

**FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426**

Office of Energy Projects

Project No. 2239-Wisconsin
Kings Dam Project
Tomahawk Power and Pulp Co.

NOV 15 2006

Scott D. Goodwin, Manager
Tomahawk Power & Pulp Co.
3330 Clayton Road, Suite B
Concord, California 94518

Subject: Environmental Inspection of Kings Dam Project (FERC Project No. 2239)

Dear Mr. Goodwin:

The Environmental Inspection of the above-named project was conducted August 10, 2006. Thank you very much for your cooperation during the inspection. The recreation resources, cultural resources, land resources, fish and wildlife resources, and public safety measures were inspected.

Based on our review of your license requirements and observations made during the inspection, the following items require your additional action:

(1) Article 407 requires that for at least five consecutive years you must monitor for purple loosestrife within the project boundary. For these five years, beginning in 2005, a report must be filed with the Wisconsin Department of Natural Resources (WDNR) 45 days after the 4-week survey is completed. By December 31st of every year, you must file the report with the Commission, including the comments and recommendations from the WDNR. You did not complete this requirement during 2005. In 2006, the plant operators completed a monitoring survey for purple loosestrife in project waters within the project boundary. Licensee staff stated that they have provided the resource agencies with copies of the results for comments. Your report was filed on October 23, 2006. You are reminded that the monitoring report and resource agency comments are to be filed with the Commission by December 31 each year.

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(2) Article 409 involves the Historic Resources Management Plan (HRMP), which was approved by Commission letter order issued September 13, 2005. Except for one site, which is inaccessible and on private land, no sites at the project are eligible for listing in the National Register of Historic Places. According to the HRMP, shoreline surveys will be conducted two and four years after HRMP approval and the licensee's staff will receive training in archaeological evaluation. This training has not been completed. The next archaeological shoreline survey will be due September 13, 2007. You must file a schedule for training staff by January 31, 2007.

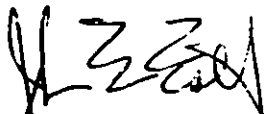
(3) Article 410 required a Recreation Plan. The required recreation facilities are in place, and there were fishermen on the downstream lefthand side of the dam on the day of the inspection. The licensee was required to file on or before October 31, 2005, for Commission approval, as-built drawings showing the location of the recreation facilities and all signage. The required as-built drawings have not been filed

You are in violation of your license for failing to file the required purple loosestrife monitoring report for 2005. You must file the required reports immediately. In addition, you are in non-compliance with your license for failure to file your recreation as-built drawings by October 31, 2005. You will remain in violation until these drawings are filed with the Commission.

This letter constitutes notice under Section 31(a) of the Federal Power Act (FPA). This violation will be made part of the compliance history of the project and considered in the course of our review of any other violations to determine appropriate Commission action. This does not preclude the Commission from taking further action under Section 31(a) of the FPA as amended by Section 12 of the Electric Consumers Protection Act of 1986.

If you have any questions, please contact Mrs. Patricia Grant at 312/596-4435.

Sincerely,



John E. Estep, Chief
Land Resources Branch
Division of Hydropower
Administration and Compliance

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Cc:

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