198 Sprucemont Place
San Jose, CA. 95139
19 April 2013

Jeffry Parks
State Water Resources Control Board
P.O. Box 2000
Sacramento, CA. 95812-2000

Re: Kilarc-Cow Creek {FERC P-606} CEQA

Jeff,

1. As stated in my letter of 6 April, I will once again repeat my concern that the now defined LSA PME's with respect to the South Cow Diversion Structure are incomplete as they were developed on the basis of inadequate description - either text or analytical. They do not address key issues necessary to best establish a new post dam stable channel for fish passage. In this Decommissioning Process", doing "first things first" was not done in this specific area with respect to the diversion infrastructure present there. It is necessary to first accurately define the current physical condition and **all** relevant issues in close proximity to the dam {about +/- 25 yards upstream and down stream}. Then one can develop a set of solid and valid PM&E's to address the issues. As of now, I see only one option of accomplishing a valid set of objectives (PM&E's) to the satisfaction of all impacted. That approach would have the CEQA require in the implementation of PM&E GEOL-3: Professional Engineering Design Plans, and Specifications Mitigation, and Enhancement Plan" that a Specification & Objectives" phase be first accomplished; and then subject to **Review.** This needs to be done before wasting time, effort, and money developing inappropriate detailed design plans to vague set of objectives. Please refer to Attachment IV{ my 3 page letter of July 7, 2009 to FERC} that outlined one possible procedure for doing this.

2. There are well established procedures in the Literature for the specific situation at hand. One such set is as shown in Attachment III. Those steps are primarily derived from a 1997 ASCE Handbook. The FERC P-606 Decommissioning Process has been in an active phase for more than 5 years now. Per Attachment III, Step one is partially done, but not all options have been explored or discussed because the Process has been open only to the Licensee & the Resource Agencies. Step 2 has been thoroughly done and documented. Step 3 {Channel Geomorphology} has been only partially done with respect to the existing channel. {Zero 3 dimensional data or information immediately downstream of dam}. Unfortunately; essentially Zero investigation has been accomplished with respect to other half of Step 3: { Pre-dam geomorphology}. Please see Attachment I that is a schematic sketch for one possible output for a pre-dam / post dam geomorphology study. Where does one find in the mounds of the Licensee documentation developed to-date over the last five years this information in any form?

3. Issues with Sediment must be addressed in any dam removal. However, it also needs to be realized that those amounts impounded are relatively small compared to what can be transported by these water courses. For example, in the 100 year flood events of 1969, at least three orders of magnitude more in sediment was deposited about a ½ mile upstream of the dam just before the entrance to Wagoner Canyon. In the case of the South Cow Creek Diversion having a natural channel slope only slightly above one degree, it is especially important to accomplish a valid Channel Geomorphic Assessment. This is especially true since man more than a century ago destroyed at least some of the natural channel banks in

the dam area. Those original banks would have been consistent with those observed upstream and downstream within Wagoner Canyon that define a rather narrow (and typically very stable) water course for South Cow Creek within the reaches of the canyon.

4. One can examine this landowners concerns based on simple statements / questions based on Attachment 1:

a. Area 1 is a channel reshaped by man in 1907 to create an entrance to the main canal. It is now the existing last leg of thalweg before the diversion works. How is the stream channel going to magically put itself on a natural course, and not try to do a 90 degree kink at the canal head works unless some sort of bank restoration efforts in this region are undertaken? Such efforts could be as basic as appropriately displacing existing sediment {not removing said sediment} for the proposed pilot thalweg; in combination with well known stabilization techniques such as rip-rap and other bioengineering stabilization techniques

b. The precise location objective of a post dam channel (Area 4) is not yet estimated. However, it will not be as approximately shown in Attachment I unless all those involved grasp the very basic and simple fact that the third step of the cut-off walls is below "grade level". Some means {preferably natural material} needs to be anchored against and along at least one of the walls in this area to bring it up to least the level of the middle section of the cut-off walls. If this is not done, it is obvious the post dam channel course will bias itself towards and against the abutment on the main canal side. Similarly the span of the dam between abutments is on the order of four times the typical channel width within Wagoner Canyon. Hard right and left stops {Preferably natural material} can be anchored against the cut-off walls in the appropriate location to the define the post dam channel width & location. From these points; other barrier techniques in combination with rip rap and pushed sediment could approximate the pre-dam canyon slope geometry.

c. Where the retaining wall now intersects the dam face & right abutment {Area 3a} is far removed from the pre-dam channel bank. It should properly be described as protecting a vertical bank created by man and erosion - not simply the stream channel bank. How is this area to be addressed on dam removal? Hopefully not just per that outlined in the LSA. This retaining wall can appropriately treated in combination with rip rap, sediment barriers and other bioengineering stabilization techniques at the cut-off walls to readily recreate some resemblance of the pre-dam canyon bank in this region. Such action is also required to negate a potential safety/liability issue for the landowner as an exposed cut-off wall represents a jump point into creek waters below.

7. In the absence of analytical data, a text geomorphic description of the dam site as below might have given some insight as to the issues involved.

" The South Cow Creek diversion structure is a concrete capped rubble filled metal crib structure about

86 feet wide - a span about four time the typical channel width in Wagoner canyon. As is typical in most dam structures, natural canyon banks were modified by man to anchor abutments far removed from the natural channel banks. The present dam rests on a pair of cut-off walls attached to bedrock that are in three stair step elevations between the abutments. The center section is approximately at the pre-dam stream bed elevation (which is not bed rock elevation). However that section nearest the main canal is below the pre-dam stream bed elevation. For a short distance upstream of the main canal head works man removed the bank material in this region to direct the thalweg towards the canal intake. The canyon slope for the opposite dam abutment was also carved out. In the course of time waters further destroyed the downstream bank on this side of the dam and a retaining wall was created in the 1980's to protect the eroded hillside from impacting the Mill Creek canal. Where this retaining wall intersects the dam face and abutment is likely about 20 to 25 feet removed from the original channel bank. The typical geomorphic elements that define banks in Wagoner Canyon are readily observable short distances up and down steam of the dam. It does need to recognized that the right canyon walls near the dam are somewhat different for the those typical in the canyon because of the confluence of Mill Creek just down stream of the dam. Just down stream of the dam on the left side it appears some geomorphic remnants the original bank are still present. There may also be some upstream under the sediment for the right bank; but that won't be known until the sediment is combed back on dam removal. As a result of hydrodynamic spill forces, the bedrock below the dam face has likely been scoured deeper than that for the pre-dam state."

6. Attachment 5 is a copy of my 10 page letter of August 19, 2010 for the FERC DEIS.

a. In this Attachment, Page 2 (paragraph 2b); and Page 4 are related to the channel geomorphic issues discussed above.

b. With respect to Cultural comments on pages 7 & 8, this individual has resigned himself to the fact that no one cares if the historical survey was factual & accurate unless the feature involved is eligible to be registered as a "historical landmark" or has been determined to be of "historical Significance. The inaccurate SHPO documents now on file at the Chico CHRIS center are only paper - they can be fixed in the future by those that care about recording history with some degree of accuracy. This type of future fix is not so easily possible if physical features of this project are casually removed without proper analysis; and thus permanent undesirable physical damage results to the stream system.

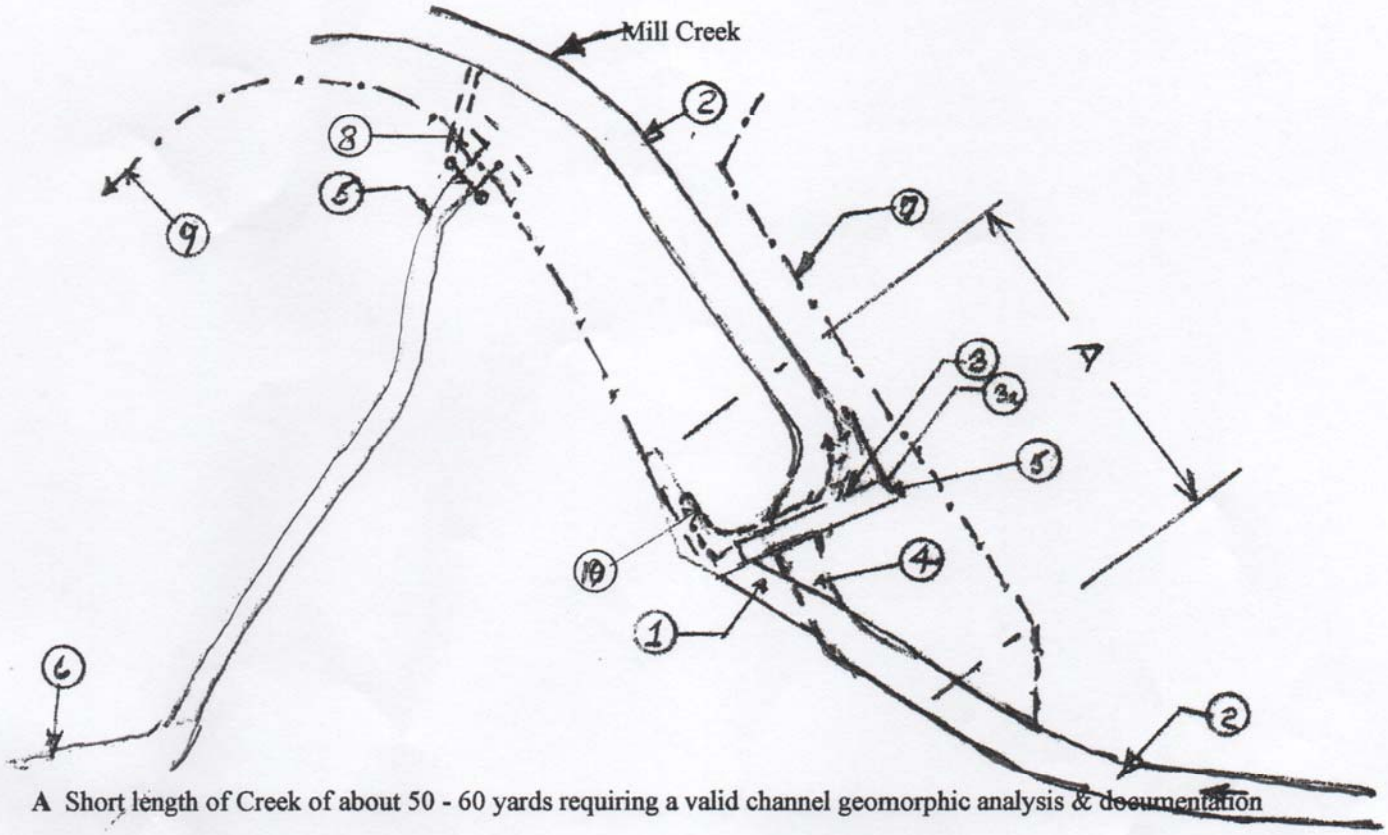
Respectfully,

David W. Albrecht
(408) 225-7600
dtalbrecht@sbcglobal.net

5 Attachments
Atch I : 1 page - South Cow creek Diversion Dam Area Schematic
Atch II : 1 page - Comments on SCC Sediment Geomorphic Assessment
Atch III : 1 page - ASCE 10 Step Dam Removal Checklist
Atch IV: 3 page - FERC Comment letter of July 7, 2009 w/o its attachments
See FERC Library P-606 database for attachments.
Atch V: 10Page - FERC DEIS Comment letter of August 19, 2010

ATTACHMENT I

SOUTH COW CREEK DIVERSION DAM AREA



A Short length of Creek of about 50 - 60 yards requiring a valid channel geomorphic analysis & documentation

(1) Man created thalweg into Main Canal 1907 time area

(2) Now existing (& likely pre-dam) natural Channel of South Cow Creek above & below dam

(3) Rough estimate of pre-dam natural bank slope {possible 20-30 feet removed from retaining wall
(3a) Retaining wall intersection with dam abutment and face of dam

(4) Rough estimate as pre-dam thalweg above & below dam

(5) FERC Access Road "A"

(6) Approximate location along Road A of past staging areas @ top of canyon for work at Fish Screen area & main canal

(7) Mill Creek Canal

(8) Main Canal Spillway #1

(9) Main Canal

(10) Thalweg about 60% of year {fish screen area back down fish ladder and then parallel to dam face 7, then turn

ATTACHMENT II

COMMENTS ON SOUTH COW CREEK DAM {SEDIMENT} GEOMORPHIC ASSESSMENT
BY NORTH STATE RESOURCES dated May 20,2008

1. Note that {Sediment} has been added to title as this study primary concerns only the sediment; and has limited information with respect to a channel geomorphic assessment.
   a. See Page 1: "Introduction " & "Background" as to scope of work.
      * That scope of work was primarily with respect to sediment; and was very limited w/r to channel issues.
   b. A channel geomorphic study for dam removal involves such undertakings such as investigating, estimating, and documenting the channel pre-dam as well as the existing geomorphology, and that which will occur under given dam removal alternatives and channel bank reconstruction options.

2. The study appears thorough and complete with respect to all the aspects of chemical composition and transport of the sediment.
   a. Possibly in the actual dam removal process one would confirm the chemical composition of the sediment at a depth near the cutoff walls after the sediment is combed back.

3. In terms of stream channel geomorphic data, the key data plotted for cross sections X-1 thru X-4 in Figures six thru nine is useful for qualitative insights. However, it is totally useless for quantitative evaluations because the vertical axis absolute elevation calibration is total nonsense. At a very minimum there should also have been plotted at least one more cross section X-0 taken at the upstream face of the dam; to give some additional insight as to the channel response on dam removal. It is assumed that the axis error is one that is easy to correct.

   a. It is presumed {Report doesn't state} that the post dam channel profiles {Figures 6-9}; and sediment purge volume estimates are based on the assumption that the cut-off walls were not left in place.
      a-1: It doesn't appear that the Geologist (Jim Fitzgerald) doing the work was informed of the proposal to leave the cut-off walls in place.

   b. Except for longitudinal profile in Figure 4; there is **ZERO** three dimensional data with respect to a geomorphic profile for the area immediately downstream of the dam. There isn't even a plane view showing where the longitudinal profile was taken.

   c. A three dimensional profile for at least 25 yard down stream of the dam is essential to quantify channel flow after dam removal. Possibly enough data points have already been taken to readily develop such a contour map. It is also important to map the large remnant geomorphic elements in this area immediately downstream of the dam as they likely correspond to the pre-dam bank.

   d. An absolute minimum documentation requirement is a simple plane view plot(s) that show the estimated pre-dam course of the channel; and that after dam removal (given different channel bank reconstruction options).

4. SUMMARY: Report has more than enough information on sediment composition & transport; but is totally inadequate on channel geomorphic data because the Surveyor wasn't requested to do such work. Do not 100% concur with "Recommendations / Findings" on page 8 for "Stream Channel Condition" as now worded because those specific findings are totally unsupported by the Report data.

ATTACHMENT III

Box 6.1 Steps to Preparing Alternative Sediment Management Plans

1. Examine the possible range of dam removal alternatives (continued operation, partial dam removal, and full dam removal).
2. Determine the reservoir sediment characteristics, including volume, spatial distribution, particle size distribution, unit weight, and chemical composition.
3. Investigate the existing and pre-dam geomorphology of the river channel upstream and downstream of the dam.
4. Inventory the existing infrastructure around the reservoir, along the downstream river channel, and along the upstream portion of the river channel influenced by the reservoir.
5. Determine the feasible range of sediment management alternatives and formulate specific alternatives.
6. Coordinate the details of each sediment management alternative with the other aspects of the dam removal alternative.
7. Conduct an initial assessment of the risks, costs, and environmental impacts of each sediment management alternative.
8. Determine what mitigation measures may be necessary to make each alternative feasible and include these measures in the alternative.
9. Finalize the assessment of the costs, environmental impacts, and risks for each modified sediment management alternative.
10. Document the risks, costs, and environmental impacts of each alternative for consideration with the engineering and environmental components of the study. Provide technical support to the decision-making process.

Source: Adapted from ASCE (1997).

ATTACHMENT IV

David W. Albrecht
198 Sprucemont Place
San Jose, CA. 95139

July 7, 2009

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

Ref: P-606-027-CA, Kilarc-Cow Creek Hydroelectric Project
Application for Surrender of License by
Licensee Pacific Gas and Electric Company

Re: **COMMENTS / PROTEST / RECOMMENDATIONS**
for South Cow Creek Diversion Dismantling Plans

Dear Ms. Bose:

COMMENTS:

The Pacific Gas and Electric Corporation submitted its License Surrender Application (LSA) for its FERC Project P-606 on March 12, 2009. The Licensee has requested that the Commission endorse and approve the Application; and seeks an order to begin detailed engineering proposals for removal of various specific infrastructure in specific areas of the Project.

One such structure is the South Cow Creek Dam that is located on our private lands as a consequence of a deeded easement to the Northern Light & Power Company in 1907 by the former owner of the property.

Detailed engineering proposals are, and should be developed, based on quantitative specifications and objectives; together with other physical attributes and constraints of specific infrastructure and the germane characteristics of the area involved. This Engineer's personal perspective is that in practice within the FERC processes, those PM&E measures encompassing such environmental disciplines such as Geology (GEOL), Geomorphology (GEOM), Aquatic (AQUA), Wildlife, Botanical, etc. become the actual specified objectives and constraining environmental specifications that the detailed engineering plan must satisfy and conform to.

For the South Cow Creek Dam, those PM&E proposals that have been developed for the LSA are in general excellent, given the specific information and data that was made available by the Licensee in the Preliminary Plan (9/2007) and Draft Plan (9/2008). However for multiple reasons: (including incorrect information, casual data analysis, missing data, misleading descriptive information, miscommunication,

etc.); these PM&E measures are not yet comprehensive or complete. For no justifiable reason, the likely **(High Probability)** outcome and consequence of this deficiency is permanent and irreparable damage to our lands and the South Cow Creek channel. Moreover, it puts at significant risk the fundamental objective for removing this hydro project which is to establish an improved, permanent, stable, and reliable channel for future upstream fish passage.

PROTEST

With respect to all those issues, but just those issues, associated with the South Cow Dam in the LSA, at this time the landowners wish to Protest this Application being summarily approved with out additional review. Such review should be possible in a Scoping meeting, or other equivalent forum chaired by FERC.

RECOMMENDATONS

Stakeholders whose private lands are being put at undue Risk, because of the questionable assumptions, information, and plans now set forth in the LSA, should have the opportunity to present their technical analysis as to why additional PM&E's are needed before Licensee is allowed to proceed to the next stage of the Decommissioning Process.

Much of that proposed analysis is of a very detailed technical nature; requiring free dialog between all parties involved. It is suggested that possibly the best way to address the issues at hand, is that there first be a shorter general overview meeting, coupled with a much more detailed and technical follow-up Workshop, and then a Wrap-up meeting. In a Workshop environment, it is easier to have a free exchange of information and input from the perspective of all parties. Please refer to attachment I for addition Comments. There are two other attachments (II & III) provided for the readers convenience. Attachment II is an example of the type of factual material to be presented , discussed, and debated . Attachment III is essentially the same information package that I generated in great haste in October 2008.

Sincerely,

David W. Albrecht,
Landowner, Stakeholder

Encl: Atch I, II & III

cc: Resource agencies per Atch I
P,G & E

Attachment I

COMMENTS:

1. Key Resource Agencies provided with copy of material.

Calif. Dept. of Fish & Game
Northern Region
Attn: Matt Myers
601 Locust Street
Redding CA. 96001

National Marine Fisheries Service
Attn: S. Edmondson / D. White
777 Sonoma Ave. Suite 325
Santa Rosa, CA. 95403-6528

U.S. Fish & Wildlife Service
Attn: William Foster
2800 Cottage Way, Rm W-2605
Sacramento, CA. 95821-6340

U.S. Army Corp of Engineers
152 Hartnell Ave.
Redding, CA. 96002-1842

P,G & E
Attn. Charles White
MC: 11C
P.O. Box 770000
San Francisco, CA 64177

2. Technical Workshop would be most effective if all key agencies represented ~~with~~ more than one representative if appropriate. For example for NMFS; Dave White and an individual such as Dr. Brian Cluer. If FERC, has a technical resource individual with expertise in geomorphology (geomorphic stability, fluvial transport), especially one who possibly has worked with the Bureau of Reclamation technical staff on dam removals, the insights of such an individual would be of great value. All private landowners whose lands will be involved in the Dam removal should be invited to attend. One of the landowners has long time practical experience and insights to the nature of the South Cow Creek water flows.

3. Primary Objective of Workshop should be to ensure all the technical objectives and desired outcomes are well defined and established with said objectives supported by sound data analysis. It should not be intended to define and finalize a set of precise engineering means to effect that result.

4. This stakeholder continues to remain sincerely committed to those objectives as set forth on page 1 of Attachment III. However, it is essential that ALL the correct technical objectives be clearly defined with some degree of technical rigor.

5. If questions, please feel free to contact me; e-mail address: dtalbrecht@sbcglobal.net

ORIGINAL

ATTACHMENT V

198 Sprucement Place
San Jose, CA 95139
19 August 2010

The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 - 1st Street, NE, Mail Code DJ-12/1 Date 9/14/10
Washington, DC 20426

Ref: FERC Project P-606-027 {Draft Environment Impact Statement (DEIS) dated June 22, 2010

Dear Ms. Bose:

The comments below are in response to the P-606 DEIS referenced above, and as a result of other FERC Public meetings held in Shasta County on 7/14 and 8/17/2010 on the same subject. The EIS process has been initiated by FERC in response to concerns with the 3/12/2009 LSA that Licensee has submitted that proposes decommissioning of the Kilarc and Cow Creek Hydro facilities. Comment due date for the DEIS was originally established to 8/9/2010 but was extended 8/25/2010.

1. The DEIS document structure is a lengthy and tedious structure for the average layman (1), to find and locate all points relative to his specific concerns. {(1) self included} However, with patience and perseverance; it is a situation that one can adabt to. To put the preceding into perspective; by comparison, the DSLA was significantly worse; and even with eventual editing and corrections in the LSA; this document is still difficult to reference for specific information on a given topic.

a. Staff has done a reasonably good effort of separating and isolating those issues associated with the Kilarc Development from those associated with the (South) Cow Creek Development; and then doing independent Analysis for each. Working from the structure of the LSA; and sometimes the comments given verbally or in writing by individuals, does not always make this an easy task. If one terms one P-606 Development "A", and the other "B"; please continue to separate informational input and data submitted into either "A" or "B" buckets; although in some situations it can be appropriate to do an "A + B" bucket. All too often statements, data, or a hypothesis is presented with respect to one of the Developments; and the concluson is made with respect to both {"This situation on A is true, therefore it is implied that it is true for both A+B"; or "this is true on B, therefore it is true on both A+B."}

2. However, it also appears to be fair to say that general consensus of those in Shasta County is that the DEIS, in its present form is seriously "deficient"; to use a polite phrase. {Public meeting had words like: "disappointed", "angry about it", "F grade", "if we put together a document like this we'd get laughed out of the court system", etc.}. It may not have been intended; but the DEIS, in its choice of text, and findings do not convey very well that it has been developed in an impartial way. Some new examples:

a. Section 4.3 (Page 263) or Executive Summary (Page xx) has a very short list of just three additional environmental measures that need to be included for the proposed Surrender Order. That is a very short list compared to the host of environmental issues raised by many. There are issues that the now existing LSA does not seem to address; either "by reasonable impartial scientific analysis , or other means; or by competent & complete reports; or by putting forth a document that has basic and sincere veracity in attempting to describe the now existing physical environment for the Project. Now the DEIS seems to be following in the same path.

* The term " Consultation" as used in the DEIS , or LSA, or anywhere in this FERC Process has become a bad joke with respect to reflecting that any meaningful consultations were actually completed, or any useful outcome was achieved.

* It seems to be acceptable that the guidelines for "veracity " can be interpreted for any documents developed for FERC Processes to fall under the same loose guidelines used for Political Campaign Ads where one Candidate can disparage another with statements in Sound-bites or Flyers that are "Not untrue" from a legal libel basis , but the statement makes no effort to have "veracity" with respect to all facts germane to a situation. While this a way of life in the Political arena, this is an unfortunate philosophy to adopt for a FERC process such as this. one.

* Most are left with the impression that Staff seems to take the position that all reports in the LSA have been completed with total accuracy and zero mistakes; or all positions taken in the LSA are environmentally not subject to challenge because the Licensee Staff and/or Resource Agencies have been endowed with some sort of omnipotent status and divine wisdom from above; and therefore any position developed by them is whole and complete by definition needing zero further review or work. It seems to make no diffference if a report needed for a valid analysis is inaccurate or fundamentally incomplete. Those situations are being swept under the rug.

b. While the thoughts expressed in Section 3.3.8.2 (page 179) may be well intended, the text from my point of view does not accurately reflect the entire scope of those Scoping Comments, dated 10/14/2009. These comments were submitted to address what needs to be done in terms of completing a valid "Geomorphic Analysis"; and establishing improved objectives for infrastructure removal at the Cow Creek Diversion area. This work needs to be accomplished before embarking on the more costly effort of developing detailed design plans and specifications. {Engineers are not clairvoyant}. **Please see Attachment I, page 4 , as one of many possible ways to revise the text.**

* It doesn't seem ureasonable that there should be a bullet in Section 4.3; etal that states something like the following: " Some additional geomorphic analysis actions for the Cow Creek diversion area as outlined in Section 3.3.8.2 needs to be done. That effort involves PG&E, private land owners, and the Resource Agencies; and establishing more specific outcome objectives for a preferred long term stable hydrograph; all before embarking on developing detailed design plans and specifications for removing the dam.

3. FERC Staff developed in the DEIS their own Action Alternatives {AA1 & AA2} - specific Alternatives that it seems unlikely anyone in Shasta County anticipated would be in the DEIS. This writer does not wish to debate the relative merits of either; or how appropriate the choice of these Alternatives may be. However, if these are to be the principle reasonable Alternatives; then I do not believe they have been defined or qualified very well. All key State Processes to make them possible, or truly a possible reality, need to be well understood. In short, the defining text now in many ways is somewhat casual and superficial. **Please refer to Attachment II, pages 5 & 6, for an illustration of would be one approach to better qualify AA2.** AA1 has similar deficencies, but to a significantly lesser degree. Staff can reference the 3/2008 PGE document on Kilarc as a Recreation Facility to at least understand the simple text needed where legal processes are required.

4. Despite documentation submitted in July and October; FERC staff seems to have zero concerns that some of the Project Historical Surveys are very sub-standard and inaccurate. Some fundamentally fail basic veracity standards; and one key deficiency in terms of misinformation is already being propagated in the DEIS text. The July 2009 document provided a simple "Recommendation" to fix the problems, but apparently FERC feels that that action is not required or necessary. It seems it is of no concern to this Commission whether or not reports triggered by a FERC Surrender Application are in fact factual. Efforts to rectify some of the deficient Surveys in the beginning of 2009, by meeting with the Contractor that did them, were stonewalled by Licensee staff in San Francisco because they told the Contractor that it "was against FERC Protocol". Basically all text in the DEIS is nothing more than 100% reguritation of Ganda text from their report and SHPO documents. The meaning of FERC Protocol is certainly now taking on a very clear meaning; in terms of its no action attitude on deficient "historical surveys". **Please see Attachment III, pages 7 & 8, for additional comments on Cultural Resources.** If FERC Staff does not wish to address a process to correct these deficiencies in Cultural Resource Reports, will they please have the courtesy to correct the text in Section 3.3.11.1, page 221; on Site 482-12-02H.

5. **Additional miscellaneous comments are to be found in Attachment IV, pages 9 & 10**

6. Much of what seems to be at the center of concern for many, including myself seems to center around the need for improved "Veracity" from all involved. I would also suggest that some problems definitely stem from FERC itself in not having the proper standards for a LSA and decommissioning of infrastructure. The Process for a "License Surrender" now being defined as only a "License Applications in Reverse" with no special standards for such thing as "infrastructure removal" or Historical Surveys of 100% of the APE, or possibly a different time table; is a very poor and inadequate Process guideline. Decommissioning Projects is at least 15 years old now, and the fact that the above hasn't been recognized and responded to, is troubling.

7. I will apologize in advance for some of the less than polite text of this letter.

Thank you for at least allowing "Comments and Critique"

David W. Albrecht

David W. Albrecht, Landowner with Project Infrastucture

Attachment I

Section 3.3.8.2 (Page 179 -starting as shown below) * New or revised text is underlined. Paragraph beginning at the bottom of page has been split and reworded as below.

One individual expressed concern, in comments dated October 14, 2009, about the necessity of having a **valid**, complete, and usable 'Geomorphic Analysis" in very sensitive areas such as the dam site on South Cow Creek to ensure the responsible treatment of private lands during disposition of project facilities with the Proposed Action; and that there is a post decommissioning hydrograph that best achieves the stable fish passage requirements and goals of the Resource Agencies. The individual commented that reasonable preventative or relatively simple proactive measures need to be invoked on his property at the South Cow Creek dam when it is removed to establish a desireable hydrograph that is stable so as to inhibit and preclude abnormal channel depth walking upstream and jeopardizing now existing channel banks that have adapted and become 100% stable for more than 100 years since the diversion was first created. Specifically, there is a need to understand what needs to be done in certain key areas such as on the South Bank for about 60 feet upstream of the main Canal intake, at the cutoff sills in terms of right and left hard anchor points at a stream channel TDB width and location, and in relation to re-establishment of a natural bank in front of the north-side retaining wall treatment for downstream bank and channel stability, and due to safety concerns.

In the very sensitive areas such as above, the existing Geomorphic Analysis needs some limited additional work to be complete and usuable; and then PGE needs to consult **jointly** with each private landowner and the Resource Agencies to confirm there is a reasonable consensus on all aspects of the structure removal strategy, before preparing the detailed design drawings, plans and specifications for that action.

In general at all infrastructure locations, PGE proposes to consult with each private landowner where strucutrures would be removed so as to determine the extent of their removal (at or below grade level), and to prepare detailed design plans and specifications for soil erosion and sedimentation control.

2.5 ACTION ALTERNATIVE 2 (AA2)

Under Action Alternative 2 (AA2), it is assumed that the necessary proces es a l legal agreements as discussed and set forth below would be put in place (c1) (c2) (a)(b) (c) such that th e South Cow Creek main diversion dam, main canal, and penstock would be retained and maintaine in order to enable a water delivery system to Hooten Gulch as one possible method to address the is sue of the adjudicated water rights of the ADU. PG& E would decommission the Kilarc Development as described in the Proposed Action, and PG&E would implement all of the mitigation and enhance ment measures proposed for that development. No power generation would occur at either proj ect development.

In the Cow Creek Development, the Mill Creek diversion dam and canal a d the Cow Creek powerhouse and switchyard would be decommissioned as described under PG& E's Proposed Action. The existing fish ladder and fish screen at the South Cow Creek diversion ladder wo l be removed, and a new fish passage facility that meets current standards would be designed and i stal ed in place to improve upstream passage of migratory salmonids. Fish passage would be moni ore during salmon and steelhead migratory periods. A new fish screen that meets current standards wou d b designed and installed at the entrance to the South Cow Creek main canal to block entrainmen of resident and anadromous fish from South Cow creek into the canal. The Cow Creek forebay wou be filled and graded through the former forebay area to the penstock intake. The penstock an tail ce would be maintained for discharge to Hooten Gulch.

The South Cow Creek diversion dam and canal intake would be modified as n ece sary to provide the main canal with a water flow per that water right (b) consistent with the various ap plic le statutes and well defined requirements of the California State Water Code; and any minimum bypass requirements of the Resource Agencies such as the CDFG. For the purpose of analysis of AA2, it is assumed that a diversion up to 20 cfs could be allowed (c1). All flows in excess of these requiren ent would be released to the South Cow Creek bypass reach below the diversion dam.

The above described water delivery infrastructure to the South Cow Creek po ver house rests on some PG&E lands, but principally on lands of other private landowners; none of w hom belong to the ADU group of water users. (c) . Under the conditions of the LSA; and well known Ca ifornia real property law (c2) ; in order to keep and maintain this water delivery system, most sp ecifically as one for a Agriculture and Domestic Use; any new interested entity would be required to de elop and obtain new fundamental easements from each of the appropriate private land owners; first ena bling basic right of use or presence of the defined infrastructure to exist or cross their lands. Such easeme nts would need to address a host of issues. (d)

This alternative assumes that an interested entity with adequate financial resour es can be identified to execute the preceding defined processes necessary to take over operation and m inten ance of the remaining Cow Creek facilities, implementing improvements for fish passage, and con uct any

monitoring required by resource agencies. Under AA2, PGE would be responsible for decommissioning the Kilarc Development and those portions of the Cow Creek Development not required to provide water to Hooten Gulch. These facilities would be decommissioned as described in the Proposed Action. PG&E, and any other private land owner now having infrastructure on his lands; would not be responsible for the implementation of the upgrades to Project facilities, or the design and installation of fish passage facilities, or the costs of all legal processes necessary to achieve a Agricultural and domestic water use at the South Cow Creek Diversion 64, or any other such costs such as legal ones associated with the water rights processes; or for developing and obtaining the necessary easements, for example. Final Commission approval of the project surrender of license would be dependent upon completion of the conditions described for the Cow Creek and Kilarc Developments.

Comments & Footnotes:

(c1) DEIS correctly cites in Section 5.0 , page 267, the Cow Creek Adjudication Decree, August 1969 as the principle reference for "water rights". It would be beneficial in the final EIS document if FERC staff would reflect and heed the guidance J. Parks (California SWRCB) gave in his comments at the FERC 7/14 meeting { Transcript pages 106-109; beginning page 107 / line 20 through page 108 / line 14}. If FERC staff has any general questions on the Adjudication , or any fundamental California water code issues, Mr. J. Parks, who is always most helpful, seems to be the appropriate first counsel for Staff to approach for guidance.

(c 2) None of these other non PG&E land owners have water rights associated with this now existing PG,&E water delivery system; nor do they have any water rights associated with the ADU diversion, and those respective water rights. Analogous to the comments (c1) above as to how to properly document "water issues" in an EIS document; there is a similar situation with respect to fundamental "private property" law and its corollaries. For California, or for basic private property law in any State; it appears appropriate for FERC staff to have a short (1 hour?) tutorial from a FERC legal staff member on at least the basic precepts; and not dismiss and trivialize the issue by only citing "secondary" aspects of this type of legal "instrument."

(a) Assumes that the SWRCB and the California Courts would entertain and approve the motion of a new applicant to take and realize his legitimate water rights for a new expressed purpose at diversion 64

(b) At the present time the only water right adjudicated and allowed at Diversion 64 (c1) {South Cow Creek P-606 main diversion} is a non consumptive right belonging to the South Cow Priority Group now assigned solely to the PGE corporation. This right now is a "Power Use" one; limited to the hydro-dynamic applications required for the development of electrical energy. At the diversion 64 location, the Adjudication reflects no other waters rights belonging to others for any other Adjudicated use such as Agricultural, Domestic, or Industrial now defined and authorized by the California SWRCB and California Courts. The ADU (Diversion 73) water rights (1st, 2nd 3rd, 4th) belonging to the Lower Cow Creek priority group vary in flow volume and the Season; ie, (irrigation season / non irrigation season).

(c) None of these other non PG&E land owners have water rights associated with this now existing PG,&E water delivery system; nor do they have any water rights associated with the ADU diversion, and those respective water rights.

(d) An initial, but not wholly inclusive, list of easement clauses would include the following: specific rights of access, maintenance of access roads, maintenance of infrastructure, responsibility for taxes on the infrastructure, liability responsibility, minimum liability insurance requirements, mandatory bonds/insurance/collateral to cover infrastructure removal cost if the easement holder entity chose to quit or abandon the easements, etc.

Attachment III {Cultural Comments}

1. DEIS Tables 1 (EIS 1.4.2) & Tables 2 (1.4.3), and other "tables" should have the integrity to reflect in third column, were appropriate "Comments/Protest/**Recommendations**" and not just "Comments/Protest" because many of the Commenting Entities made "simple Recommendations" as to how to resolve the "issue". Excepting "Resource Agencies, there does not appear to be a single example of FERC adopting or pursuing the "Recommendation", or acknowledging that it was even done, no matter how simple and basic that Recommendation might have been.

* Above statement is also true for issues and subjects other than "Cultural".

2. Several individuals submitted "Comments", some supported by extensive detailed data, to address the issue of the **veracity and accuracy** of specific "Historical & Archaeological Surveys , Reports, & SHPO documents that have been completed for P-606, and made part of the LSA.

a. No text {1.4.4 or elsewhere}, or even the Appendix A-6 (Comments Table) addresses the "**Accuracy & Veracity**" issue. It appears that this issue has been summarily dismissed by Staff; or Staff did not even attempt to review "hard data", that was provided in support of the "Scoping Comments". The Commission, or any other DEIS reader, without also reading all the Documents in the P-606 database, would not even know the issue was raised.

3. It would be appreciated if FERC staff would revisit the "Comments/ Protest/Recommendations" and Scoping letters (with 9 pages of supporting data), on this specific subject that are dated 7/7/2009 & 10/14/2009 respectively.

4. Documents submitted in 2009 in response to the LSA , on the subject of the "Accuracy & Veracity" of the Ganda Reports, were phrased to try to correct a "problem" without embarrassment to that Company. This is because it is not clear to this writer that some of key problems are only their fault - possibly Licensee Staff ,or their some of their contractors in San Francisco Bay area fed Ganda incorrect data and information. However it is painfully obvious that this "approach" to the issue has made no impression on anyone at FERC, those associated with the developing an EIS, or the Licensee staff directly associated with the LSA. Therefore the next comments are not necessarily so polite.

{Ref. LSA Vol. 4 " GANDA Cultural Resources Inventory, Revised by Entrix, Inc; dated 3/12/2009}

a. Section 6.0 / Page 36: " **Cultural resource specialists conducted an intensive <u>pedestrian</u> cultural resources survey within the proposed APE...**"

*This statement has the distinct appearance of having been written with **the intent to mislead** knowing that it was very unlikely that any future readers would have first hand knowledge of the area. The statements simply **is not a factual one** that can be supported by the Report, or some of the various site SHPO documents if an independent "auditor" walked the APE, or they are read

and reviewed by an individual that has knowledge of the area.. Either the "resource specialists" have a fundamental eyesight problem, or they skipped over walking APE areas of significant length such as the Penstock, or even doing a "fast assessment walk in such areas". Simply invoking "**creative fictional report** writing" back in the comforts of the office is inappropriate for "Historical Surveys".

b. Section 6.0 / Page 38: " The site of this diversion was revisited in April 2008 **was found to be in the same condition as recorded**, except for Shoup'e Feature 5 - a stream crossing cable - that has been removed for safety reasons and was not found".

* In terms of accuracy and fundamental historical recording truthfulness, the above statement has an extremely unpleasant odor. Once again it seems that either this statement was concocted in some Bay area office, or surveyors did not visit this area, or surveyors were visually handicapped, or technically unqualified to review hydro project structures. The principle feature of this area, the "Timber Crib" diversion structure, that was surveyed by Shoupe in 1989; was removed and replaced that same year. Shoupe's report even says a replacement is going to happen. PGE well knows the dam was replaced, and 1989/90 documents in the FERC P-606 database also said it happened. The replacement "concrete capped crib dam in no way shape or form (exterior cross section) even remotely approximates the Timber Crib structure that was once there. How can a "professional or competent surveyor", or even an amateur, fail to observe this distinction and make the statement quoted above.

5. The FERC Processes triggered doing all these surveys. All the P-606 historical and SHPO reports have already administratively and efficiently been processed thru the California State historical Preservation Office (SHPO). These offices must presume that the recording were done with honesty, accuracy, and professional standards. These particular documents have already been assigned new file numbers and are in the CHRIS {California Historical Resource Information System}, a limited access system in Chico. The CHRIS centers can provide an invaluable resource for serious future historical research. It is extremely unfortunate that some of these documents for this P-606 project that are known to be "sloppy and misleading" for this project are now contaminating that database.

6. It is easy to take the position that there is no physical harm to anyone in Society at the present moment because that is in fact just about 100% true. The only potential harm is in the future in terms of harm to "Knowledge" and the opportunity for others to intelligently and accurately try to interpret "what was here" and what was the its impact on the environment then, as compared to their time. { If the data or text book is false - the knowledge imparted will often be false.}

a. As a possible example, please note the propagation of the corrupt message has already started: {See DEIS 3.3.11.1 page 221 bottom} description of Site 482-12-02H.

a-1: "a" above assumes a Contractor did the 100% regurgitation of the Ganda material, and only Ganda material for this part of the DEIS, without the benefit of any Scoping data submitted. At least this is what DEIS Section 5.0 implies in only citing the two Ganda/Siskin references.

a-2: If a FERC staff member, that participated in the Oct 2009 tour, and also had Scoping material already referenced in hand , wrote this section; then this not a good example of the Comment 6a type phenomena. However, if this is the case; then possibly the critique (4b*) above of Ganda surveyors is unjust & unwarranted as FERC staff members seem to suffer from like afflictions.

Attachment IV {General Miscellaneous Comments}

C1. Others have already commented on the accuracy of the DEIS text - specific description of features of the Abbott Ditch, for example {Poole}. Given how the LSA text is done, and the multitude of other text submitted in this proceeding, it is easily appreciated how difficult is for Staff to develop non-misleading or confusing text on a host of issues. Beyond the ADU area, and for a host of other different geographical areas; unfortunately within the DEIS there are many other examples, too numerous to itemize case by case. Some examples are:

a. LSA has been rightly criticized for lack of specific facts and data, but on the subject of "natural barriers" in the bypass regions, this does seem to be a fair critique.

* EIS 3.3.2.1 / Page 84 & other pages discussing barriers locations seem to have errors:
  + Where did FERC staff get the number "nine" from? LSA Vol 3 / Appendix "A" certainly seems to be a reasonably competent assessment on the subject of "barriers" in the bypass regions. For South Cow, Nine total barriers (SC-1 thru Sc-9) are identified; 7 natural + 2 man-made, wherein SC-9 is the Project main diversion {PGE Div. 64} & SC-1 is Div.72 (Wagoner/Tetrick) water right. FYI, and additional information, there is one more natural barrier on South Cow within Wagoner Canyon that has very similar characteristics to that one shown as SC-7. It is upstream of the Project diversion (SC-9) about 100 yards from the entrance to Wagoner Canyon. It can be located as SC-Site5 in Fig. 2 LSA Vol.3. The other 7 natural barriers are concentrated in about ¼ of the length of Wagoner Canyon at the upper end of the lower ½ of the Canyon in a direction centered NW of the Forebay.{ LSA Vol 3/Figures Section / Figure 12}

* For many, Wagoner Canyon is normally considerd to begin (entrance) in the approximate center of the NE¼ of Section 33 about 1/3 mile upstream of the Project diversion; and its exit is in Section 6 about ½ mile upstream of South Cow's confluence with Hooten Gulch. It is a steep "V" Canyon with South Cow being relatively deep and narrow in width as is now the description in the DEIS. The primary exception to the steep V geometry description begins on the north canyon side at the Project diversion, and extends for about 300 yards; so as to receive the entering waters of Mill Creek. (South Cow / Mill creek confluence).

b. In much of the EIS, LSA, and other documents; the term "Hooten Gulch" has become synonymous with only that 0.5 mile terminus of this seasonal water system that is between the Powerhouse and Hooten's confluence with South Cow. For your additional perspective and understanding, almost ¼ of the total South Cow Creek watershed, that is only 'seasonal;" has its confluence with South Cow at low elevation below the exit of Wagoner Canyon. The primary tributaries making up this part of the Watershed are Hooten Gulch, Pine Timber Gulch, Townsend Gulch, Wilk Gulch, & Clough Gulch - all on the south side of SCC. All, except Hooten, cross the Abbott Ditch shortly before each has their confluence with South Cow. These tributaries terminus lengths come to South Cow in a northerly direction. Before then, most turn to the East and have their headwaters source far to the East (East of the entrance to Wagoner Canyon). Hooten Gulch, itself and its own tributaries comprise a combined length on the order of maybe 6 miles, with the northern boundary of

Hooten's watershed reasonably well approximated by much of FERC road "A" leading to the Forebay. {Reference any USGS map for this area or Figure 2 in LSA Vol. 3, or other maps in LSA}.

C2. The DEIS, often simply repeats from the LSA; vague and often questionable text that should attempt to truly and accurately describe the now existing real physical state for a variety of areas. This is not necessarily a technique appreciated by many - this individual included. Text written to be intentionally "loosey goosey" simply for the purpose of providing future "backside" cover for any possible future detailed action plans put forward, or negative outcome no longer is appropriate. This comment applies to any and all Alternatives already put forward {not just the proposed Action} ; or any new ones that may be forth coming.

C3. Analougous to comment C2 above, is FERC's apparent lack of any standards or criteria for License related documents concerning information submitted in reports or documents in terms of completeness, accuracy, and veracity. FERC staff appears to endorse documents that have been submitted in the LSA that are shown to be significantly in error, have omitted data, or have reduced data so it literally useless for valid analysis. DEIS now takes a total "Don't care" approach on these situations; and dismisses them as unimportant and an attitude of " I'll think about that tomorrow" (GWTW 1939).

a. It is noted that the Kilarc Geomophic NSR, Inc Report 2008 is referenced in DEIS Section 5.0 "Literature Cited". **Why isn't the equivalent Cow Creek NSR Geomorphic Report cited in Section 5.0?** , or other analysis? One assumes at least someone attempted to critique the Cow Creek NSR Report - or at least attempted to read the very "Crude & Preliminary 9 pages of Scoping Comments submitted in response to that Report. That latter analysis was constrained to be a fast initial attempt to illustrate, at a minimum, other factors that should be in a "Geomorphic Analysis" for a dam removal. Removal of dams involves more than just "Impounded Sedimendation & Transport" analysis.

b. FERC processes seem to have no simple " admendment" or update process to correct inadvertent documentation oversights, typo's or mistakes.

* S--- happens! / Mistakes happen! - this is the real world. There should be a process to rectify this type of thing in a timely manner, w/o upsetting the the supposed " FERC Process". Extremely lengthy, questionably organized Draft documents { DLSA / DEIS / etc.} make valid comprehensive critique, and useful valid commenting, almost an impossibility.

c. Accurate problem (issue) definition; and the establishment of clear "Objectives" to best solve the problem are essential for an optimum and successful outcome! It is the core principle that the most successful private companies practice religiously. It can be phrased in a variety of ways & rules. Some are:

* Quality in → Quality Out or the inverse * Garbage in → Garbage Out
* Never Lie no matter what the subject (Accounting, Technical Problem, etc.) - especially to yourself because it is likely that you will eventually only confuse yourself and cause your own self harm or failure.
* For very new and novel situations, take more time upfront to set clear objectives / document well the next Process / monitor & properly document the result over and above normal practice. This practice can also be described as: For new or novel situations - invoke in advance over and above NBP, the key Principles of " Lessons Learned" !