

Parks, Jeff@Waterboards

Subject: FW: CEQA P-606 / South Cow Creek Channel Nature in Wagoner Canyon

The following are combined emails from David Albrecht that I am submitting for the record. Portions of the emails not related to project comments have been omitted.

Jeffrey Parks

From: David Albrecht [private]
Sent: Monday, April 22, 2013 11:37 AM
To: Parks, Jeff@Waterboards
Subject: CEQA P-606 / South Cow Creek Channel Nature in Wagoner Canyon

Jeff,

1. If you want a reasonably good pictorial overview of the nature of South Cow Creek in Wagoner Canyon, that lets one gain understanding of the typical channel characteristics, please just go to Volume 3 of the LSA Appendix A. Reflect on the 10 pictures of the 9 barriers on pages A-5, A-6, & A-7. Do realize one is viewing the barriers {most constrained channel sections of the creek}; but the pictures also often show the channel above & below the barriers.
2. Barrier SC-9 shown on Page A-5 is the Project Diversion structure. Please compare this picture with the others for the Wagoner Canyon.

[private]

Dave

From: David Albrecht [private]
Sent: Sunday, April 21, 2013 11:07 AM
To: Parks, Jeff@Waterboards
Subject: P-606 CEQA D. Albrecht Comment / Ref. Heidi Strand Comments submitted on German Ditch

Jeff,

1. At 4/10 Scoping meeting someone from Beatty Associates {Bob R?} gave input with respect to the German Ditch. In addition, Heidi Strand has submitted a Comment package having a letter to FERC dated January 20, 2012.
2. Ms. Strands information package was also again forwarded to FERC on 7/17/2012 {FERC# 20120808-0021} and PG&E responded on 08/20/2012 [FERC # 20120820-5084].
3. Other water users subject to the 1969 Adjudication were not completely in agreement with one part of that response by PG&E. They in turn filed a comment letter with FERC in October 2012 {FERC #10121009-0009} with a copy to the SWRCB,

CDF&W, PG&E, and the SCCDA Secretary (Camie Weir).

4. In the CEQA, please make use of all of the above information in these FERC Filings when addressing and assessing the impact of the License Surrender on the SCCDA (German Ditch) water users.

Dave Albrecht
[private]

From: David Albrecht [private]
To: Jeff Parks <jparks@waterboards.ca.gov>
Cc: carlos.meija@waterboards.ca.gov
Sent: Sat, April 20, 2013 6:28:02 PM
Subject: Fw: P-606 CEQA AA2

Jeff, Carlos;

1. On further reading of FERC wording for AA2, I can't say I am excited about the specific wording for the first two sentences in their 3rd paragraph. Again my thoughts on a possible revised text:

" The South Cow Creek diversion dam and canal intake would be modified as necessary to provide to the main canal any available flow; after CDF&W bypass requirements are satisfied, up to 13.13 cfs, which is the limit of ADU right during the irrigation season. All flows in excess of that would be released to the South Cow Creek bypassed reach below the diversion dam.
The..... Hooten Gulch."

Dave

----- Forwarded Message -----

From: David Albrecht [private]
To: carlos.meija@waterboards.ca.gov
Cc: Jeff Parks <jparks@waterboards.ca.gov>
Sent: Sat, April 20, 2013 5:41:00 PM
Subject: P-606 CEQA AA2

Carlos,

1. The CEQA plans to use AA2. I urge you to review the detailed FERC wording of AA2 as now set forth on pages 35 & 36 of their NEPA EIS.

2. FERC can plead some degree of ignorance with respect to fundamental principles concerning California water rights and Court Adjudications - the SWRCB can not. The SWRCB must also maintain neutrality; as has the SWRCB in recent years reminded myself and other water users subject to the 1969 Decree.

3. If the SWRCB is going to use AA2, I strongly recommend there be a well thought out "**water rights qualifying paragraph**" after the now existing 3rd paragraph - possibly along the thought process reflected in the following text:

"Per the standing 1969 Cow Creek Decree, the only water diversion allowed at the SCC diversion in the South Cow Group is a 3rd priority non consumable one for power generation. It is presumed under this Alternative that the necessary process would be undertaken through the Superior Court of Shasta County to modify the Decree to permit the Abbott right in a manner that did not promote nor harm their existing water right; or the those of others."

" **Land right easements**, access and maintenance agreements would need to be developed with private landowners..... penstock.

4. Above sentence is FERC fourth paragraph with 3 additional words at beginning.

[private]

Dave Albrecht

[private]