

ORIGINAL



United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Southwest Region
2800 Cottage Way
Room E-1712
Sacramento, California 95825-1890

IN REPLY
REFER TO:

July 6, 2009

By overnight delivery

Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

RECEIVED
2009 JUL 7 11:00
FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON DC 20426

Subject: Kilarc-Cow Creek Hydroelectric Project, No. 606-027
Notice of Intervention of the Department of the Interior
Request for Inclusion on Service List

Dear Ms. Bose:

Enclosed for filing with the Federal Energy Regulatory Commission in the above-captioned proceeding, please find the original and nine copies of the Notice of Intervention of the Department of the Interior. Please date-stamp the ninth copy and return it to me in the stamped, self-addressed envelope.

Please note that our intervention also contains the names of Department representatives to be added to the Secretary's Service List for this Project. We also request the deletion of certain Department representatives. Please ensure that these additions and deletions to the Service List are made so that the Department receives timely service of Commission issuances and party filings in this license surrender proceeding.

Thank you for your attention.

Sincerely,

Daniel G. Shillito
Regional Solicitor

By: Kerry O'Hara
Assistant Regional Solicitor

Enclosure

cc: Service List, Project No. 606
Office of Environmental Policy and Compliance, DOI

**BEFORE THE
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Pacific Gas & Electric Company)	
)	
)	Project No. 606-027
Kilarc-Cow Creek Hydroelectric Project)	
Old Cow Creek and South Cow Creek)	
Shasta County, California)	

**NOTICE OF INTERVENTION
UNITED STATES DEPARTMENT OF THE INTERIOR**

In response to the Federal Energy Regulatory Commission’s (Commission) May 12, 2009, Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, and Terms and Conditions, and as provided in Rule 214(a)(2) of the Commission’s procedural regulations, 18 C.F.R. § 385.214(a)(2), the Department of the Interior (Department) hereby files its Notice of Intervention in the Kilarc-Cow Creek Hydroelectric Project (Project) license surrender and decommissioning proceeding. The Department intervenes in support of the application to surrender and decommission the Project, and for the purpose of becoming a party. Pursuant to 18 C.F.R. § 385.214(a)(2), the Department of the Interior’s Notice of Intervention, filed within the timing requirements set forth in the Commission’s May 12, 2009, Notice, entitles the Department and its component bureaus to party status in this proceeding.

Pacific Gas & Electric Company (PG&E) on March 12, 2009, filed a License Surrender Application with the Commission, seeking to surrender its license to operate the Project and to decommission Project facilities. The existing five (5) megawatt Project consists of two

developments, Kilarc and Cow Creek developments. PG&E proposes to decommission and remove diversion dams; stop water diversions and to allow for free passage of fish and sediment; to leave in place some diversion dam abutments and foundations, and powerhouse structures; to remove electric generators, turbines and other equipment; to grade and fill forebays; and to leave in place, breach or fill canal segments. In 2005, PG&E entered into the Kilarc-Cow Creek Project Agreement (Agreement) with the U.S. Fish and Wildlife Service, the National Park Service, the California Department of Fish and Game, the California State Water Resources Control Board, NOAA Fisheries, Friends of the River and Trout Unlimited, agreeing not to file an application for new license and to support the decommissioning of the Project. The Project may affect species listed under the Federal Endangered Species Act, including the Central Valley Steelhead distinct population segment, the Central Valley spring-run Chinook salmon distinct population segment, the California red-legged frog, valley elderberry longhorn beetle, and northern spotted owl.

The Department has statutory responsibilities and represents national public interests that could be affected by the surrender of the license and decommissioning of this Project. These responsibilities include unique statutory authorities that demonstrate Congressional intent that the Department act in the public interest to protect and promote the public lands, fish, wildlife, tribal and recreational interests, and to represent those interests that could be directly affected by the decommissioning of the Project and removal of some Project facilities. No other party or intervenor has such authority to represent these particular national public interests.

ADDITIONS TO SERVICE LIST

The Department requests that the following representatives of the Department of the Interior be included on the Commission Secretary's official service list for this proceeding, to receive all notices and filings in this matter. **Please add the following individuals to the**

Service List:

Field Supervisor
Attn: FERC Coordinator
U.S. Fish and Wildlife Service
Sacramento Field Office
2800 Cottage Way, Room W-2605
Sacramento, CA 95825
(916) 414-6585

Kerry O'Hara
Attorney of Record
Office of the Regional Solicitor
Department of the Interior
2800 Cottage Way, Room E-1712
Sacramento, CA 95825
(916) 978-6132

Regional Environmental Officer
Office of Environmental Policy and Compliance
Department of the Interior
1111 Jackson Street, Office 520
Oakland, CA 94607
(510) 817-1477

DELETIONS FROM SERVICE LIST

The following names were added to the Service List for this Project through an intervention filed in connection with PG&E's license transfer proceedings, and thus need not remain on the Service

List at this time. **Please delete the following individuals from the Project Service List:**

U.S. Department of Interior
Office of the Solicitor, Legal Department
1849 C St NW MS 6456
Washington, DC 20240-0001

U.S. Department of Interior
Chris Watson, Attorney-Advisor
1849 C St, NW - MS 6513
Washington, DC 20240

U.S. Department of Interior
Office of the Solicitor
Division of Land and Water
John Bezdek
1849 C St NW, MS 6412
Washington, DC 20240-0001

U.S. Department of Interior
Bureau of Reclamation
Martin Bauer
3310 El Camino Avenue Ste 300
Sacramento, CA 95821-6377

U.S. Department of Interior
FERC Coordinator
8550 23rd Street
Sacramento, CA 95826

U.S. Department of Interior
Office of Regional Solicitor, PSW
Kaylee A. Allen
2800 Cottage Way Ste E-1712
Sacramento, CA 95825

U.S. Department of Interior
Office of Regional Solicitor, PSW
Erica Niebauer
2800 Cottage Way Ste E 1712
Sacramento, CA 95825-1863

Regional Director, Pacific Region
U.S. Department of the Interior
2800 Cottage Way, Ste W2605
Sacramento, CA 95825-1886

Stephen M. Bowes, Planner
U.S. Department of the Interior
1111 Jackson Street
Oakland, CA 94607

Denis O'Halloran
FERC Coordinator
U.S. Department of the Interior
6000 J Street, Placer Hall
Sacramento, CA 95819

CONCLUSION

For the reasons stated herein, and because the Department has met the requirements set out in 18 C.F.R. § 385.214(a)(2), the Department respectfully requests that the Commission confer upon the Department all rights and responsibilities of a party to this proceeding.

Respectfully submitted this 6th day of July, 2009.

Daniel G. Shillito
Regional Solicitor

By: 
Kerry O'Hara
Assistant Regional Solicitor

**BEFORE THE
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Kilarc-Cow Creek Hydroelectric Project)	
)	Project No. 606-027
Application for License Surrender)	
Pacific Gas & Electric Company)	
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)	

Certificate of Service

I hereby certify that the foregoing Notice of Intervention of the Department of the Interior in the above-captioned proceeding has this day been mailed by overnight delivery to the Federal Energy Regulatory Commission and served via deposit in U.S. mail upon each person designated on the Service List compiled by the Commission Secretary for this Project.

Dated at Sacramento, California, this 6th day of July 2009.

Dorothy Hernandez

 Dorothy Hernandez
 Office of the Solicitor
 Department of the Interior
 2800 Cottage Way, E-1712
 Sacramento, CA 95825