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Attachment 8

January 3, 2022

VIA ELECTRONIC FILING AND ELECTRONIC MAIL

David E. Capka, P.E.
Director, Division of Dam Safety and Inspections
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Douglas Johnson
Regional Engineer
Division of Dam Safety and Inspections
Federal Energy Regulatory Commission
1201 NE Lloyd Blvd
Suite 750
Portland, OR 97232

Re: FERC No. P-14803-001; NATDAM-OR00559, CA00323, CA00234, CA00325; Board of Consultants' Review of Final Design Documents; Resignation of James Borg.

Dear Mr. Capka and Mr. Johnson:

When approving the license surrender for the Lower Klamath Project, the Commission directed the Co-Licensees to submit "final decommissioning design documents and information regarding the Board of Consultants' (Board) review of the design documents" at least 60 days prior to the start of any construction. *PacifiCorp*, 181 FERC ¶ 61,122 (2022) (Ordering Paragraph (O)). The Klamath River Renewal Corporation (Renewal Corporation) anticipates making that submittal on or before January 13, 2023. In advance of that submittal, we enclose a letter (Attachment A) from the Board acknowledging the Renewal Corporation's response to the Board's recommendations on the June 29, 2022 version of the design documents.¹ Concurrent with the Commission's review of the final decommissioning design documents, the Renewal Corporation will seek the Board's final review and approval of those documents.

We also enclose a letter (Attachment B) from the Board notifying the Renewal Corporation of the resignation of James Borg and the appointment of Dan Hertel as the new chair of the Board.

¹ These documents were filed with FERC on June 29, 2022. Please see FERC accession nos. 20220630-5018 (Public); FERC accession nos. 20220718-0019, 20220719-4000, 20220719-4003, 20220719-4004, 20220719-4005, 20220719-4006, 20220719-4007, 20220719-4009, 20220719-4010, 20220719-4011, 20220720-4000, 20220720-4001, 20220720-4002, 20220720-4003, 20220720-4004, 20220720-4005, 20220720-4008, 20220720-4009, 20220720-4010, 20220720-4011, 20220720-4013, 20220720-4014 (CEII); FERC accession no. 20220725-5078 (errata).

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Mr. Borg has served as chair of the Board since its inception in May of 2018. The Renewal Corporation appreciates Mr. Borg's leadership and the guidance that he and the Board have provided over the ensuing years. As an original Board member with in-depth knowledge of this project, and with years of experience in the construction of dams and other water resource projects, Mr. Hertel will bring both considerable experience and continuity to this river restoration project. The Renewal Corporation looks forward to working with him as the new chair.

Should you have any questions or require any further information, please let us know

Respectfully submitted,

s/ Markham A. Quehrn

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

Enclosures:

Attachment A: Letter from Lower Klamath Project Independent Board of Consultants
(October 28, 2022)

Attachment B: Letter from James E. Borg, Chairman of the Lower Klamath Project
Independent Board of Consultants (December 26, 2022)

cc: Mark Bransom (Klamath River Renewal Corporation)
Mort McMillen (McMillen Company)
Kevin Takei (California)
Anika Marriott (Oregon)
Dustin Till (PacifiCorp)

ATTACHMENT A

**Letter from Lower Klamath Project
Independent Board of Consultants (October 28, 2022)**

Mr. Mark Bransom
Klamath River Renewal Corporation
2001 Addison Street, Suite 317
Berkeley, CA 94704

October 28, 2022

Re: Review of Renewal Corporation Response to Meeting No. 4 Recommendations

Dear Mr. Bransom,

The Independent Board of Consultants (BOC) for the Lower Klamath Project respectively submits our response to the Klamath River Renewal Corporation (Renewal Corporation or KRRC) letter dated October 4, 2022 providing their response to the BOC Meeting No. 4 recommendations, as well as the FERC response letter dated October 6, 2022.

The Lower Klamath Project BOC convened a formal meeting via video conference on September 16, 2022. The purpose of the meeting was to discuss the BOC's review of the KRRC June 22, "Final Construction Documents" submitted to the Federal Energy Regulatory Commission (FERC or Commission) on June 29, 2022.

The BOC Meeting No. 4 report was submitted to the KRRC on September 30, 2022. The report contained nine recommendations, to each of which the KRRC provided a response in their letter to the FERC dated October 4, 2022.

In the October 6, 2022 letter from the FERC to the KRRC, the FERC requested in paragraph 2 the following:

"We [FERC] understand that the Board of Consultants (BOC) is currently reviewing the June 2022 construction submittal. Please provide a report that documents the BOC's findings and recommendations on the construction material, your plan and schedule for addressing the BOC's comments, and final documentation from the BOC stating if they agree/disagree with how their (Renewal Corporation) comments were addressed. If any recommendations are not implemented, detailed reasons for not doing so should be provided. For further guidance on our expectation for BOC's roles, responsibilities and what types of items should be considered in their review, we refer you to our May 22, 2018 BOC approval letter [Directive]".

The FERC states in paragraph 1 of their October 6, 2022 letter that:

"If the Commission determines that the surrender should be granted, KRRC will need to submit a consolidated final, 100% design package that addresses our comments at least 60 days before the anticipated construction start date in order to allow sufficient time for us (FERC) to review the documents, provide any additional comments and for those comments to be resolved".

In general, the BOC agrees with the KRRC's response to each of the nine BOC Meeting No. 4 recommendations. While the KRRC response does not include a specific plan and schedule for addressing each of the recommendations, the BOC's position is that the KRRC will address each of the comments and recommendations throughout the development of the "consolidated final 100% design package" to be submitted to the FERC for review at least 60 days prior to the start of construction. In accordance with the FERC's expectations, the BOC will work with the KRRC

during this revision period through informal meetings or discussions, as necessary, such that the KRRC's revisions to address BOC comments and recommendations shall be agreeable to the BOC. A letter of Final BOC concurrence will be provided at the time of the submission of the "consolidated final 100% design package" referenced in the FERC's letter of October 6, 2022.

As per the BOC's roles and responsibilities, stipulated in the FERC's May 22, 2018 BOC approval letter, the BOC will be involved during the concurrent review of the "consolidated final 100% design package" provided for FERC review prior to the start of construction.

Sincerely,



James E. Borg



Craig Findlay



Dan Hertel

ATTACHMENT B

**Letter from James E. Borg, Chairman
Lower Klamath Project Independent Board of Consultants
(December 26, 2022)**

Mr. Mark Bransom
Klamath River Renewal Corporation
2001 Addison Street, Suite 317
Berkeley, CA 94704

Date: December 26, 2022

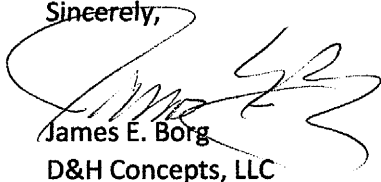
Re: Resignation of James E. Borg from Lower Klamath Project Independent Board of Consultants, and Appointment of Dan Hertel as Chairman

Dear Mr. Bransom,

For personal and health reasons I am resigning from the Lower Klamath Project Independent Board of Consultants (BOC). In accordance with the FERC requirements, a quorum of BOC members has unanimously appointed Dan Hertel to succeed me as the new BOC Chairman.

I greatly appreciate the Klamath River Renewal Corporation's (KRRC) transparency and cooperation shown to the BOC throughout the project development. It has been a pleasure working with the KRRC and fellow BOC members on this important project.

Sincerely,



James E. Borg
D&H Concepts, LLC

Cc: Olivia Mahony
Dan Hertel
R. Craig Findlay
MaryLouise Keefe
Steve Coombs
Ted Chant

Document Content(s)

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