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Before the Federal Energy Regulatory Commission

FEDERAL ENERGY
REGULATORY COMMISSION

Upper North Fork Feather River FERC Project 2105 -089 et al

Pacific Gas and Electric Company, Licensee

Lake Almanor; Canyon Dam; North Fork Feather River; Butt Valley Dam; Butt Creek; Belden Forebay Dam; NFFR Along Caribou Road et al

In the Matter of Final EIS for the Relicensing of the Upper North Fork Feather River Project FERC 2105 and also the Settlement Agreement of April 2004

Formal Comments by the Anglers Committee and The Baiocchi Family

The following are the comments of the Anglers Committee and The Baiocchi Family:

- 1. The final EIS is premature and deficient. The document failed to disclose, evaluate, and mitigate water quality protection measures for all waterways affected by the project.**
- 2. The final EIS is premature and deficient because it failed to disclose, evaluate, and mitigate the effects to the human environment resulting from the terms and conditions of the Settlement Agreement of April 2004.**
- 3. The Anglers Committee and The Baiocchi Family are opposed to the terms and conditions of the Settlement Agreement of April 2004 for the following reason:**
- 4. The Anglers Committee is a group of anglers that have been involved with the relicensing of PG&E's Upper North Fork Feather River Project 2105 and other FERC licensed projects on the North Fork Feather River. The members of the Anglers are part owners of the public trust resources and assets of the North Fork Feather River watershed. The 2105 Committee is putting together position statements from various parties that will be sent to the Federal Energy Regulatory Commission. The Baiocchi Family has standing with the Commission. The following is the position statement of the Anglers Committee and The Baiocchi Family:**

The Anglers Committee and The Baiocchi Family cannot and will not sign the settlement agreement for the relicensing of the PG&E's Upper North Fork Feather River Project 2105 for the following reasons:

- (a) The failure of Parties to agree with a settlement agreement without requiring cold-water quality protection for Lake Almanor to protect cold water species such as trout and the local economy;**
- (b) The failure of Parties to agree with a settlement agreement without requiring the deletion of the proposed Cold-Water Curtain regardless of the intent of the California State Water Resources Control Board in its Water Quality Certification process;**
- (c) The failure of Parties to agree with a settlement agreement without requiring specific protection measures for the cold-water fishery of Lake Almanor during all water year types;**
- (d) The failure of Parties to support the restoration of spring-run chinook salmon and steelhead trout restoration efforts by NOAA Fisheries to return these fish species to their historic spawning and rearing area in the state's waters in Plumas County;**
- (e) The failure of Parties to oppose the use of the North Fork Feather River for whitewater boating and the failure to protect public safety for citizen (children, elderly, handicapped, ladies and men) that live or travel to Plumas County to recreate, camp, and fish at three (3) public campgrounds along Caribou Road in the NFFR;**
- (f) The intent of Plumas County to use ratepayers money to fund a multi-million dollar project for the benefit of Plumas Corporation, a private corporation, and also for the Plumas County Flood Control District;**
- (g) The failure of the California Department of Fish and Game to enforce California Fish and Game Code 5937 to require daily flow requirements at Butt Valley Dam into Butt Creek to keep in good condition all cold water species that exist (wild trout [all life stages]) or may be planted (endangered spring-run Chinook salmon and steelhead trout [all life stages]) in Butt Creek and the North Fork Feather River below Canyon Dam;**
- (h) The failure of the California Department of Fish and Game to support the restoration of spring-run chinook salmon and steelhead trout restoration efforts and the prescription by NOAA Fisheries to return these fish species to their historic spawning and rearing area in the state's waters in Plumas County;**
- (i) The failure of the US Forest Service to deny the use of the waters and federal lands of the North Fork Feather River below Belden Forebay Dam to unreasonable whitewater boating flows to protect public safety at public campgrounds and citizens (children, elderly, handicapped, ladies, and men) along Caribou Road resulting from whitewater boating flows;**
- (j) The failure of the US Forest Service to require PG&E to develop and implement an Accessible Plan for the Handicapped pursuant to the American Disabilities Act (ADA) at all public facilities within FERC Project 2105 and other public facilities at the Rock Creek-Cresta Project 1962.**

Please place these formal comments into the records for the relicensing of the Upper North Fork Feather River Project FERC 2105. We plan to file an appeal with the Commission decision to approve the terms and conditions of the Settlement Agreement of April 2004 and also the relicensing of the project. Consequently, provide the Anglers Committee and The Baiocchi Family with specific notice so that we can file an appeal with the Commission on the relicensing of the project.

Please find enclosed the original and eight copies.

Respectfully Submitted

A handwritten signature in black ink that reads "Bob Baiocchi". The signature is written in a cursive, slightly slanted style.

**Bob Baiocchi, Agent For
The Anglers Committee
The Baiocchi Family
P.O. Box 1790
Gracagle, CA 96103**

Dated: December 9, 2005

cc: Secretary, Federal Energy Regulatory Commission

Pacific Gas and Electric Company, Licensee (via e-mail)

Interested Parties (via e-mail)