

Save Kilarc Committee
info@savekilarc.org

or

c/o FoCCP

P.O. Box 144

Whitmore, CA 96096

August 25, 2009

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

filed electronically

Ref: P-606-027-CA, Kilarc-Cow Creek Hydroelectric Project

Re: REPLY COMMENTS addressing Significance of Impacts to Water Users being
Dismissed by Arguments in PG&E's August 20, 2009 Filing

Dear Ms. Bose:

PG&E's subject filing argues that there is no legal precedent for PG&E to be obligated to make whole the water users who have benefited from the hydro project diversions and would be significantly impacted by PG&E's proposed license surrender and facilities dismantling plan. PG&E erroneously concludes that because PG&E would not be obligated, and furthermore because the allocation of adjudicated water rights falls within the purview of the State rather than the Federal Energy Regulatory Commission (FERC), "Because the Tetric Parties' request for information regarding water supply issues is premised upon the existence of such an obligation, the Commission should deny it." (PG&E filing, page 8).

The purpose of the National Environmental Policy Act (NEPA) is, first and foremost, the disclosure of impacts that may result from a project that requires a discretionary federal approval. The "Project" in this case requires the FERC to approve a specific license surrender plan. Before approving any plan, under NEPA, the effects of such plan must be disclosed. If any significant adverse effects would occur, a series of alternatives to the plan must be evaluated and an environmentally preferred alternative must be identified, whether or not such alternative is ultimately selected. Similarly, mitigation measures must be identified, whether or not they are (or can be) imposed on the project proponent.

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August 25, 2009
Page 2

Thus, not only on the South Cow, where Mr. Tetrick and the Abbott Ditch Users hold water rights, but also in the vicinity of the Kilarc Facilities and the Old Cow, data collection and analysis is mandatory under NEPA to disclose the potential effects on water supply of PG&E's proposed facilities demolition and non-demolition alternatives, including retaining the facilities with their current operations, with and without the fisheries enhancement measures proposed by Davis Hydro.

Sincerely,

Todd (Lyle) & Kim Wroe
Tom Kamp
Whitmore Community Stakeholders

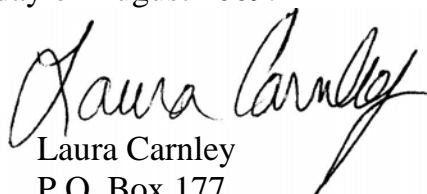
cc: FERC P-606 Service List and additional interested parties

Filed to P-606 in FERC e-library

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served the foregoing document by first class mail postage prepaid or email upon each person designated on the official service list compiled by the Secretary of the Commission in this proceeding.

Dated at Redding, CA this 25th day of August 2009.

A handwritten signature in black ink, appearing to read "Laura Carnley". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Laura Carnley

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10471 Blue Mountain Ranch Road

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