

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

In the Matter of the Application of )  
 )  
PACIFIC GAS & ELECTRIC )  
 ) FERC Project No. 606-027  
Surrender of License )  
for Decommissioning the Kilarc-Cow Creek )  
Hydropower Plant on Cow Creek )

**MOTION TO INTERVENE  
OF  
TROUT UNLIMITED AND FRIENDS OF THE RIVER  
REQUEST TO CHANGE SERVICE LIST**

Pursuant to Rule 214 of the Federal Energy Regulatory Commission's (hereinafter "FERC" or "Commission") Rules of Practice and Procedure, 18 CFR 385.214, Trout Unlimited and Friends of the River move to intervene in the above captioned proceeding and to revise our groups' contacts for the service list. By this motion, Trout Unlimited and Friends of the River seek to protect the non-developmental values of the river and to ensure that the Commission's decision and the parties' implementation with respect to this project are in the public interest.

**DESCRIPTION OF INTERVENORS**

Trout Unlimited (hereinafter "TU") is a national conservation organization with its national office in Arlington, Virginia, and California offices in Berkeley, Santa Rosa, Salinas, and Truckee, California. TU is a non-profit corporation organized under the laws of the state of Michigan. TU is the nation's largest coldwater fisheries conservation organization. TU has approximately 150,000 members nationwide, and is dedicated to protecting, conserving, and restoring North America's trout and salmon resources. In

California alone, TU has more than 10,000 members. Our members and the general public use and enjoy the creeks in and around the relevant hydropower plants for recreational and aesthetic purposes, including, but not limited to fishing, and viewing and enjoyment of the outdoors. TU members, along with the general public, have significant recreational interests attached to healthy Chinook salmon and Steelhead populations and habitat in the entire Sacramento River watershed. Applicants' decommissioning and removal process is likely to affect those interests.

Friends of the River (hereinafter "FOR") is a non-profit 501(c)3 organization working to protect, preserve, and restore California rivers and streams for both environmental and recreational values. FOR has approximately 5,000 members in the state of California. Many of our members recreate along the Sacramento River and its tributaries—including Cow Creek—and are interested in the long-term protection of the Sacramento River basin. The interests of FOR's members are directly affected by the outcome of these proceedings.

TU and FOR have been participating in the above noted process since it was in the early planning stages, and are signatories to the 2005 multi-party Settlement agreement with Pacific Gas & Electric.

Therefore, TU and FOR have a direct interest in the decommissioning process of the Kilarc-Cow Creek hydroelectric project that is not represented by any other party.

All filings, orders, and correspondence respecting this intervention should be sent to the following:

Brian Johnson  
Director, California Water Project; Staff Attorney  
Trout Unlimited  
1808B 5<sup>th</sup> Street

Berkeley, CA 94710  
Phone: (510) 528-4772  
Fax: (510) 528-7880  
E-mail: [bjohnson@tu.org](mailto:bjohnson@tu.org)

Kelly Catlett, J.D.  
Policy Advocate  
Friends of the River  
1418 20<sup>th</sup> Street, Ste. 100  
Sacramento, CA 95811  
Phone: (916) 442-3155 ext.223  
Fax: (916) 442-3396  
E-mail: [kelly@friendsoftheriver.org](mailto:kelly@friendsoftheriver.org)

Please delete the following name from the service list:

Charlton H. Bonham  
Trout Unlimited  
1808 B 5<sup>th</sup> Street  
Berkeley, CA 94710

### **GROUNDS FOR INTERVENTION**

Members of TU and FOR enjoy the recreational opportunities afforded directly or indirectly by Old Cow Creek and South Cow Creek, which are tributaries to Cow Creek and the Sacramento River. The streams have been identified by the California Department of Fish and Wildlife and National Marine Fisheries Service as important habitat for fall- and spring-run Chinook, Steelhead, and Rainbow Trout. South Cow Creek in particular is of enormous importance to the recovery of Chinook salmon, and includes habitat for the very rare spring-run and increasingly rare fall-run populations. Enjoyment of recreational opportunities on the Sacramento River depends upon healthy tributary habitat for steelhead and salmon; thus, TU members who make use of the Sacramento River's recreational opportunities also have an interest in the health of Cow Creek. Hiking and fishing are among the popular activities around the area.

The decommissioning process of the Kilarc-Cow Creek Hydropower project will go a large way to determining the suitability of Cow Creek as a healthy contributor to the Sacramento River's steelhead and Chinook salmon populations. Further, decommissioning operations may positively or adversely affect physical river processes and the health of aquatic species and their habitat within the basin. The spawning and rearing habitat that South Cow Creek might provide for salmon and steelhead, and Old Cow Creek might provide for steelhead and resident rainbow trout, plus the water the two tributaries contribute downstream, are important to salmon and trout populations, and to our groups. Through intervention TU and FOR seek to obtain equal consideration of economic and natural resource values; adequate and equitable protection, mitigation, and enhancement measures for fish and wildlife; and the protection of recreation, water quality, and other public-interest conservation values of South Cow Creek, as well as Old Cow Creek.

TU and FOR have participated in the FERC licensing and now decommissioning process at various levels, including reviewing and providing written comments on documents and motions; providing scientific, economic and socioeconomic information; and working within the collaborative process. TU and FOR have particular expertise in matters that are woven into the FERC proceedings, such as the laws governing in-stream flows, healthy river environments, and recreation. The participation of TU and FOR will facilitate development of a more complete record thereby ensuring more informed decision-making consistent with the public interest.

Thus, TU and FOR have demonstrated a strong public interest in the decommissioning of the Project and its impacts on the ecological health of South Cow Creek and Old Cow Creek.

### **STATEMENT OF POSITION**

TU and FOR seek to participate in these proceedings in order to ensure that the public resource values of Cow Creek, its tributaries, and the surrounding environment are protected and retained and that the decommissioning process fully complies with all state and federal environmental laws, as well as the terms of the settlement agreement. South Cow and Old Cow Creeks are of significant importance to TU, FOR, and their members. Recognizing this importance TU and FOR have participated in the FERC effort and are signatories to the 2005 settlement agreement. However, notwithstanding that involvement, the outcome of the decommissioning process poses significant questions for future fishery resources, water quality and quantity, and physical river processes. The NMFS specifically noted in comments to PG&E the importance of the decommissioning process to the redistribution of sediment that is currently built up behind the hydropower structures. The project also has the potential to affect recreational fishing opportunities in the entire Sacramento River.

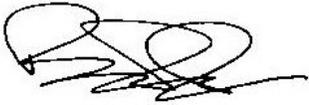
In these decommissioning proceedings, TU and FOR will continue to advocate for positions consistent with the protection, enhancement, and restoration of aquatic species and their habitat, and the recreational opportunities affected by that habitat. These positions have a basis in fact and law; namely, the beneficial use and public interest values of the watersheds.

**CONCLUSION**

WHEREFORE, TU and FOR have a substantial interest in the outcome of these decommissioning proceedings and no party would adequately represent our interests, TU and FOR respectfully request that the Commission grant intervention in the Pacific Gas & Electric Kilarc-Cow Creek decommissioning proceeding.

Dated this 9th day of July, 2009.

Respectfully submitted,

<p>TROUT UNLIMITED</p>  <p>By _____</p> <p>Brian Johnson Trout Unlimited 1808B 5<sup>th</sup> Street Berkeley, CA 94710</p>	<p>FRIENDS OF THE RIVER</p>  <p>By _____</p> <p>Kelly L. Catlett Friends of the River 1418 20<sup>th</sup> Street, Ste. 100 Sacramento, CA 95811</p>
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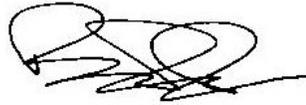
**BEFORE THE  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION**

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

**Certificate of Service**

I hereby certify that the foregoing Notice of Intervention of Trout Unlimited and Friends of the River in the above-captioned proceeding has this day been filed online with the Federal Energy Regulatory Commission and served via email or mail upon each person designated on the Service List compiled by the Commission Secretary for this Project.

Dated at Berkeley, California, this 9th day of July 2009.



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Brian Johnson  
Director, California Water Project  
Staff Attorney  
Trout Unlimited  
1808B 5<sup>th</sup> Street  
Berkeley, CA 94710