



10885 NE Fourth Street  
Suite 700  
Bellevue, WA 98004-5579

T +1.425.635.1400  
F +1.425.635.2400  
PerkinsCoie.com

## Attachment 12

January 13, 2023

### VIA ELECTRONIC FILING

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

**Re: Klamath River Renewal Corporation's January 2023 Final Decommissioning Design Submittal and Information Regarding BOC Review; Lower Klamath Project, FERC Project No. 14803-001.**

Dear Secretary Bose:

On behalf of the co-licensees of the Lower Klamath Project, the Renewal Corporation files final decommissioning design documents (Final Design) and information regarding the Board of Consultants' (BOC) review of the design documents to implement the Commission's license surrender order (LSO). Concurrent with this electronic filing, the Renewal Corporation submits two hard copies of the Final Design to the Division of Dam Safety and Inspections, Portland Regional Engineer.

This submittal complies with the Commission's direction in LSO Ordering Paragraph O. Consistent with the Renewal Corporation's construction schedule, we respectfully request the Commission's review and approval of the Final Design by mid-March 2023.

Table 1 below outlines this Final Design submittal and, for ease of reference, follows the exhibit lettering from our June 2022 consolidated submittal of construction documents.<sup>1</sup> Of the materials previously filed with the Commission in June 2022, certain of the materials have been updated since June 2022 to address Commission and BOC comments, while other materials are unchanged since that filing.<sup>2</sup> The "Status" column delineates what materials have been updated as distinct from what is being refiled with the Commission for approval in its June 2022 form.

---

<sup>1</sup> FERC accession no. 20220630-5018.

<sup>2</sup> In addition, the Renewal Corporation is not refiled three documents previously included in the June 2022 submittal: the Existing Conditions Assessment Report (Exhibit B); the Preliminary Dam Removal Blasting Plan (Exhibit G) and the Fall Creek Hatchery Construction Plans, Technical Specifications, and Design Report (Exhibit M). The Existing Conditions Assessment Report is unchanged since June 2022. The Renewal Corporation will submit the Dam Removal Blasting Plan to the Commission for final review and approval 60 days in advance of blasting activities. The Commission previously approved the Fall Creek Hatchery Construction Plans, Technical Specifications and Design Report (FERC accession no. 20221221-3103). These files are italicized in Table 1, with their status is noted along with a docket cross-reference should the Commission need to reference these materials.

Kimberly D. Bose  
 January 13, 2023  
 Page 2

**Table 1. Summary of January 2023 Final Design Submittal to FERC**

<b>Ex.</b>	<b>Description</b>	<b>Status</b>	<b>Contains CEII</b>
A	Final Dam Removal Construction Plans, Technical Specifications, and Design Report	Updated and included for Commission final review and approval.	Yes
B	<i>Final Existing Conditions Assessment Report (ECAR)</i>	<i>Not included and unchanged since June 2022. See FERC Accession No. 20220630-5018.</i>	<i>Yes</i>
C	Final Dam Removal Erosion and Sediment Control Plans	Unchanged since June 2022 and included for Commission final approval.	No
D	60% Reservoir Restoration Construction Plans and Design Report	Unchanged since June 2022 and included for Commission final approval.	No
E	Quality Control Inspection Program	Updated and included for Commission final review and approval.	Yes
F	Temporary Construction Surveillance and Monitoring Plan	Updated and included for Commission final review and approval.	Yes
G	<i>Preliminary Dam Removal Blasting Plan</i>	<i>The final plan will be submitted to the Commission for final review and approval 60 days in advance of blasting activities.</i>	<i>Yes</i>
H	Temporary Construction Emergency Action Plan	Updated and included for Commission final review and approval.	Yes
I	Project and Construction Schedule	Updated and included for Commission final review and approval.	No

Kimberly D. Bose  
 January 13, 2023  
 Page 3

J	Daggett Bridge Construction Drawings, Technical Specifications, and Design Report	Unchanged since June 2022 and included for Commission final approval.	Yes
K	City of Yreka Permanent Water Pipeline Relocation Construction Plans, Technical Specifications, and Design Report	Unchanged since June 2022 and included for Commission final approval.	No
L	Fire Management Ramps and Dry Hydrants Construction Plans	Unchanged since June 2022 and included for Commission final approval.	No
M	<i>Fall Creek Hatchery Construction Plans, Technical Specifications, and Design Report</i>	<i>Not included and unchanged as approved by FERC (FERC accession no. 20221221-3103)</i>	No
N	Public Safety Plan (January 2023)	Included for Commission final review and approval.	Yes
O	<p>Renewal Corporation Responses to Comments.</p> <ul style="list-style-type: none"> <li>• Responses to Commission Comments</li> </ul> <p>Attachments:</p> <ul style="list-style-type: none"> <li>A. AMA Blasting Respond to Commission Comments</li> <li>B. Klamath Riprap Design</li> <li>C. Copco No. 1 Dam Low Level Outlet</li> <li>D. Copco No. 2 Dam Modifications</li> <li>E. IG Tunnel Vent Support</li> <li>F. Historical Drawing F-1108</li> <li>G. Detailed Construction Sequence for Low Level Outlet Tunnel</li> </ul> <ul style="list-style-type: none"> <li>• Responses to BOC Comments</li> </ul>	Included for Commission reference and information.	Yes

Kimberly D. Bose  
 January 13, 2023  
 Page 4

	Attachment: Memorandum re: Iron Gate Diversion Tunnel <ul style="list-style-type: none"> <li>• Responses to California Division of Safety of Dams (DSOD) Comments</li> </ul>		
P	Revision Log	Included for Commission reference and information.	No

As noted in the table above, this filing includes the BOC comments on the design documents as well as a description of how the Renewal Corporation has addressed those comments in its Final Design (*see Exhibit O*). As previously advised,<sup>3</sup> the Renewal Corporation is submitting the Final Design package to the BOC and will coordinate BOC final review and approval of the Final Design concurrent with the Commission's review.

The Renewal Corporation expects to begin construction as soon as it receives the Commission's approval, and ideally by mid-March 2023. To facilitate our preparation for the Pre-Drawdown work activities at the dams in mid-summer, the Renewal Corporation hereby requests the Commission's approval to proceed with the following activities in advance of approval of the full construction package:

- Mobilization of the contractor's crew and equipment to the Iron Gate, Copco No. 1 and Copco No. 2 sites;
- Site clearing and preparation of the staging, laydown, and office areas at Copco No. 1, Copco No. 2, and Iron Gate Dam sites;
- Setting up a temporary work camp at the Copco No. 2 village;
- Installation of temporary bridge supports on existing bridges on Copco and Dry Creek Roads;
- Clearing and site preparation for the new Yreka Pipeline and Daggett Bridge;
- Temporary power installation; and
- Modification to the existing Copco No. 1 powerhouse access road to widen and construct safety improvements.

### **Critical Energy Infrastructure Information**

As noted in Table 1, above, the following documents (the "CEII Exhibits") contain sensitive dam safety and construction information that qualifies as Critical Energy/Electric Infrastructure Information (CEII) under the Commission's rules: Exhibit A - Final Dam Removal Construction

<sup>3</sup> FERC accession no. 20230103-5307.

Kimberly D. Bose  
January 13, 2023  
Page 5

Plans, Technical Specifications, and Design Report; Exhibit E - Quality Control Inspection Program; Exhibit F - Temporary Construction Surveillance and Monitoring Plan; Exhibit H - Temporary Construction Emergency Action Plan; Exhibit J - Daggett Bridge Construction Drawings, Technical Specifications, and Design Report; Exhibit N - Public Safety Plan; Exhibit O - Renewal Corporation Responses to Comments. Public versions of the CEII Exhibits are enclosed. Versions of the CEII Exhibits containing CEII are being concurrently filed in this proceeding.

The Renewal Corporation requests confidential treatment of the information contained in the CEII Exhibits, 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 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 implement the LSO. If the Commission requires any additional information with respect to the foregoing, please let us know.

Respectfully submitted,

*s/ Markham A. Quehrn*

Markham A. Quehrn  
Perkins Coie LLP  
Attorney for Klamath River Renewal  
Corporation

*s/ Richard Roos-Collins*

Richard Roos-Collins  
General Counsel, Klamath River Renewal  
Corporation

cc: Douglas L. Johnson, P.E.

Document Content(s)

LKP Final Design and BOC (FERC 14803) (1.13.23) (PUBLIC).pdf .....1