

March 11, 2022

Kimberly D. Bose
Secretary, Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Update of Historic Properties Management Plan and Submittal of Consolidated 100-Percent Construction Package; Lower Klamath Project, FERC Project Nos. 14803-001 and 2082-063

Dear Secretary Bose:

On February 25, 2021, the Commission issued its *Draft Environmental Impact Statement for Hydropower License Surrender and Decommissioning for the Lower Klamath Project* (DEIS).¹ The DEIS includes Staff modifications that pertain to Klamath River Renewal Corporation (Renewal Corporation) work in progress to complete an update to its Historic Properties Management Plan (HPMP) and to complete a consolidated 100-percent construction package for review by FERC and the Lower Klamath Project Independent Board of Consultants (BOC). The Renewal Corporation appreciates the guidance provided by Staff in the DEIS. In order to respond to these Staff modifications, the Renewal Corporation respectfully requests additional time and proposes the following schedule to complete this work.

Historic Properties Management Plan

On December 14, 2021, the Renewal Corporation updated fifteen Management Plans² previously filed with the Commission in support of the Amended Surrender Application.³ At that time, the Renewal Corporation advised the Commission that it would file an update to its Historic Properties Management Plan (HPMP) by March 31, 2022.

The DEIS includes the following staff modification concerning the HPMP:

Prepare a supplemental HPMP in consultation with the Oregon SHPO, California SHPO, participating Tribes, and other appropriate agencies and organizations to address the following: (1) the results of Phase II archaeological studies; (2) the results of additional surveys and evaluations of historic structures; (3) the results of the pending traditional cultural properties (TCP) studies and Tribal consultation; (4) identification of specific effects on all historic properties, and resource-specific measures to resolve effects

¹ FERC accession no. 20220225-3040.

² *Update of Management Plans to Implement Definite Decommissioning Plan; Lower Klamath Project*, FERC Project Nos. 14803-001 and 2082-063, FERC accession no. 20211214-5058.

³ *Amended Application for Surrender of License for Major Project and Removal of Project Works and Request for Expedited Review*, FERC Nos. 14803-001, 2082-063 (Amended Surrender Application), FERC accession no. 20201117-5191.

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determined to be adverse; and (5) additional items identified by the Commission as requiring clarification.⁴

The Renewal Corporation will address these modifications in its updated HPMP. In order to do so, the Renewal Corporation respectfully requests additional time and now proposes to file its updated HPMP on May 2, 2022. As your designated non-federal representative,⁵ we will seek to consult with the Oregon and California State Historic Preservation Officers, participating Tribes, and other appropriate agencies and organizations to complete this work. As stated in your September 28, 2021 letter:

“According to its May 20, 2021 filing, the Renewal Corporation intends to continue to work with the Oregon and California SHPOs to finalize the eligibility determinations once the Phase II studies are complete. [¶] Thus, we anticipate the Renewal Corporation will file a supplement to the HPMP that includes an update on this ongoing consultation regarding National Register eligible resources, as well as specific measures to resolve any adverse effects in accordance with 36 C.F.R. 800.6.”⁶

Consolidated 100-Percent Construction Package

In October of 2021, FERC’s Division of Dam Safety and Inspections - Portland Regional Office provided direction regarding a consolidated 100-percent construction package sufficient for review by FERC and the BOC.⁷ On January 14, 2022, the Renewal Corporation advised FERC that it would provide this information to FERC by the end of March 2022.⁸ However, the DEIS includes Staff modifications that pertain to the construction package, including modification to the existing tunnel closure design for bat access, coordination of the permanent restoration requirements and details between the RAMP and construction design packages, and incorporation of modification to the Permit Management Plans with the construction drawings and specifications. The Renewal Corporation respectfully requests additional time to address the Staff modifications in consultation with the resource agencies that could alter its 100-percent construction package, and now proposes to file this information with FERC on June 30, 2022.

⁴ DEIS p.2-57.

⁵ *Notice of Applications Filed with the Commission*, FERC Project Nos. 2082-062, 2082-063, 14803-000, 14803-001, FERC accession no. 20161110-3055 (Nov. 10, 2016).

⁶ Letter from Kim A. Nguyen, Chief, Environmental and Project Review Branch, FERC Division of Hydropower Administration and Compliance, to Ms. Julianne Polanco, California State Historic Preservation Officer, California Office of Historic Preservation, and Ms. Christine Curran, Deputy State Historic Preservation Officer, Oregon Parks and Recreation Department (Sept. 28, 2021) p. 5, FERC accession no. 20210928-3042.

⁷ Letter from Douglas L. Johnson, P.E., Regional Engineer, FERC Division of Dam Safety and Inspections, Portland Regional Office, to Mark Sturtevant, PacifiCorp, and Mark Bransom, Renewal Corporation (Oct. 13, 2021). The Renewal Corporation was advised that the construction package “should include, but not be limited to: 100-percent design plans and specifications, supporting design report, QCIP, TCEAP, Soil Erosion and Sediment Control Plan, Temporary Construction Surveillance Monitoring Plan, blasting plans, cofferdam and deep excavation plans and letters of approval, and a proposed construction schedule.”

⁸ FERC accession no. 20220113-5071.

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We request that you confirm acceptance of the proposed extension of time. Should FERC require any further information concerning this matter please direct any such requests to the undersigned. Thank you.

s/ Markham A. Quehrn
Markham A. Quehrn
Perkins Coie LLP
Attorneys for Klamath River Renewal Corporation

cc: Service List (FERC Nos. P-14803-001 and P-2082-063)
Lower Klamath Project Independent Board of Consultants
Douglas Johnson, (D2SI) Portland Regional Engineer
Julianne Polanco, California State Historic Preservation Officer
Lisa Sumption, Oregon State Historic Preservation Officer

CERTIFICATE OF SERVICE

I hereby certify that, on this 11th day of March 2022, I have served KRRC's Update of Historic Properties Management Plan and Submittal of Consolidated 100-Percent Construction Package; Lower Klamath Project, FERC Project Nos. 14803-001 and 2082-063 via email containing a link thereto, or via U.S.P.S. if no email address was available, upon each person designated on the official service lists compiled by the Secretary in these proceedings.

/s/ Ivy Carr
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