

Attachment Q

Letter from BIA to PG&E on July 10, 2009



United States Department of the Interior



BUREAU OF INDIAN AFFAIRS
Northern California Agency
1900 Churn Creek Road, Suite 300
Redding, California 96002-0292

IN REPLY REFER TO:
Natural Resources

JUL 10 2009

HYDRO LICENSING		
ORIG.	JUL 15 2009	CC:
FERC NO.	TRACK NO.	
FILE NO.	ACTION:	

Charles White
Project Manager – Power Generation,
Pacific Gas and Electric Company
MC N11C, P.O. Box 770000
San Francisco, CA 94177

Dear Mr. White:

This correspondence is regarding the Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606), and the license surrender application.

The MOA indicates the surrender of FERC License No. 606 would result in the decommissioning of the Project facilities, including the Kilarc and Cow Creek Powerhouses (Powerhouses), penstock, water conveyance canals, diversion dams, flumes, forebays and other ancillary buildings/structures within the project area. The MOA further states the final disposition as decommissioning the Powerhouses, removal of the interior generation equipment, but the exterior structure would be secured and left in place.

Beyond the interior of the powerhouses, there is no definition of the exterior structures to be secured and left in place. In our opinion the exterior structure of the powerhouse does not include the penstock crossing Indian trust land. In our March 21, 2008, letter we listed two viable options; 1) PG&E purchases the land in the easement, or 2) PG&E removes the pipe and restore the land to pre-permit conditions.

With the clarification of the exterior structure, or the disposition of the penstock, we would be more inclined to become party to the MOA.

If you have any questions, please contact Rebecca Wasson, Natural Resources Officer, (530) 246-5141, Ext. 14, or me at Ext. 31.

Sincerely,

Dr. Virgil Akins,
Superintendent