

**FEDERAL ENERGY REGULATORY COMMISSION
Washington, DC 20426**

DATE: September 16, 2009

MEMORANDUM TO: The Agency/Party Addressed

SUBJECT: Transmittal of Scoping Document for the Kilarc-Cow Creek Hydroelectric Project, FERC No. 606

The Federal Energy Regulatory Commission (Commission or FERC) is conducting National Environmental Policy Act (NEPA) scoping on Pacific Gas and Electric Company's (PG&E or licensee) proposal to surrender the license of the Kilarc-Cow Creek Hydroelectric Project (FERC Project No. 606-027). The Kilarc-Cow Creek Project is a 5.0 megawatt (MW) project. On March 13, 2009, the licensee filed an application for surrender of license. PG&E proposes to decommission and remove project facilities, as described in its proposed decommissioning plan. In general, PG&E proposes to: (1) remove diversion dams in order to stop water diversions and to allow for free passage of fish and sediment; (2) leave in place some diversion dam abutments and foundations to protect stream banks and provide grade control; (3) secure and leave in place powerhouse structures (keeping an option for future reuse of the powerhouse structures); (4) remove electric generators, turbines and other equipment; (5) grade and fill forebays; and (6) leave in place, breach, or fill in canal segments in consultation with affected landowners, and remove metal and wood flume structures. The licensee consulted with federal, state, local agencies, and other parties with potential interest, during the license surrender application process. The Kilarc-Cow Creek Project is located on the Old Cow Creek and South Cow Creek in Shasta County, California.

The Commission staff will prepare an environmental assessment (EA) under NEPA that will be used by the Commission to identify impacts that could result from the licensee's proposal and possibly measures that would help mitigate impacts from the licensee's proposal. To support and assist our environmental review, we are conducting scoping to ensure that all pertinent issues are identified and analyzed and that our environmental document is thorough and well balanced.

We invite your participation in the scoping process and are circulating the attached Scoping Document (SD) to provide you with information concerning the proposed plans to surrender the project license. We are encouraging you and asking for your comments and suggestions on our preliminary list of issues and alternatives to be addressed in the upcoming EA.

We will hold two scoping meetings one on October 19 and one on October 22, 2009, to receive your input on the appropriate scope of the environmental analysis. An evening public meeting will be held on October 19, 2009, from 6:00 pm to 8:30 pm at the Millville Grange in Palo Cedro, CA. A resource agency meeting will be held from 9:00 to 12:00 noon on October 22, 2009 at the Holiday Inn Hotel in Redding, CA. The public and agencies may attend either or both scoping meetings. The agency scoping meeting will focus primarily on the concerns of the resource agencies and the non-governmental organizations (NGOs), while the evening public meeting will focus primarily on gathering public input. There will also be a two-day Kilarc-Cow Creek Project environmental site review on October 20 and 21, 2009, from 9:00 am to 4:30 pm. The public is invited to attend the site review. Everyone attending should meet at the Whitmore Community Center parking lot at 9:00 AM on Tuesday, October 20, 2009. All participants are responsible for their own transportation to the site. All participants are asked to bring a brown-bag lunch for the site review. Information about these meetings and the environmental site review is available in more detail in the Notice of Scoping Meetings and Environmental Site Review and Soliciting Scoping Comments and in the attached Scoping Document.

This Scoping Document is being distributed to the Commission's official mailing list (*see* Section 9.0). If you wish to be added to, or removed from, the Commission's official mailing list for the Kilarc-Cow Creek Project, please send in your request by electronic-mail to efiling@ferc.gov or in writing by mail to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Room 1A, Washington, D.C. 20426. All written or emailed requests must specify that you wish to be removed or added to the mailing list and must clearly identify the following on the first page: Kilarc-Cow Creek Project No. 606-027.

Please review the attached Scoping Document and if you wish to provide comments, follow the instructions below, in Section 5.0. The requested information and scoping comments should be submitted in writing to the Commission by **October 16, 2009**. If you have any questions concerning the scoping process or the development of the EA for this project, please contact CarLisa Linton, Environmental Coordinator at (202) 502-8416 or e-mail at carlisa.linton-peters@ferc.gov.

Enclosure: Scoping Document

c: Mailing List
Public Files

SCOPING DOCUMENT

KILARC-COW CREEK HYDROELECTRIC PROJECT – CALIFORNIA

Application for License Surrender

FERC Project No. 606-027



**Federal Energy Regulatory Commission
Office of Energy Projects
Washington, DC**

September 15, 2009

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1.0 INTRODUCTION

The Federal Energy Regulatory Commission (Commission or FERC), under the authority of the Federal Power Act (FPA),¹ licenses and oversees the operation of non-federal hydroelectric projects in the United States. Moreover, the FPA allows licensees to voluntarily surrender existing licenses to the Commission and cease operation of their project facilities.

The Kilarc-Cow Creek Project was licensed on February 8, 1980,² with an installed capacity of 5 megawatts (MW). The project is owned and operated by Pacific Gas and Electric (PG&E or licensee). The project is located on Old Cow Creek, South Cow Creek, and tributaries in Shasta County, California, and consists of two developments (Kilarc and Cow Creek developments) (*see* Figure 1). The project consists of two forebays and associated dams; five diversion dams; 20 canal sections, flumes, and tunnels, together with associated spillways; one siphon; two penstocks; two powerhouses with associated tailraces, switchyards and equipment; and transmission facilities.

Under the Commission's regulations at 18 Code of Federal Regulations (CFR) 6.1, an application for surrender of a project license, other than a minor license or transmission line, must be filed by the licensee in the same manner as the application for license. Pursuant to 18 CFR 6.2, a project license may be surrendered only when the licensee has fulfilled the obligations under the license as prescribed by the Commission and project lands are restored to a satisfactory condition.

On March 13, 2009, PG&E filed an application to surrender its license to operate the Kilarc-Cow Creek Project and to decommission and remove project facilities. On May 12, 2009, Commission staff issued a public notice accepting the application for license surrender for filing and soliciting motions to intervene and comments, recommendations, and terms and conditions.

The National Environmental Policy Act of 1969 (NEPA),³ the Commission's regulations, and other applicable laws require that we independently evaluate the environmental effects of surrendering the project license as proposed, as well as consider reasonable alternatives to the proposed action. The Commission will prepare an environmental assessment (EA) that describes and evaluates the probable effects, including an assessment of the site-specific and cumulative effects, if any, of the proposed action and alternatives. The EA preparation will be supported by a scoping process to ensure all pertinent issues are identified and analyzed.

¹ United States Code (U.S.C.) § 791(a)-825(r).

² Order Issuing New License (Major), 10 FERC ¶ 62,111 (1980).

³ National Environmental Policy Act of 1969, as amended (Pub. L.91-190. 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L.94-52, July 3, 1975, Pub. L.94-83, August 9, 1975, and Pub. L.97-258, Section 4(b), September 13, 1982).

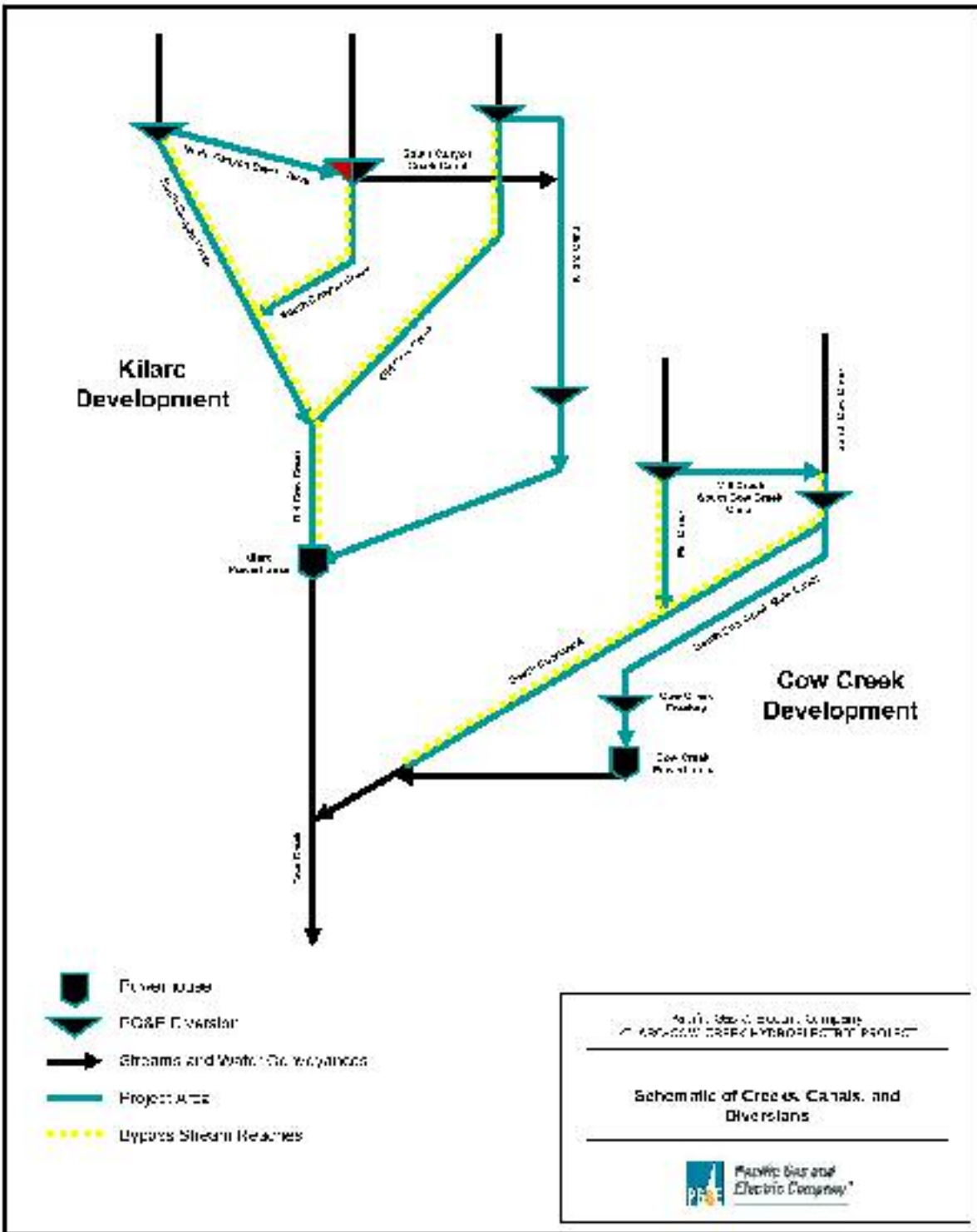


Figure 1. Kilarc-Cow Creek Project, Location of Existing Facilities (Source: PG&E Application, 2009).

2.0 SCOPING

This Scoping Document is intended to advise all participants as to the proposed scope of the EA and to seek additional information pertinent to this analysis. This document contains (1) a description of the scoping process and proposed schedule for the development of the EA; (2) a description of the proposed action and alternatives; (3) a preliminary identification of environmental issues; (4) a request for comments and information; and (5) a proposed EA outline.

2.1 Purpose of Scoping Under NEPA

Scoping is the process used to identify issues, concerns, and opportunities associated with a proposed action; the process, according to NEPA, should be conducted early in the planning stages of the project. The purposes of scoping are as follows:

- invite participation of federal, state, and local resource agencies, Native American tribes, non-government organizations (NGOs) and individuals to identify significant environmental issues related to the proposed action;
- determine the depth of analysis and significance of issues to be addressed in the EA;
- identify how the project would or would not contribute to cumulative effects in the project area;
- identify reasonable alternatives to the proposed action that we should evaluate;
- solicit, from participants, available information on the resources at issue, including existing information; and
- determine the resource areas and potential issues that do not require detailed analysis during review of the project.

Following the comment period for this Scoping Document, all issues raised will be reviewed and decisions made about the level of analysis needed. If preliminary analysis shows that any issues presented in this Scoping Document have little potential for causing significant effects, the issue(s) will be identified and the reasons for not providing a more detailed analysis will be given in the EA.

Commission staff will revise this Scoping Document, as necessary, to reflect the comments received during the comment period (*see* Notice of Scoping Meetings and Environmental site review and Soliciting Scoping Comments). If no substantial comments are received and no revisions to the Scoping Document are necessary, we will notify all participants by letter. The EA will address comments and information received during scoping.

2.2 Scoping Meetings and Written Comments

We will hold two scoping meetings in the project area and we invite all interested agencies, non-government organizations, Native American tribes, and individuals to attend one or more of the scoping meetings and to assist staff in identifying the scope of environmental issues to be analyzed in the EA. The times and locations of these two meetings are as follows:

Evening Public Scoping Meeting

When: Monday, October 19, 2009
 Time: 6:00 PM until 8:30 PM
 Where: Millville Grange
 22037 Old 44 Drive
 Palo Cedro, CA 96073
 Telephone: (530) 547-5215

Afternoon Agency Meeting

When: Thursday, October 22, 2009
 Time: 9:00 AM until 12:00 Noon
 Where: Holiday Inn Hotel
 1900 Hilltop Drive
 Redding, CA 96002
 Telephone: (520) 221-7500

Scoping meetings will be recorded by a court reporter, and all statements (verbal and written) will become part of the Commission's public record for the project. Before each meeting, all individuals who attend, especially those individuals who intend to make statements, will be asked to first sign in. Those individuals who speak at a scoping meeting will be asked to clearly identify themselves for the record before speaking. Interested parties who choose not to speak or are unable to attend the scoping meetings may provide written comments to the Commission, as described below in section 5.0 (*see* Request for Information).

PG&E and FERC staff are also inviting the public to participate in the environmental site review to the project facilities at the Kilarc-Cow Creek Project on October 20 and 21, 2009. All participants will meet in the parking lot at the Whitmore Community Center at 9:00 AM on Tuesday, October 20, 2009. Participants will need to arrange for their own transportation to this site.

3.0 PROPOSED ACTION AND ALTERNATIVES

In accordance with NEPA guidelines, the EA will consider, at a minimum, the following alternatives: (1) the licensee's proposed action; (2) alternatives to the proposed action; and (3) the no-action alternative.

3.1 Licensee's Proposed Action

PG&E proposes to surrender the license for operation of the Kilarc-Cow Creek Project and decommission and remove several project features. PG&E proposes to (1) remove diversion dams to stop water diversions and to allow for free passage of fish and sediment; (2) leave in place some diversion dam abutments and foundations to protect stream banks and provide grade control; (3) leave in place and secure powerhouse structures during decommissioning with an option for preservation of powerhouse structures for future reuse; (4) remove electric generators, turbines, and other equipment; (5) grade and fill forebays; and (6) in consultation with affected landowners, leave in place, breach, or fill canal segments and remove metal and wood flume structures. Additionally, PG&E proposes to retire access roads to the project where possible.

3.2 Alternatives to the Licensee's Proposal

We will consider and assess all alternatives to the proposed action, including environmental measures not proposed by PG&E. Modifications could include recommendations for protection, mitigation, and enhancement measures identified by resource agencies, Native American tribes, NGOs, the general public, and Commission staff.

3.3 No Action

Under the no-action alternative, PG&E would not surrender the license for operation of the Kilarc-Cow Creek Project and project facilities would not be decommissioned. The Kilarc-Creek Project would continue to operate under the terms and conditions of the existing license. There would be no disturbance of existing environmental conditions at the site. The no-action alternative is the status quo and it will serve as our baseline conditions for comparing the effect of the licensee's proposal and other alternatives.

4.0 SCOPE OF CUMULATIVE EFFECTS ANALYSIS AND ENVIRONMENTAL ISSUES

According to the Council on Environmental Quality's regulations for implementing NEPA (50 CFR §1508.7), an action may cause cumulative effects on the environment if its effects overlap in space and/or time with the effects of other, past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over time, including hydropower and other land and water development activities.

4.1 Cumulative Effects

Based on information in the license surrender application, agency comments, other filings related to the project, and preliminary staff analysis, we have preliminarily

identified the resources that have the potential to be cumulatively affected by the cessation of operation and decommissioning of facilities at the Kilarc-Cow Creek Project. Those resources are water quality and fisheries.

4.1.1 Geographical Scope

The geographic scope of the analysis defines the physical limits or boundaries of the proposed action's effects on the resources. Because the proposed action would affect the resources differently, the geographic scope for each resource would vary. For water resources, the change in flow to the bypass reaches following decommissioning of the project will affect water use and water quality, particularly water temperature. Therefore, we propose that the geographic scope considered for analysis of the Cow Creek Development should extend from the pools at the upstream diversion dams on Mill Creek and South Cow Creek to the first diversion on South Cow Creek downstream of Hooten Gulch to include Wild Oak Development and Abbott Diversion. For the Kilarc Development the proposed geographic scope for water resources should extend from the project diversion dams at North Canyon Creek, South Canyon Creek, and Old Cow Creek downstream to the head pool of the Olsen Project downstream of the Kilarc tailrace on Old Cow Creek.

For fisheries resources, we propose that the geographic scope of analysis should extend from the upstream end of the action area downstream to the confluence of Cow Creek and the Sacramento River because availability, access, and quality of fish spawning and nursery habitat for the listed Central Valley species units of steelhead trout and Chinook salmon would be affected in the Cow Creek Basin by this proposed action.

4.1.2 Temporal Scope

The temporal scope of our cumulative effects analysis in the EA will include past, present, and future actions and their possible cumulative effects on each resource. The temporal scope will look into the future, concentrating on the effect of reasonably foreseeable future actions on the resources. The historical discussion will, by necessity, be limited to the amount of available information for each resource.

4.2 Resource Issues

In this section we present a preliminary list of environmental issues to be addressed in the EA. We identified the issues, which are listed by environmental resource area, through our review of the license surrender application and the Commission's record for the Kilarc-Cow Creek Project. This list is not intended to be exhaustive or final, but it is an initial listing of issues that have been raised and could be significant. After scoping is complete, we will review the list and determine the appropriate level of analysis needed to address each issue.

4.2.1 Geology and Soils

- Effects of proposed decommissioning activities on the geology and soils of the area including increased use or improvement of access roads, bank instability, erosion, and/or sedimentation.
- Effect of breaching diversion dam on redistribution of sediment accumulated behind diversion dams.
- Effect of downstream dispersal of accumulated sediment on fish spawning gravel and pools in bypass reaches.
- Effect of erosion and sedimentation associated with deconstruction of canals, diversions, and access roads on water quality.
- Effects of heavy metals and contaminants in accumulated sediments behind Kilarc diversion dam on downstream water quality and sediment quality.
- Effect of new hydrograph on streambank erosion above diversion dams and in bypass reaches.

4.2.2 Water Resources

- Effects of new flow regime on water temperature in bypass reaches.
- Effects of new flow regime on water temperature below tailraces.
- Effects of new flow regime on dissolved oxygen in bypass.
- Effects of new flow regime on coliform bacteria in bypass.
- Effects of new flow regime on hydrographs of Old Cow and South Cow Creeks.
- Effects of proposed changes in water diversion on water availability to German Ditch and Abbott Ditch.
- Effects of decommissioning on water uses including effects of the loss of Kilarc forebay as a water source for local fire suppression.
- Effects of decommissioning on water uses including effects of proposed removal of water conveyance system on South Cow Creek and termination of Lake Kilarc on downstream water use for irrigation, ranching, and farming.
- Effects of decommissioning on water uses including effects of proposed decommissioning on hydroelectric operations.

4.2.3 Aquatic Resources

- Effect of proposed decommissioning activities including diversion dam removal on anadromous fish migration and spawning habitat (steelhead trout, and fall-run Chinook).
- Effect of released sediment behind diversion dams on fish passage.
- Effects of discontinued flows on fish community of Hooton Gulch below Kilarc tailrace.
- Effects of discontinued flows on fish community in canals, flumes, and forebays.
- Effects of new flow regime on fish community in bypass reaches.

4.2.4 Terrestrial Resources

- Effects of proposed decommissioning activities on terrestrial wildlife and botanical resources including removal of diversion dams, grading and filling, disturbance, mortality or injury, and habitat loss and/or enhancement.

4.2.5 Threatened and Endangered Species

- Effects of proposed decommissioning activities on federally listed threatened, endangered, or candidate species or critical habitat in the project area, if any. These species may include the threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) and the California red-legged frog (*Rana aurora draytonii*). Aquatic species may include Central Valley steelhead (*Oncorhynchus mykiss*) distinct population unit; and Central Valley fall-run, late fall-run, and spring-run Chinook salmon (*O. tshawytscha*) population units.

4.2.6 Recreational Resources

- Effects of proposed decommissioning activities on public access (including access for the disabled) to project lands and waters.
- Effects of the proposed termination of Kilarc forebay on recreation use of and recreational facilities at the project.
- Effects of proposed decommissioning activities on angling opportunities at the project.

4.2.7 Land Use, Aesthetics and Socioeconomics

- Effects of proposed decommissioning activities on property rights, land ownership, and existing land use of properties (including access roads) in the project boundary.
- Effects of proposed decommissioning and removal of project facilities on visual resources, land use and properties adjacent to the project.

- Effects of proposed decommissioning activities on land use or land management plans, policies, or regulations.
- Effects of proposed decommissioning activities on socioeconomic aspects of downstream water use for irrigation, ranching and farming.

4.2.8 Cultural Resources

- Effects of proposed decommissioning activities on the eligibility of National Register of Historical Places (NRHP) and cultural resources at the project.
- Effects of proposed decommissioning activities on cultural resources at the project that have not been evaluated for listing on the NRHP.
- Effects of proposed decommissioning activities on any tribal resources that may be present at the project.

5.0 REQUEST FOR INFORMATION

The Commission staff requests federal, state, and local resource agencies; Native American tribes; NGOs and other entities and individuals to forward to the Commission any information that will assist it in conducting an accurate and thorough analysis of the site-specific and cumulative effects of surrendering the license and decommissioning facilities at the Kilarc-Cow Creek Project. Types of information requested include, but are not limited to:

- information, quantified data, or professional opinions that may contribute to defining the geographical and temporal scope of the cumulative effects analysis and identifying significant environmental issues;
- identification of, and information from, any other environmental assessment, environmental impact statement, or similar documents of studies (previous, ongoing, or planned) relevant to the surrender of license for the Kilarc-Cow Creek Project;
- existing information and any data that may aid in describing the past and present actions and effects of the project and other developmental activities on water quantity and quality, fish and wildlife resources, cultural resources, recreation resources, socioeconomics, or land use;
- identification of any federal, state, or local resource plans and future project proposals that encompass the Kilarc-Cow Creek Project area, with information on when they will be implemented, if known, including proposals to construct or operate water treatment facilities, recreational areas, or water diversions or to implement fishery management programs; and
- documentation that would support a conclusion that the proposed surrender of project license does or does not contribute to cumulative adverse or beneficial

effects on resources (natural and social) and, therefore, should be excluded from further study or included for further consideration of cumulative effects.

The requested information and scoping comments should be submitted in writing to the Commission no later than **October 16, 2009**. All correspondence must clearly show at the top of the first page: “Kilarc-Cow Creek Hydroelectric Project, FERC No. 606-027.” All information and comments should be sent to:

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Mail Code PJ-12.3
Washington, DC. 20426

Scoping comments may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission’s website (<http://www.ferc.gov>) under the “eFiling” link. The Commission strongly encourages electronic filings. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. You may register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance please contact FERC Online Support.

All filings sent to the Secretary of the Commission should contain an original and eight copies. Failure to file an original and eight copies may result in appropriate staff not receiving the benefit of your comments in a timely manner.

Furthermore, interveners, those on the Commission’s service list for this proceeding (parties), are reminded of the Commission’s Rules of Practice and Procedure, requiring parties filing documents with the Commission to serve a copy of the document to each person whose name appears on the official service list. Intervenors can get the most recent version of the service list online at <http://www.ferc.gov/docs-filing/eservice.asp>.

Any questions concerning this scoping or preparation of the EA for this proposed action should be sent to CarLisa Linton-Peters at the Commission, Office of Energy Projects, by telephone at 202-502-8416 or by email carlisa.linton-peters@ferc.gov.

6.0 EA PREPARATION SCHEDULE

The tentative schedule for preparing the Kilarc-Cow Creek Project EA is as follows:

Issue Scoping Document for comments	September 15, 2009
Notice of the availability of the draft EA	January 29, 2010
Notice of the availability of the final EA	June 28, 2010

7.0 PROPOSED EA OUTLINE

The preliminary outline for the January 29, 2010, Kilarc-Cow Creek Project draft EA is as follows:

EXECUTIVE SUMMARY

1.0 INTRODUCTION

- 1.1 Application
- 1.2 Purpose and Need for Action
- 1.3 Statutory and Regulatory Requirements
 - 1.3.1 Federal Power Act
 - 1.3.2 Clean Water Act
 - 1.3.3 Endangered Species Act (ESA)
 - 1.3.4 Coastal Zone Management Act
 - 1.3.5 National Historic Preservation Act (NHPA)
 - 1.3.6 Wild and Scenic Rivers Act
- 1.4 Public Review and Consultation
 - 1.4.1 Scoping
 - 1.4.2 Interventions

2.0 PROPOSED ACTION AND ALTERNATIVES

- 2.1 No-Action Alternative
 - 2.1.1 Existing Project Facilities
 - 2.1.2 Existing Project Operation
 - 2.1.3 Existing Environmental Measures
- 2.2 Applicant's Proposal
 - 2.2.1 Proposed Decommissioning of Project Facilities
 - 2.2.2 Proposed Safety
 - 2.2.3 Proposed Termination of Project Operation
 - 2.2.4 Proposed Environmental Measures
 - 2.2.5 Modifications to Applicant's Proposal—Mandatory Conditions
- 2.3 Staff Alternative
- 2.4 Staff Alternative with Mandatory Conditions
- 2.5 Other Alternative
- 2.6 Alternatives Considered but Eliminated from Further Analysis

3.0 ENVIRONMENTAL ANALYSIS

- 3.1 General Setting
- 3.2 Scope of Cumulative Effects
- 3.3 No-Action Alternative
- 3.4 Proposed Action

4.0 CONCLUSIONS AND RECOMMENDATIONS

- 4.1 Comparison of Alternatives
- 4.2 Unavoidable Adverse Impacts
- 4.3 Staff Recommendations
- 4.4 Staff Recommended Alternative
- 4.5 Consistency with Comprehensive Plans

5.0 FINDING OF NO SIGNIFICANT IMPACT

5.0 LITERATURE CITED

6.0 LIST OF PREPARERS

7.0 LIST OF RECIPIENTS

APPENDICES

8.0 MAILING LIST

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