

September 23, 2010

The Honorable John Wellinghoff  
Chairman  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington DC 20426

REFERENCE: Kilarc/Cow Creek Hydro Projects P-606-000

SUBJECTS:

- 1) Incomplete Transcript, August 17<sup>th</sup> Meeting, Whitmore, CA
- 2) Draft EIS fails to conform with the law

Dear Chairman Wellinghoff:

I attended the entire August 17, 2010 public meeting at Whitmore, California and was one of the speakers. There was also a public stenographer present (KINSIE ROWEN, CSR. NO. 10225) taking down all that was said; however, I have read the official transcript filed on September 2 and find that it is an incomplete record of the meeting. Some opening remarks made by Ms. CarLisa Linton, your FERC representative, are not in the transcript.

Many others present at that meeting also heard Ms. Linton's remarks yet they are not in the record. Ms. Linton's remarks were alarming, so much so that when I stepped to the podium I asked her to explain herself. The record of my questioning confirms what I say and clearly shows the transcript is either incomplete or was deliberately edited to remove Ms. Linton's statements. Please see Page 84, [http://elibrary.FERC.gov/idmws/file\\_list.asp?accession\\_num=20100817-4007](http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20100817-4007))

I hereby request a copy of the stenographer's official record of the meeting. I also ask FERC to investigate this matter to determine why Ms. Linton's remarks are not in the public record. I also ask FERC to file the full record of this meeting, including Ms. Linton's opening remarks for the public to see at Docket P-606-000.

A written response and explanation of this egregious omission is hereby requested.

I also wish to address a related matter. Prior to my comments, Ms. Kelly Sackheim of Davis Hydro pointed out (transcript page 72, especially lines 15-25) that Ms. Linton's predecessor, TJ LoVullo had clearly explained in January 2008 that while PG&E must surrender its license, there is no obligation for the hydropower facilities to be dismantled. Despite this, FERC staff has brushed aside the practical alternatives offered in its Draft EIS. Instead of compromise and accomplishment, we have a decision that is intent on destruction of valuable green hydro power and recreational facilities and what is tantamount to a small town's (Whitmore) life blood. Why?

The Draft EIS clearly falls far short of its responsibilities under the National Environmental Policy Act. It fails to adequately consider the enormous impact destruction of Kilarc Reservoir and the Cow Creek hydro facilities will have on this rural community, its brave residents, its highly-vested property owners and the thousands of residents and visitors who use this unique, exceptionally fine facility every year.

I also ask: Does one hand know what the other is doing? As Mr. Glenn Dye of the Save Kilarc Committee stated in a recent filing, how can the FERC justify destroying these recreational facilities when the Pacific Forest and Watershed Lands Stewardship Council (Stewardship Council) is trying to the opposite? The following statement was taken from the Stewardship Council's website:

The Pacific Forest and Watershed Lands Stewardship Council (Stewardship Council) is a private, nonprofit foundation that was established in 2004 as part of a Pacific Gas and Electric Company (PG&E) settlement. We have two goals: to ensure that over 140,000 acres of California's pristine watershed lands are conserved for the public good through our [Land Conservation Program](#), and to invest in outdoor programs that serve California's young people through our [Youth Investment Program](#)

For these reasons I hereby request an official statement from you confirming that all input provided by those being affected and the environmental analysis will guide your decision in this matter.

Without such confirmation and action, the process is meaningless and fraught with costly consequences. In effect, the FERC is wasting everyone's time and resources with hearings and filings that instead of providing a good solution will cripple a small town, deny our citizens an excellent recreational resource, and force some stakeholders to defend themselves against what will clearly be unconstitutional "takings."

Mr. Chairman, your assurance that applicable provisions of the National Environmental Policy Act will henceforth be observed in this process is anticipated.

Sincerely,



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