

Whitmore, Ca  
18 Oct. 2007

The Honorable Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.W.  
Washington, DC 20426

Re: KILARC-COW CREEK HYDROELECTRIC PROJECT, FERC PROJECT NO. 606

Dear Secretary Bose:

A number of letters have been written to FERC from stakeholders in the Whitmore area. Some have not been answered while others have not had the data submitted recognized, or responded to adequately. That is the prompting for this letter which will be much longer, more critical, and more factual than those submitted previously.

The concerns, feelings, and desires of the community/stakeholders and the general area population are presented with available information to support their validity. This will include: A challenge of the validity of preparing a "Surrender Application" (decommissioning) Plan without supporting studies and evaluations; Making extremely impacting decisions without input from affected stakeholders; Proposing to remove sources of non-polluting, renewable energy; Not working with the small hydro power companies to retain the facilities; Not studying the lack of improvement on the spawning grounds as intended; Ignoring the potential impact on the lives and property of residents.

Studies have been requested of PG&E by individuals aware of the potential impact. Several examples are cited and are developed in detail. The environmental impact study has been requested, the impact on wild life has been requested, a hydrology study has been requested, and recreational benefits for all ages and the handicapped have been defined.

## ENVIRONMENT

Requests have been made to PG&E and subsequently to FERC for environmental studies. PG&E stated they would only do studies when directed by FERC. Studies requested included environmental studies to determine the impact on the landscape and the flora and fauna of the region. The loss of Kilarc Fore Bay would change the topography, the riparian area, and impact the century old ecology.

## HYDROLOGY

Requests have also been made to study the area hydrology. No recent study has been made. A study is essential that will support a change in water distribution or availability. The surface water conditions are reasonably well established, whereas the ground water is unknown and questionable. The only ground water study (1984) stated Whitmore area was "poor-to-moderated". It recommended cautious development. The County approved a tract in 1992 and recently (2007) another, both in the Whitmore area. Between the 1984 study recommendation and 2007, there have been many new residences, twenty three years of development. There is no water system; each residence requires water from well or spring. There is great concern to residents in the Whitmore area, particularly below the Kilarc Reservoir. It has, along with a 3.5 mile feeder canal, contributed to the ground water level for 104 years and removal may be a major impact on the wells, springs and ponds that residents rely on for water. This can destroy the quality of life and the severely impact property values. A preliminary list of residents in the area below the Kilarc Reservoir, concerned about ground water supplied to PG&E is attached to this letter. More are being identified daily.

This begs a question. If any change is requested in land use, there are multiple permits and perhaps studies necessitated by local requirements/agencies, in some cases the Army Corps of Engineers, approval before proceeding. Why then can an established condition be changed, radically altering the environment, without the normal studies and permits required by law?

It has been an axiom much quoted in recent times, "no one is above the law".

## ANADROMOUS FISH

Unrealistic requirements can destroy a century old facility in spite of logical support for retention. Spawning of anadromous fish is not recognized to have occurred in Old Cow Creek in its long history. The U. S Fish and Wild Life Service refers to the "restoration of aquatic habitats affected by the Project". Just how can a habitat be restored if it never existed in the first place? Salmon have been ruled out as unable to navigate Whitmore Falls and Steelhead conceded to conquer the falls only in extremely high water flows. In the memory of life time residents, negligible Steelhead bypassed the falls. Also information from their predecessors bears this out.

The distinction between Rainbow Trout and Steelhead is judgmental. A Steelhead is a Rainbow that migrates to the ocean and returns to its origin to spawn. They do not return every year and unlike Salmon it is not necessarily fatal. Rainbow Trout are regularly planted in Kilarc Reservoir by the California Fish and Game. These Trout and/or Salmon ides can enter the creek when spring flows cause the reservoir level to rise above the overflow by-pass. These fish on maturation can migrate to the ocean, therein becoming identified as Steelhead.

Conversely, South Cow Creek has provided by pass ladders and fish spawn, including Salmon, far up the reach and in minor tributaries (Atkins Creek).

The original agreement (March 2005) of Government Agencies did not include stakeholders from the affected communities. The only non-government attendees were the Friends of the River and Trout Unlimited. These, though credible organizations, do not represent the affected community or local fishermen. Approval was self serving for Sacramento River and Delta fishing. The March 2005 meeting was a general “SHOTGUN” approach to enhance fish spawning. Lack of knowledge and concern for a specific area is evident in references to Killarc (misspelled) Creek which does not exist.

The natural barriers on Old Cow Creek, precluding migration, are much, much higher than any diversion dam supporting power generation that could be removed. No studies of fish populations are available for Old Cow Creek. Whitmore Falls (12-15 feet) are the deterrent to further migration and this is only the first natural barrier.

It has been stated that the removal of Kilarc would improve stream fishing. Stream fishing is not a viable alternative as access is by private property (OVER 90%) or precipitous terrain which would pose a safety issue for children and seniors.

#### Wild Life

At Kilarc Fore Bay/ Reservation protecting wild life and recreation go hand in hand. The Reservoir area is set up for day use, picnicking, fishing, hiking, and wild life viewing. It provides for use for all ages, youth through seniors, with easy handicap access. For wild life viewing it is inhabited by water snakes, salamanders, and is a breeding area for ducks. Bald Eagles and Osprey fish to feed their young and a variety of birds find sustenance in the riparian vegetation (herons, swallows, etc.). Organizations (Boy Scouts, Schools, and Churches) use the facilities for outings to experience nature and the wonders of the great outdoors. It is the only facility of its kind in the Cow Creek Watershed or proximity. It is at an elevation above any current human habitation.

To summarize in conclusion are some hard questions that need to be answered:

1. How can you “restore” (NOAA response 9/25/07) a condition that never existed naturally?
2. Should an existing facility that parallels the aims of the Pacific Forest and Land Conservation Stewardship Council (which is spending millions of dollars to convert divested PG&E properties to youth recreation facilities in the outdoors) be destroyed?
3. Can the potential loss of Ground Water affecting the quality of life and property values be justified?

4. What are the necessary legal requirements to be complied with before a major change in topography?
5. In a climate of action to reduce Global Warming and promote renewable resources, can the removal of historic green power generation that does not improve spawning, be justified?
6. Does the removal of outdoor recreation for the handicapped contradict the ADA?
7. How will the destruction of a 104 year old natural ecology increase a migration route?
8. Why cannot the Agencies establishing the requirements for spawning grounds respond to the requests or meet with the affected stakeholders for arbitration?
9. Does the will of the local citizenry, concerns for conservation, wild life, pollution, and the citizens of tomorrow not justify effort for retention?
10. Why is private operation of the existing facilities (saving Ratepayers millions of dollars) not considered, as proposed, while working to satisfy requirements?

IN HOPE OF RESOLUTION



**Thomas Glenn Dye**

30655 Whitmore Rd.  
Whitmore, CA 96096  
"SAVE KILARC" Chairman

Retired Registered Professional  
Engineer State of California

WWII Combat Pilot  
Space Shuttle Engineer

E-filed

Cc: w/Attachment

Residents concerned with Ground Water supply.

Honorable Wally Herger  
2268 Rayburn Office Building  
Washington, D. C. 20515

Via e-mail: Steve Nevares and Stacy Evans, PG&E co-project managers  
P-606 Service List Recipients (excluding those requiring paper copies via U.S. mail)

## CITIZENS CONCERNED IF KILARC DECOMMISSIONED

Identified below are Whitmore residents that may be affected by the loss of Kilarc Reservoir and diversion canal. The reservoir has over 100 years influenced ground water in the area below Kilarc and the potential for impact has not been studied. A hydrology study is requested before any plan to decommission the reservoir is proposed for implementation. Removal may require mitigation as it very well could seriously affect the quality of life and property values.

RESIDENT	LOCATION	SOURCE	VALIDATION
BETTS, PHIL	31250 TWO PONDS	SPRING	FORM
GOUCH, RICHARD	12273 FERN RD. E.	WELL	N/A
TREVELYAN, MAGGIE	13618 FERN RD. E.	WELL	TELECON
KAMP, THOMAS	31931 MILLER MTN RD.	SPRING	E-Mail/PIC
DONAHOE, WILL	12744 FERN RD. E.	SPRING/WELL	TELECON
ORR, PATSY	12502 FERN RD. E.	WELL	TELECON
WELLS, PATTY	13728 FERN RD. E.	WELL	TELECON
RODRIGUES, JOHN	13126 FERN RD. E.	WELL	FORM
McGARVEY, MICHAEL	14612 FERN RD. E.	SPRING	FORM
PALMER, MARK	30873 GLENDENNING WAY	WELL	FORM
MOON, KEN	31286 TWO PONDS LANE	WELL/ PONDS	TELECON
COMBS, PAUL	13140 FERN RD. E.	WELL	TELECON
POWER, JENNY	12118 TAMARAC RD.	SPRING	TELECON
NICORA, DEBBIE	SO. COW CREEK RD.	MILL CREEK GERMAN DITCH	TELECON
BREHMER, CHUCK	30517 WHITMORE RD.	GERMAN DITCH	TELECON
BRATTON, RICHARD	13126 FERN RD. E.	WELL	TELECON
GEORGE, RICHARD	10720 HUFFORD RANCH RD.	WELL	TELECON
McCLOSKEY, PEGGY	28942 FARETHEEWELL LN	WELL	TELECON
SMITH, LYNN	13545 FERN RD. E.	WELL	TELECON
TUCK, MIKE	13542 FERN RD. E.	SPRING	TELECON
KURTZ, JACK	12855 FERN RD. E.	WELL	TELECON
BURNHAM, PAUL	14421 FERN RD. E.	WELL	TELECON
DYE, GLENN	30655 WHITMORE RD.	WELL	COMPILER
SARGENT, BILL	27899 WHITMORE RD.	IRRIGATION DITCH	TELECON
GRACE CHURCH	30637 WHITMORE RD.	WELL	TELECON
TILLIS, ART	29571 WHITMORE RD.	SPRING	TELECON

Validation: Signed form on file, telephone, or E-mail.

N/A previous concurrence, but currently not available

Submission Contents

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