

Save Kilarc Committee
info@savekilarc.org

or

c/o FoCCP

P.O. Box 144

Whitmore, CA 96096

March 27, 2009

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

filed electronically

Ref: P-606-CA

Re: Objection to PG&E's Failure to Acknowledge Water Supply Impacts in its License
Surrender Application (LSA)

Dear Ms. Bose:

Members of the Whitmore Community are important stakeholders in the disposition of the Kilarc facilities upon PG&E's license surrender. We have repeatedly been ignored by PG&E. The community comment letter on the LSA (#13), comment 12 regarding water supply impacts from loss of groundwater recharge to springs and wells, received the following response from PG&E:

Any impacts of Project decommissioning on existing surface or ground water rights are appropriately addressed under state law and not through the federal license surrender process. As discussed in the LSA, owners of groundwater wells in the vicinity of Kilarc forebay do not have water rights to any artificial recharge that may occur as a result of Project operations. However, PG&E did solicit well production information from potentially affected well owners and is willing to consult with any well owners who can demonstrate adverse effects on well levels or yields from discontinuation of Project operations.

We would like to know, if the license surrender plan proposed by PG&E (for the FERC to approve, or not) results in an impact to our wells and springs, how can that be IGNORED in the FERC NEPA evaluation? We have the potential to be significantly impacted, even though state law may not explicitly identify that we have water rights based on over 100 years of artificial recharge.

We would also like to inform the FERC that while PG&E claims to have solicited "well production information from potentially affected well owners," their lame efforts were nothing more than an excuse to avoid doing any sort of analysis. In LSA Volume 2, Appendix B, Table 1: Kilarc-Cow Creek Hydroelectric Project Consultation and Public Outreach Log, there were two references to this issue:

The Honorable Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission
Re: Objection to PG&E's Failure to Acknowledge Water Supply Impacts in its License
Surrender Application (LSA)

March 27, 2009

Page 2

May 6, 2008 - Letter from PG&E to landowners to notify them of PG&E's intent to conduct a groundwater study and to ask for authorization to obtain California Department of Water Resources' Well Completion Reports. Addressees include: Lucile Lansing, Kim Wroe, Lyle Wroe, Lorin Neel, Ron Burrows, Barbara Arnold, Judith Arnold, Renee Arnold, Roger Arnold, William Arnold, and Tom Kamp.

October 7, 2008 - Email to Jeremy Pratt (ENTRIX) from Stacy Evans (PG&E) with a record of a phone conversation with Lyle Roe. He no longer uses the well and had some questions regarding the project that were discussed with Steve Nevares."

Regarding the October conversation, I, Todd (Lyle) Wroe, did contact PG&E. PG&E told Wroe that the project would be shut down since no one else was interested in taking it over. Wroe asked if it would be possible to pipe in just enough water to keep the reservoir full and not use the hydro project until winter. He said that no one had proposed that. They would look into it. Wroe never heard back.

Regarding the May letter, I, Tom Kamp was never contacted by PG&E. Kamp does not have a Well Completion Report report but his spring is in the process of getting signed off by the county later this year to close out his building permit.

Furthermore, Glenn Dye filed a letter with the FERC dated October 18 (FERC accession number 20071022-5001) and sent copies by e-mail to Stacey Evans and Steve Nevares, with the attached table of "Citizens Concerned if Kilarc Decommissioned" – yet there was NO acknowledgement of this in either the Draft LSA or the final LSA.

Additionally, many comments were made regarding errors in maps presented by PG&E, including several regarding Kilarc Spillway No. 3:

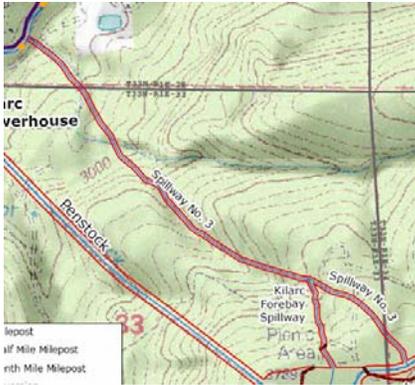
DLSA Figure E.2.6-2 Map 1 Old Cow Creek Study Area, Special Status Terrestrial Species Observed during 2003 and 2008 Surveys presents an incorrect alignment for Spillway No. 3 upstream of the spring-water supply for the residential property (there is no channel where it would in fact run uphill as the contour lines are correct). It is impossible to accurately analyze the hydrology effects on either wells/springs or botanical resources, when the maps developed by PG&E don't accurately reflect the project facilities for water delivery. (Comment 13-30)

PG&E responded by stating that "LSA Figure E.2.6-2 has been revised" when in fact as illustrated below, the error still remains (and is also present on new figures 1-1 Features of the Kilarc Development and 2-1 Kilarc Development Access Roads, in addition to figures in any of the older analyses that were not revised before being inserted in the appendices).

The Honorable Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission
Re: Objection to PG&E's Failure to Acknowledge Water Supply Impacts in its License
Surrender Application (LSA)
March 27, 2009
Page 3

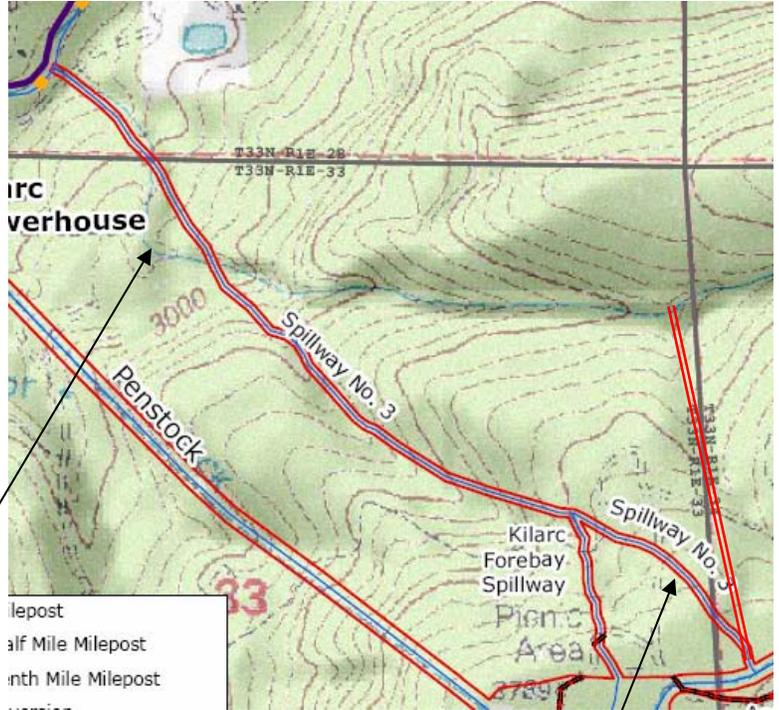
Excerpt from LSA (new):

Figure E.2.6-2
Map 1
Old Cow Creek Study Area
Special Status Terrestrial Species
Observed during 2003 and
2008 Surveys



Spillway channel enters and follows natural channel – it does not cut into grade as depicted here

Illustration of error:



Existing depiction of alignment runs uphill!
Water actually follows natural channel to existing spring as indicated with //

Please do not ignore the community. A win-win solution can be achieved if PG&E will leave Kilarc facilities in place and support the community even slightly.

Sincerely,

Todd (Lyle) & Kim Wroe
Tom Kamp

Attachment

cc: "Evans, Stacy" SxEf@pge.com
"Nevares, Steven" SAN3@pge.com
Thomas "TJ" Lovullo Thomas.Lovullo@ferc.gov

Attachment:

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