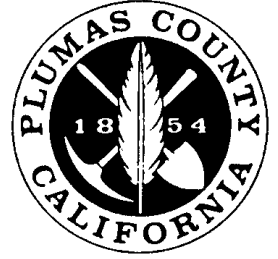


# **BOARD OF SUPERVISORS**



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Magalie Roman Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First St., NE  
Washington, DC 20426

October 29, 2004

Honorable Secretary Salas:

Attached please find the Comments of Plumas County, CA on the Draft Environmental Impact Statement for the Upper North Fork Feather River Project, FERC Project # 2105.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Nelson', written over a horizontal line.

Kenneth Nelson, Chairman

## **Executive Summary**

Plumas County (Plumas) appreciates the effort put forth by FERC staff to prepare the draft Environmental Impact Statement for the Upper North Fork Feather River Project (FERC Project No. 2105). Plumas supports a majority of FERC's conclusions, most notably its support for the Settlement Agreement.

Plumas is in agreement with adding Lands to the Project Boundary to address land management issues; Plumas recommends that the Commission staff modify its recommendations for the water quality-monitoring program, the Shoreline Management Plan, shoreline erosion and the timing of recreation improvements.

Plumas is in accordance with the Federal Energy Regulatory Commissions recommendation to accept Pacific Gas & Electric's application for relicensing of Project 2105-089 with the added proposed additional measures 1-15. We agree that the benefits of these improved facilities do justify the costs. However, the intended delays for determining an alternative for developing cold-water temperatures down stream could significantly decrease the benefits.

Plumas will not support increased cost sharing of the proposed additional measures that are shown in FERC edicts. Those costs should be borne by PG&E.

Plumas has commented on the Prattville Intake modifications because **1)** It is referenced over a dozen time in the DEIS, **2)** It is the only option seriously considered by PG&E **3)** There is ample information to eliminate the Thermal curtains as reasonable or effective measures. For that reason, Plumas is requesting that FERC approve the Project #2105 and issue the re-license to PG&E and accommodate provisions for these water temperature issues to be resolved through recommendations of an Ecological Resource Committee (ERC) that consists of those signatory to the Rock Creek/Cresta Settlement Agreement (RC/C SA) (State and Federal Agencies, Plumas County, NGO's) USFS and State Water Resources Control Board (SWRCB).

Plumas does not believe that those Rock Creek/Cresta ERC Members have the authority to make the final decision on PG&E implementation of Prattville intake modifications based on "...reasonable and practicable measures to maintain daily mean temperatures of 20 degrees C, or less in the Rock Creek and Cresta bypassed reaches." This edict removes all of the 2105LG members from the decision making (even though there may be members in both) and does not provide a determination on the negative impacts to both Lake Almanor and Butt Reservoir. Plumas will not accept that means of determining whether the Thermal Curtain(s) will be implemented.

### **Section 1.6 Settlement Agreement**

Plumas appreciates FERC staff's finding to issue a new license consistent with the terms of the Settlement Agreement (SA) reached by members of the 2105 LG Committee. The SA contains provisions on minimum downstream stream flows, pulse flows, stream flow measurements, ramping rates, stream flow and habitat monitoring, biological monitoring, recreation river flow management, reservoir operation; including lake level management, water year type, water quality monitoring, wildlife habitat enhancement, recreation facilities and enhancements, and land management and visual resource protection, including a Shoreline Management Plan. The County notes FERC staff altered some of the provisions of the Settlement Agreement.

Our comments below reflect FERC's recommended changes.

Plumas concurs with Measure (7) for revision of the draft SMP, but recommends that PG&E meet with local citizens and the 2105 Committee prior to finalizing the plan and filing it with the Commission. We have held several follow up meetings with PG&E and have resolved most of the outstanding SMP issues with PG&E. However, prior to filing the revised plan with the Commission, additional public input, particularly on the revised landuse classifications, enforcement and permitting could benefit the SMP.

Plumas agrees that monitoring of salmonid and wakasagi populations in Lake Almanor and Butt Valley Reservoir would be important if the Prattville Intake modifications were to proceed. However, we continue our concern that so many references to the Thermal Curtain, provides a credibility and perpetuation of a cold water option that is not warranted.

We recommend under Measure (21) that PG&E provide financing for a portion or all of a duration facility and/or interpretive center as retribution for the Tribal Lands of Big Meadows that were covered by Lake Almanor and Butt Reservoir.

### **Retiring the Project**

Plumas is in agreement with the loss of resources that would occur should the project be retired, it is notable that FERC staff correctly state:

**Page 23; lines 32-33:** “Adverse socioeconomic impacts on Plumas County and the town of Chester would be tremendous, due to the loss of Lake Almanor.”

**Page 24; lines 20-24:** “Under either retirement scenario, the trophy trout fishery in Butt Valley reservoir would likely be lost, because wakasagi from Lake Almanor would no longer be entrained into Butt Valley reservoir...(and)...the protection and enhancement measures that would be specified in the HPMP would not be implemented (except) those project elements that contribute to their eligibility for listing in the National Register.”

**These are the same detrimental impacts that would occur if a Thermal Curtain were to be installed in Lake Almanor.**

Proposed Prattville Intake Modifications as developed by Woodward Clyde, U.S. Army Corps of Engineers, and as studied by Bechtel and Thomas Payne & Associates reflect the lack of local input early in the process. Although some marginal benefits may be realized in Rock Creek and Cresta in wet years, no benefits will be realized in dry or critically dry years (14 out of 33 years of historical operations). In contrast, deleterious effects to Butt Valley Reservoir and Lake Almanor will be attributed in all water year types.

We take exception once again that FERC should rely on the monitoring of Lake Almanor and Butt Reservoir to ascertain that the construction of the Thermal Curtains was in error. As will be demonstrated by reports from Dave Vogel, Ron DeCoto and possibly DF&G, the Thermal Curtains will cause significant damage.

### **Prattville Intake Modifications**

Downstream water temperature improvements through the Prattville Curtain could be at the expense of:

- Effects on cold water fishery in Lake Almanor
- Dissolved oxygen in Butt Valley Reservoir
- Effects of operations on wakasagi populations in Almanor and Butt Valley Reservoir trout population
- Effects on algae in Lake Almanor
- Effects on historic resources
- Effects on property values
- Aesthetic effects
- Cost of modifications to the ratepayers

Dave Vogel, <sup>1</sup>Senior Scientists for Natural Resource Scientists, Inc. made the following observations:

“Based on documents reviewed, it is not clear exactly how the various reservoir and stream temperature models were integrated and used to evaluate scenarios for water temperatures in the NFFR. The modeling efforts appear fragmented without a comprehensive description of how various project physical alterations and operational changes would be integrated.”

Additionally, Vogel observed:

“The summer stratification characteristics in Lake Almanor vary significantly between years (Gast 2004) indicating that modeling those variations would be difficult without sufficient validation of model outputs with empirical data. Comparing empirical data from water temperature profiles collected by California Department of Water Resources, (Gast 2004) clearly demonstrated the large variations in temperature profiles between years. It is not evident that the Prattville model validation accounted for those large variations between years. In fact, it appears that an average of June, July and August 2000 water temperature profiles (three separate average profiles) were used in the hydraulic modeling effort (Ettema et al. 2004) These average profiles would not reflect the large variability in summer time profiles evident in Lake Almanor.

Mr. Vogel provides examples of this model fragmentation and concludes that this could have a significant impact on the actual thermocline depth during the summer.

**In summary, we request clarification before the staff directions to use these models for any predictions. But, most importantly:** Plumas recommends in the strongest possible terms that the Commission eliminate the Prattville Intake alternative from further consideration because of its adverse environmental effects and **extremely** high costs that would be borne by the Rate Payers, not the Licensee. The Commission should take a leadership role on this issue and eliminate the Thermal Curtain as an unreasonable alternative.

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<sup>1</sup>Biological Issues Associated with the Contemplated Lake Almanor Water Temperature Curtains at the Prattville Intake, October 14<sup>th</sup>, 2004

## **Downstream Water Temperature Control**

**Page 47; lines 1-9:** Plumas does not agree with the statement:

“The (Rock Creek/Cresta) SA requires PG&E to develop and implement a water temperature management plan, conduct modeling to evaluate the anticipated effectiveness of Prattville intake modification measures, and implement Prattville intake modifications determined by representatives of the parties signing the agreement to be reasonable and practicable measures to maintain daily mean temperatures of 20 degrees Celsius or less in the Rock Creek and Cresta bypassed reaches.”

Plumas does not believe that those Rock Creek/Cresta ERC Members have the authority to make the final decision on PG&E implementation of Prattville intake modifications based on “...reasonable and practicable measures to maintain daily mean temperatures of 20 degrees Celsius, or less in the Rock Creed and Cresta bypassed reaches.” This edict removes all of the 2105LG members from the decision making (even though there may be members in both) and does not provide a determination on the negative impacts to both Lake Almanor and Butt Reservoir. Plumas will not accept that means of determining whether the Thermal Curtain(s) will be implemented.

Plumas concurs with Staff’s analysis on P.52 that operations are the source of warm temperatures in the lower reaches; noting that Prattville Intake modifications attempt to treat the symptom of operations rather than the problem:

*“Water temperatures in NFFR can not be exclusively related to water year types. It is determined that the upstream temperatures as released from Butt Valley and Caribou Powerhouses are the dominating factor and therefore ranking of these upstream temperatures serves a more systematic approach to the determination of the NFFR water temperatures. For comparison purpose, we use the 50% and 25% exceedance levels to define the “best” and worst” case scenarios: The August temperatures at NFFR above Cresta Powerhouse are 20.2 degrees Celsius (best case) and 22.0 degrees Celsius (worst case). The equivalent temperatures reductions are 1.9 degrees Celsius (best case) and 1.5 degrees Celsius (worst case) at this location.<sup>2</sup>”*

The current proposed alternatives violate the watershed approach to environmental planning and is unacceptable to Plumas, and the reason that Plumas has submitted a resolution asking for a cease and desist on further consideration of the Prattville Intake Modification and those suggested for Butt Reservoir.

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<sup>2</sup> Prattville Temperature Curtain Questions for Evaluation: pg 17, 10/12/2004

We further recommend reconsideration of Measure (5) that directs: “Use existing temperature models to predict the effects of operating the project to meet flow and lake level requirements, taking into consideration any modifications to the Prattville intake that may be proposed by the Rock Creek-Cresta Project ERC and the USFS for modifying and implementing other temperature controls.”) The current temperature models should be analyzed to assure that they do in fact predict water temperatures accurately.

**Page 71; lines 34-38:** Plumas disagrees with the statement: “PG&E is required under the terms of the RC/C SA to evaluate and potentially modify the Prattville intake and implement other options for using the coldwater supply in Lake Almanor and Butt Valley reservoir to attain cooler temperatures in the NFFF downstream of the Caribou developments.”

This is in error on two counts: 1) This is in contradiction of Page 47 that supposedly gave the “evaluation” of the Prattville Intake Modification to SA, not PG&E. 2) The RC/C SA does not limit the cold water temperature reductions to “...using the coldwater supply in Lake Almanor and Butt Valley reservoir...” PG&E is to seek any and all potential options, including re-operation of their Caribou facilities, stream course enhancement, water tower coolers, etc.

**Page 71; lines 38-40 and Page 72; lines 1&2:** Plumas agrees with the analysis: “Implementation of these measures for the Rock Creek-Cresta Project along with the altering operations of this project under any new license could substantially alter the thermal regimes of Lake Almanor, Butt Valley reservoir...” This is the reason that we will continue to resist the installation of Thermal Curtains in Lake Almanor and Butt Reservoir and will continue to respectfully request that FERC remove the Thermal Curtain as an option in the water temperature issue.

**Page 73; lines 3-10;** Shows a continued insensitivity to the Thermal Curtain issue, but Plumas assumes that this is due to the fact that staff was working with limited data.

Plumas agrees that “Lake Almanor limnology could be highly influenced by operational changes incorporated into a new license for this project, as well as potential modification of the Prattville intake agreed to under the Rock Creek-Cresta SA.” (emphasis added) “We conclude that it would be appropriate to monitor water quality conditions in Lake Almanor for the first wet, normal and dry/critically dry year of any new license period to address the effects of changing project operations under any new license for this project. In this manner, the effects of the new operations could be readily evaluated and corrective actions, if necessary, could be made within a few years of implementing any new license for this project.” (emphasis added).

Two points are in order:

1) "...potential modification....under the RC/C SA", again seems to take the decision out of the scope of the Project 2105 review and County objects to that approach.

2) Monitoring of water quality for three water-type years and consideration of corrective actions "...within a few years..." puts the Thermal Curtain into the realm of large Lake Almanor experiment. Plumas is assured that corrective actions within a few years of detection will be too late. A question has been asked by many people, "If the Thermal Curtain kills Lake Almanor and Butt Reservoir, who is responsible?" It is a good question. It won't be PG&E, because they will have fulfilled the 401 Certification requirements and FERC will have issued the license. No one will be responsible, but everyone, including the fish will be damaged.

If the monitoring indicates the damage that has been scientifically projected, will FERC require PG&E to remove the curtain(s) and require the rate payers to finance that venture, too? Plumas asks these questions to put the statements above in better perspective.

**Page 75; lines 23-33:** This paragraph, contrary to the statements on Page 71, does indicate that PG&E is to evaluate other options, but does not consider re-operation of the Caribou facilities, only another Thermal Curtain at Caribou Intake No. 2.

It is of interest that the license and RC/C SA agreement "...limit PG&E's financial responsibility for water temperature measures, (other than monitoring and forgone power generation to approximately \$7 million." Do you suppose that has any bearing on the time and money being spent to make the Thermal Curtain work? They will share none of the \$53 million costs (rate payers get it all) and there will be no power generation lost.

**Page 76; lines 3-20:** Denotes the "project modifications (at a minimum) that could be adopted to meet the stream temperature objective desired by SWRCB". The list does not include several viable options, including the re-operation of Caribou #1 and #2. County recommends that the list be expanded to include those options suggested by 2105 LG during their October 14<sup>th</sup>, 2004 meeting.

#### **Page 77 Our (Staff) Analysis**

Plumas patently refutes that 1.8-2.5°C change is a substantial reduction in water temperature, and requests that FERC modify the reference to obsolete data.

**Lines 15-25:** Staff recognizes that the proposal to draft "...deeper water from Lake Almanor via a modified Prattville Intake.....could substantially alter DO levels within Lake Almanor." Plumas agrees and submits this as another reason that the proposal will be opposed.

Staff further states: "Development and use of a model to predict these effects would be beneficial to management of Lake Almanor and the receiving water bodies." "However, it would be MORE EFFICIENT TO MONITOR DO AFTER IMPLEMENTATION OF



ANY NEW COLDWATER SUPPLY MEASURES FOR THE ROCK CREEK-CRESTA PROJECT.”

Again, we perceive the Thermal Curtain to be a grand experiment. This was even more evident, when PG&E representative Scott Tu announced during the October 20, 2004 (Chico) FERC Public Meeting that the Thermal Curtain has been used effectively in Whiskeytown Reservoir. This is a deeper lake with different characteristics that fish biologists, including those with PG&E agree are not comparable.

**Page 77; lines 26-28: states;** “We conclude that modifying the Prattville intake and/or other options for supplying cooler water to the Belden, Rock Creek and Cresta reaches could substantially reduce water temperatures in the NFFR and thereby enhance the coldwater fishery.”

Plumas has yet to be shown those conclusions to be warranted, but are prepared to work cooperatively to obtain those results, except through implementation of the Thermal Curtains in Lake Almanor and Butt Reservoir.

**Lines 29-34:** Plumas disagrees that “...available information is not sufficient to determine the effects that modifying the Prattville intake in conjunction with PG&E proposed and agency would have on the thermal regime of Lake Almanor....” Already, studies show a reduction of up to 40% of the salmonid habitat from the withdrawal of up to 50% of the coldwater pool. In addition, as noted earlier, in the paper by Vogel, we suspect that the temperature models are fragmented and have not been properly reconciled.

**Page 77; Lines 35-39:** We agree with staff, FS and Interior that “The combination of alteration of the thermal and DO conditions in Lake Almanor could substantially shift the ability of the reservoir to support its existing coldwater and warm water fisheries. Using the coldwater supply in Lake Almanor and/or shifting operations of the Caribou developments could also affect the thermal regime and DO levels in Butt Valley reservoir and could adversely affect the existing trophy rainbow and brown trout in the reservoir.”

**Page 83; Line 19-37:** Plumas believes that shoreline soil erosion is more than “noticeable” , it is severe and mitigation should be the responsibility of PG&E. Plumas appreciates staff conclusion that “PG&E could improve the draft SMP by revising it to include the erosion sites identified by Plumas in June 2003....” However, unless ordered to do so by FERC, PG&E will not do this, because the utility company has stated that they have the “right to erode.” based on previous agreements with Clifford (developer of Lake Almanor Country Club) and Plumas County. Plumas believes that with Federal and State Water Pollution Control regulations, no entity has this type of blanket “right to erode” the property of others and respectfully request that FERC require PG&E to mitigate erosion caused by the 22 ft. increase in water levels that have been approved by FERC, since the initial Project 2105 License, fifty years ago. Plumas believes that it is Commission responsibility to ensure that the Licensee protects the environmental resources within the project boundary that are affected by shoreline erosion. It is not the responsibility of adjacent property owners outside the project boundary to protect water quality, fisheries,

terrestrial resources or cultural resources within the project boundary. Plumas is willing to work with PG&E to identify those erosion areas for which specific erosion control plans should be prepared. The Commission should mandate PG&E to consult with Plumas and resource agencies to develop site specific erosion control plans.

**Page 84; Lines 1-4:** Appears to condone PG&E erosion of private property: “We conclude that implementation of the erosion control measure plan proposed by PG&E would reduce erosion...however, localized shoreline erosion could continue to occur particularly on properties not owned by PG&E that are along the 4500-foot contour.”

Plumas is not certain that FERC is going to ask PG&E to mitigate that erosion of private property and respectfully requests clarification and imposition of regulations that require PG&E to take responsibility for those damages.

Plumas agrees with the recommendation to develop site-specific plans to control erosion for any recommended new recreation facilities. As noted on page 84, Plumas agrees that PG&E should also consult with the listed agencies and Plumas to develop erosion control plans at County specified locations.

**Page 108; Lines 6 through 16:** We agree that the flow regime recommended by Interior will not provide substantial increase in habitat suitability for the evaluated species.

We further agree that providing the minimum flow regimes in the Seneca and Belden reaches under the existing Prattville intake configuration, as proposed in the final SA would maintain rainbow trout juvenile habitat suitability near or at existing high levels; improve adult and spawning rainbow trout near or at existing high habitat suitability; maintain significant macroinvertebrate habitat suitability; maintain suitable water temperatures within both reaches for rainbow trout and Sacramento sucker and maintain temperatures in the Belden reach that are within the preferred range of hardhead.

**Page 108; Lines 27 through 30:** This stated 4 degrees decrease in the Belden Reach has been revised (**NOTE: This is an error that needs to be corrected within the document** ).

**Page 109:** Indicates that current water temperatures in lower Butt Creek are too cold for trout; a premise we find implausible . However, Plumas believes aeration of this water could improve habitat conditions and eliminate the need for “mixing” or the Prattville Intake.

Plumas proposes the following alternatives to temperature modification downstream to improve fish habitat:

- Model appropriate Seneca releases from appropriate Canyon Dam gate to offset heating in Rock Creek, Cresta and Poe in conjunction with re-operations of Caribou 1 and 2, and Caribou 1 *or* 2 offline for the month of August.
- Adopt California Fish & Game management plan for the Upper North Fork Feather River by addressing poaching, regulations and staffing.

- Consider revegetation of Indian Creek in conjunction with possible irrigation alternatives to improve the quality and quantity of water at Belden.

**Page 112; lines 6-14:** Discusses the potential need to increase the “...magnitude, duration, and/or frequency of the scheduled pulse flows” , if determined by FS, CDFG, FWS and SWRCB.

Plumas requests that a requirement be imposed that assures any such actions would not amend Lake Almanor water level in the SA and shown on page 14 and page 126 under *Reservoir Operations*.

**Page 128; lines 17-27:** Provides an analysis that the Thermal Curtain “...would cause a substantial depletion in the hypolimnion (64 percent), which could negatively affect salmonid and wakasagi populations in Lake Almanor by decreasing available coldwater habitat during the summer.”

Plumas agrees and, as stated earlier rejects the Thermal Curtain proposal, because the next statement is also true, as shown in testimony by Fishery Biologists and Lake Almanor Fishing Guides—“This decrease in coldwater habitat would concentrate fish that prefer such habitat into a substantially smaller area”.

**Page 131—Gansner Bar Fish Barrier**

Plumas agrees with PG&E and CDF&G Warden Bob Orange that the man-made fish barrier is an obstruction to fish spawning and moving up river to colder water. Plumas recommends that FERC conduct further review on a) the original reason for the barrier and b) the positive results for fish moving up to colder water, if the barrier is removed.

**Socioeconomic Resources**

**On p.127 lines 5-12 and on page 348 lines 30-35** FERC concludes that the socioeconomic and environmental benefits of higher Lake levels are worth \$1,527,500. Plumas County would like to respectfully point out that the speculative net benefits of any modifications to the lake waters should never be allowed to impair the now analyzed and quantified benefits of the Almanor Lake levels in the Settlement Agreement and the Draft EIS

**Page 283, lines 23-39 and Page 284, lines 1-10** accurately depict the importance of Lake Almanor, as the Plumas County economy has continued to shift from “goods-producing ” to “service-providing.” Subsequently, as noted “Recreation and Tourism has become increasingly important to the local economy...” and The Plumas Corporation has cited the area’s scenic beauty, the quality of life, and the recreational opportunities as some of the strengths that can be drawn on in developing the local economy.” It is no public secret that the draw to northern Plumas County is Lake Almanor. We are also aware of the fact that one environmental mistake can destroy those amenities over-night. It is for that reason that the local 2105 Committee has volunteered thousands of hours through participation in the Lake Almanor 2105 Licensing Group to develop a reasonable Settlement Agreement (SA).

### **Water Quality Monitoring Program**

Lake Almanor has both warm and cold-water species of fish, and Plumas supports Basin Plan Objectives that are conducive to improving habitat for salmonids in Lake Almanor and Butt Valley Reservoir.

In efforts related to Adaptive Management, PG&E, FERC and the Resources Agencies should include Plumas County in management plans.

**PG 67; Line 11:** Plumas agrees that the water quality monitoring plan must be reopened in the event of dredging, at the Prattville Intake, and that a monitoring program based on five year intervals is of insufficient frequency to monitor trends efficiently. Plumas County believes that with the rapid growth in home construction, in recreational facilities, and with increased recreational activity on the Lake, there is ample justification for three year intervals, rather than five, and, that monitoring the Lake once every 5 years would unnecessarily prolong determination of any adverse effects that may occur and could delay implementation of corrective actions.

Plumas requests expanded bacteriological sites in non-swimming areas, and promotes monitoring for the life of the license every three years as opposed to every five to be more in line with adaptive management plans.

### **Recreation Resource Management Plan**

The FERC has moved the recreation plan ahead dramatically by recommending nearly all of the Settlement Agreement measures:

- A recreation development plans that accelerates long overdue maintenance; modifies many of the current facilities to make them ADA Accessible; establishes clear O&M responsibilities and most important, provides for many improved facilities that will be needed around the lakes and the rivers and streams that are a part of the project.
- Information and Educations plan that will help recognize and educate the public regarding power production, natural, historical, cultural and Native American roles in the Project area.
- A Resource Monitoring Program that will help assures that the Project Recreational facilities keep pace with needs in the area. FERC recommendations recognize the need for agency and community involvement in the progress of these plans.

1. Plumas would like to suggest minor modifications to the recommendations by the FERC staff, some of these modifications are would change the implementation dates of the recreations maintenance “catch-up” and improvements for the following reasons:
  - Goal One of the Plumas County 2105 Committee was to have improvements implemented on time – that is, to track with the due date of the new license November 1, 2004.
  - During the discussions of the 2105LG Collaborative, the understanding, reinforced by the Licensee throughout, was that the License would be issued on time – November 1, 2004. This was certain, we were assured, because FERC had become intolerant of delays in relicensing and would be insistent on keeping on schedule.
  - The Settlement Agreement was signed in April 2004 – only six months before the due date for the new license -with the understanding that the process was “on track” for the November 1, 2004 license issuance.
  - At that time, Plumas County was unaware that Licensee had not applied for the necessary SWRCB 401 “Clean Water Certificate” which Licensee knew would take at least one year to obtain. Additionally, the contract for CEQA review, required by the State had not been issued, even though that document preparation will take from one to two years to prepare, again, information that the licensee knew but did not share.

Because the Settlement Agreement was signed with the inducement that the Licensee had moved diligently to acquire that license on time, and had not, Plumas requests that certain of the maintenance “catch-up” measures and most of the recreation improvements have the expected dates of completion modified. Specifically, when the license is actually issued, the number of months of delay beyond November 1, 2004 would be subtracted from the time span offered in the Settlement Agreement for completion. This would assure that needed work would occur in a timely manner and as if the license had been issued on time. The Licensee would suffer no loss from this action as all the benefits of the new license will still be theirs, and the “catch-up” maintenance and improvements would be done in the same time span as if they had obtained the license as they represented they were working toward. Examples of how this modification of completion dates would work are as follow:

- **Page 330 lines 3** “East Shore Group Camp Area – Within 1 to 3 years after license issuance,”
  - If the license is delayed twenty-four months, the licensee would make the improvements during the first year after the license issuance.
- **Page 330 line 24** - “North Shore Public Boat Launch – Within 3 to 5 years of license issuance...”.
  - If the license is delay twenty-four months, the licensee would make the improvements within 1 to 3 years.

This formula can be applied to all of the improvement measures in the recommendations.

2. Other modifications suggested are:

- **Pages 179-182:** All maintenance measures that are overdue should be **completed within the first year after the issuance of the license**. The previous two audits of the Project by the Regional FERC staff reported most of these maintenance needs. Nothing in the current license has waived maintenance and this work needs to be done expeditiously, especially if the delayed license will mean yet more delays in doing the maintenance work. Included in this category are:
  - a. **Almanor Scenic Overlook-** The “scenic” part of the overlook has ceased to exist because trees have been allowed to completely overgrown the view of the Lake and Lassen Peak
  - b. **Camp Connery** – portions of the access road.
  - c. **Rocky Point** – Klamath Stoves need replacement. The lands adjacent to Lake Almanor have experienced much attention through the Fire Safe Council efforts and the Quincy Library Group forest thinning; the real estate values of improvements around the shores of the Lake amount to over \$2,000,000. Fire safety is of paramount concern.
  - d. **Last Chance Campground** – Picnic tables, some water faucets and many of the old Klamath stoves need maintenance or replacement.
  - e. **East Shore Day Use Area** – Maintenance is needed on the user-defined shoreline access trail, now underdeveloped and eroding, picnic tables, water faucets and the hand-pumped water spigot.
  - f. **Canyon Dam Day Use** – Beach area, picnic tables and parking area all need maintenance.
  - g. **Ponderosa Flat Campground** – Water faucets and several of the older Klamath stoves are in need of maintenance.
  - h. **Cool Springs** – The pay station, several of the older Klamath stoves and the water faucets need maintenance.
  - i. **Caribou** – The grounds landscaping needs maintenance and the lodge and the cottages at Caribou all need maintenance and repairs to the exteriors.

### **Shoreline Land Management**

#### **Shoreline Management Plan**

The Red River Deed presents a unique condition to the Shoreline Management Plan. On **Page 248 lines 9 through 13**, the document states – “Under the terms and conditions of the project license, PG&E must retain all rights to lands and waters within the project boundary needed for project purposes. PG&E may permit others to use the Project’s land and waters but before permitting such a use, PG&E must ensure that the use does not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use....”. Yet, the Red River Deed, executed between PG&E’s predecessor company Great Western Power Company and the Red River Lumber Company when Great Western purchased the lake property, reserved for Red River and its successors certain benefits that acceptance of this condition would deny.

There are thousands of successors to Red River who have this deed covenant. Specifically included in the Deed is: “It is understood and agreed that each of the parties hereto, its

successors, lessees and assigns, may boat, hunt, fish and take other recreation upon the waters of both of said reservoirs and each of them, subject, however, to the right of first parties to use said reservoirs for irrigation and power purposes.” This deed covenant of 1927 predates the FERC license of the Project. Over the past decade, attorneys representing both PG&E and the Red River Deed owners have reached workable conditions to honor the Deed and still help PG&E comply with Article 42 of the existing license. Very specifically, the attorneys for the Licensee and the attorneys for the Owner have stipulated that the Dock and Buoy Agreements are just that – agreements – not permits. While the Owners are completely willing to assist PG&E with compliance of the terms of Article 42, they are not willing to relinquish the property rights that are conferred by the Red River Deed. Only the courts can do that and there are U.S. Constitutional standards related to the forfeiture of property that apply in this regard. Plumas requests that FERC acknowledge that there is a Red River Deed issue as they develop the wording of the license. Instructing PG&E to consult with Plumas County on the development of such a proposal for the license is requested.

**Page 340; line 4-6:** Plan for application of dust palliatives. This schedule is for completing within two years of license issuance. This action should be accelerated according to the method as proposed in the first section under

**Page 340; line 11-15:** Include in the facilities to be maintained, the houses or cottages at the site. They were included in other references and for clarity should be included here. These cottages are fine examples of the historic nature of the old Caribou work camp and the style of the cottages is exemplary of the design of worker housing of old company towns. They are in disrepair and need exterior maintenance.

### **Cultural Resources**

The County maintains that at those sites where PG&E did not propose treatment because the sites are inundated, that FERC NEPA review is incomplete in consideration of the proposed alternative: the curtain and in the absence of other alternatives to the temperature issue.

**Lake Almanor Recreation Trail:** Should be added to Appendix A

**Lighting of Goose Island and Peninsula:** Not included in document

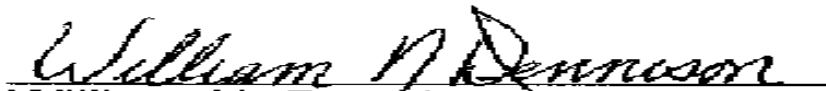
## Conclusions

The Draft FERC NEPA document is incomplete in relation to limited or unexplored alternatives. These omissions, although few, jeopardize the commitment of Plumas County to the Settlement Agreement and the much desired improved conditions around Lake Almanor and Butt Valley Reservoir.

Plumas has performed analysis that clearly illustrates the Prattville Intake modifications will produce measurable (in acres) negative impacts to spawning grounds and habitat, whereas the downstream benefits can not be measured in quantifiable terms. AND, Plumas County finds these potential impacts to be *in direct conflict with the FERC stated purpose* on page 1:

**" In addition to the power and developmental purposes for which licenses are issued (e.g., flood control, irrigation, and water supply), the Commission must give equal consideration to the purposes of energy conservation, the protection of, mitigation of damage to, and enhancement of fish and wildlife (including related spawning grounds and habitat); the protection of recreational opportunities; and the preservation of other aspects of environmental quality."**

For these reasons and those noted within our comments, Plumas respectfully request that FERC ask the PG&E and SWRCB withdraw the Thermal Curtains as an option for water temperature reduction in Rock Creek and Cresta.



**Vice Chairman, Plumas County Board of Supervisors**