

Attachment 4



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REQUEST FOR CEII TREATMENT

VIA ELECTRONIC FILING

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

**Re: Updates to Management Plans Implementing License Surrender Order;
Lower Klamath Project, FERC Project No. 14803-001**

Dear Secretary Bose:

On behalf of the co-licensees of the Lower Klamath Project, the Klamath River Renewal Corporation (Renewal Corporation) submits updates to the Management Plans to implement the Commission's license surrender order (LSO).¹ That order approved these plans in the form previously submitted by the Renewal Corporation. Today's updates comply with the Commission's direction to modify certain of these plans. For example, Ordering Paragraph S requires four modifications to the Construction Management Plan as previously submitted. Today's updates also reflect the Renewal Corporation's consultation with Oregon and California water quality agencies in compliance with the requirements of Ordering Paragraphs D and E. For ease of reference, each of the parent plans referenced below includes a summary of material changes.

Ordering Paragraph	Management Plan Compliance Modifications	Notes
D	Incorporates the requirements of Oregon's section 401 water quality certification. ²	Renewal Corporation updated several plans based on consultation with Oregon Department of Environmental Quality, for the

¹ *Order Modifying and Approving Surrender of License and Removal of Project Facilities*, 181 FERC ¶ 61,122 (November 17, 2022).

² In September of 2022, the Oregon Department of Environmental Quality (DEQ) issued a section 401 Water Quality Certification for the Renewal Corporation's U.S. Army Corps of Engineers 404 Permit application which included additional conditions within the scope of the Commission's Final Environmental Impact Statement. *See* FERC accession no. 20220930-5247. These additional conditions are included and have been addressed in the Renewal Corporation's updated Management Plans.

		purpose of compliance with this water quality certification. Such modifications are shown in Section 1 and Table 2-2 of each applicable parent plan.
E	Incorporates the requirements of California's section 401 water quality certification.	Renewal Corporation updated several plans based on consultation with State Water Resources Control Board, for the purpose of compliance with this water quality certification. Such modifications are shown in Section 1 and Table 2-2 of each applicable parent plan.
F	Incorporates the requirements of U.S. Department of Commerce's National Marine Fisheries Service's incidental take statement.	Modifications are summarized at Section 2, Table 2-2 of the Aquatic Resources Management Plan.
H	Incorporates the requirements of U.S. Fish and Wildlife Service's incidental take statement.	Modifications to the Aquatic Resources Management Plan and the Terrestrial and Wildlife Management Plan are summarized at Section 2, Table 2-2 of those parent plans.
J	Incorporates the requirements of U.S. Fish and Wildlife Service's Eagle Take Permit.	Modifications are summarized at Section 2, Table 2-2 of the Terrestrial and Wildlife Management Plan.
L	Interim Hydropower Operations Plan.	Appendix A (updated Agreement for Operation and Maintenance).
S	Construction Management Plan and affected subplans: <ul style="list-style-type: none"> • BLM Use and Occupancy Plan • Camp Management Plan • Traffic Management Plan (CA) • Traffic Management Plan (OR) • Emergency Response Plan (CA) • Air Quality Subplan 	Modifications are summarized at Section 2, Table 2-2 of parent plan.

T	Remaining Facilities Plan and affected subplans: <ul style="list-style-type: none"> • Remaining Facilities and Operations Plan (OR) • Remaining Facilities Plan (CA) 	Modifications are summarized at Section 2, Table 2-2 of parent plan.
U	Erosion and Sediment Control Plan ³ and affected subplan: <ul style="list-style-type: none"> • Oregon Erosion and Sediment Control Plan 	Modifications are summarized at Section 2, Table 2-2 of parent plan.
W	Sediment Deposit Remediation Plan and affected subplan: <ul style="list-style-type: none"> • California Sediment Deposit Remediation Plan 	Modifications are summarized at Section 2, Table 2-2 of parent plan.
X	Sediment Deposit Remediation Plan and affected subplan: <ul style="list-style-type: none"> • Del Norte Sediment Management Plan 	Modifications are summarized at Section 2, Table 2-2 of parent plan.
Y	Reservoir Drawdown and Diversion Plan and affected subplans: <ul style="list-style-type: none"> • Reservoir Drawdown and Diversion Plan (OR) • Reservoir Drawdown and Diversion Plan (CA) • Slope Stability Monitoring Plan (CA) 	Modifications are summarized at Section 2, Table 2-2 of parent plan.
Z	Water Supply Management Plan and affected subplan: <ul style="list-style-type: none"> • California Water Supply Management Plan 	Modifications are summarized at Section 2, Table 2-2 of parent plan.
AA	Water Supply Management Plan and affected subplan: <ul style="list-style-type: none"> • California Public Drinking Water Management Plan 	Modifications are summarized at Section 2, Table 2-2 of parent plan.
BB	Water Supply Management Plan and affected subplan: <ul style="list-style-type: none"> • Oregon Groundwater Well Management Plan 	Modifications are summarized at Section 2, Table 2-2 of parent plan.
CC	Water Supply Management Plan and affected subplan: <ul style="list-style-type: none"> • Fire Management Plan 	Modifications are summarized at Section 2, Table 2-2 of parent plan.

³ Per ordering paragraph V, the California Erosion and Sediment Control Plan will be filed for the Commission’s review and approval at least 90 days before starting dam removal activities.

DD	Health and Safety Plan	No change to prior plan.
EE	Waste Disposal and Hazardous Materials Management Plan and affected subplans: <ul style="list-style-type: none"> • Spill Prevention, Control and Countermeasure Plan (OR). • Waste Disposal and Management Plan (OR) • Waste Disposal and Management Plan (CA) • Hazardous Materials Management Plan (CA) 	Modifications are summarized at Section 2, Table 2-2 of parent plan.
FF	Reservoir Area Management Plan	Modifications are summarized at Section 2, Table 2-2.
GG	Water Quality Monitoring and Management Plan and affected subplans: <ul style="list-style-type: none"> • Water Quality Management Plan (OR) • Water Quality Monitoring Plan (CA). • QAPP 	Modifications are summarized at Section 2, Table 2-2 of parent plan.
HH	Aquatic Resources Managements Plan and affected subplans: <ul style="list-style-type: none"> • Spawning Habitat Availability Report and Plan (CA) • AR-6 Adaptive Management Plan (Suckers) (CA) • AR-6 Adaptive Management Plan (Suckers) (OR) • Fish Presence Monitoring Plan (CA) • Tributary-Mainstem Connectivity Plan (CA) • Juvenile Salmonids and Pacific Lamprey Rescue and Relocation Plan (CA) 	Modifications are summarized at Section 2, Table 2-2 of parent plan.
II	Hatcheries Management and Operations Plan	Modifications are summarized at Section 2, Table 2-2 of the plan.
JJ	Terrestrial and Wildlife Management Plan and affected subplans: <ul style="list-style-type: none"> • CA Terrestrial and Wildlife Management Plan 	Modifications are summarized at Section 2, Table 2-2 of parent plan.

	<ul style="list-style-type: none"> • OR Terrestrial and Wildlife Management Plan • Bald and Golden Eagle Management Plan 	
KK	Recreation Facilities Management Plan	Modifications are summarized at Section 1, Table 1-2 of the plan.

The Historic Properties Management Plan (HPMP) was filed by the Renewal Corporation with the Commission in October 2022.⁴ On October 12, 2022, the Commission issued a Programmatic Agreement for the LSO that was subsequently executed by the signatories and documents compliance with Section 106 of the National Historic Preservation Act.⁵ The Renewal Corporation filed its concurrence with the Programmatic Agreement⁶ and will implement the HPMP, per LSO ordering paragraph LL.

Critical Energy Infrastructure Information

The Remaining Facilities Plan, Reservoir Drawdown and Diversion Plan, and Waste Disposal and Hazardous Materials Management Plan contain sensitive dam safety and construction information that qualifies as Critical Energy/Electric Infrastructure Information (CEII) under the Commission’s rules. These documents are enclosed. Public versions of the Remaining Facilities Plan, Reservoir Drawdown and Diversion Plan, and Waste Disposal and Hazardous Materials Management Plan are being concurrently filed in this proceeding.

The Renewal Corporation requests confidential treatment of the information contained in the Remaining Facilities Plan, Reservoir Drawdown and Diversion Plan, and Waste Disposal and Hazardous Materials Management Plan, which is marked CEII pursuant to 18 C.F.R. § 388.113 and according to the Commission’s instructions. These documents qualify as CEII pursuant to the Commission’s rules because they contain sensitive dam safety and construction information that (a) relates details about the production, generation, transmission, or distribution of energy, (b) could be useful to a person planning an attack on critical infrastructure, (c) is exempt from mandatory disclosure under the Freedom of Information Act, and (d) gives strategic information beyond the location of the critical infrastructure. Accordingly, the Renewal Corporation requests confidential treatment of these documents pursuant to 18 C.F.R. § 388.113.

The CEII being submitted with this filing will continue to be CEII so long as the Lower Klamath Project continues in operation. While the Renewal Corporation expects the Lower Klamath Project to be decommissioned and removed on or before December 2024, it is possible the period for decommissioning and removal could be greater than the five-year period set out in 18 C.F.R. § 388.113(e)(1). Upon any expiration of the CEII designation, the critical infrastructure information should therefore be treated as CEII and re-designated so long as the Lower Klamath

⁴ FERC accession no. 20221014-5091.
⁵ FERC accession no. 20221012-3002.
⁶ FERC accession no. 20220930-5359.

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Project remains in operation. A proposed CEII Protective Agreement was filed in FERC Nos. P-14803-001 and P-2082-063 on December 1, 2017 (FERC accession no. 20171201-5385) and is referenced here for purposes of 18 C.F.R. § 388.113(d)(1)(iii).

The co-licensees appreciate the Commission's oversight and guidance as we commence implementation of the LSO. If the Commission requires any additional information with respect to the foregoing, please let us know.

Respectfully submitted,

s/ Markham A. Quehrn

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s/ Richard Roos-Collins

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cc: Douglas L. Johnson, P.E.
Service List