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October 1, 2007

The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 – 1st Street, N.E.
Washington, DC 20426-0001

RE: Comment on Letters by Signatories of March 2005 Agreement Regarding License Surrender of Project 606 Kilarc- Cow Creek

- September 26, 2007 letter by PG&E in response to Davis Hydro letter of September 17, 2007
- September 25, 2007 letter by NMFS in response to Davis Hydro Scoping Paper Dated July 30, 2007

Dear Secretary Bose:

On March 27, 2007, this year, on the day that the P-606 license expired, PG&E held a public meeting at which they presented their plan and schedule to take public input regarding their proposed license surrender. This was the first time that PG&E said that they would take public input into consideration, after they had signed a March 2005 Agreement to protect anadromous fish at the expense of local community stakeholders, whose documented input they ignored at that time.

But, PG&E still has not taken public input into consideration. They canceled meetings, and did not take note of the comments made at the meetings that were held. On September 12 and 13, 2007, PG&E presented their “decommissioning” plan that continues to be based entirely on the March 2005 Agreement.

PG&E pretends that they are not responsible for assessing the environmental effects of removing the project and its infrastructure, especially the Kilarc forebay reservoir that is so highly valued by the community and has environmental resources as well that have never been assessed (providing wildlife habitat, recharging groundwater wells and springs, and lowering water temperatures in valuable anadromous fish habitat downstream of the powerhouse). Letters from the community are available for viewing on the FERC website under P-606, requesting that both the environmental and community values of the existing project be assessed.

PG&E and NMFS, in the subject letters they most recently submitted, continue to express their intent and determination to dismantle the entire P-606 project based on the assumption (but no evidence) that this would be the best outcome for the anadromous fish and there is no obligation to consider the proposal submitted several times by Davis Hydro, unless Davis Hydro does the

environmental studies that are the responsibility of PG&E, to determine with evidence, not assumptions, what really is best for the anadromous fish and to give fair consideration of the environmental effects on the community and all resources.

Whether Davis Hydro has the opportunity to relicense or not, it is very important to know the environmental outcome of destroying a century old habitat *before* we take further steps.

As concerned stakeholders we are also in the middle of negotiations with the Stewardship Council to be a possible donees for these lands, once PG&E disposes of them. Kilarc reservoir is a valuable part not only of our history, but for our plans to meet the stewardship council qualifications. PG&E is “pulling the rug out from under us” and at the same time possibly destroying valuable habitat.

PG&E’s letter says that it “intends to provide the Commission with sufficient information regarding Project effects for the Commission to evaluate baseline conditions,” yet earlier the same month, PG&E’s project manager said in public meetings that no further studies were planned, and clearly there is insufficient information in the draft decommissioning plan to support PG&E’s claim. My understanding of the law is if a stakeholder requests such a study to be done and for sound reasons, they are required to complete a study. The stakeholder has the right to be a part of who does this study and some of the terms, as well. There are more than sufficient reasons to demand a study as I have noted.

NMFS’ letter says that “Davis Hydro’s proposal does not provide a substantial basis that compels NMFS to think that such benefits are likely, or proposed studies are warranted,” and “NMFS remains committed to the existing agreement previously signed along with PG&E,” etc. – without providing any “substantial basis” for their “restoration scenario.” Perhaps the signatory parties spent more than a year – but they ignored public input and provided no supporting evidence that “This agreement remains the most viable alternative for maximizing benefits for anadromous fish” – and, even if NMFS has reached this conclusion, doesn’t NEPA require that the FERC ensure that more than one alternative be evaluated publicly?

PG&E, NMFS, and the other parties to the March 2005 Agreement should not be trusted to provide an unbiased analysis of the best future for the P-606 project facilities after PG&E surrenders its license. Davis Hydro has put forward some great ideas that the signatories to the March 2005 Agreement are too stubborn to even consider. I also realize the FERC had a three month period for others to present their interest and plan and Davis Hydro did not submit on time. However, what is most important is the future of California, our lands and the habitat. We are in need of hydro power plants. Why not fix this one instead of destroying another habitat somewhere else to provide the same thing and building a new dam and plant and wasting our precious resources.

Please consider not only assisting us in opening PG&E’s ears to the stakeholders needs, but the needs of the environment, anadromous fish and future generations. I would like to know if the FERC can require PG&E to pay for an unbiased analysis that is conducted by someone else, that would probably be managed by the FERC.

Respectfully,



Laura Carnley, Concerned Stakeholder

cc:

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