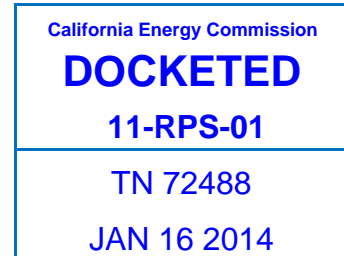


January 15, 2014

Dockets Office  
California Energy Commission  
Sacramento, CA



Members of the California Energy Commission,

The California Hydropower Reform Coalition and other signatories submit these comments on the “BC Hydro run of river draft Lead Commissioner Report.”

The Commissioner’s report improves on the “Draft Staff Report” released in October 2013. It accurately describes the impacts of run of river hydropower facilities. We strongly support the conclusions that hydropower from British Columbia is not eligible for the California Renewable Portfolio Standards program and that there is no reason to change the existing RPS eligibility requirements.

We, however, do not support the “Consultant’s” report (Appendix A of the Commissioner’s report), because it contains significant uncorrected inaccuracies that contradict the Lead Commissioner Report. These include:

1. The statement that environmental regulations in British Columbia and California are “comparable.” As the Commissioner’s report accurately states, however, “...there are substantial differences between the levels of environmental protection required in British Columbia and California.”
2. The statements that the “Energy Commission is considering” a different flow standard for BC hydro than that which is presently required in California. The Consultant Report says that “the Energy Commission is considering, as [one of the] requirements for a B.C. run-of-river project requesting RPS eligibility: “Instream flow requirements must be sufficient not to compromise the river ecosystem based on volume or timing of streamflow.” The presumption of harm from *any* reduction of streamflow or change in the timing of streamflow, the cornerstone of California’s RPS law insofar as it relates to streamflow, does not appear in this redefinition and contradicts the Lead Commissioner Report, which accurately cites the Public Utilities Code on this matter.
3. The statements that the “Energy Commission is considering the following requirements for a British Columbia run of river project requesting eligibility”:
  - a. “The project must complete an environmental assessment or development plan with a cumulative impact assessment based on the Canadian Environmental Assessment Agency’s *Cumulative Effects Assessment Practitioners Guide*.” The federal government created an entirely new Canadian Environmental Assessment Act which bears scant resemblance to the former Act. The new Act expressly permits political interference, eliminated federal environmental assessments for 492 projects in BC, including river diversion projects, and reduces the number of federal departments that can conduct an environmental review from 40 to just three. Additionally, the new Act arbitrarily shortens timelines, constrains public


participation and allows the federal Minister of Environment or cabinet the discretion to remove projects from an assessment.

- b. "The project should obtain an EcoLogo® certification. EcoLogo is a Canadian third-party certifier of environmentally preferable products." Many Ecologo certified projects have had significant problems with non-compliance. Ecologo has acknowledged weaknesses in their auditing process, which includes voluntary reporting of non-compliance incidents by proponents. Ecologo is in the process of revising their hydroelectric standard after admitting their previous standard "needed improvement."

To have a three-page, accurate Lead Commissioner Report, with an 80-plus page appendix, with significant errors is odd and inappropriate. To be fully accurate, we suggest that the inaccuracies in the appendix be corrected.

Thank you for the opportunity to provide these comments.

Sincerely,  
Respectfully submitted,



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