

Whitmore, Ca
24 August 2007

Andrew J. Black
Federal Energy Regulatory Commission
Director Office of External Affairs
Washington, D. C. 20426

Subject: FERC Project No.606

Dear Sir:

Recognition of the local situation and stakeholders concerns dictate keeping FERC aware of conditions and concerns of the local stakeholders and requesting answers on action items noted. Meetings with local County, Conservation, Friends of Cow Creek Preserve, and Cow Creek Watershed entities show a united front for "SAVING KILARC" and to retain the facilities for the exceptional public utilization.

There are a number of issues that FERC and the National Marine Fisheries Services (NMFS) need to address now while they can be more effective. In fact a local visit and meeting may clarify the problems attendant with the loss of the properties and bring conditions more in focus for the involved Government Agencies.

Whereas saving spawning areas for migrating fish is a major issue, it must be recognized that there are mitigating factors. It is well to emphasize these factors for identifying the deleterious effects:

- 1. We request that FERC assure the surrender process follows NEPA procedures of considering all reasonable alternatives. Specifically, that the action contemplated by the applicant in surrendering the license must be compared with the "no build alternatives" of not abandoning the license or removing facilities but leaving them in operating condition. Supporting this request with data indicating there may be preferable alternatives for the fish, that can result from continued operation of Kilarc. Such as: a) The cold water injection from the Power House may improve downstream temperature regimes and habitat. b) Using the revenues to maintain**

screens on other diversions downstream. c) Using the canal as a juvenile habitat for steelhead.

2. **Once the various surrender alternatives and baselines for measure are agreed to, define a process for conducting the lengthy studies. The current Surrender Plan is Six (6) months behind schedule because no one has agreed on alternatives to be studied. This schedule should be abandoned in that it does not allow time for contemplation of alternatives, does not allow for community input, and does not allow sufficient time to measure either opportunities or possible effects. In the surrender case, little cost need be incurred in carefully studying which route is best for the site. Different decommissioning routes can be undertaken and studied at little cost since the facilities exist. An example is the question of creek temperature. By shutting off the Power House for a few days once a month during summer, study can be made of the actual effects of the Power House.**
3. **After the studies are agreed to, extend the time long enough to study the results. The PG&E current idea, is that there is no need to consider alternatives because the "dam removal is best", although barrier falls are higher than the diversion dams. However, Davis Hydro has suggested a mitigating action, that by using the resources available from Kilarc to improve a larger habitat downstream and in adjacent streams, more usable habitat can be created than if both Power Houses were abandoned. This alternative needs to be studied if we are concerned about the best way to care for the fish.**
4. **Studies of anadromous fish restoration plans cannot be made in a short period. They must be made over a timeframe that makes sense. It is requested that the study timeframes be long enough to evaluate the alternatives. In this case there is ample opportunity for identifying what is best for the fish by doing the studies and intervention measures during the surrender process. Speed is neither required, useful, nor will it lead to meaningful results.**
5. **It is requested that PG&E allow stakeholder input per your approval letter. Immediately upon receiving the go ahead letter encouraging public input from FERC,**

PG&E changed a public discussion meeting into a field trip, eliminating discussion. They canceled the following two public meetings at which alternatives were to be discussed and may be starting on a set of studies with neither public input, any public visibility, nor any basis for study designs. Required items should include minutes taken at the meetings having them posted and agreed to in the meetings. These should be part of the public record. Agreed to agendas should be distributed with meeting notification.

- 6. It is requested the PG&E not define the alternatives, and be removed from the study design process and they not be allowed to conduct the environmental studies. This is because of lack of openness, lack of apparent public input, and lack of consideration of alternatives that are better for the fish, and because they have been acting in direct violation of the agreed surrender process. Especially, in lack of consideration of stakeholders input and in allowing the schedule slippage (canceling public meetings). NEPA process elements should be followed. An independent evaluation of the environment is requested (or completed) to help the migrant fish while retaining the pollution free renewable power.**
- 7. Have all studies conducted in an open manner with public knowledge. It is a practice of PG&E to have covert agreements with their contractors prohibiting exchange of ideas and public review of data and drafts. This requirement of consultants to PG&E creates an aura of mistrust.**
- 8. To our knowledge no studies exist on fish populations on the upper reaches of Old Cow Creek. A request to do so by the NMFS Recreational Fisheries Statistics Program seems appropriate.**
- 9. Populations of anadromous fish have oscillated radically, independent of the 104 year existence of the Kilarc Power Station. This means that the fish restoration studies will have to span several years.**
- 10. Consideration should be given by conservationists to the many species of wild life that have called the Kilarc fore bay their territory for many years. Bald Eagles fish there**

as do Ospreys. Ducks raise their young and teach them to fly and water snakes and Salamanders are quite prevalent.

11. The fore bay provides recreation: fishing (stocked by the California Fish & Game), picnicking, wild life viewing, hiking, scenic panoramas, and senior and handicapped (ADA) access considered the finest in the north state
12. The historic value of the 104 year old Kilarc Power Station is supported by the Shasta County Historical Society, the Whitmore Volunteer Fire Co. Inc., the Whitmore Elementary School, and Congressman Wally Herger.
13. The water rights, adjudicated in 1969, will be adversely affected by the transfer of PG&E water rights and the loss of undefined ground water effects of the fore bay on local springs, wells, and ponds at lower elevations. A legally contentious problem. Hydrology studies, long overdue, could resolve many questions.
14. The overall effects on ranchers and their water rights have forced the retention of legal representation. Ranchers have granted PG&E access to private property in return for use of diverted water.
15. The California Public Utilities Commission (CPUC) authorized PG&E to commit \$10.4M of ratepayers money to the "Surrender Application". Some of these funds could and should be spent for studies that will bring better understanding to the potential disposition of PG&E water rights and the effect of Kilarc ground water.

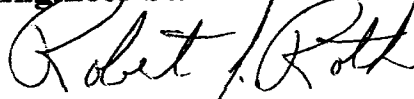
We have previously brought the situation to the attention of FERC, but the answers lack any indication of activity for resolution. Again we are seeking your understanding of local concerns and what might be best for the fish.

We are asking the help of our Congressman in evaluating the "Surrender Application" problem (erroneously referred to by PG&E as "Decommissioning Plan"). It would be greatly appreciated and is important for the resources and to the constituents of Shasta County and residents of the Cow Creek Watershed to study how to best use the existing resources for protecting the fish.

Sincerely



Thomas Glenn Dye
"SAVE KILARC" Committee Chair
Retired Registered Professional
Engineer State of California



Robert J. Roth
Vice Chair, Acting Chair
Friends of Cow Creek Preserve

CC: Congressman Wally Herger
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