

Parks, Jeff@Waterboards

Subject: FW: Whitmore Community & Save Kilarc Committee Comments Relevant to P-606 (Kilarc) Water Quality Certification
Attachments: KCtoWaterBoardCondition1.pdf

From: Kelly W. Sackheim [<mailto:kelly@kchydro.com>]

Sent: Friday, April 12, 2013 6:38 PM

To: Parks, Jeff@Waterboards

Cc: [private]

Subject: Re: Whitmore Community & Save Kilarc Committee Comments Relevant to P-606 (Kilarc) Water Quality Certification

Jeff - Attached is "all new" text, expressing that the Water Board may consider attaching the following

Mandatory Condition: Water quality downstream of the Kilarc Development shall be maintained to preserve habitat in support of the recovery of anadromous fish species of concern -

to every alternative that may be considered for authorization by the FERC.

And, I've attempted to provide the supporting rationale and implementation/monitoring information.

If this is a helpful approach for you, we can provide our additional requests and recommendations in a similar framework.

Kelly



Meeting Energy Needs with Renewable Power Development and Conservation

April 12, 2013

**Scoping Comment for the California State Water Board Water Quality Certification
for the FERC P-606 Kilarc-Cow Creek Hydroelectric Project License Surrender**

The April 10, 2013 Scoping Meeting revealed three elements that will be important to the granting of state water quality certification and ultimate implementation of PG&E's license surrender:

1. There must be an adequate foundation of studies and analysis upon which the water quality certification will be based (in contrast to the inadequate studies concluded by the FERC, and the FERC staff's failure to make its recommendations consistent with its own studies for an environmentally superior alternative that would meet PG&E's objectives),
2. Reasonable alternatives must not be excluded (in contrast to the FERC having limited its analysis to alternatives that would be financially infeasible because the FERC allowed PG&E to refuse to entertain the possibility that any other party may obtain a license to continue operating its facilities following license surrender), and
3. The State Water Board intends to issue its draft mandatory conditions of water quality certification at the same time that it issues its EIR.

Consistent with the above three elements, attached hereto is a proposed Mandatory Condition #1, with supporting justification.

Sincerely,

Kelly W. Sackheim



Proposed Condition #1 for State Water Quality Certification

As a condition of its Water Quality Certification, the California SWQCB shall require that

Mandatory Condition: Water quality downstream of the Kilarc Development shall be maintained to preserve habitat in support of the recovery of anadromous fish species of concern.

Objective/Beneficial Use to be Achieved: There should be no degradation of the known anadromous fish habitat in Old Cow Creek downstream of Whitmore Falls, and the main stem of Cow Creek below that, which is presently limited by elevated water temperatures.

Performance Standard: The temperature of water discharged from the P-606 Project Boundary to Old Cow Creek shall not be permitted to rise above the temperature achieved by

- a) Retaining no less than the project-related flows at elevation and under cover of shade as provided by delivery from the Kilarc Diversion via the Kilarc Canal and Forebay, and
- b) Further cooling the water before discharge by removing heat with the generation of hydroelectric power at the existing Kilarc Powerhouse.

Adaptive Management Procedure: The FERC may be encouraged to require that studies be performed as a condition of a new license that would be granted to a new hydropower licensee for use of the water resource of the Kilarc Development to determine

- a) the actual contribution of the project to reducing water temperature and
- b) the characteristics of anadromous fish populations that would benefit,

so that a future evaluation can be made of the trade-offs between

- a) operating a hydroelectric facility to achieve this benefit and
- b) any other options that may be available to provide a greater contribution to the recovery of anadromous fish species utilizing this same water resource.

Feasible Option for Achieving Standard: Several parties have expressed an interest in applying for a new FERC license to continue to operate the Kilarc hydroelectric facilities. Davis Hydro established the Kilarc Foundation and developed detailed plans to undertake research to support the recovery of anadromous species, including propagation in the Kilarc Canal. KC Pittsfield LLC has proposed to make beneficial use of water flowing through sections of the Kilarc Canal that are not appropriate for fish research and propagation with the installation of open-channel hydroelectric turbines that are still being refined. PG&E may be required to finance the eventual, rather than immediate, removal of structures.