and (4) the calendar duration of the activity.

Table 2.2-1. Process Plan and Schedule for DWR's Project Relicensing Using the TLP Based on Filing the NOI and PAD on August 1, 2016

| Sub-section(s) | Lead | Activity ¹ | Timeframe (Start and Finish) ^{2,3} | |
|---|------|--|--|------------------------|
| 18 CFR § 5.3 | | | | |
| (b) | DWR | File request to use TLP | 8/1/16 (Monday) | |
| 18 CFR § 5.5. NOTIFICATION OF INTENT | | | | |
| (a)-(g) | DWR | File NOI and request for non-federal representative status under § 7 of the ESA and § 106 of the NHPA. <i>(No earlier than 5.5 years and no later than 5 years prior to expiration of the current license)</i> | 8/1/16 (Monday) | |
| 18 CFR § 5.6. PRE-APPLICATION DOCUMENT | | | | |
| (a)-(e) | DWR | File PAD. <i>(No earlier than 5.5 years and no later than 5 years prior to expiration of the current license)</i> | 8/1/16 (Monday) | |
| 18 CFR § 5.7. TRIBAL CONSULTATION | | | | |
| -- | FERC | Hold meeting with potentially affected Native American tribes. <i>(No later than 30 days from date NOI and PAD filed)</i> | 8/2/16 (Tuesday) | 8/31/16 (Wednesday) |
| 18 CFR § 5.8. NOTICE OF COMMENCEMENT OF PROCEEDING, DECISION ON USE OF TLP, AND INITIATION OF ESA AND NHPA INFORMAL CONSULTATIONS | | | | |
| (a) | FERC | Issue Public Notice and decision regarding DWR's request to use TLP. <i>(No later than 60 days from date NOI and PAD filed)</i> | 8/2/16 (Tuesday) | 9/30/16 (Friday) |
| (b) | FERC | Initiate informal consultation under § 7 of the ESA and/or § 106 of the NHPA, if appropriate. <i>(No later than 60 days from date NOI and PAD filed)</i> | 8/2/16 (Tuesday) | 9/30/16 (Friday) |
| 18 CFR § 16.8. FIRST STAGE CONSULTATION – HOLD JOINT MEETING AND SITE VISIT | | | | |
| (b)(3)(i)(B) | DWR | Consult with relicensing participants on scheduling of a joint meeting. <i>(No later than 15 days in advance of joint meeting)</i> | 10/1/16 (Saturday) | 10/17/16 (Monday) |

Table 2.2-1. Process Plan and Schedule for DWR's Project Relicensing Using the TLP Based on Filing the NOI and PAD on August 1, 2016 (continued)

| Sub-section(s) | Lead | Activity ¹ | Timeframe (Start and Finish) ^{2,3} | |
|---|--------------------------|---|--|-----------------------|
| (b)(3)(i)(B) [and 18 CFR § 16.8(h)(i)(1)] | DWR | Post notice of joint meeting, including purpose, location, time, and agenda, in local newspapers. <i>(No later than 14 days in advance of joint meeting)</i> | 10/1/16 (Saturday) | 10/17/16 (Monday) |
| (b)(3)(i)(B) | DWR | Provide to relicensing participants and FERC a written notice of the time and place of the joint meeting and an agenda of the issues to be discussed. <i>(No later than 15 days in advance of joint meeting)</i> | 10/1/16 (Saturday) | 10/17/16 (Monday) |
| (b)(3)(ii)(B) | DWR | Hold joint meeting to review information and discuss data and studies to be provided by DWR as part of the consultation process. Provide agencies with an opportunity for a site visit. <i>(No earlier than 30 days but no later than 60 days from date Public Notice is issued)</i> | 10/30/16 (Sunday) | 11/29/16 (Tuesday) |
| (b)(4) | Relicensing Participants | Relicensing participants may attend the joint meeting to express their views regarding resource issues that should be addressed in the application. Public attendance at the site visit may be limited by DWR for security and safety reasons. <i>(No earlier than 30 days but no later than 60 days from date Public Notice is issued)</i> | 10/30/16 (Sunday) | 11/29/16 (Tuesday) |
| (b)(4) | DWR | Make either an audio recording or written transcript of the joint meeting and, upon request, promptly provide copies of these recordings to interested parties and FERC | Promptly provide following the joint meeting | |

Table 2.2-1. Process Plan and Schedule for DWR's Project Relicensing Using the TLP Based on Filing the NOI and PAD on August 1, 2016 (continued)

| Sub-section(s) | Lead | Activity ¹ | Timeframe (Start and Finish) ^{2,3} | |
|---|--------------------------------|--|--|-------------------------------------|
| 18 CFR § 16.8. FIRST STAGE CONSULTATION - STUDY REQUESTS AND DISPUTE RESOLUTION | | | | |
| (b)(5) | Relicensing Participants | Provide to DWR written comments identifying relicensing participants' determination of necessary studies to be performed or information to be provided by DWR in the application. <i>(No later than 60 days after joint meeting unless deadline is extended by FERC)</i> | 11/30/16 (Wednesday) | 1/30/17 (Monday) |
| (b)(6)(i) | DWR & Relicensing Participants | During first stage consultation, if DWR and a relicensing participant disagree regarding any matter, or if the need to conduct a study or gather information is established, DWR or the relicensing participant may refer the dispute in writing to FERC for resolution, providing a copy to other affected parties. <i>(Any time during first stage consultation)</i> | 1/31/17 (Tuesday) | Until first stage consultation ends |
| (b)(6)(ii) | Disagreeing Party | If a dispute is filed with FERC, the disagreeing party may file a response. <i>(No later than 15 days from date dispute is filed)</i> | No later than 15 days from the date the dispute is filed with FERC | |
| (b)(6)(iv) | FERC | FERC resolves dispute | -- | -- |
| 18 CFR § 16.8. SECOND STAGE CONSULTATION – CONDUCT STUDIES | | | | |
| (c)(1) | DWR | Conduct all reasonable and necessary studies | 1/31/17 (Tuesday) ⁴ | 1/31/20 (Friday) ⁴ |

Table 2.2-1. Process Plan and Schedule for DWR's Project Relicensing Using the TLP Based on Filing the NOI and PAD on August 1, 2016 (continued)

| Sub-section(s) | Lead | Activity ¹ | Timeframe (Start and Finish) ^{2,3} | |
|--|---|--|--|---------------------|
| c(2) | FERC | FERC resolves dispute | -- | -- |
| 18 CFR § 16.8. SECOND STAGE CONSULTATION – DRAFT LICENSE APPLICATION | | | | |
| c(4) | DWR | Provide agencies and tribes a copy of the DLA, including full documentation of consultation | 9/3/19 (Tuesday) | |
| c(5) | Resource Agencies & Tribes | Provide written comments on DLA to DWR. <i>(No later than 90 days from the date DLA filed)</i> | 9/4/19 (Wednesday) | 12/2/19 (Monday) |
| c(6)(i)&(iii) | DWR, Resource Agencies, & Tribes | If comments indicate a resource agency or tribe has a substantive disagreement with DWR's conclusions regarding resource impacts or proposed measures, DWR holds at least one joint meeting with the disagreeing resource agency or tribe and other agencies with similar or related areas of interest, expertise, or responsibility to discuss and attempt to reach agreement. DWR and the disagreeing resource agency or tribe may conclude the joint meeting with a document embodying any agreement and unresolved issues. <i>(No later than 60 days from the date of the written comments of the disagreeing agency or tribe)</i> | 12/3/19 (Tuesday) | 1/31/20 (Friday) |
| c(6)(ii) | DWR | Consult with disagreeing party and others about scheduling of joint meeting, and provide FERC, disagreeing party, and others written notice of the time and place of the joint meeting and a written agenda of the issues to be discussed. <i>(No later than 15 days in advance of the joint meeting)</i> | No later than 15 days in advance of the joint meeting | |

Table 2.2-1. Process Plan and Schedule for DWR's Project Relicensing Using the TLP Based on Filing the NOI and PAD on August 1, 2016 (continued)

| Sub-section(s) | Lead | Activity ¹ | Timeframe (Start and Finish) ^{2,3} | |
|--|-------------------------|---|--|----|
| | | | | |
| c(7) | DWR & Disagreeing Party | DWR and the disagreeing resource agency or Native American tribe may conclude the joint meeting with a document embodying any agreement and any unresolved issues | -- | -- |
| c(8) | DWR | DWR describes all disagreements with a resource agency or Indian tribes on technical or proposed measures in its application, including an explanation of the basis for DWR's disagreement with the resource agency or tribe | -- | -- |
| 18 CFR § 16.8. THIRD STAGE CONSULTATION – FINAL LICENSE APPLICATION | | | | |
| (d)(1) | DWR | File the FLA and provide a copy of the FLA to relicensing participants. <i>(No later than 2 years prior to expiration of the current license)</i> | 1/31/20 (Friday) | |
| (f) | DWR | Include in Exhibit E documentation of all consultation regarding comments, recommendations, proposed terms and conditions, and studies. If the comments, recommendations, proposed terms and conditions, and studies were not accepted by DWR, describe why. <i>(Unspecified)</i> | Include in FLA | |

Source: DWR

Notes:

¹ The activity description is a good faith effort to summarize the pertinent regulation. The reader is encouraged to read the specific regulation.² When an activity is contingent on completion of a previous activity, the schedule assumes the previous activity is completed the latest date possible for that previous activity, unless otherwise indicated.³ According to 18 CFR § 385.2007(a)(2), if a filing date falls on a Saturday, Sunday, or federal legal public holiday, the deadline for filing becomes the next business day. The schedule includes this consideration.⁴ This TLP schedule assumes studies begin after the deadline for providing to DWR written comments identifying necessary studies or information, and may continue until DWR files the FLA.

Key:

DLA = Draft Application for a New License

DWR = California Department of Water Resources

ESA = Endangered Species Act

FERC = Federal Energy Regulatory Commission

FLA = Final Application for a New License

NHPA = National Historic Preservation Act

NOI = Notice of Intent

PAD = Pre-Application Document

TLP = Traditional Licensing Process

DWR anticipates that FERC will issue its own schedule after DWR files its FLA and FERC's schedule will include the post-application filing period (i.e., from DWR's filing of the FLA through FERC's issuance of a Final Environmental Assessment [FEA] or Final Environmental Impact Statement [FEIS]). Table 2.2-1 provides a schedule of deadlines that must be adhered to by relicensing participants and DWR, unless otherwise

amended by FERC. However, within the confines of those regulations, DWR may choose to undertake discretionary activities to facilitate the relicensing.

2.3 DWR'S PROPOSED LOCATION AND DATES FOR THE TLP JOINT MEETING AND SITE VISIT

Assuming FERC authorizes DWR to use the TLP, and based on the TLP process schedule in Table 2.2-1, DWR's proposed location and date for the TLP site visit are as follows:

- Proposed Site Visit – 9 a.m. to 3 p.m. on November 2, 2016, (Wednesday) at the Project site.

DWR proposes holding two joint meetings on the day after the site visit: one meeting in the morning to focus on resource agency concerns; and one in the evening to focus on the public's views. The agenda for each meeting will be set by DWR following FERC's regulations. Specifically, DWR recommends:

- Proposed Joint Meetings – 9 a.m. to 12 p.m. and 6 p.m. to 9 p.m. on November 3, 2016, (Thursday) at the Courtyard Victorville Marriott 9619 Mariposa Road, Hesperia, CA 92344.

After FERC approves DWR's use of the TLP, DWR will consult with FERC and relicensing participants in early October 2016 to confirm the above joint meeting date and meeting agenda, and will post a public notice of the meetings in one or more local newspapers.

2.4 RELICENSING COMMUNICATION GUIDELINES

2.4.1 Communication Goals

The purposes of these communication guidelines are to facilitate consistent practices and document communication associated with the Project relicensing effort, and to provide methods and tools for exchanging information among DWR and relicensing participants. These communication guidelines primarily focus on DWR's responsibilities for communication management with the goals of:

- facilitating consistent practices and communication among DWR and relicensing participants;
- providing a mechanism for establishing the formal consultation record required for the relicensing application;
- encouraging broad agency, tribal, and public participation in the relicensing process;
- providing ample notice of meetings open to attendance by relicensing participants;

- documenting and maintaining all communication and contacts with specific groups and individuals through which actions may be taken or decisions made that could affect the relicensing;
- providing a mechanism for public access to relicensing documentation as part of the Public Reference Files maintained by DWR; and
- ensuring compliance with the confidentiality requirements of sensitive information including cultural resource information, Critical Energy Infrastructure Information (CEII), and other sensitive information.

These communication guidelines, which are not hard rules, establish a communication framework and identify mechanisms for achieving the above communication goals.

These communication guidelines do not supersede, or in any way modify, FERC's regulations or any other federal or state regulations related to the relicensing.

2.4.2 Participation in the Relicensing

2.4.2.1 Relicensing Participants

Participation in the Project relicensing is open to agencies, Native American tribes, NGOs, and the public, and broad participation is encouraged.

During the relicensing, DWR is required to consult with resource agencies, local governments, NGOs and members of the public. A resource agency is a federal, State, or interstate agency with jurisdiction in the areas of flood control, navigation, irrigation, recreation, fish, and wildlife, and water resource management, including water rights, cultural, or other relevant resources of the State. Examples of agencies with federal and State statutory authorities that may be involved in the Project relicensing include:

- NMFS
- USFWS
- U.S. Department of the Interior, National Park Service (NPS)
- U.S. Department of the Interior, Bureau of Indian Affairs (BIA)
- USFS, SBNF
- U.S. Environmental Protection Agency (EPA)
- Advisory Council on Historic Preservation (ACHP)
- California Department of Fish and Wildlife (CDFW)
- State Water Resources Control Board (SWRCB)

- Lahonton Regional Water Quality Control Board (RWQCB)
- Santa Ana RWQCB
- California Department of Parks and Recreation (DPR)
- DPR, State Historic Preservation Officer (SHPO), under the Office of Historic Preservation (OHP)

In addition, DWR is required to consult with Native American tribes during the relicensing. Native American tribes are sovereign governments that have authority over their members and territory, and are knowledgeable about Native American history and resources in California. The term “Indian Tribe” is used in the NHPA and by FERC to mean an Indian community or group who are recognized by the federal government. The term “Native American” is used herein to encompass all indigenous communities potentially interested in or affected by the relicensing, regardless of federal recognition. Consultation with Native American tribes will be conducted at the government-to-government level. Additionally, if FERC grants DWR’s request that FERC designate DWR as FERC’s non-federal representative for consultation under Section 106 of the NHPA and implementing regulations, DWR will coordinate with FERC to undertake pre-filing consultation with tribes consistent with Section 106 of the NHPA (36 CFR § 800.2[c][4]).

2.4.2.2 Relicensing Participants Mailing List

DWR has created and will maintain a list of parties that are likely to be interested in the Project relicensing or that have specifically expressed to DWR an interest in the relicensing. Interested individuals can request to be included on the Relicensing Participants Mailing List by contacting DWR through a link provided on the relicensing website, as described in Section 2.4.3, or by contacting DWR, as described in Section 2.4.4.

DWR requests that each interested party provide appropriate information (i.e., name, title, affiliation, mailing address, telephone and e-mail address) for a designated contact for the relicensing. To help expedite communication, DWR requests that the designated contact is authorized to speak on behalf of the agency, organization, or affiliation that he or she represents in the relicensing. Also, it would be helpful if designated contacts strive to keep the appropriate members of his or her agency, organization, or affiliation advised of relicensing activities. DWR also anticipates that each individual, agency, tribe, and NGO will notify DWR if contact information for its designated contact person changes.

Relicensing is a long process that will extend for at least five years. To keep the Relicensing Participants Mailing List current, DWR will periodically issue an e-mail to all those on the list who have provided an email address asking for each contact to confirm that he or she wishes to remain on the list. Those individuals who do not respond in a

timely fashion will be considered no longer interested in the Relicensing and will be deleted from the mailing list.

2.4.3 Relicensing Website

DWR has established and will maintain a publicly accessible website as a means of making information regarding the Project relicensing readily available to relicensing participants. The website can be accessed at <http://devil-canyon-project-relicensing.com>.

Examples of information that will be provided on the website include:

- Notice of Intent (NOI)
- PAD
- DLA
- FLA
- Public and special topic meeting notices and agendas
- Meeting materials and applicable handouts
- Calendar of events and important dates
- California Environmental Quality Act (CEQA) documents
- National Environmental Policy Act (NEPA) documents
- Study reports
- Other substantive correspondence and material related to the relicensing process.

2.4.4 DWR's Dedicated E-mail Address

DWR has established and will maintain a dedicated e-mail address for general inquiries on the Project relicensing. The e-mail address is: DCPRelicensing@water.ca.gov

2.4.5 Formal Communication Methods

DWR's formal communications include scheduled meetings with relicensing participants, reports, and letters, including letters from DWR to FERC and other agencies. Each of these is discussed below.

2.4.5.1 Formal Meetings

Meetings (e.g., face-to-face, teleconferences, and group gatherings, some of which will be public with published notice) will generally be used to disseminate and discuss relicensing information.

Public Meetings

DWR will plan, arrange, and facilitate formal public meetings during the relicensing process for gathering comments from relicensing participants. Formal public meetings include, but may not be limited to, joint agency and public meetings, site visits, and meetings to receive comments on various documents and issues. Formal meetings have set procedures that may be governed by an agency's policies and State or federal laws, and are open to the public.

Unless otherwise agreed to, public meetings will generally be located in southern California and held at an appropriate location near the Project.

DWR believes that in-person participation in a meeting rather than by telephone is a more effective and desirable form of communication. However, to accommodate constrained schedules, encourage participation, and make meetings as accessible as possible to relicensing participants, DWR will attempt to arrange a telephone call-in line for a relicensing participant if the meeting room has such capabilities and if requested by that relicensing participant at least seven days in advance of the meeting. If there is a call-in number available, DWR will forward the call-in number to the relicensing participant who requested it. DWR does not guarantee the quality of the phone connection or that the relicensing participant participating by telephone will have access to all the materials that may potentially be reviewed at the meeting.

If a relicensing participant finds that he or she is unable to attend, or is unable to have a representative attend a DWR-sponsored meeting, the relicensing participant may provide DWR input by e-mail prior to the meeting. If this occurs, DWR will make a good faith effort to convey the information and its source accurately to relicensing participants at the meeting.

Some meetings and information prepared for or shared during a meeting may be Privileged. For example, information on Native American resources and locations of sensitive environmental and cultural resources are considered Privileged material with restrictions on their distribution. DWR expects any relicensing participant providing Privileged information will identify the information as such in advance of disclosure and will manage the information appropriately.

DWR will strive to provide meeting materials at least seven calendar days in advance of the scheduled meeting to all interested parties.

Special Topic Meetings

DWR may organize and facilitate special topic meetings with relicensing participants, as needed, to clarify input on specific issues. DWR will plan, arrange and facilitate the meetings. The meetings will generally be in southern California at an appropriate location near the Project, or another mutually agreed upon location. DWR will strive to provide meeting materials at least seven calendar days in advance of the scheduled meeting to all interested parties.

Web-Based and Teleconference Meetings

DWR, at its discretion, will organize on-line and teleconference meetings to disseminate information and to encourage discussions, when appropriate.

Meeting Notifications

For all formal meetings, DWR will provide prior notice of the meeting to contacts on the Relicensing Participants Mailing List. Notification will occur through e-mail, unless other arrangements are made, and will be posted on the relicensing website. DWR may use discretion on a case-by-case basis on which relicensing participants are invited to certain meetings involving special topics. DWR will strive to provide the meeting notice and materials seven calendar days in advance of the meeting.

In some cases, FERC's regulations require that an applicant post notices in newspapers or periodicals in the county in which the project is located. In these cases, DWR will publish the notice consistent with the applicable regulation.

LISTSERV™ is an electronic mailing list management software program that allows information to be broadcasted to subscribers. LISERV provides a process that can be used for distributing information to LISERV subscribers. If LISERV capability is established, DWR will have discretion on updating the Relicensing Participants Mailing List with LISERV-listed individuals. Individuals can request to be included on the LISERV list through a link provided on the relicensing website, or by contacting DWR as described above. Individuals requesting to be on the list must provide DWR their first and last names, mailing address, phone number, e-mail address, and their affiliation, if applicable.

Meeting Action Item Log

For all formal meetings, DWR will add any action items or decisions made at the meeting to an Action Item Log that DWR will maintain on the relicensing website.

2.4.5.2 Formal Written Correspondence

Written communication includes but is not limited to letters, memoranda, technical reports, white papers, written analyses, legal pleadings, and e-mails. DWR will use formal written correspondence for two purposes: to formally distribute relicensing documents and to communicate with FERC and relicensing participants.

Distribution of Documents

Consistent with DWR's sustainability policy and its policy on waste reduction and recycling (Department Administrative Manual § 8000 et seq.), as well as FERC's paper reduction policies and objectives of Order No. 604 (May 26, 1999), to the extent feasible and where appropriate, DWR will distribute documents utilizing available electronic communication mechanisms such as e-mail and the relicensing website. In most instances, DWR will follow the procedure in Table 2.4-1 to disseminate relicensing documents.

Table 2.4-1. Normal Procedure for Disseminating Relicensing Documents

| Document | Primary | By Request |
|---------------------------|--|----------------------|
| Meetings Notices/Agenda | Website and e-mail | Hard copy, if needed |
| Major Documents | Website, and e-mail noticing the availability of the document on Website or FERC eLibrary or both. | USB or Hard copy |
| FERC filed Correspondence | E-mail or U.S. Mail | Hard copy |

Source: DWR

Key:

FERC = Federal Energy Regulatory Commission

USB = Universal Serial Bus

Written Correspondences

DWR anticipates using FERC's eFiling when possible for DWR's correspondences with FERC, and anticipates distributing such documents by notifying relicensing participants of the document's availability on the relicensing website and on the FERC eLibrary. The distribution will also be made to FERC's Service List after FERC establishes a formal Service List for the Project relicensing. DWR plans to use e-mail to notify relicensing participants of new postings to the relicensing website that involve major filings with FERC. DWR will have the date, name of the document, and page number on each page of each document DWR produces.

For correspondence issued by FERC, DWR anticipates FERC will distribute the correspondence in accordance with FERC's protocols. DWR anticipates that all correspondence issued or received by FERC will be posted and publicly available in the eLibrary on FERC's website at www.ferc.gov. To view these, a relicensing participant should click on "Documents & Filing," "eLibrary," then "General Search." FERC's website provides further instructions for obtaining documents. Each relicensing participant can register to receive a notice each time FERC posts a document to the Project relicensing docket once FERC sets the docket. To register, a relicensing participant should go to FERC's website, click on "Documents & Filing," and then "eSubscription." FERC's website provides further instructions.

DWR reminds relicensing participants that FERC encourages parties when filing material to submit an electronic filing pursuant to § 385.2003(a), or file a complete hardcopy original and required number of copies of the filing to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington,

DC 20426. The filing should reference the Devil Canyon Project and appropriate FERC docket number. DWR expects that any relicensing participant who creates, files with FERC, or distributes a correspondence will be responsible for the distribution of the document.

2.4.6 Informal Communication

Informal communication is a casual form of information sharing and includes, but is not limited to, phone conversations and other verbal communications that generally involve procedural and administrative or coordination matters, and generally do not involve discussions regarding the merits of issues. Informal contacts and communications are anticipated during the relicensing process. Communications with FERC may be subject to certain restrictions.

2.4.7 Public Access to Relicensing Documentation

2.4.7.1 Availability of Information in PAD

In accordance with 18 CFR § 5.6(c)(2) and § 5.2, DWR will provide sources of publicly available information on the existing environment and known or potential resource impacts included in the PAD to anyone who requests the information in writing. DWR will make a good faith effort to provide the requested information within 30 days of receipt of request. The document may be provided electronically (e.g., by e-mail or on a Universal Serial Bus [USB]) or by link to the relicensing website, unless the requester asks for the information in hardcopy. DWR may charge a reasonable cost for shipping and handling of the material.

2.4.7.2 Public Reference File

In accordance with FERC's regulations at 18 CFR §§ 5.2 and 16.7, DWR will maintain a Public Reference File that consists of records available for public inspection, review, and reproduction. Public records in the physical custody of DWR that are not exempt from disclosure, pursuant to CGC § 6254 et seq., will be made available for public inspection and copying. This information is available on the relicensing website and during regular business hours (8 a.m. - 5 p.m., Monday through Friday, excluding federal and State holidays), at DWR's place of business: California Department of Water Resources, 2033 Howe Avenue, Suite 220, Sacramento, CA 95825. The public may contact Ms. Molly White, or her designee, by telephone at (916) 557-4553 to make an appointment to review the information at DWR's office. In addition, hard copies of relicensing documents are available upon request by contacting Ms. White. The requester may incur reasonable shipping and handling costs.

Examples of records exempt from public disclosure, pursuant to CGC § 6254 et seq., and 18 CFR §§ 5.2(c) and 388.107, include, but are not limited to:

- Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in §§ 5097.9 and 5097.993 of the Public Resources Code maintained by, or in the possession of, a

federal agency, the Native American Heritage Commission (NAHC), another State agency, or a local agency

- Locations of sensitive historic resources pursuant to Section 304 of the NHPA and implementing regulations of the ACHP
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business if the public interest in withholding those records clearly outweighs the public interest in disclosure
- Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 (commencing with § 810) of Title 1 of the CGC until the pending litigation or claim has been finally adjudicated or otherwise settled
- Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy
- Attorney-Client Confidentiality of legally protected communications
- Pre-decisional and deliberative communications containing opinions, recommendations, or advice on agency policies, or other such communications under the deliberative process privilege
- Other documents developed during the relicensing process considered non-Public because the documents are otherwise required to be kept confidential due to federal or State laws and regulations

In addition, CEII material is not publically available. CEII is any “specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure” for which “the incapacity or destruction would negatively affect security, economic security, public health or safety, or any combination of those matters” (18 CFR § 388.113). Requests for privilege or CEII treatment and accessing CEII documents that are exempt from public disclosure can be obtained pursuant to FERC’s Rules of Practice and Procedure at 18 CFR §§ 388.112 and 388.113.