

**Attachment O**

Correspondence Log and Documentation on PG&E's Consultation with the Native American Heritage Commission, Redding Rancheria, Other Indian Tribes, and Bureau of Indian Affairs

**Correspondence Log and Documentation on PG&E's Consultation with the Native American Heritage Commission, Redding Rancheria, Other Indian Tribes, and Bureau of Indian Affairs**

| <b>DATE</b>       | <b>DESCRIPTION</b>  |
|-------------------|---|
| December 20, 2007 | Letter from Stacy Evans (PG&E) to Virgil Akins (BIA) to discuss the project work on BIA property.   |
| January 11, 2008  | Letter from Virgil Akins (BIA) to Stacy Evans (PG&E) discuss Indian trust land.   |
| January 14, 2008  | Telephone conversation between Stacy Evans (PG&E) and Virgil Akins (BIA) to discuss proposal of decommissioning plan and specifically about the Cow Creek Penstock.   |
| January 22, 2008  | Letter from Stacy Evans (PG&E) to Virgil Akins (BIA) sending the Kilarc-Cow Decommission Plan.  |
| February 13, 2008 | Telephone conversation between Stacy Evans (PG&E), Virgil Akins and Rebecca Wasson (BIA) to discuss the Preliminary Proposed Decommissioning Plan and the Proposed Action to the penstock.  |
| March 7, 2008     | Letter from Kimberly Demuth (ENTRIX) to Debbie Pilas-Treadway (Native American Heritage Commission) requesting a database search of sacred lands in the proposed project area and a list of tribal contacts.  |
| March 13, 2008    | Faxed Letter from Katy Sanchez (Native American Heritage Commission) to Kimberly Demuth (ENTRIX) with a list of Native American contacts.   |
| April 10, 2008    | Letter from Kimberly Demuth (ENTRIX) regarding cultural resources investigation to the following Indian tribes: Redding Rancheria; Pit River Tribe; Roaring Creek Rancheria; Winnemem Wintu Tribe; Wintu Tribe of Northern California; Madesi Band; Atsugewi Band, Pit River Indians; United Tribe of Northern Calif., Inc., Wintu, Wintun, Wintoon; Itsatawi Band. |
| May 28, 2008      | Letter from Virgil Akins (BIA) to Stacy Evans (PG&E) discussing the appraisal procedure for the purchase of the Katy Rice PDA.  |
| March 19, 2009    | Letter from Virgil Akins (BIA) to Stacy Evans (PG&E) discussing the status on responses from interested parties regarding Katy Rice PDA.  |
| March 19, 2009    | Letter from Stacy Evans (PG&E) to SHPO, agencies and Indian tribes inviting them to participate in the MOA process.   |
| March 25, 2009    | Letter from Stacy Evans (PG&E) to SHPO, agencies and Indian tribes asking them to review and comment on the MOA.  |
| March 27, 2009    | Telephone conversation between James Hayward (Redding Rancheria) and Stacy Evans (PG&E) with question on the MOA.   |
| March 27, 2009    | Telephone conversation between Dave Harvey (ENTRIX) and James Hayward (Redding Rancheria) regarding the MOA and decommissioning plan.   |
| June 3, 2009      | Letter from Charles White (PG&E) to mailing list of all interested parties asking the parties to sign and return the MOA by June 30, 2009 to verify intent to participate in the MOA process.   |
| July 10, 2009     | Letter from Dr. Virgil Akins (Bureau of Indian Affairs) to Charles White (PG&E) discussing the memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project and the license surrender application, and options for a penstock crossing Indian trust land.  |
| September 4, 2009 | Letter from Lisa Whitman (PG&E) to Virgil Akins (BIA) stating PG&E intentions to purchase land.   |

**Correspondence Log and Documentation on PG&E's Consultation with the Native American Heritage Commission, Redding Rancheria, Other Indian Tribes, and Bureau of Indian Affairs**

| <b>DATE</b>        | <b>DESCRIPTION</b>  |
|--------------------|---|
| August 6, 2009     | E-mail from James Nelson (PG&E) to James Hayward (Redding Rancheria) attempting to re-establish contact and schedule a Kilarc-Cow Creek facility/site visit.                          |
| August 11, 2009    | E-mail from James Hayward (Redding Rancheria) to James Nelson (PG&E) stating that he would get back to James Nelson in a few days concerning a tour of the Kilarc-Cow Creek facility. |
| September 15, 2009 | E-mail from James Nelson (PG&E) to James Hayward (Redding Rancheria) attempting to schedule a Kilarc-Cow Creek site visit in the second week of October.                              |
| September 17, 2009 | E-mail from James Hayward (Redding Rancheria) to James Nelson (PG&E) stating a future response with exact dates for the Kilarc-Cow Creek site visit.                                  |
| September 18, 2009 | E-mail from James Nelson (PG&E) to James Hayward (Redding Rancheria) with dates for a requested Kilarc-Cow Creek site visit.  |
| September 21, 2009 | E-mail response from James Hayward (Redding Rancheria) requesting a meeting at the later suggested dates.   |
| September 21, 2009 | E-mail from James Nelson (PG&E) to James Hayward (Redding Rancheria) asking for an October 28, 2009 date for the site visit.  |
| September 24, 2009 | E-mail from James Nelson (PG&E) to James Hayward (Redding Rancheria) to request participation in a FERC tour on October 20 or 21, 2009 and suggest dates for a site visit.            |
| September 28, 2009 | E-mail response from James Hayward (Redding Rancheria) to James Nelson (PG&E) stating that either date would be good and that he had to talk with Bob Burns of Redding Rancheria.     |
| September 28, 2009 | E-mail from James Nelson (PG&E) to James Hayward (Redding Rancheria) stating that he will wait for a final decision on dates.   |

Dr. Virgil Akins  
Superintendent  
Bureau of Indian Affairs – Northern California Agency  
1900 Churn Creek Road, Suite 300  
Redding, CA 96002

December 20, 2007

Dear Dr. Akins,

Pacific Gas and Electric Company (PG&E) currently operates the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), and is in the process of surrendering the Project's operating license issued by the Federal Energy Regulatory Commission (FERC). As part of the surrender process, PG&E proposes to decommission and remove the Project works as described in PG&E's Preliminary Proposed Decommissioning Plan (Preliminary Plan) that was issued to the public on September 10, 2007.

As you may be aware, PG&E was recently informed by the Bureau of Indian Affairs (BIA) that a portion of the Project works is located on BIA administered property (Property).<sup>1</sup> This Property is described as part of Indian Allotment No. 547, Redding Series, Lots 3 and 4 of Section 6, Township 31 North, Range 1 West M.D.M. The Property is described to be a 50-foot wide strip that comprises approximately 1.75 acres. The Property is believed to be centered on the Cow Creek penstock, a steel pipe that carries water from the Cow Creek forebay to the Cow Creek Powerhouse, and extends from the northern portion of Lot 3, to the southeast corner of Lot 4.

PG&E would like to begin consultation with BIA to discuss the disposition of the Project works on the Property.<sup>2</sup> In the Preliminary Plan, PG&E proposed disposition of all of the Project works. For the Cow Creek penstock, PG&E proposed plugging the steel pipe at the upstream and downstream ends, located at the Cow Creek forebay and the Cow Creek Powerhouse, respectively. The pipe which runs between these two locations is mostly buried, and PG&E proposes to abandon it in place. PG&E believes the access to, and removal of, the buried penstock would cause significant environmental disturbance to the site, while abandoning it in place would avoid these impacts.

---

<sup>1</sup> PG&E notes that the individuals owning the lands surrounding the Property have indicated to PG&E that they, in fact, own the Property. PG&E takes no position on the legal issue of who owns the Property.

<sup>2</sup> Since there appears to be disagreement as to who owns the Property, it is PG&E's intention to consult with both BIA and the surrounding landowners regarding the disposition of Project works on the Property.

Please contact me at 415-973-4731, or by email at [sxef@pge.com](mailto:sxef@pge.com), so that we can begin consultations. We can arrange a meeting to discuss the background of the decommissioning, as well as the Preliminary Plan. Please let us know at your earliest convenience if you are agreeable to this approach. We will follow up with your staff members about a discussion in the New Year.

Additional information on the Kilarc-Cow Creek Project is available at <http://www.kilarccowcreek.com>

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Evans".

Stacy Evans  
Project Manager

CC:

Maxine Sutherland  
Bureau of Indian Affairs – Northern California Agency  
1900 Churn Creek Road, Suite 300  
Redding, CA 96002

Bill Saffell  
Bureau of Indian Affairs – Northern California Agency  
1900 Churn Creek Road, Suite 300  
Redding, CA 96002

Steve and Bonnie Tetrick  
27500 S. Cow Creek Road  
Millville, CA 96062-9708



IN REPLY REFER TO:

## United States Department of the Interior

### BUREAU OF INDIAN AFFAIRS

Northern California Agency  
1900 Churn Creek Road, Suite 300  
Redding, California 96002-0292

JAN 11 2008



Stacy Evens, Project Manager Hydro Licensing  
Pacific Gas & Electric Company  
Mail Code N11C  
Post Office Box 770000  
San Francisco, CA 94177

This is in regard to your letter dated December 20, 2007, concerning the Preliminary Proposed Decommissioning Plan issued to the public on September 10, 2007. Thank you for opening communications with us on this proposed project.

The main realty issue needing to be addressed from your letter is title to the Indian trust land located in South Cow Creek, Shasta County, California. Agency realty staff has researched the question, and the findings are as follows:

- 1) January 10, 1908, Trust Patent 2676 was issued by the United States to Indian Katy Rice for Tract PDA 50F-Red 547 (current designation). Tract described as "Lots 3 & 4, Sec. 6, T. 31N, R. 1W, MDB&M and containing 82.250 acres more or less".
- 2) February 10, 1914, Easement 5444 was issued from Frank Wilkes to Northern California Power Company for 50 foot pipeline R/W. R/W by easement deed for pressure main for conveying water for the purpose of generating electricity was approved by the Bureau December 13, 1913. Tract described as "That part of lots 3 & 4 Sec. 6, T. 31N, R. 1W, MDB&M further described as: That certain tract of land 50 feet wide, the center of which is 647.03 feet from the NE cor. Sec. 6; thence S36°47'E, 1,555.70 feet to a point in the southern part of said lot 4 and containing 1.780 acres more or less".
- 3) March 10, 1915, Fee Patent 2677 was issued by the United States to Non-Indian William G Wagoner. Tract described as "Portion of Lots 3 & 4, Sec. 6, T. 31N, R. 1W, MDB&M and containing 80.470 acres more or less".

The portion of lots 3 & 4 not sold in item 3 above is the same legal description as described in the easement of item 2 above. This tract remains in trust status for the Indian owners, and has retained the same designation as the tract described in item 1 above.

If you wish, you may share this letter with the adjacent land owner. For further questions, please contact me at (530)246-5140, Ext. 31, or the above address.

Sincerely,

  
Dr. Virgil Atkins,  
Superintendent

Copy: Director, Pacific Region

## **Kilarc-Cow Creek Hydroelectric Project Record of Correspondence**

**Date:** January 14, 2008

**Recorder:** Stacy Evans (PG&E)

**Contact:** Virgil Akins (Bureau of Indian Affairs)

**Subject:** Disposition of Kilarc-Cow Creek Hydroelectric Project

### **Summary of Conversation:**

Discussed proposal of decommissioning plan and specifically about a portion of the Cow Creek Penstock that is PG&E has been informed is on BIA lands.



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

January 22, 2008

Dr. Virgil Akins  
Superintendent  
Bureau of Indian Affairs - Northern California Agency  
1900 Churn Creek Road, Suite 300  
Redding, CA 96002

Dear Dr. Akins:

As we discussed on January 14, 2008, PG&E would like to consult with the Bureau of Indian Affairs (BIA) to discuss the disposition of the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project) works, specifically a portion of the Cow Creek Penstock that PG&E has been informed is on Bureau of Indian Affairs Lands.

Enclosed you will find the Preliminary Proposed Decommissioning Plan (Preliminary Plan) that PG&E issued to the public for comment on September 10, 2007. Please review the document and provide your comments to me on the Preliminary Plan, and in particular on the portion of the Preliminary Plan that describes the Cow Creek Penstock (page 2-40).

If you have any questions or comments in the meantime, please feel free to contact me at 415-973-4731, or email at [sxef@pge.com](mailto:sxef@pge.com).

Sincerely,

Stacy Evans  
Project Manager

A handwritten signature in dark ink, appearing to read 'Stacy Evans', is located to the right of the typed name.

Enclosure: Kilarc-Cow Creek Hydroelectric Project, FERC Project No. 606, Preliminary Proposed Decommissioning Plan, Issued September 10, 2007 by Pacific Gas and Electric



Dr. Virgil Akins  
January 22, 2008  
Page 2

cc: w/o enclosure:

Maxine Sutherland  
Bureau of Indian Affairs – Northern California Agency  
1900 Churn Creek Road, Suite 300  
Redding, CA 96002

Bill Saffell  
Bureau of Indian Affairs – Northern California Agency  
1900 Churn Creek Road, Suite 300  
Redding, CA 96002

Steve and Bonnie Tetrick  
27500 S. Cow Creek Road  
Millville, CA 96062-9708

**Kilarc-Cow Creek Hydroelectric Project  
Record of Correspondence**

**Date:** February 13, 2008

**Recorder:** Stacy Evans (PG&E)

**Contact:** Virgil Akins and Rebecca Wasson, Superintendent and  
Natural Resource Officer (Bureau of Indian Affairs)

**Subject:** Preliminary Proposed Decommission Plan

**Summary of Conversation:**

Discussed the Preliminary Proposed Decommissioning Plan and the Proposed Action to the penstock. Expressed question/concern about long-term impact to the land if the pipe were to be abandoned. The PPDP will be forwarded to their regional director for further discussion.



ENTRIX, Inc.  
2701 First Avenue, Suite 500  
Seattle, WA 98121  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

March 7, 2008

Ms. Debbie Pilas-Treadway  
Native American Heritage Commission  
915 Capitol Mall, Room 364  
Sacramento, CA 95814

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Ms. Pilas-Treadway:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project. An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The APE for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.

LLLL  
LLLL  
LLLL  
LLLL

# ENTRIX

Kimberly Demuth

March 7, 2008

Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

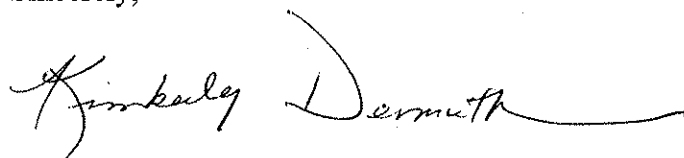
Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We are requesting that the Native American Heritage Commission conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. Thank you for your assistance with this project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth

ENTRIX, Inc.

Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans

PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

**NATIVE AMERICAN HERITAGE  
COMMISSION**915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
Fax (916) 657-5390

March 13, 2008

Kimberly Dumuth  
ENTRIX, Inc.  
2701 First Avenue, Suite 500  
Seattle, WA 98121Sent by Fax: 206-269-0098  
Number of Pages: 4

RE: Proposed PG&amp;E Kilarc-Cow Creek Hydroelectric Project, Shasta County

Dear Ms. Dumuth:

A record search of the sacred lands file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4040.

Sincerely,

  
Katy Sanchez  
Program Analyst

For:

**Native American Contacts**

Shasta County

March 10, 2008

Redding Rancheria  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road Wintu  
Redding , CA 96001 Pit River  
(530) 225-8979 Yana  
Fax: (530) 241-1879

Pit River Tribe Environmental Office  
Sharon Elmore, Cultural Information Officer  
37118 State Highway 299 E Pit River  
Burney , CA 96013 Wintun  
ajumawi@frontier.net  
(530) 335-5062, Ext. 2

Roaring Creek Rancheria  
PO Box 52 Pit River  
Montgomery , CA 96065  
(530) 335-5421  
530-335-3140

Winnemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road Wintu  
Redding , CA 96003  
winnemem@msn.com

(530) 275-2737  
(530) 275-4193 FAX

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road Wintu  
Redding , CA 96003  
wintu\_tribe@hotmail.com  
(530) 245-0141  
(530) 245-0241 - FAX  
530-245-0241-FAX

Redding Rancheria  
Barbara Murphy, Chair  
2000 Redding Rancheria Road Wintu  
Redding , CA 96001 Pit River  
(530) 225-8979 Yana  
(530) 241-1879 - Fax

Madesi Band Cultural Resource Representative  
Carol Cantrell  
P.O. Box 203 Pit River  
Montgomery , CA 96065 Madesi

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114 Atsugewi  
Hat Creek , CA 96040 Pit River  
(530) 335-2140

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed PG & E Kilara-Cow Creek Hydroelectric Project; Shasta County.

**Native American Contacts**

Shasta County

March 10, 2008

**Atsugewi Band, Pit River Indians**

Laverna Jenkins

42277 Wilcox Rd.

Hat Creek , CA 96040

Atsugewi

Pit River

United Tribe of Northern Calif., Inc., Wintu, Wintun, Wintoon

Gloria Gomes, Chairperson

20059 Parocast

Redding , CA 96003

(530) 275-1915

Wintu

Wintun

Wintoon

**Itsatawi Band Cultural Resources**

Reitha Amen

18342 Rory Lane

Cottonwood , CA 96022

Pit River

Itsatawi

United Tribe of Northern Calif., Inc., Wintu, Wintun, Wintoon

John Castro, Cultural Liaison

20059 Parocast

Redding , CA 96003

(530) 275-1915

Wintu

Wintun

Wintoon

**Itsatawi Band Cultural Resources**

Willard Rhoades

3907 Joanne Lane North

Cottonwood , CA 96022

Pit River

Itsatawi

**Redding Rancheria Cultural Resources**

James Hayward Sr., Cultural Resources Program

2000 Redding Rancheria Road

Redding , CA 96001

jamesh@redding-rancheria.

530-242-4543

530-410-2873 - cell

Fax: (530) 241-1879

Pit River

Yana

**Madesi Band, Pit River Indians**

Ben Lego

P.O. Box 278

Montgomery Ck. , CA 96065

Pit River

Madesi

Carol Sinclair

9253 Chaparral Dr.

Redding , CA 96001

530-242-1374

Wintu

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.54 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed PG & E Kilar-Cow Creek Hydroelectric Project; Shasta County.

**Native American Contacts**  
Shasta County  
March 10, 2008

Matthew Root  
16117 North St.  
Keswick, CA 96001  
530-247-7351

Wintu

Loretta Root  
5620 Kofford Lane  
Redding, CA 96001  
530-229-9203

Wintu

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed PG & E Klamath-Cow Creek Hydroelectric Project; Shasta County.



ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Redding Rancheria  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Tracy Edwards:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Pit River Tribe Environmental Office  
Sharon Elmore, Cultural Information Officer  
37118 State Highway 299 E  
Burney, CA 96013

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Sharon Elmore:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Roaring Creek Rancheria  
PO Box 52 Pit River  
Montgomery, CA 96065

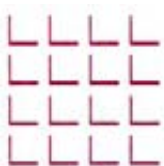
Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Roaring Creek Rancheria:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



# ENTRIX

Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Winnemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Caleen Sisk-Franco:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.





## ENTRIX

Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project



ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Kelli Hayward:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



## ENTRIX

Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Redding Rancheria  
Barbara Murphy, Chair  
2000 Redding Rancheria Road  
Redding, CA 95001

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Barbara Murphy:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



## ENTRIX

Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Madesi Band  
Carol Cantrell, Cultural Resource Representative  
P.O. Box 203  
Montgomery, CA 96065

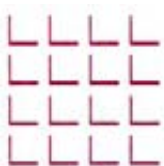
Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Carol Cantrell:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Bill George:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.





Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project



ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Atsugewi Band, Pit River Indians  
Laverna Jenkins  
42277 Wilcox Rd.  
Hat Creek, CA 96040

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Laverna Jenkins:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

United Tribe of Northern Calif., Inc., Wintu, Wintun, Wintoon  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Gloria Gomes:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



# ENTRIX

Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Itsatawi Band Cultural Resources  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

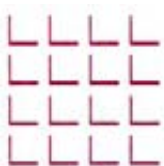
Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Reitha Amen:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Redding Rancheria Cultural Resources  
James Hayward Sr., Cultural Resources Program  
2000 Redding Rancheria Road Wintu  
Redding, CA 96001

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear James Hayward Sr.:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.





Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project



ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Madesi Band, Pit River Indians  
Ben Lego  
P.O. Box 278  
Montgomery Ck., CA 96065

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Ben Lego:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Carol Sinclair  
9253 Chaparral Dr.  
Redding, CA 96001

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Carol Sinclair:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Matthew Root  
16117 North St.  
Keswick, CA 96001  
530-247-7351

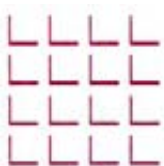
Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Matthew Root:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



# ENTRIX

Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Loretta Root  
5620 Kofford Lane  
Redding, CA 96001  
530-229-9203

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Loretta Root:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



# ENTRIX

Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project



ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

United Tribe of Northern Calif., Inc., Wintu, Wintun, Wintoon  
John Castro, Cultural Liaison  
20059 Parooast  
Redding, CA 96003

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear John Castro:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



# ENTRIX

Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project

ENTRIX, Inc.  
200 First Avenue West, Suite 500  
Seattle, WA 98119  
(206) 269-0104  
(206) 269-0098 Fax

*Since 1984 – Environmental Excellence*

April 10, 2008

Itsatawi Band Cultural Resources  
Willard Rhoades  
3907 Joanne Lane North  
Cottonwood, CA 96022

Re: Pacific Gas & Electric's Kilarc-Cow Creek Hydroelectric Project, Federal Energy  
Regulatory Commission Project No. 606, Shasta County, California

Dear Willard Rhoades:

ENTRIX, Inc. (ENTRIX) is conducting a cultural resources investigation for the Pacific Gas and Electric's (PG&E) proposed decommissioning plan for the Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606 (Project), in Shasta County, California. This cultural resources inventory and assessment is being conducted to satisfy the requirements of Section 106 of the National Historic Preservation Act and 36 CFR 800.4, Identification of Historic Properties, and the California Environmental Quality Act (CEQA). This inventory is an update of a previous cultural resources investigation conducted by PG&E during a relicensing effort in 2003. At that time a record search was conducted at the Northeast Information Center, California State University, Chico. In addition, research was conducted at the Licensee's record center and other repositories with information regarding the construction phases of the Kilarc-Cow Creek Project (Project). An archaeological survey was conducted as well, but there were no test excavations or artifacts collected.

PG&E proposes to decommission and remove the hydroelectric facility. The Project consists of two hydroelectric developments constructed between 1904 and 1907, which comprises several small diversion dams, seven miles of water conveyance facilities and two power houses. The water is diverted for generating power through a canal system to the Kilarc and Cow Creek fore bays, where penstocks direct the water to two National Register-eligible power houses.

The Area of Potential (APE) for this archaeological resources inventory will follow the proposed FERC project boundary, while the APE for the historical resources inventory will include an area 100 feet outside of the FERC boundary, to the extent feasible depending on topography.



# ENTRIX

Kimberly Demuth  
April 10, 2008  
Page 2

This cultural resources investigation will be an update of the 2003 effort and include an additional records search, an archaeological and historical resources survey/inventory within the proposed study areas and the preparation of a technical report. The Project will result in the decommissioning and disposition of the penstocks, water conveyance canals, the diversion dams, flumes, and fore bays. The power houses will be closed but kept in place for alternative uses.

Attached are two study area maps that show a ½ mile radius buffer calculated from the FERC project boundary. The Kilarc Study Area is in Shasta County on the Miller Mountain and Whitmore, 7.5 minute USGS Quadrangles, in Township 33 North, Range 1 and 2 East, and Township 32 North, Range 1 East. The Cow Creek Study Area is in Shasta County on Inwood and Clough Gulch, 7.5 minute USGS Quadrangles, in Township 32 North, Range 1 West, and Township 31 North, Range 1 West and 2 West.

The updated records search was requested on February 22, 2008 at the Northeast Information Center at California State University, in Chico. A pedestrian survey is being coordinated presently as well.

We requested that the Native American Heritage Commission (NAHC) conduct a search of the sacred lands database for the proposed project area and provide us with a list of representatives from the local Native American community to contact who might have an interest or information regarding cultural resources within the project area. The NAHC provided your name as a person who may have knowledge of cultural resources in the project area. Thank you for your assistance with this Project.

Please contact me if you have any questions regarding this project or if you require any additional information.

Sincerely,



Kimberly Demuth  
ENTRIX, Inc.  
Senior Project Consultant

Enclosures: Study Area Maps 1 & 2

cc: Stacy Evans  
PG&E Project Manager - Kilarc-Cow Creek Hydroelectric Project



IN REPLY REFER TO:

Natural Resources

## United States Department of the Interior

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

**MAY 28 2008**



Stacy Evans, Project Manager  
Pacific Gas and Electric Company (PG&E)  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

Dear Ms. Evans:

This letter is concerning the appraisal procedure for the purchase of the Katy Rice PDA, 50F RED 547, which is held in Trust by the Bureau of Indian Affairs (Bureau).

In our May 19, 2008, telephone conversation with William Saffell, Realty Specialist, Rebecca Wasson, Natural Resources Officer, and I, we discussed the following issues concerning the decommissioning of the Kilarc-Cow Creek Hydroelectric Project, FERC 606:

- A clarification of the transmission lines from the power house following the decommissioning, which you indicated would remain in place as they were in use as distribution lines.
- The Agency would send the Cobell Waiver to the 22 interest holders of the property and expect to have the signed waivers returned within 30 days. This has been completed.
- The Appraisal, if processed by the Bureau could take a minimum of 90 days to advertise and contract the Appraisal. We also discussed the possibility of PG&E contracting the Appraisal which may shorten the sell process. We have discussed this possibility with the Bureau's Regional Appraiser who has sent the enclosed Appraisal Request Requirements. If this is your preference, please let us know immediately as the Bureau's Appraisal process will not begin until we have received notification.

Katy Rice PDA 50F RED 547/FERC 606

Appraisal

Page 2:

Also enclosed for your information is a copy of the 25 Code of Federal Regulation Part 152, Issuance of Patents in Fee, Certificates of Competence, Removal of Restrictions, and Sale of certain Indian Lands.

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

Sincerely,

  
Dr. Virgil Atkins  
Superintendent

Enclosures

Cc: Pacific Regional Office, Branches of:  
Realty  
Appraisal  
Safety of Dam/FERC

## APPRAISAL REQUEST REQUIREMENTS

1. **Appraisal Type**  
An estimate of the Market Value of the subject property is needed.
2. **Appraisal Payment and Delivery**  
The plan should be for PG&E to contract for and pay for the appraisal report; and for 3 original copies of the original report to be delivered only to the Superintendent of the Bureau of Indian Affairs Northern California Agency.
3. **Appraisal Source**  
The following firms which are located in Redding have recently prepared appraisals for the use of BIA. We would prefer that PG&E use one of these firms to prepare the appraisal, and that the appraisal be prepared by the principal of the selected firm. (The principal would be, either, Robert H. Shaw, MAI, of Shaw & Associates or Richard A. Murphy, MAI, of Ryan & Murphy Group, Inc.)

|                           |                            |
|---------------------------|----------------------------|
| Ryan & Murphy Group, Inc. | Shaw & Associates          |
| P.O. Box 994750           | 280 Hemsted Drive, Suite A |
| Redding, CA 96099-4750    | Redding, CA 96002          |
| Telephone (530) 246-1635  | Telephone (530) 221-1203   |
| Fax (530) 246-1881        | Fax (530) 221-0816         |
4. **Appraisal Copies**  
Three (3) originally signed copies of the report are needed for delivery to the Bureau of Indian Affairs.
5. **Identification of the Client:**  
The client for the report is the Bureau of Indian Affairs (BIA). Intended users are the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians.
6. **Objective:**  
The goal is to receive a well written, unbiased, logical, and supported self-contained, narrative appraisal report which presents an estimate of the Market Value of the subject property.
7. **Technical Consideration and Data Requirements:**  
The appraisal report shall, in form and substance, conform to recognized appraisal practices and principles of evaluating real property, and shall present adequate factual data to support the value estimate in sufficient detail to facilitate an intelligible review of the appraisal report. The report shall contain appropriate area and neighborhood analyses, comparable sales, maps and color photographs of the comparable sales and the property to be appraised. The report will include Sales Data Sheets for each comparable sale used in the appraisal.

In selecting market data to be used in the appraisal, it is essential that the greatest consideration be given to the transactions that are most comparable to the property being appraised. The appraisal will reflect prevailing market conditions and will be performed based upon transactions within the time period reflecting the most recent comparable market data. Comparable sales used in

the report shall be written up and compared with the subject property to arrive at an indication of the Market Value of the subject property. Adjustments of the comparable sales shall be weighted and explained.

The appraisal report shall be a narrative, complete self-contained appraisal report. The report shall conform to the Uniform Standards of Professional Appraisal Practice (USPAP). The appraisal report shall apply the three approaches to value (Market, Income and Cost). If any one of these approaches is not used, the appraiser must state why it was excluded. The shall include a signed certification that is consistent with the USPAP which identifies who conducted the personal inspection of the property and the name of each individual providing significant real property appraisal assistance, if any.

The definition of Market Value is to be consistent with the requirements of the Uniform Standards of Professional Appraisal Practice (USPAP) 2008-2009 edition.

The Uniform Standards for Professional Appraisal Practice's Standards rule 1-3 (a) requires the appraiser consider the effect on use and value of the existing land use regulations, reasonable probable modifications of such land use regulations, economic demand, the physical adaptability of the real estate, market area trends, and the highest and best use of the real estate. The appraiser should assume in the report that the property is fee simple, and therefore, subject to existing public land use regulations. Based on this, the appraiser must consider the property in this context to how it relates to economic demand, its physical adaptability, market area trends, and its highest and best use.

8. **Confidential Information**

The contractor should be instructed that the report and conclusions are for the confidential information of the U.S. Government and that they will not disclose their conclusions, in whole or in part, or reveal the report to any persons whatsoever other than the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians.



sooner than 30 days after the notice is published.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, June 23, 1995, as amended at 61 FR 18083, Apr. 24, 1996]

#### § 151.13 Title examination.

If the Secretary determines that he will approve a request for the acquisition of land from unrestricted fee status to trust status, he shall acquire, or require the applicant to furnish, title evidence meeting the *Standards For The Preparation of Title Evidence In Land Acquisitions by the United States*, issued by the U.S. Department of Justice. After having the title evidence examined, the Secretary shall notify the applicant of any liens, encumbrances, or infirmities which may exist. The Secretary may require the elimination of any such liens, encumbrances, or infirmities prior to taking final approval action on the acquisition and he shall require elimination prior to such approval if the liens, encumbrances, or infirmities make title to the land unmarketable.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, June 23, 1995]

#### § 151.14 Formalization of acceptance.

Formal acceptance of land in trust status shall be accomplished by the issuance or approval of an instrument of conveyance by the Secretary as is appropriate in the circumstances.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, June 23, 1995]

#### § 151.15 Information collection.

(a) The information collection requirements contained in §§ 151.9; 151.10; 151.11(c), and 151.13 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1076-0100. This information is being collected to acquire land into trust on behalf of the Indian tribes and individuals, and will be used to assist the Secretary in making a determination. Response to this request is required to obtain a benefit.

(b) Public reporting for this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information

collection. Direct comments regarding the burden estimate or any other aspect of this information collection to the Bureau of Indian Affairs, Information Collection Clearance Officer, Room 337-SIB, 18th and C Streets, NW., Washington, DC 20240; and the Office of Information and Regulatory Affairs [Project 1076-0100], Office of Management and Budget, Washington, DC 20502.

[60 FR 32879, June 23, 1995; 64 FR 13895, Mar. 23, 1999]

### PART 152—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

#### Sec.

##### 152.1 Definitions.

##### 152.2 Withholding action on application.

#### ISSUING PATENTS IN FEE, CERTIFICATES OF COMPETENCY OR ORDERS REMOVING RESTRICTIONS

##### 152.3 Information regarding status of applications for removal of Federal supervision over Indian lands.

##### 152.4 Application for patent in fee.

##### 152.5 Issuance of patent in fee.

##### 152.6 Issuance of patents in fee to non-Indians and Indians with whom a special relationship does not exist.

##### 152.7 Application for certificate of competency.

##### 152.8 Issuance of certificate of competency.

##### 152.9 Certificates of competency to certain Osage adults.

##### 152.10 Application for orders removing restrictions, except Five Civilized Tribes.

##### 152.11 Issuance of orders removing restrictions, except Five Civilized Tribes.

##### 152.12 Removal of restrictions, Five Civilized Tribes, after application under authority other than section 2(a) of the Act of August 11, 1955.

##### 152.13 Removal of restrictions, Five Civilized Tribes, after application under section 2(a) of the Act of August 11, 1955.

##### 152.14 Removal of restrictions, Five Civilized Tribes, without application.

##### 152.15 Judicial review of removal of restrictions, Five Civilized Tribes, without application.

##### 152.16 Effect of order removing restrictions, Five Civilized Tribes.

## § 152.1

## 25 CFR Ch. I (4-1-03 Edition)

### SALES, EXCHANGES AND CONVEYANCES OF TRUST OR RESTRICTED LANDS

- 152.17 Sales, exchanges, and conveyances by, or with the consent of the individual Indian owner.
- 152.18 Sale with the consent of natural guardian or person designated by the Secretary.
- 152.19 Sale by fiduciaries.
- 152.20 Sale by Secretary of certain land in multiple ownership.
- 152.21 Sale or exchange of tribal land.
- 152.22 Secretarial approval necessary to convey individual-owned trust or restricted lands or land owned by a tribe.
- 152.23 Applications for sale, exchange or gift.
- 152.24 Appraisal.
- 152.25 Negotiated sales, gifts and exchanges of trust or restricted lands.
- 152.26 Advertisement.
- 152.27 Procedure of sale.
- 152.28 Action at close of bidding.
- 152.29 Rejection of bids; disapproval of sale.
- 152.30 Bidding by employees.
- 152.31 Cost of conveyance; payment.
- 152.32 Irrigation fee; payment.

### PARTITIONS IN KIND OF INHERITED ALLOTMENTS

- 152.33 Partition.

### MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS

- 152.34 Approval of mortgages and deeds of trust.
- 152.35 Deferred payment sales.

**AUTHORITY:** R.S. 161; 5 U.S.C. 301. Interpret or apply sec. 7, 32 Stat. 275, 34 Stat. 1018, sec. 1, 35 Stat. 444, sec. 1 and 2, 36 Stat. 855, as amended, 856, as amended, sec. 17, 39 Stat. 127, 40 Stat. 579, 62 Stat. 236, sec. 2, 40 Stat. 606, 68 Stat. 358, 69 Stat. 666; 25 U.S.C. 378, 379, 405, 404, 372, 373, 483, 355, unless otherwise noted.

**CROSS REFERENCES:** For further regulations pertaining to the sale of irrigable lands, see parts 160, 159 and § 134.4 of this chapter. For Indian money regulations, see parts 115, 111, 116, and 112 of this chapter. For regulations pertaining to the determination of heirs and approval of wills, see part 15 and subpart G of part 11 of this chapter.

**SOURCE:** 38 FR 10680, Apr. 24, 1973, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

#### § 152.1 Definitions.

As used in this part:

(a) *Secretary* means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) *Agency* means an Indian agency or other field unit of the Bureau of Indian Affairs having trust or restricted Indian land under its immediate jurisdiction.

(c) *Restricted land* means land or any interest therein, the title to which is held by an individual Indian, subject to Federal restrictions against alienation or encumbrance.

(d) *Trust land* means land or any interest therein held in trust by the United States for an individual Indian.

(e) *Competent* means the possession of sufficient ability, knowledge, experience, and judgment to enable an individual to manage his business affairs, including the administration, use, investment, and disposition of any property turned over to him and the income or proceeds therefrom, with such reasonable degree of prudence and wisdom as will be apt to prevent him from losing such property or the benefits thereof. (Act of August 11, 1955 (69 Stat. 666)).

(f) *Tribe* means a tribe, band, nation, community, group, or pueblo of Indians.

#### § 152.2 Withholding action on application.

Action on any application, which if approved would remove Indian land from restricted or trust status, may be withheld, if the Secretary determines that such removal would adversely affect the best interest of other Indians, or the tribes, until the other Indians or the tribes so affected have had a reasonable opportunity to acquire the land from the applicant. If action on the application is to be withheld, the applicant shall be advised that he has the right to appeal the withholding action pursuant to the provisions of part 2 of this chapter.

#### ISSUING PATENTS IN FEE, CERTIFICATES OF COMPETENCY OR ORDERS REMOVING RESTRICTIONS

#### § 152.3 Information regarding status of applications for removal of Federal supervision over Indian lands.

The status of applications by Indians for patents in fee, certificates of competency, or orders removing restrictions shall be disclosed to employees of the Department of the Interior whose

duties require that such information be disclosed to them; to the applicant or his attorney, upon request; and to Members of Congress who inquire on behalf of the applicant. Such information will be available to all other persons, upon request, 15 days after the fee patent has been issued by the Bureau of Land Management, or 15 days after issuance of certificate of competency or order removing restrictions, or after the application has been rejected and the applicant notified. Where the termination of the trust or restricted status of the land covered by the application would adversely affect the protection and use of Indian land remaining in trust or restricted status, the owners of the land that would be so affected may be informed that the application has been filed.

#### § 152.4 Application for patent in fee.

Any Indian 21 years of age or over may apply for a patent in fee for his trust land. A written application shall be made in the form approved by the Secretary and shall be completed and filed with the agency having immediate jurisdiction over the land.

#### § 152.5 Issuance of patent in fee.

(a) An application may be approved and fee patent issued if the Secretary, in his discretion, determines that the applicant is competent. When the patent in fee is delivered, an inventory of the estate covered thereby shall be given to the patentee. (Acts of Feb. 8, 1887 (24 Stat. 388), as amended (25 U.S.C. 349); June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483), and other authorizing acts.)

(b) If an application is denied, the applicant shall be notified in writing, given the reasons therefor and advised of his right to appeal pursuant to the provisions of part 2 of this chapter.

(c) White Earth Reservation: The Secretary will, pursuant to the Act of March 1, 1907 (34 Stat. 1015), issue a patent in fee to any adult mixed-blood Indian owning land within the White Earth Reservation in the State of Minnesota upon application from such Indian, and without consideration as to whether the applicant is competent.

(d) Fort Peck Reservation: Pursuant to the Act of June 30, 1954 (68 Stat. 358), oil and gas underlying certain allotments in the Fort Peck Reservation were granted to certain Indians to be held in trust for such Indians and provisions were made for issuance of patents in fee for such oil and gas or patents in fee for land in certain circumstances.

(1) Where an Indian or Indians were the grantees of the entire interest in the oil and gas underlying a parcel of land, and such Indian or Indians had before June 30, 1954, been issued a patent or patents in fee for any land within the Fort Peck Reservation, the title to the oil and gas was conveyed by the act in fee simple status.

(2) Where the entire interest in the oil and gas granted by the act is after June 30, 1954, held in trust for Indians to whom a fee patent has been issued at any time, for any land within the Fort Peck Reservation, or who have been or are determined by the Secretary to be competent, the Secretary will convey, by patent, without application, therefor, unrestricted fee simple title to the oil and gas.

(3) Where the Secretary determines that the entire interest in a tract of land on the Fort Peck Reservation is owned by Indians who were grantees of oil and gas under the act and he determines that such Indians are competent, he will issue fee patents to them covering all interests in the land without application.

#### § 152.6 Issuance of patents in fee to non-Indians and Indians with whom a special relationship does not exist.

Whenever the Secretary determines that trust land, or any interest therein, has been acquired through inheritance or devise by a non-Indian, or by a person of Indian descent to whom the United States owes no trust responsibility, the Secretary may issue a patent in fee for the land or interest therein to such person without application.

#### § 152.7 Application for certificate of competency.

Any Indian 21 years old or over, except certain adult members of the Osage Tribe as provided in § 152.9, who

#### § 152.8

holds land or an interest therein under a restricted fee patent may apply for a certificate of competency. The written application shall be made in the form approved by the Secretary and filed with the agency having immediate jurisdiction over the land.

#### § 152.8 Issuance of certificate of competency.

(a) An application may be approved and a certificate of competency issued if the Secretary, in his discretion, determines that the applicant is competent. The delivery of the certificate shall have the effect of removing the restrictions from the land described therein. (Act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372).)

(b) If the application is denied, the applicant shall be notified in writing, given the reasons therefor and advised of his right to appeal pursuant to the provisions of part 2 of this chapter.

#### § 152.9 Certificates of competency to certain Osage adults.

Applications for certificates of competency by adult members of the Osage Tribe of one-half or more Indian blood shall be in the form approved by the Secretary. Upon the finding by the Secretary that an applicant is competent, a certificate of competency may be issued removing restrictions against alienation of all restricted property and terminating the trust on all restricted property, except Osage headright interests, of the applicant.

CROSS REFERENCES: For regulations pertaining to the issuance of certificates of competency to adult Osage Indians of less than one-half Indian blood, see part 154 of this chapter.

#### § 152.10 Application for orders removing restrictions, except Five Civilized Tribes.

Any Indian not under legal disability under the laws of the State where he resides or where the land is located, or the court-appointed guardian or conservator of any Indian, may apply for an order removing restrictions from his restricted land or the restricted land of his ward. The application shall be in writing setting forth reasons for removal of restrictions and filed with the

#### 25 CFR Ch. I (4-1-03 Edition)

agency having immediate jurisdiction over the lands.

#### § 152.11 Issuance of orders removing restrictions, except Five Civilized Tribes.

(a) An application for an order removing restrictions may be approved and such order issued by the Secretary, in his discretion, if he determines that the applicant is competent or that removal of restrictions is in the best interests of the Indian owner. The effect of the order will be to remove the restrictions from the land described therein.

(b) If the application is denied, the applicant will be notified in writing, given the reasons therefor and advised of his right to appeal pursuant to the provisions of part 2 of this chapter.

#### § 152.12 Removal of restrictions, Five Civilized Tribes, after application under authority other than section 2(a) of the Act of August 11, 1955.

When an Indian of the Five Civilized Tribes makes application for removal of restrictions from his restricted lands under authority other than section 2(a) of the Act of August 11, 1955 (69 Stat. 666), such application may be for either unconditional removal of restrictions or conditional removal of restrictions, but shall not include lands or interest in lands acquired by inheritance or devise.

(a) If the application is for unconditional removal of restrictions and the Secretary, in his discretion, determines the applicant should have the unrestricted control of that land described in his application, the Secretary may issue an order removing restrictions therefrom.

(b) When the Secretary, in his discretion, finds that in the best interest of the applicant all or part of the land described in the application should be sold with conditions concerning terms of sale and disposal of the proceeds, the Secretary may issue a conditional order removing restrictions which shall be effective only and simultaneously with the execution of a deed by said applicant upon completion of an advertised sale or negotiated sale acceptable to the Secretary.

**§ 152.13 Removal of restrictions, Five Civilized Tribes, after application under section 2(a) of the Act of August 11, 1955.**

When an Indian of the Five Civilized Tribes makes application for removal of restrictions under authority of section 2(a) of the Act of August 11, 1955 (69 Stat. 666), the Secretary will determine the competency of the applicant.

(a) If the Secretary determines the applicant to be competent, he shall issue an order removing restrictions having the effect stated in § 152.16.

(b) If the Secretary rejects the application, his action is not subject to administrative appeal, notwithstanding the provisions concerning appeals in part 2 of this chapter.

(c) If the Secretary rejects the application, or neither rejects nor approves the application within 90 days of the application date, the applicant may apply to the State district court in the county in which he resides for an order removing restrictions. If that State district court issues such order, it will have the effect stated in § 152.16.

**§ 152.14 Removal of restrictions, Five Civilized Tribes, without application.**

Section 2(b) of the Act of August 11, 1955 (69 Stat. 666), authorizes the Secretary to issue an order removing restrictions to an Indian of the Five Civilized Tribes without application therefor. When the Secretary determines an Indian to be competent, he shall notify the Indian in writing of his intent to issue an order removing restrictions 30 days after the date of the notice. This decision may be appealed under the provisions of part 2 of this chapter within such 30 days. All administrative appeals under that part will postpone the issuance of the order. When the decision is not appealed within 30 days after the date of notice, or when any dismissal of an appeal is not appealed within the prescribed time limit, or when the final appeal is dismissed, an order removing restrictions will be issued.

**§ 152.15 Judicial review of removal of restrictions, Five Civilized Tribes, without application.**

When an order removing restrictions is issued, pursuant to § 152.14, a copy of such order will be delivered to the Indian, to any person acting in his behalf, and to the Board of County Commissioners for the county in which the Indian resides. At the time the order is delivered written notice will be given the parties that under the terms of the Act of August 11, 1955 (69 Stat. 666), the Indian or the Board of County Commissioners has, within 6 months of the date of notification, the right to appeal to the State district court for the district in which the Indian resides for an order setting aside the order removing restrictions. The timely initiation of proceedings in the State district court will stay the effective date of the order removing restrictions until such proceedings are concluded. If the State district court dismisses the appeal, the order removing restrictions will become effective 6 months after notification to the parties of such dismissal. The effect of the issuance of such order will be as prescribed in § 152.16.

**§ 152.16 Effect of order removing restrictions, Five Civilized Tribes.**

An order removing restrictions issued pursuant to the Act of August 11, 1955 (69 Stat. 666), on its effective date shall serve to remove all jurisdiction and supervision of the Bureau of Indian Affairs over money and property held by the United States in trust for the individual Indian or held subject to restrictions against alienation imposed by the United States. The Secretary shall cause to be turned over to the Indian full ownership and control of such money and property and issue in the case of land such title document as may be appropriate: *Provided*, That the Secretary may make such provisions as he deems necessary to insure payment of money loaned to any such Indian by the Federal Government or by an Indian tribe; *And provided further*, That the interest of any lessee or permittee in any lease, contract, or permit that is outstanding when an order removing restrictions becomes effective shall be

## § 152.17

preserved as provided in section 2(d) of the Act of August 11, 1955 (69 Stat. 666).

### SALES, EXCHANGES AND CONVEYANCES OF TRUST OR RESTRICTED LANDS

#### § 152.17 Sales, exchanges, and conveyances by, or with the consent of the individual Indian owner.

Pursuant to the Acts of May 27, 1902 (32 Stat. 275; 25 U.S.C. 379); May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 48 U.S.C. 357); March 1, 1907 (34 Stat. 1018; 25 U.S.C. 405); May 29, 1908 (35 Stat. 444; 25 U.S.C. 404); June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), as amended May 25, 1928 (44 Stat. 629; 48 U.S.C. 355a-355d); June 18, 1934 (48 Stat. 984; 25 U.S.C. 464); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483); and pursuant to other authorizing acts, trust or restricted lands acquired by allotment, devise, inheritance, purchase, exchange, or gift may be sold, exchanged, and conveyed by the Indian owner with the approval of the Secretary or by the Secretary with the consent of the Indian owner.

#### § 152.18 Sale with the consent of natural guardian or person designated by the Secretary.

Pursuant to the Act of May 29, 1908 (35 Stat. 444; 25 U.S.C. 404), the Secretary may, with the consent of the natural guardian of a minor, sell trust or restricted land belonging to such minor; and the Secretary may, with the consent of a person designated by him, sell trust or restricted land belonging to Indians who are minor orphans without a natural guardian, and Indians who are non compos mentis or otherwise under legal disability. The authority contained in this act is not applicable to lands in Oklahoma, Minnesota, and South Dakota, nor to lands authorized to be sold by the Act of May 14, 1948 (62 Stat. 236; 25 U.S.C. 483).

#### § 152.19 Sale by fiduciaries.

Guardians, conservators, or other fiduciaries appointed by State courts, or by tribal courts operating under approved constitutions or law and order codes, may, upon order of the court, convey with the approval of the Secretary or consent to the conveyance by the Secretary of trust or restricted land belonging to their Indian wards

## 25 CFR Ch. I (4-1-03 Edition)

who are minors, non compos mentis or otherwise under legal disability. This section is subject to the exceptions contained in 25 U.S.C. 954(b).

#### § 152.20 Sale by Secretary of certain land in multiple ownership.

Pursuant to the Act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372), if the Secretary decides that one or more of the heirs who have inherited trust land are incapable of managing their own affairs, he may sell any or all interests in that land. This authority is not applicable to lands authorized to be sold by the Act of May 14, 1948 (62 Stat. 236; 25 U.S.C. 483).

#### § 152.21 Sale or exchange of tribal land.

Certain tribal land may be sold or exchanged pursuant to the Acts of February 14, 1920 (41 Stat. 415; 25 U.S.C. 294); June 18, 1934 (48 Stat. 984; 25 U.S.C. 464); August 10, 1939 (53 Stat. 1351; 25 U.S.C. 463(e)); July 1, 1948 (62 Stat. 1214; June 4, 1953 (67 Stat. 41; 25 U.S.C. 293(a)); July 28, 1955 (69 Stat. 392), as amended August 31, 1964 (78 Stat. 747; 25 U.S.C. 608-608c); June 18, 1956 (70 Stat. 290; 25 U.S.C. 403a-2); July 24, 1956 (70 Stat. 626); May 19, 1958 (72 Stat. 121; 25 U.S.C. 463, Note); September 2, 1958 (72 Stat. 1762); April 4, 1960 (74 Stat. 13); April 29, 1960 (74 Stat. 85); December 11, 1963 (77 Stat. 349); August 11, 1964 (78 Stat. 389), and pursuant to other authorizing acts. Except as otherwise provided by law, and as far as practicable, the regulations in this part 152 shall be applicable to sale or exchanges of such tribal land.

#### § 152.22 Secretarial approval necessary to convey individual-owned trust or restricted lands or land owned by a tribe.

(a) *Individual lands.* Trust or restricted lands, except inherited lands of the Five Civilized Tribes, or any interest therein, may not be conveyed without the approval of the Secretary. Moreover, inducing an Indian to execute an instrument purporting to convey any trust land or interest therein, or the offering of any such instrument for record, is prohibited and criminal penalties may be incurred. (See 25 U.S.C. 202 and 348.)

(b) *Tribal lands.* Lands held in trust by the United States for an Indian tribe, lands owned by a tribe with Federal restrictions against alienation and any other land owned by an Indian tribe may only be conveyed where specific statutory authority exists and then only with the approval of the Secretary unless the Act of Congress authorizing sale provides that approval is unnecessary. (See 25 U.S.C. 177.)

**§ 152.23 Applications for sale, exchange or gift.**

Applications for the sale, exchange or gift of trust or restricted land shall be filed in the form approved by the Secretary with the agency having immediate jurisdiction over the land. Applications may be approved if, after careful examination of the circumstances in each case, the transaction appears to be clearly justified in the light of the long-range best interest of the owner or owners or as under conditions set out in § 152.25(d).

**§ 152.24 Appraisal.**

Except as otherwise provided by the Secretary, an appraisal shall be made indicating the fair market value prior to making or approving a sale, exchange, or other transfer of title of trust or restricted land.

**§ 152.25 Negotiated sales, gifts and exchanges of trust or restricted lands.**

Those sales, exchanges, and gifts of trust or restricted lands specifically described in the following paragraphs (a), (b), (c), and (d) of this section may be negotiated; all other sales shall be by advertised sale, except as may be otherwise provided by the Secretary.

(a) *Consideration not less than the appraised fair market value.* Indian owners may, with the approval of the Secretary, negotiate a sale of and sell trust or restricted land for not less than the appraised fair market value:

(1) When the sale is to the United States, States, or political subdivisions thereof, or such other sale as may be for a public purpose;

(2) When the sale is to the tribe or another Indian; or

(3) When the Secretary determines it is impractical to advertise.

(b) *Exchange at appraised fair market value.* With the approval of the Secretary, Indian owners may exchange trust or restricted land, or a combination of such land and other things of value, for other lands or combinations of land and other things of value. The value of the consideration received by the Indian in the exchange must be at least substantially equal to the appraised fair market value of the consideration given by him.

(c) *Sale to coowners.* With the approval of the Secretary, Indian owners may negotiate a sale of and sell trust or restricted land to a coowner of that land. The consideration may be less than the appraised fair market value, if in the opinion of the Secretary there is a special relationship between the coowners or special circumstances exist.

(d) *Gifts and conveyances for less than the appraised fair market value.* With the approval of the Secretary, Indian owners may convey trust or restricted land, for less than the appraised fair market value or for no consideration when the prospective grantee is the owner's spouse, brother, sister, lineal ancestor of Indian blood or lineal descendant, or when some other special relationship exists between the grantor and grantee or special circumstances exist that in the opinion of the Secretary warrant the approval of the conveyance.

**§ 152.26 Advertisement.**

(a) Upon approval of an application for an advertised sale, notice of the sale will be published not less than 30 days prior to the date fixed for the sale unless for good cause a shorter period is authorized by the Secretary.

(b) The notice of sale will include:

(1) Terms, conditions, place, date, hour, and methods of sale, including explanation of auction procedure as set out in § 152.27(b)(2) if applicable;

(2) Where and how bids shall be submitted;

(3) A statement warning all bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders or potential bidders; and

(4) Description of tracts, all reservations to which title will be subject and any restrictions and encumbrances of

## § 152.27

## 25 CFR Ch. I (4-1-03 Edition)

record with the Bureau of Indian Affairs and any other information that may improve sale prospects.

### § 152.27 Procedure of sale.

Advertised sales shall be by sealed bids except as otherwise provided herein.

(a)(1) Bids, conforming to the requirements set out in the advertisement of sale, along with a certified check, cashier's check, money order, or U.S. Treasury check, payable to the Bureau of Indian Affairs, for not less than 10 percent of the amount of the bid, must be enclosed in a sealed envelope marked as prescribed in the notice of sale. A cash deposit may be submitted in lieu of the above-specified negotiable instruments at the bidder's risk. Tribes submitting bids pursuant to this paragraph may guarantee the required 10 percent deposit by an appropriate resolution;

(2) The sealed envelopes containing the bids will be publicly opened at the time fixed for sale. The bids will be announced and will be appropriately recorded.

(b) The policy of the Secretary recognizes that in many instances a tribe or a member thereof has a valid interest in acquiring trust or restricted lands offered for sale.

(1) With the consent of the owner and when the notice of sale so states, the tribe or members of such tribe shall have the right to meet the high bid.

(2) Provided the tribe is not the high bidder and when one or more acceptable sealed bids are received and when so stated in the notice of sale, an oral auction may be held following the bid opening. Bidding in the auction will be limited to the tribe, and to those who submitted sealed bids at 75 percent or more of the appraised value of the land being auctioned. At the conclusion of the auction the highest bidder must increase his deposit to not less than 10 percent of his auction bid.

### § 152.28 Action at close of bidding.

(a) The officer in charge of the sale shall publicly announce the apparent highest acceptable bid. The deposits submitted by the unsuccessful bidders shall be returned immediately. The deposit submitted by the apparent suc-

cessful bidder shall be held in a special account.

(b) If the highest bid received at an advertised sale is less than the appraised fair market value of the land, the Secretary with the consent of the owner may accept that bid if the amount bid approximates said appraised fair market value and in the Secretary's judgment is the highest price that may be realized in the circumstances.

(c) The Secretary shall award the bid and notify the apparent successful bidder that the remainder of the purchase price must be submitted within 30 days.

(1) Upon a showing of cause the Secretary may, in his discretion, extend the time of payment of the balance due.

(2) If the remainder of the purchase price is not paid within the time allowed, the bid will be rejected and the apparent successful bidder's 10 percent deposit will be forfeited to the landowner's use.

(d) The issuance of the patent or delivery of a deed to the purchaser will not be authorized until the balance of the purchase price has been paid, except that the fee patent may be ordered in cases where the purchaser is obtaining a loan from an agency of the Federal Government and such agency has given the Secretary a commitment that the balance of the purchase price will be paid when the fee patent is issued.

### § 152.29 Rejection of bids; disapproval of sale.

The Secretary reserves the right to reject any and all bids before the award, after the award, or at any time prior to the issuance of a patent or delivery of a deed, when he shall have determined such rejection to be in the best interests of the Indian owner.

### § 152.30 Bidding by employees.

Except as authorized by the provisions of part 140 of this chapter, no person employed in Indian Affairs shall directly or indirectly bid, make, or prepare any bid, or assist any bidder in preparing his bid. Sales between Indians, either of whom is an employee of the U.S. Government, are governed by



the provisions of part 140 of this chapter (see 25 U.S.C. 68 and 441).

**§ 152.31 Cost of conveyance; payment.**

Pursuant to the Act of February 14, 1920 (41 Stat. 415), as amended by the Act of March 1, 1933 (47 Stat. 1417; 25 U.S.C. 413), the Secretary may in his discretion collect from a purchaser reasonable fees for work performed or expense incurred in the transaction. The amount so collected shall be deposited to the credit of the United States as general fund receipts, except as stated in paragraph (b) of this section.

(a)(1) The amount of the fee shall be \$22.50 for each transaction.

(2) The fee may be reduced to a lesser amount or may be waived, if the Secretary determines circumstances justify such action.

(b)(1) If any or all of the costs of the work performed or expenses incurred are paid with tribal funds, an alternate schedule of fees may be established, subject to approval of the Secretary, and that part of such fees deemed appropriate may be credited to the tribe.

(2) When the purchaser is the tribe which bears all or any part of such costs, the collection of the proportionate share from the tribe may be waived.

**§ 152.32 Irrigation fee; payment.**

Collection of all construction costs against any Indian-owned lands within Indian irrigation projects is deferred as long as Indian title has not been extinguished. (Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a)). This statute is interpreted to apply only where such land is owned by Indians either in trust or restricted status.

(a) When any person whether Indian or non-Indian acquires Indian lands in a fee simple status that are part of an Indian irrigation project he must enter into an agreement,

(1) To pay the pro rata share of the construction of the project chargeable to the land,

(2) To pay all construction costs that accrue in the future, and

(3) To pay all future charges assessable to the land which are based on the annual cost of operation and maintenance of the irrigation system.

(b) Any operation and maintenance charges that are delinquent when Indian land is sold will be deducted from the proceeds of sale unless other acceptable arrangements are made to provide for their payment prior to the approval of the sale.

(c) A lien clause covering all unpaid irrigation construction costs, past and future, will be inserted in the patent or other instrument of conveyance issued to all purchasers of restricted or trust lands that are under an Indian irrigation project.

CROSS REFERENCE: See part 159 and part 160 and cross-references thereunder in this chapter for further regulations regarding sale of irrigable lands.

**PARTITIONS IN KIND OF INHERITED ALLOTMENTS**

**§ 152.33 Partition.**

(a) *Partition without application.* If the Secretary of the Interior shall find that any inherited trust allotment or allotments (as distinguished from lands held in a restricted fee status or authorized to be sold under the Act of May 14, 1948 (62 Stat. 238; 25 U.S.C. 483)), are capable of partition in kind to the advantage of the heirs, he may cause such lands to be partitioned among them, regardless of their competency, patents in fee to be issued to the competent heirs for their shares and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent or order of extension of the trust period set out in said patent. (Act of May 18, 1916 (39 Stat. 127; 25 U.S.C. 378)). The authority contained in the Act of May 18, 1916, is not applicable to lands authorized to be sold by the Act of May 14, 1948, nor to land held in restricted fee status.

(b) *Application for partition.* Heirs of a deceased allottee may make written application, in the form approved by the Secretary, for partition of their trust or restricted land. If the Secretary finds the trust lands susceptible of partition, he may issue new patents or deeds to the heirs for the portions set aside to them. If the allotment is

## § 152.34

held under a restricted fee title (as distinguished from a trust title), partition may be accomplished by the heirs executing deeds approved by the Secretary, to the other heirs for their respective portions.

### MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS

#### § 152.34 Approval of mortgages and deeds of trust.

Any individual Indian owner of trust or restricted lands, may with the approval of the Secretary execute a mortgage or deed of trust to his land. Prior to approval of such mortgage or deed of trust, the Secretary shall secure appraisal information as he deems advisable. Such lands shall be subject to foreclosure or sale pursuant to the terms of the mortgage or deed of trust in accordance with the laws of the State in which the lands are located. For the purpose of foreclosure or sale proceedings under this section, the Indian owners shall be regarded as vested with unrestricted fee simple title to the lands (Act of March 29, 1956).

(70 Stat. 62; 25 U.S.C. 483a)

#### § 152.35 Deferred payment sales.

When the Indian owner and purchaser desire, a sale may be made or approved on the deferred payment plan. The terms of the sale will be incorporated in a memorandum of sale which shall constitute a contract for delivery of title upon payment in full of the amount of the agreed consideration. The deed executed by the grantor or grantors will be held by the Superintendent and will be delivered only upon full compliance with the terms of sale. If conveyance of title is to be made by fee patent, request therefor will be made only upon full compliance with the terms of the sale. The terms of the sale shall require that the purchaser pay not less than 10 percent of the purchase price in advance as required by the Act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372); terms for the payment of the remaining installments plus interest shall be those acceptable to the Secretary and the Indian owner. If the purchaser on any deferred payment plan makes default in the first or subsequent pay-

## 25 CFR Ch. I (4-1-03 Edition)

ments, all payments, including interest, previously made will be forfeited to the Indian owner.

### PART 153—DETERMINATION OF COMPETENCY: CROW INDIANS

#### Sec.

- 153.1 Purpose of regulations.
- 153.2 Application and examination.
- 153.3 Application form.
- 153.4 Factors determining competency.
- 153.5 Children of competent Indians.
- 153.6 Appeals.

AUTHORITY: Sec. 12, 41 Stat. 755, 46 Stat. 1495, as amended.

SOURCE: 22 FR 10563, Dec. 24, 1957, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

#### § 153.1 Purpose of regulations.

The regulations in this part govern the procedures in determining the competency of Crow Indians under Public Law 303, 81st Congress, approved September 8, 1949.

#### § 153.2 Application and examination.

The Commissioner of Indian Affairs or his duly authorized representative, upon the application of any unenrolled adult member of the Crow Tribe, shall classify him by placing his name to the competent or incompetent rolls established pursuant to the act of June 4, 1920 (41 Stat. 751), and upon application shall determine whether those persons whose names now or hereafter appear on the incompetent roll shall be reclassified as competent and their names placed on the competent roll.

#### § 153.3 Application form.

The application form shall include, among other things:

- (a) The name of the applicant;
- (b) His age, residence, degree of Indian blood, and education;
- (c) His experience in farming, cattle raising, business, or other occupation (including home-making);
- (d) His present occupation, if any;
- (e) A statement concerning the applicant's financial status, including his average earned and unearned income for the last two years from restricted leases and from other sources, and his outstanding indebtedness to the United States, to the tribe, or to others;



# 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

MAR 19 2009

Stacy Evans, Project Manager  
Pacific Gas and Electric Company (PG&E)  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

Dear Ms. Evans:

This letter is to document the March 18, 2009, telephone conversation with Rebecca Wasson, Natural Resources Officer, regarding the Katy Rice PDA, 50F RED 547, Easement (1.78 acres) (Penstock) property.

As indicated the Bureau has received responses from 51% of the interest holders and expecting a response from communications with 26% in the near future.

The Agency will have more definite information on or by April 15, 2009. 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 Atkins,  
Superintendent



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 19, 2009

TO: Dr. Milford Wayne Donaldson, State Historic Preservation Officer - California Department of Parks & Recreation

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Participation as a Consulting Party in the Memorandum of Agreement (MOA) Regarding the Pacific Gas & Electric's (PG&E) Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606, Shasta County, California**

I am writing on behalf of PG&E to ask that California SHPO join us as a consulting party in the MOA process. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning of the Project facilities, including the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The final disposition of each of these Project facilities will range between remaining in place to full removal. The decommissioning of the Powerhouses would result in the removal of the Powerhouse's interior generation equipment, but the exterior structure would be secured and left in place. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. PG&E is currently consulting with the SHPO and other consulting parties through the MOA process to identify measures to avoid, minimize, or mitigate adverse effects on these historic properties.

**Section 106 of the National Historic Preservation Act (NHPA)**

This project is a federal undertaking as defined by 36 CFR Part 800 (the implementing regulations of Section 106 of the NHPA); therefore, the necessary actions have been taken to identify and evaluate any historic properties that might be affected by the Project.

PG&E, on behalf of the FERC, is the lead agency for Section 106 of the NHPA, and thus will be conducting the NEPA process in a parallel track. Your participation will allow PG&E to closely coordinate the Section 106 requirements with our NEPA process. PG&E is inviting you to participate as a **consulting party** in the MOA process. Your response to this letter should indicate your interests as both a **cooperating party** for NEPA as well as a **consulting party** under Section 106 of the NHPA. If you have already been contacted by PG&E regarding participating in consultation for this Project, then this letter is for your information only and you do not need to reply.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan which will be reviewed and approved as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan would include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the PG&E's main concerns is making sure that any discoveries during the construction process be dealt with accordingly, especially in regards to human remains.

If you know of any other tribes and/or agencies that might be interested in participating in the MOA and Section 106 process, please let me know. My address and telephone are listed below.

Sincerely,



Stacy Evans  
Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 19, 2009

TO: Dr. Virgil Atkins, Bureau of Indian Affairs

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Participation as a Consulting Party in the Memorandum of Agreement (MOA) Regarding the Pacific Gas & Electric's (PG&E) Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606, Shasta County, California**

I am writing on behalf of PG&E to ask that Bureau of Indian Affairs join us as a consulting party in the MOA process. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning of the Project facilities, including the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The final disposition of each of these Project facilities will range between remaining in place to full removal. The decommissioning of the Powerhouses would result in the removal of the Powerhouse's interior generation equipment, but the exterior structure would be secured and left in place. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. PG&E is currently consulting with the SHPO and other consulting parties through the MOA process to identify measures to avoid, minimize, or mitigate adverse effects on these historic properties.

### **Section 106 of the National Historic Preservation Act (NHPA)**

This project is a federal undertaking as defined by 36 CFR Part 800 (the implementing regulations of Section 106 of the NHPA); therefore, the necessary actions have been taken to identify and evaluate any historic properties that might be affected by the Project.

PG&E, on behalf of the FERC, is the lead agency for Section 106 of the NHPA, and thus will be conducting the NEPA process in a parallel track. Your participation will allow PG&E to closely coordinate the Section 106 requirements with our NEPA process. PG&E is inviting you to participate as a **consulting party** in the MOA process. Your response to this letter should indicate your interests as both a **cooperating party** for NEPA as well as a **consulting party** under Section 106 of the NHPA. If you have already been contacted by PG&E regarding participating in consultation for this Project, then this letter is for your information only and you do not need to reply.

### **Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan which will be reviewed and approved as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan would include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the PG&E's main concerns is making sure that any discoveries during the construction process be dealt with accordingly, especially in regards to human remains.

If you know of any other tribes and/or agencies that might be interested in participating in the MOA and Section 106 process, please let me know. My address and telephone are listed below.

Sincerely,



Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)



## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 19, 2009

TO: Tracy Edwards, Chief Executive Officer - Redding Rancheria (Pit River, Wintu, and Yana Tribes)

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Participation as a Consulting Party in the Memorandum of Agreement (MOA) Regarding the Pacific Gas & Electric's (PG&E) Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606, Shasta County, California**

I am writing on behalf of PG&E to ask that Redding Rancheria (Pit River, Wintu, and Yana Tribes) join us as a consulting party in the MOA process. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning of the Project facilities, including the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The final disposition of each of these Project facilities will range between remaining in place to full removal. The decommissioning of the Powerhouses would result in the removal of the Powerhouse's interior generation equipment, but the exterior structure would be secured and left in place. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. PG&E is currently consulting with the SHPO and other

consulting parties through the MOA process to identify measures to avoid, minimize, or mitigate adverse effects on these historic properties.

### **Section 106 of the National Historic Preservation Act (NHPA)**

This project is a federal undertaking as defined by 36 CFR Part 800 (the implementing regulations of Section 106 of the NHPA); therefore, the necessary actions have been taken to identify and evaluate any historic properties that might be affected by the Project.

PG&E, on behalf of the FERC, is the lead agency for Section 106 of the NHPA, and thus will be conducting the NEPA process in a parallel track. Your participation will allow PG&E to closely coordinate the Section 106 requirements with our NEPA process. PG&E is inviting you to participate as a **consulting party** in the MOA process. Your response to this letter should indicate your interests as both a **cooperating party** for NEPA as well as a **consulting party** under Section 106 of the NHPA. If you have already been contacted by PG&E regarding participating in consultation for this Project, then this letter is for your information only and you do not need to reply.

### **Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan which will be reviewed and approved as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan would include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the PG&E's main concerns is making sure that any discoveries during the construction process be dealt with accordingly, especially in regards to human remains.

If you know of any other tribes and/or agencies that might be interested in participating in the MOA and Section 106 process, please let me know. My address and telephone are listed below.

Sincerely,



Stacy Evans  
Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



*Pacific Gas and  
Electric Company*

Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 19, 2009

TO: Roaring Creek Rancheria (Pit River)

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Participation as a Consulting Party in the Memorandum of Agreement (MOA)  
Regarding the Pacific Gas & Electric's (PG&E) Kilarc-Cow Creek Hydroelectric Project,  
Federal Energy Regulatory Commission (FERC) Project No. 606, Shasta County,  
California**

I am writing on behalf of PG&E to ask that Roaring Creek Rancheria (Pit River) join us as a consulting party in the MOA process. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning of the Project facilities, including the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The final disposition of each of these Project facilities will range between remaining in place to full removal. The decommissioning of the Powerhouses would result in the removal of the Powerhouse's interior generation equipment, but the exterior structure would be secured and left in place. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. PG&E is currently consulting with the SHPO and other consulting parties through the MOA process to identify measures to avoid, minimize, or mitigate adverse effects on these historic properties.

**Section 106 of the National Historic Preservation Act (NHPA)**

This project is a federal undertaking as defined by 36 CFR Part 800 (the implementing regulations of Section 106 of the NHPA); therefore, the necessary actions have been taken to identify and evaluate any historic properties that might be affected by the Project.

PG&E, on behalf of the FERC, is the lead agency for Section 106 of the NHPA, and thus will be conducting the NEPA process in a parallel track. Your participation will allow PG&E to closely coordinate the Section 106 requirements with our NEPA process. PG&E is inviting you to participate as a **consulting party** in the MOA process. Your response to this letter should indicate your interests as both a **cooperating party** for NEPA as well as a **consulting party** under Section 106 of the NHPA. If you have already been contacted by PG&E regarding participating in consultation for this Project, then this letter is for your information only and you do not need to reply.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan which will be reviewed and approved as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan would include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the PG&E's main concerns is making sure that any discoveries during the construction process be dealt with accordingly, especially in regards to human remains.

If you know of any other tribes and/or agencies that might be interested in participating in the MOA and Section 106 process, please let me know. My address and telephone are listed below.

Sincerely,



Stacy Evans  
Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



*Pacific Gas and  
Electric Company*

Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 19, 2009

TO: Kelli Hayward, Wintu Tribe of Northern California

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Participation as a Consulting Party in the Memorandum of Agreement (MOA)  
Regarding the Pacific Gas & Electric's (PG&E) Kilarc-Cow Creek Hydroelectric Project,  
Federal Energy Regulatory Commission (FERC) Project No. 606, Shasta County,  
California**

I am writing on behalf of PG&E to ask that Wintu Tribe of Northern California join us as a consulting party in the MOA process. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning of the Project facilities, including the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The final disposition of each of these Project facilities will range between remaining in place to full removal. The decommissioning of the Powerhouses would result in the removal of the Powerhouse's interior generation equipment, but the exterior structure would be secured and left in place. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. PG&E is currently consulting with the SHPO and other consulting parties through the MOA process to identify measures to avoid, minimize, or mitigate adverse effects on these historic properties.



**Section 106 of the National Historic Preservation Act (NHPA)**

This project is a federal undertaking as defined by 36 CFR Part 800 (the implementing regulations of Section 106 of the NHPA); therefore, the necessary actions have been taken to identify and evaluate any historic properties that might be affected by the Project.

PG&E, on behalf of the FERC, is the lead agency for Section 106 of the NHPA, and thus will be conducting the NEPA process in a parallel track. Your participation will allow PG&E to closely coordinate the Section 106 requirements with our NEPA process. PG&E is inviting you to participate as a **consulting party** in the MOA process. Your response to this letter should indicate your interests as both a **cooperating party** for NEPA as well as a **consulting party** under Section 106 of the NHPA. If you have already been contacted by PG&E regarding participating in consultation for this Project, then this letter is for your information only and you do not need to reply.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan which will be reviewed and approved as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan would include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the PG&E's main concerns is making sure that any discoveries during the construction process be dealt with accordingly, especially in regards to human remains.

If you know of any other tribes and/or agencies that might be interested in participating in the MOA and Section 106 process, please let me know. My address and telephone are listed below.

Sincerely,



Stacy Evans  
Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 19, 2009

TO: Carol Cantrell, Cultural Resource Representative - Madesi Band (Madesi, Pit River)

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Participation as a Consulting Party in the Memorandum of Agreement (MOA) Regarding the Pacific Gas & Electric's (PG&E) Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606, Shasta County, California**

I am writing on behalf of PG&E to ask that Madesi Band (Madesi, Pit River) join us as a consulting party in the MOA process. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning of the Project facilities, including the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The final disposition of each of these Project facilities will range between remaining in place to full removal. The decommissioning of the Powerhouses would result in the removal of the Powerhouse's interior generation equipment, but the exterior structure would be secured and left in place. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. PG&E is currently consulting with the SHPO and other consulting parties through the MOA process to identify measures to avoid, minimize, or mitigate adverse effects on these historic properties.

**Section 106 of the National Historic Preservation Act (NHPA)**

This project is a federal undertaking as defined by 36 CFR Part 800 (the implementing regulations of Section 106 of the NHPA); therefore, the necessary actions have been taken to identify and evaluate any historic properties that might be affected by the Project.

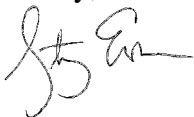
PG&E, on behalf of the FERC, is the lead agency for Section 106 of the NHPA, and thus will be conducting the NEPA process in a parallel track. Your participation will allow PG&E to closely coordinate the Section 106 requirements with our NEPA process. PG&E is inviting you to participate as a **consulting party** in the MOA process. Your response to this letter should indicate your interests as both a **cooperating party** for NEPA as well as a **consulting party** under Section 106 of the NHPA. If you have already been contacted by PG&E regarding participating in consultation for this Project, then this letter is for your information only and you do not need to reply.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan which will be reviewed and approved as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan would include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the PG&E's main concerns is making sure that any discoveries during the construction process be dealt with accordingly, especially in regards to human remains.

If you know of any other tribes and/or agencies that might be interested in participating in the MOA and Section 106 process, please let me know. My address and telephone are listed below.

Sincerely,



Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 19, 2009

TO: Calleen Sisk-Franco, Tribal Chair - Wimmemem Wintu Tribe

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Participation as a Consulting Party in the Memorandum of Agreement (MOA) Regarding the Pacific Gas & Electric's (PG&E) Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606, Shasta County, California**

I am writing on behalf of PG&E to ask that Wimmemem Wintu Tribe join us as a consulting party in the MOA process. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning of the Project facilities, including the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The final disposition of each of these Project facilities will range between remaining in place to full removal. The decommissioning of the Powerhouses would result in the removal of the Powerhouse's interior generation equipment, but the exterior structure would be secured and left in place. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. PG&E is currently consulting with the SHPO and other consulting parties through the MOA process to identify measures to avoid, minimize, or mitigate adverse effects on these historic properties.

### **Section 106 of the National Historic Preservation Act (NHPA)**

This project is a federal undertaking as defined by 36 CFR Part 800 (the implementing regulations of Section 106 of the NHPA); therefore, the necessary actions have been taken to identify and evaluate any historic properties that might be affected by the Project.

PG&E, on behalf of the FERC, is the lead agency for Section 106 of the NHPA, and thus will be conducting the NEPA process in a parallel track. Your participation will allow PG&E to closely coordinate the Section 106 requirements with our NEPA process. PG&E is inviting you to participate as a **consulting party** in the MOA process. Your response to this letter should indicate your interests as both a **cooperating party** for NEPA as well as a **consulting party** under Section 106 of the NHPA. If you have already been contacted by PG&E regarding participating in consultation for this Project, then this letter is for your information only and you do not need to reply.

### **Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan which will be reviewed and approved as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan would include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the PG&E's main concerns is making sure that any discoveries during the construction process be dealt with accordingly, especially in regards to human remains.

If you know of any other tribes and/or agencies that might be interested in participating in the MOA and Section 106 process, please let me know. My address and telephone are listed below.

Sincerely,



Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003





Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 19, 2009

TO: Bill George - Atsugewi Band, Pit River Indians

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Participation as a Consulting Party in the Memorandum of Agreement (MOA) Regarding the Pacific Gas & Electric's (PG&E) Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606, Shasta County, California**

I am writing on behalf of PG&E to ask that Atsugewi Band, Pit River Indians join us as a consulting party in the MOA process. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning of the Project facilities, including the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The final disposition of each of these Project facilities will range between remaining in place to full removal. The decommissioning of the Powerhouses would result in the removal of the Powerhouse's interior generation equipment, but the exterior structure would be secured and left in place. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. PG&E is currently consulting with the SHPO and other consulting parties through the MOA process to identify measures to avoid, minimize, or mitigate adverse effects on these historic properties.

**Section 106 of the National Historic Preservation Act (NHPA)**

This project is a federal undertaking as defined by 36 CFR Part 800 (the implementing regulations of Section 106 of the NHPA); therefore, the necessary actions have been taken to identify and evaluate any historic properties that might be affected by the Project.

PG&E, on behalf of the FERC, is the lead agency for Section 106 of the NHPA, and thus will be conducting the NEPA process in a parallel track. Your participation will allow PG&E to closely coordinate the Section 106 requirements with our NEPA process. PG&E is inviting you to participate as a **consulting party** in the MOA process. Your response to this letter should indicate your interests as both a **cooperating party** for NEPA as well as a **consulting party** under Section 106 of the NHPA. If you have already been contacted by PG&E regarding participating in consultation for this Project, then this letter is for your information only and you do not need to reply.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan which will be reviewed and approved as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan would include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the PG&E's main concerns is making sure that any discoveries during the construction process be dealt with accordingly, especially in regards to human remains.

If you know of any other tribes and/or agencies that might be interested in participating in the MOA and Section 106 process, please let me know. My address and telephone are listed below.

Sincerely,



Stacy Evans  
Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 19, 2009

TO: Reitha Amen - Itsatawi Band Cultural Resources (Itsatawi, Pit River)

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Participation as a Consulting Party in the Memorandum of Agreement (MOA) Regarding the Pacific Gas & Electric's (PG&E) Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606, Shasta County, California**

I am writing on behalf of PG&E to ask that Itsatawi Band Cultural Resources (Itsatawi, Pit River) join us as a consulting party in the MOA process. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning of the Project facilities, including the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The final disposition of each of these Project facilities will range between remaining in place to full removal. The decommissioning of the Powerhouses would result in the removal of the Powerhouse's interior generation equipment, but the exterior structure would be secured and left in place. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. PG&E is currently consulting with the SHPO and other consulting parties through the MOA process to identify measures to avoid, minimize, or mitigate adverse effects on these historic properties.

**Section 106 of the National Historic Preservation Act (NHPA)**

This project is a federal undertaking as defined by 36 CFR Part 800 (the implementing regulations of Section 106 of the NHPA); therefore, the necessary actions have been taken to identify and evaluate any historic properties that might be affected by the Project.

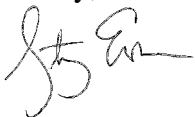
PG&E, on behalf of the FERC, is the lead agency for Section 106 of the NHPA, and thus will be conducting the NEPA process in a parallel track. Your participation will allow PG&E to closely coordinate the Section 106 requirements with our NEPA process. PG&E is inviting you to participate as a **consulting party** in the MOA process. Your response to this letter should indicate your interests as both a **cooperating party** for NEPA as well as a **consulting party** under Section 106 of the NHPA. If you have already been contacted by PG&E regarding participating in consultation for this Project, then this letter is for your information only and you do not need to reply.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan which will be reviewed and approved as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan would include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the PG&E's main concerns is making sure that any discoveries during the construction process be dealt with accordingly, especially in regards to human remains.

If you know of any other tribes and/or agencies that might be interested in participating in the MOA and Section 106 process, please let me know. My address and telephone are listed below.

Sincerely,



Stacy Evans  
Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 19, 2009

TO: Gloria Gomes, Chairperson - United Tribe of Northern Calif., Inc. (Wintu, Wintun, Wintoon)

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Participation as a Consulting Party in the Memorandum of Agreement (MOA) Regarding the Pacific Gas & Electric's (PG&E) Kilarc-Cow Creek Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 606, Shasta County, California**

I am writing on behalf of PG&E to ask that United Tribe of Northern Calif., Inc. (Wintu, Wintun, Wintoon) join us as a consulting party in the MOA process. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning of the Project facilities, including the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The final disposition of each of these Project facilities will range between remaining in place to full removal. The decommissioning of the Powerhouses would result in the removal of the Powerhouse's interior generation equipment, but the exterior structure would be secured and left in place. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. PG&E is currently consulting with the SHPO and other

consulting parties through the MOA process to identify measures to avoid, minimize, or mitigate adverse effects on these historic properties.

### **Section 106 of the National Historic Preservation Act (NHPA)**

This project is a federal undertaking as defined by 36 CFR Part 800 (the implementing regulations of Section 106 of the NHPA); therefore, the necessary actions have been taken to identify and evaluate any historic properties that might be affected by the Project.

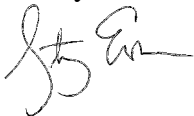
PG&E, on behalf of the FERC, is the lead agency for Section 106 of the NHPA, and thus will be conducting the NEPA process in a parallel track. Your participation will allow PG&E to closely coordinate the Section 106 requirements with our NEPA process. PG&E is inviting you to participate as a **consulting party** in the MOA process. Your response to this letter should indicate your interests as both a **cooperating party** for NEPA as well as a **consulting party** under Section 106 of the NHPA. If you have already been contacted by PG&E regarding participating in consultation for this Project, then this letter is for your information only and you do not need to reply.

### **Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan which will be reviewed and approved as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan would include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the PG&E's main concerns is making sure that any discoveries during the construction process be dealt with accordingly, especially in regards to human remains.

If you know of any other tribes and/or agencies that might be interested in participating in the MOA and Section 106 process, please let me know. My address and telephone are listed below.

Sincerely,



Stacy Evans  
Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)



## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 25, 2009

TO: Dr. Milford Wayne Donaldson, State Historic Preservation Officer, California Department of Parks & Recreation

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and the License Surrender Application**

This letter is a request to California SHPO, as a consulting party to the MOA process, to review and comment on the attached MOA. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning and disposition of the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The decommissioning and disposition would further result in the removal of the Powerhouse's interior generation equipment; and transfer ownership of the Project remains to a 3<sup>rd</sup> party. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. This MOA is to mitigate the adverse effects on the historic properties.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan and is as an attachment to the MOA.

This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities.

Measures in the plan include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the primary concerns is to make sure that any unanticipated discoveries made during the construction process be treated in an appropriate manner, especially with regards to human remains.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Evans", written over a horizontal line.

Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company

245 Market Street, Rm. 1148B

San Francisco, CA 94105

Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



*Pacific Gas and  
Electric Company*

Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 25, 2009

TO: Dr. Virgil Atkins, Bureau of Indian Affairs

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and the License Surrender Application**

This letter is a request to Bureau of Indian Affairs, as a consulting party to the MOA process, to review and comment on the attached MOA. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning and disposition of the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The decommissioning and disposition would further result in the removal of the Powerhouse's interior generation equipment; and transfer ownership of the Project remains to a 3<sup>rd</sup> party. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. This MOA is to mitigate the adverse effects on the historic properties.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan and is as an attachment to the MOA.

This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities.

Measures in the plan include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the primary concerns is to make sure that any unanticipated discoveries made during the construction process be treated in an appropriate manner, especially with regards to human remains.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Evans", written over a horizontal line.

Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company

245 Market Street, Rm. 1148B

San Francisco, CA 94105

Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



*Pacific Gas and  
Electric Company*

Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 25, 2009

TO: Tracy Edwards, Chief Executive Officer, Redding Rancheria (Pit River, Wintu, and Yana Tribes)

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and the License Surrender Application**

This letter is a request to Redding Rancheria (Pit River, Wintu, and Yana Tribes), as a consulting party to the MOA process, to review and comment on the attached MOA. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning and disposition of the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The decommissioning and disposition would further result in the removal of the Powerhouse's interior generation equipment; and transfer ownership of the Project remains to a 3<sup>rd</sup> party. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. This MOA is to mitigate the adverse effects on the historic properties.



**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan and is as an attachment to the MOA.

This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities.

Measures in the plan include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the primary concerns is to make sure that any unanticipated discoveries made during the construction process be treated in an appropriate manner, especially with regards to human remains.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Evans", written in a cursive style.

Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company

245 Market Street, Rm. 1148B

San Francisco, CA 94105

Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 25, 2009

TO: Roaring Creek Rancheria (Pit River)

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and the License Surrender Application**

This letter is a request to Roaring Creek Rancheria (Pit River), as a consulting party to the MOA process, to review and comment on the attached MOA. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning and disposition of the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The decommissioning and disposition would further result in the removal of the Powerhouse's interior generation equipment; and transfer ownership of the Project remains to a 3<sup>rd</sup> party. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. This MOA is to mitigate the adverse effects on the historic properties.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan and is as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the primary concerns is to make sure that any unanticipated discoveries made during the construction process be treated in an appropriate manner, especially with regards to human remains.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Evans", written over a horizontal line.

Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 25, 2009

TO: Kelli Hayward, Wintu Tribe of Northern California

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and the License Surrender Application**

This letter is a request to Wintu Tribe of Northern California, as a consulting party to the MOA process, to review and comment on the attached MOA. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning and disposition of the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The decommissioning and disposition would further result in the removal of the Powerhouse's interior generation equipment; and transfer ownership of the Project remains to a 3<sup>rd</sup> party. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. This MOA is to mitigate the adverse effects on the historic properties.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan and is as an attachment to the MOA.

This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities.

Measures in the plan include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the primary concerns is to make sure that any unanticipated discoveries made during the construction process be treated in an appropriate manner, especially with regards to human remains.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Evans", written over a horizontal line.

Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company

245 Market Street, Rm. 1148B

San Francisco, CA 94105

Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003





Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 25, 2009

TO: Carol Cantrell, Cultural Resource Representative, Madesi Band (Madesi, Pit River)

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and the License Surrender Application**

This letter is a request to Madesi Band (Madesi, Pit River), as a consulting party to the MOA process, to review and comment on the attached MOA. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning and disposition of the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The decommissioning and disposition would further result in the removal of the Powerhouse's interior generation equipment; and transfer ownership of the Project remains to a 3<sup>rd</sup> party. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. This MOA is to mitigate the adverse effects on the historic properties.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan and is as an attachment to the MOA.

This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities.

Measures in the plan include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the primary concerns is to make sure that any unanticipated discoveries made during the construction process be treated in an appropriate manner, especially with regards to human remains.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Evans", written over a horizontal line.

Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company

245 Market Street, Rm. 1148B

San Francisco, CA 94105

Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 25, 2009

TO: Calleen Sisk-Franco, Tribal Chair, Wimmemem Wintu Tribe

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and the License Surrender Application**

This letter is a request to Wimmemem Wintu Tribe, as a consulting party to the MOA process, to review and comment on the attached MOA. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning and disposition of the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The decommissioning and disposition would further result in the removal of the Powerhouse's interior generation equipment; and transfer ownership of the Project remains to a 3<sup>rd</sup> party. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. This MOA is to mitigate the adverse effects on the historic properties.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan and is as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities. Measures in the plan include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the primary concerns is to make sure that any unanticipated discoveries made during the construction process be treated in an appropriate manner, especially with regards to human remains.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Evans", written over a horizontal line.

Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company  
245 Market Street, Rm. 1148B  
San Francisco, CA 94105  
Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 25, 2009

TO: Bill George, Atsugewi Band, Pit River Indians

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and the License Surrender Application**

This letter is a request to Atsugewi Band, Pit River Indians, as a consulting party to the MOA process, to review and comment on the attached MOA. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning and disposition of the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The decommissioning and disposition would further result in the removal of the Powerhouse's interior generation equipment; and transfer ownership of the Project remains to a 3<sup>rd</sup> party. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. This MOA is to mitigate the adverse effects on the historic properties.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan and is as an attachment to the MOA.

This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities.

Measures in the plan include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the primary concerns is to make sure that any unanticipated discoveries made during the construction process be treated in an appropriate manner, especially with regards to human remains.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Evans", written over a horizontal line.

Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company

245 Market Street, Rm. 1148B

San Francisco, CA 94105

Phone: 415-973-4731

cc: Mailing list (attached)



## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 25, 2009

TO: Reitha Amen, Itsatawi Band Cultural Resources (Itsatawi, Pit River)

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and the License Surrender Application**

This letter is a request to Itsatawi Band Cultural Resources (Itsatawi, Pit River), as a consulting party to the MOA process, to review and comment on the attached MOA. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning and disposition of the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The decommissioning and disposition would further result in the removal of the Powerhouse's interior generation equipment; and transfer ownership of the Project remains to a 3<sup>rd</sup> party. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. This MOA is to mitigate the adverse effects on the historic properties.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan and is as an attachment to the MOA.

This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities.

Measures in the plan include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the primary concerns is to make sure that any unanticipated discoveries made during the construction process be treated in an appropriate manner, especially with regards to human remains.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Evans", written over a horizontal line.

Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company

245 Market Street, Rm. 1148B

San Francisco, CA 94105

Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003



*Pacific Gas and  
Electric Company*

Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

March 25, 2009

TO: Gloria Gomes, Chairperson, United Tribe of Northern Calif., Inc. (Wintu, Wintun, Wintoon)

FROM: Stacy Evans, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and the License Surrender Application**

This letter is a request to United Tribe of Northern Calif., Inc. (Wintu, Wintun, Wintoon), as a consulting party to the MOA process, to review and comment on the attached MOA. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning and disposition of the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The decommissioning and disposition would further result in the removal of the Powerhouse's interior generation equipment; and transfer ownership of the Project remains to a 3<sup>rd</sup> party. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. This MOA is to mitigate the adverse effects on the historic properties.

**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan and is as an attachment to the MOA.

This plan describes measures to be followed in the event that a previously undocumented archaeological resource or human remains are discovered during construction activities.

Measures in the plan include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the primary concerns is to make sure that any unanticipated discoveries made during the construction process be treated in an appropriate manner, especially with regards to human remains.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy Evans", written over a horizontal line.

Stacy Evans

Project Manager - Power Generation, Pacific Gas and Electric Company

245 Market Street, Rm. 1148B

San Francisco, CA 94105

Phone: 415-973-4731

cc: Mailing list (attached)

## Mailing List

Dr. Milford Wayne Donaldson  
State Historic Preservation Officer  
California Department of Parks &  
Recreation  
1416 9<sup>th</sup> Street, Rm. 1442-7  
Sacramento, CA 95814

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
P.O. Box 494879  
Redding, CA 96049

Matthew P. Kelly  
U. S. Army Corps of Engineers  
152 Hartnell Avenue  
Redding, CA 96002

Matt Myers  
California Department of Fish and Game  
601 Locust Street  
Redding, CA 96002

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Street  
Sacramento, CA 95814-2828

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003

**Kilarc-Cow Creek Hydroelectric Project  
Record of Correspondence**

**Date:** March 27, 2009

**Recorder:** Stacy Evans (PG&E)

**Contact:** James Hayward (Redding Rancheria)

**Subject:** Questions on MOA

**Summary of Conversation:**

James Hayward called Stacy Evans with many questions regarding the MOA and PG&E's plans for decommissioning. Stacy informed him that a cultural specialist will give him a return call.



**Kilarc-Cow Creek Hydroelectric Project  
Record of Correspondence**

**Date:** March 27, 2009

**Recorder:** Dave Harvey (ENTRIX)

**Contact:** James Hayward (Redding Rancheria)

**Subject:** Questions on MOA

**Summary of Conversation:**

Dave Harvey called James Hayward to answer his questions regarding the MOA and decommission plan. James Hayward also requests a site visit during this conversation.



Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94117

June 3, 2009

TO: (Mailing List)

FROM: Charles White, Project Manager - Power Generation, Pacific Gas and Electric Company

**RE: Memorandum of Agreement (MOA) for the Decommissioning of the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and the License Surrender Application**

On March 25, 2009, you were sent a letter requesting your participation as a consulting party to the MOA process. PG&E, the Licensee for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606 (Project), is applying to FERC to surrender the license for the Project. FERC is the federal lead agency and PG&E is the Project sponsor and the permit applicant.

PG&E proposes to surrender the FERC license that would result in the decommissioning and disposition of the Kilarc and Cow Creek Powerhouses (Powerhouses), penstocks, water conveyance canals, diversion dams, flumes, forebays, and other ancillary buildings and structures within the Project Area of Potential Effect (APE). The decommissioning and disposition would further result in the removal of the Powerhouse's interior generation equipment; and transfer ownership of the Project remains to a 3<sup>rd</sup> party. PG&E, on behalf of the FERC, has determined that the Kilarc Powerhouse (482-12-064H) and the Cow Creek Powerhouse (482-01-01H) are eligible for listing in the National Register of Historic Places (NRHP), and the decommissioning will have an adverse effect on the NRHP-eligible Powerhouses.

**Adverse Effects and MOA**

PG&E has consulted with the California State Historic Preservation Officer (SHPO) pursuant to the regulation 36 CFR Part 800 implementing Section 106 of the National Historic Preservation Act (16 USC 470f) (NHPA) and has notified the Advisory Council on Historic Preservation (Council) of the adverse effect finding pursuant to 36 CFR Part 800.6(a)(1).

PG&E conducted a cultural resources survey and identified historic properties within the APE that are eligible for listing in the NRHP. This MOA is to mitigate the adverse effects on the historic properties.

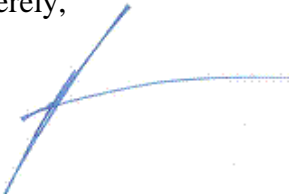
**Unanticipated Discoveries Plan**

PG&E has developed an unanticipated discoveries plan and is as an attachment to the MOA. This plan describes measures to be followed in the event that a previously undocumented

archaeological resource or human remains are discovered during construction activities. Measures in the plan include documenting and evaluating the resource; and consulting with the SHPO and the appropriate tribes and additional consulting parties to implement measures to avoid, minimize, or mitigate adverse impacts to the resource. One of the primary concerns is to make sure that any unanticipated discoveries made during the construction process be treated in an appropriate manner, especially with regards to human remains.

Please sign the attached agreement indicating your willingness to participate in the MOA process and return the signature page in the pre-addressed envelop provided. If we do not receive your signature by June 30, 2009, we will assume you have chosen not to participate.

Sincerely,



Charles White

Project Manager - Power Generation, Pacific Gas and Electric Company

245 Market Street, 1123A, San Francisco, CA 94105

Mailing: MC N11C, PO Box 770000, San Francisco, CA 94177

Phone: 415-973-3642

Attachments: Mailing List

Memorandum of Agreement (MOA)

Mailing List 06-03-09

Dr. Virgil Akins  
Bureau of Indian Affairs  
North California Agency  
1900 Churn Creek Road, Suite 300  
Redding, CA 96002

Itsatawi Band Cultural Resources  
(Itsatawi, Pit River)  
Reitha Amen  
18342 Rory Lane  
Cottonwood, CA 96022

Jeff Parks  
Water Resources Control Board  
1001 I Street, 14<sup>th</sup> Floor  
Sacramento, CA 95814-2828

United Tribe of Northern Calif., Inc.  
(Wintu, Wintun, Wintoon)  
Gloria Gomes, Chairperson  
20059 Parocast  
Redding, CA 96003

Redding Rancheria (Pit River, Wintu,  
and Yana Tribes)  
Tracy Edwards, Chief Executive Officer  
2000 Redding Rancheria Road  
Redding, CA 96001

Roaring Creek Rancheria (Pit River)  
P.O. Box 52  
Montgomery, CA 96065

Wintu Tribe of Northern California  
Kelli Hayward  
3576 Oasis Road  
Redding, CA 96003

Madesi Band (Madesi, Pit River)  
Carol Cantrell, Cultural Resource  
Representative  
P.O. Box 203  
Montgomery, CA 96065

Wimmemem Wintu Tribe  
Caleen Sisk-Franco, Tribal Chair  
14840 Bear Mountain Road  
Redding, CA 96003

Atsugewi Band, Pit River Indians  
Bill George  
P.O. Box 114  
Hat Creek, CA 96040



# United States Department of the Interior



## BUREAU OF INDIAN AFFAIRS

Northern California Agency  
1900 Churn Creek Road, Suite 300  
Redding, California 96002-0292

JUL 10 2009

IN REPLY REFER TO:

Natural Resources

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

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

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

**Kilarc-Cow Creek Hydroelectric Project  
Record of Email Correspondence**

**Date:** August 6, 2009

**Recorder:** James Nelson (PG&E)

**Contact:** James Hayward (Redding Rancheria)

**Subject:** Establishing a date for site visit

**Summary of Correspondence:**

James Nelson sends a request to schedule a site visit to the Kilarc-Cow project areas that the Redding Rancheria has expressed interest in reviewing for cultural resources.

**Kilarc-Cow Creek Hydroelectric Project  
Record of Email Correspondence**

**Date:** August 11, 2009

**Recorder:** James Hayward (Redding Rancheria)

**Contact:** James Nelson (PG&E)

**Subject:** Establishing a date for site visit

**Summary of Correspondence:**

James Hayward informs James Nelson that he will be back in the office in a few days and that his schedule is full.



*Pacific Gas and  
Electric Company*

Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11D  
P.O. Box 770000  
San Francisco, CA 94117

September 4, 2009

Dr. Virgil Akins, Superintendent  
Bureau of Indian Affairs  
Northern California Agency  
1900 Churn Creek Road, Suite 300  
Redding, CA 96002-0292

Dear Dr. Akins:

Pursuant to your request during our discussion on July 30<sup>th</sup>, 2009, I am writing to clarify PG&E's intentions regarding the BIA's land and the decommissioning related to the Kilarc-Cow Creek Hydroelectric Project (FERC License No. 606) and license surrender application.

Currently, PG&E is researching the possibility of purchasing the parcel on which the penstock to the Cow Creek powerhouse is located by having an appraisal prepared on the subject property. Once that appraisal is complete, we plan on making an offer consistent with the guidelines you mailed to us in June. We anticipate the appraisal process will take approximately four weeks to complete. Based on the appraisal we would then send an offer to purchase the land.

If you have any further questions or need additional information from PG&E at this time, please contact me at 415-973-7465, or [LxWt@pge.com](mailto:LxWt@pge.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Whitman'.

Lisa Whitman  
Interim Project Manager



**Kilarc-Cow Creek Hydroelectric Project  
Record of Email Correspondence**

**Date:** September 15, 2009

**Recorder:** James Nelson (PG&E)

**Contact:** James Hayward (Redding Rancheria)

**Subject:** Establishing a date for site visit

**Summary of Correspondence:**

James Nelson informing James Hayward that he would like to schedule the site visit for the second week in October.

**Kilarc-Cow Creek Hydroelectric Project  
Record of Email Correspondence**

**Date:** September 17, 2009

**Recorder:** James Nelson (PG&E)

**Contact:** James Hayward (Redding Rancheria)

**Subject:** Establishing a date for site visit

**Summary of Correspondence:**

James Hayward asks James Nelson to contact him as soon as he is available

**Kilarc-Cow Creek Hydroelectric Project  
Record of Email Correspondence**

**Date:** September 18, 2009

**Recorder:** James Nelson (PG&E)

**Contact:** James Hayward (Redding Rancheria)

**Subject:** Establishing a date for site visit

**Summary of Correspondence:**

James Nelson suggests three dates for a site visit; September 30<sup>th</sup> and October 14<sup>th</sup> or 21<sup>st</sup>.

**Kilarc-Cow Creek Hydroelectric Project  
Record of Email Correspondence**

**Date:** September 21, 2009

**Recorder:** James Nelson (PG&E)

**Contact:** James Hayward (Redding Rancheria)

**Subject:** Establishing a date for site visit

**Summary of Correspondence:**

Response from James Hayward saying that of the dates presented by James Nelson, the later dates would be more convenient

## **Kilarc-Cow Creek Hydroelectric Project Record of Email Correspondence**

**Date:** September 21, 2009

**Recorder:** James Nelson (PG&E)

**Contact:** James Hayward (Redding Rancheria)

**Subject:** Establishing a date for site visit

### **Summary of Correspondence:**

James Nelson proposes a site visit for October 28<sup>th</sup>.

**Kilarc-Cow Creek Hydroelectric Project  
Record of Email Correspondence**

**Date:** September 24, 2009

**Recorder:** James Nelson (PG&E)

**Contact:** James Hayward (Redding Rancheria)

**Subject:** Establishing a date for site visit

**Summary of Correspondence:**

James Nelson informs James Hayward of a FERC site visit on the 20 and 21<sup>st</sup> of October and invites him to attend. Also suggests a person site visit on October 28 or November 4.

**Kilarc-Cow Creek Hydroelectric Project  
Record of Email Correspondence**

**Date:** September 28, 2009

**Recorder:** James Nelson (PG&E)

**Contact:** James Hayward (Redding Rancheria)

**Subject:** Establishing a date for site visit

**Summary of Correspondence:**

James Hayward says that both proposed dates for the site visit work with his schedule, but he will need to talk with Bob.

**Kilarc-Cow Creek Hydroelectric Project  
Record of Email Correspondence**

**Date:** September 28, 2009

**Recorder:** James Nelson (PG&E)

**Contact:** James Hayward (Redding Rancheria)

**Subject:** Establishing a date for site visit

**Summary of Correspondence:**

James Nelson states that he is awaiting an answer on the site visit date.