

October 27, 2010  
Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Re: MFP 2079 PCWA Middle Fork American River Project License Comment on Draft License and Due Process

Dear Secretary Bose:

The Draft License Application understates the impacts of the Project's peaking reach flows which bisect the Auburn State Recreation Area (ASRA). The document omits important facts and context regarding changes to management plans that govern the area, current financial situation of the federal agency that administers the area (Bureau of Reclamation), the economic development efforts related to the canyon/river environment, and existing recreation facilities.

The first 50 year license applied a less than vigorous assessment of the river system, specifically the river's recreation values and associated flow related impacts. The short sighted review occurred for a variety of reasons, one of which was the presumption that the area would be flooded by a reservoir created by the Auburn Dam. The specter of the Dam has kept these canyon lands in limbo for far too long. The Recreation Area has been valiantly patched together on a shoestring budget for many, many years by California State Parks. Over the course of this time, minimal improvements have been constructed and the public has had awkward, inefficient and unsafe access to these lands and the river. PCWA's draft license application seems to be based on the convenient, outdated view that the area is still a dam in waiting. The water rights for the Auburn Dam were revoked in 2008. The Draft License Application is inadequate because the licensee, which controls this public resource to generate power and obtain significant income, has made only miniscule commitments to address impacts of their operation.

To mitigate impacts of the flows in Auburn State Recreation, the licensee should provide:

- their 'fair share' of operation, maintenance, public safety, emergency response and fire prevention costs for river related recreation activities in ASRA
- additional recreation facilities to serve flow/ river enhanced recreation in ASRA
- funding and improvements to resolve impacts of their past project (The Pump Station Project) in which trail enthusiasts were ousted by river access improvements and trails had been cut off by river flows in ASRA.

The following is the first list of my concerns related to the Draft License Application's, Volume 3, Exhibit E, Affected Environment and Cumulative Effects Analysis Sections.

- There is no mention of Bureau of Reclamation's reduced funding over the course of several years for operation and maintenance of ASRA. There has been early seasonal closure of the few river access areas that do exist, reduced days of operation overall and most egregiously the loss of Rangers to patrol the area. Further, there is no mention of the fact that USBR funding for ASRA may be cut off entirely after 2012. I believe that is the year the USBR contract with State Parks for ASRA expires. Yet, the licensee concludes, **"It is anticipated that the USBR will continue to maintain the current level of recreational facility development and recreation opportunities within ASRA in the future. Therefore, the Proposed Action in combination with other actions in ASRA will cumulatively enhance recreation in the peaking reach"** (Cumulative Effects Analysis p9-9) No specific citation is given for the statement about current levels of funding etc. There is no description of what constitutes "other actions". The statement and conclusion could charitably be called misleading. Status quo is NOT what we are dealing with here. USBR funding has gone from 9.5 million in 2007 to 1.5 million in 2010.

There is nothing to support this conclusion in the Literature Cited section, p9-12. This Section contains two ASRA references, the USBR 1992 Interim Management Plan and a State Parks letter dated May 11, 2010. The actual content of this letter notifies interested parties that the update for the 1992 General Plan/ Interim Resource Management Plan for ASRA has been "suspended indefinitely at the request of USBR.". The letter further indicates USBR is reviewing agreements with the other federal agencies which own land in ASRA and addressing insufficient funding issues. There is no mention of recreational facilities or future conditions in the

letter at all. (State Parks letter, attached) (Note: DLA Section 12, states the update for ASRA General Plan has been put on hold. No additional information about ASRA is added.)

Therefore, the claimed enhancements, formalized flows and additional boating runs in ASRA, will actually not enhance recreation but put an added load on already reduced resources in the area. The DLA conclusions regarding these enhancements are flawed without some clear, measurable mitigation measures to balance these 'enhancements'. This would be akin to handing a swimmer 10 lbs of gold ... yes it's valuable, but given the circumstances, the swimmer will drown if he takes it. The conclusion drawn above will not serve as a basis for accurate future environmental analysis.

- The significant change to the management of ASRA since the first MFP 2079 license was issued is the gradual but steady erosion of the possibility of building the Auburn Dam. While 1960's legislation that created the Dam is still in place (Public Law 89-161), the Dam Project has been cancelled and the water rights revoked in 2008. This next 50 year license must fully address and mitigate the impacts of Project flows on the river system in this Recreation Area. I could find no mention of the loss of water rights for Auburn Dam and the very real possibility, within the next 50 years, the project will be entirely cancelled through Congressional action.
- Over the course of the first 50 year license, the reservoir was never created, yet, costs for flow impacts to the river and Recreation Area were not addressed. The cumulative effects analysis should evaluate the current effects of the lack of appropriate mitigation for the past impacts in Auburn State Recreation Area under the first license.
- Stream based and river enhanced recreation has expanded significantly over time in ASRA. The characterization of stream based recreation should be broader and more descriptive in order to better assess impacts and the value of the claimed enhancements of the Project. The statement regarding commercial whitewater boating being 'the primary public use' on the Middle Fork American River is circular and dated. "Because of minimal non-commercial use levels, use by the commercial sector (e.g., commercial whitewater boating operations) is recognized as the primary public use on the Middle Fork American River (USBR 1992)" (Cumulative Effects Analysis p9-8) Over the course of the last 18 years, many groups have formed to provide volunteer support for the Park and to promote the river environment through festivals, clean up campaigns and swimming and kayaking safety courses. In addition, the opportunity for other types of public use have been limited by failure to add public access facilities as a result of USBR reservoir management restrictions. The current Project enhancements center on improvements to whitewater flows and access particularly at one site, the main commercial raft entrance, Indian Bar. The existing narrow description would tend to make any requests for additional flow or river enhanced recreation facilities appear unneeded.
- With regard to socioeconomic conditions, there is no mention, that tourism as it relates to the vast, internationally known trail system in ASRA and the new potential for river based recreation has been actively pursued for its' economic potential over the last few years. The trails and river system is becoming more and more an economic engine in the area. When the 100 mile endurance Ride and Run events were cancelled due to fires in the North Fork American river, it was estimated the area lost 3 million in revenue. ( audience member statement, Auburn State Recreation Area and Lake Clementine public forum 10/26/10)
- The DLA conclusion is flawed with respect to ASRA visitor use, both now and in the future. The population is expected to increase 68% over the next 50 years and the area has close in access along a highway, (hwy 49, known in ASRA as the Confluence area), river recreation and river enhanced recreation will continue to increase as it has in the past 50 years. The DLA conclusion, "**In general, recreation demand and facility utilization is not expected to substantially increase over time, primarily due to shifts in the visitor demographics, and declining participation rates in the types of recreation activities that occur associated with the MFP.**" (Affected Environment, p7.9-49) may apply to Project facilities but is not relevant to ASRA.
  - Confluence was undercounted, no visitor surveys occurred after 5PM, this is a busy time in the summer because it is the only paved, close in river access. Note, there are no "developed facilities" at the Confluence. Parking is crammed along wide spots on the edge of the road, there are no permanent

bathrooms. Yet, this area will have to handle more visitors due to the opening of the Confluence to Oregon Bar boating run.

- Unlike the Project lands/Forest Service survey protocol, in ASRA, the general visitor survey was administered only after the survey tech decided the visitor "used the river resource". Runners, riders, nor bikers were counted even if located along a trail, near the river. Thus, river enhanced recreation was essentially not counted. The general statement in DLA "Survey administration did not focus on intercepting any particular user type." (Affected Environment p 7.9 -42) does not reflect what occurred in ASRA. REC 2 Report does indicate survey effort focused on "stream-based recreation users."

The administration of the Federal Lands in ASRA is in a state of disarray. Nowhere in the Affected Environment nor Cumulative Effects Analysis sections of the DLA is this addressed. It appears to me the licensee could be held to less rigorous mitigation and enhancements for ASRA, *for the next 50 years*, due to the lack of scrutiny of the licensee's obligations for effects of the Project operations in the area.

I have actively participated in this relicensing process, as a member of the public, for the last 3 1/2 years. Frankly, it has been exhausting. Those items that do not have the benefit of State and Federal Agency review need the benefit of independent, objective advocate services. I have additional concerns regarding this relicensing, as it relates to Auburn State Recreation Area, the extent of FERC jurisdiction and the appropriate content of License Applications as they relate to Project conditions. I am actively pursuing more information at this time, however, the time frame for comments is too tight. I ask the Commission to grant an extension of time for comments on the PCWA DLA MFP 2079 and provide an advocate to members of the public reviewing this license application.

Address this response to all the stakeholders and any other interested parties. If you have any questions please contact me, Patricia Gibbs, at [quingold@calwisp.net](mailto:quingold@calwisp.net) or 916 765-3006.

Thank-you,

Patricia Gibbs  
5425 Lake Forest Dr.  
Loomis, CA. 95650

cc: City of Auburn  
Placer County Board of Supervisor's  
U.S. Representative Tom McClintock  
U.S. Representative Doris Matsui  
U.S. Senator Dianne Feinstein



DEPARTMENT OF PARKS AND RECREATION

Gold Fields District  
7806 Folsom Auburn Road  
Folsom, CA 95630

Ruth Coleman, Director

May 11, 2010

Dear General Plan/Interim Resource Management Plan Participant,

This letter is to inform you that the planning process to develop a new General Plan and Interim Resource Management Plan for Auburn State Recreation Area (SRA) and the Auburn Dam Project Lands has been suspended indefinitely at the request of the U.S. Bureau of Reclamation (Reclamation).

Auburn SRA and the Auburn Dam Project lands consist of approximately 26,000 acres of primarily federal lands that California State Parks manages through a service contract with Reclamation. These federal lands include Reclamation fee title lands, and lands owned by the Bureau of Land Management, Forest Service and Army Corps of Engineers. Reclamation has administered the non-Reclamation federal lands within the Auburn Dam Project Boundary through various agreements and withdrawals from the other federal agencies. Some of these agreements have expired. As part of renewing these agreements and addressing insufficient funding issues, Reclamation is attempting to clarify the future management for the federal lands within the project area.

Reclamation has indicated that it would not be prudent to proceed with the preparation of the General Plan/Interim Resource Management Plan (GP/IRMP) until the future management is resolved, therefore this GP/IRMP process is suspended indefinitely.

California State Parks and Reclamation initiated the project to develop a new GP/IRMP for Auburn SRA in 2006. Initial public scoping meetings were held in the spring of 2006 and follow-up public meetings to discuss preliminary planning concepts were held in spring 2007. Work on the Plan was halted in December 2008 when Reclamation first began to address these land management issues. At that time it was anticipated that these issues would be resolved quickly and work on the plan would be able to continue, however this has not been the case.

State Parks and Reclamation appreciate your interest in Auburn SRA. Both agencies hope that the land management responsibilities for the various federal lands within the project area will be resolved and the GP/IRMP process can be resumed in the future.

If you have question regarding this notice, please contact Walter Clevenger from the U.S. Bureau of Reclamation at (916) 989-7173 or Jim Micheaels at California State Parks at (916) 988-0513. Thank you.

Sincerely,



Scott Nakaji  
District Superintendent