

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D. C. 20426

OFFICE OF ENERGY PROJECTS

Project No. 1121-136 – California  
Battle Creek Project  
Pacific Gas and Electric Company

December 23, 2024

VIA USPS First-Class Mail and Electronic Mail

Mr. Reid Nelson  
Executive Director  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001  
[e106@achp.gov](mailto:e106@achp.gov)

Subject: Revised Draft Memorandum of Agreement for Adverse Effects to Historic Properties

Dear Mr. Nelson:

This letter concerns a draft Memorandum of Agreement (MOA) and an amendment application filed with the Commission by Pacific Gas and Electric Company (PG&E), licensee for the Battle Creek Hydroelectric Project No. 1121.<sup>1</sup> The project is located on the mainstem Battle Creek, North Fork Battle Creek, and South Fork Battle Creek, in Shasta and Tehama counties, California. The project occupies lands administered by the U.S. Department of Agriculture's Forest Service and U.S. Department of Interior's Bureau of Land Management.

On October 28, 2022, PG&E filed with the Commission an application for a non-capacity amendment of license for the Battle Creek Project. PG&E is proposing to remove the Inskip Diversion Dam, the adjacent infrastructure, fish ladder, and approximately 30,000 to 56,000 cubic yards of sediment from behind the dam. On July 14, 2021, the licensee requested to be designated as the Commission's non-federal representative for the purposes of conducting consultation pursuant to section 106 of the National Historic Preservation Act (NHPA). In a letter dated July 29, 2021, the Commission designated the licensee as its non-federal representative.

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<sup>1</sup> *Pacific Gas and Electric Co.*, 56 F.P.C. 994 (1976).

The proposed action is a federal action under the Commission's review pursuant to section 106 of the National Historic Preservation Act (NHPA). In compliance with section 106 of the NHPA, PG&E determined the undertaking would have an adverse effect to the Inskip Division Dam which has been determined eligible for inclusion in the National Register of Historic Places on December 20, 2000. On November 5, 2015, the California State Historic Preservation Office (California SHPO) reaffirmed its eligibility determination.

The Commission determined, and on August 5, 2021, the California SHPO concurred that the planned undertaking will result in an adverse effect to historic properties. Pursuant to section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. 306108), and its implementing regulations at 36 C.F.R. 805(a)(2)(vii), we concur that the proposed action to the Inskip Diversion Dam would adversely affect historic properties.

To mitigate adverse effects to historic properties, PG&E filed a draft Memorandum of Agreement (MOA) with the Commission on November 28, 2023. Commission staff have reviewed and revised the draft MOA accordingly. On February 6, 2024, Commission staff issued the revised draft MOA for review and comment to California SHPO, U.S. Corps of Engineers (Corps), and the licensee for review and comment. The Commission received no response.

On March 18, 2024, Mr. Laverne Bill, Paskenta Band of Nomlaki Indians (PBNI) Tribal Historic Preservation Officer (THPO) requested to communicate with the lead agency, and PG&E filed this request on the record with the Commission on April 25, 2024. Commission staff met with the Paskenta Band of Indians THPO on May 30, 2024. Prior to this date, PG&E Senior Cultural Resources Specialist communicated with the PBNI THPO to arrange for a project walkdown and site meeting at the Inskip Diversion Dam, which occurred on May 31, 2024. The Paskenta Band of Nomlaki Indians THPO expressed concerns, and PG&E states it would commit to honoring the concerns expressed by the PBNI THPO. On August 6, 2024, PG&E filed a revised MOA for review and comment to address comments from the PBNI THPO.

On August 22, 2024, Commission staff revised the draft MOA accordingly to address comments, and issued it to the California SHPO, Corps, PBNI and the licensee for review and comment. On September 18, 2024, Commission's staff received comments from the PBNI THPO the draft MOA.<sup>2</sup> In their comments, PBNI recommends

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<sup>2</sup> On September 27, 2024, Commission staff placed a memorandum on the record requesting the comments from the PBNI THPO to be included in the Commission's records.

that PG&E attend trainings offered by the PBNI. In an October 18, 2024 filing, PG&E stated its commitment to participating in any trainings and other educational opportunities the PBNI has to offer. Therefore, Commission staff revised the draft MOA to address the comments by including a provision for PG&E staff to attend any trainings offered by the PBNI. On October 25, 2024, Commission staff issued a revised draft MOA for a 30-day review and comment period. No comments were received on the revised draft MOA.

Commission staff would ensure that all mitigation measures stipulated in the MOA are executed to mitigate adverse effects to historic properties. With this letter, we are providing you with the draft MOA for comment, and we are asking whether the Advisory Council on Historic Preservation intends to participate pursuant to 36 C.F.R. Part 800.6. Please file your comments and response within 15 days.

The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-1121-136.

If you have questions regarding this letter, please contact Jennifer Polardino at (202) 502-6437 or [jennifer.polardino@ferc.gov](mailto:jennifer.polardino@ferc.gov).

Sincerely,

Jot Splenda, Chief  
Environmental and Project Review Branch  
Division of Hydropower Administration  
and Compliance

Enclosure: Revised Draft Memorandum of Agreement

cc:

VIA USPS First- Class Mail and Electronic Mail

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