

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

Re MFP 2079 Middle Fork American River Project Draft License Application comments, 3rd of 3

Dear Secretary Bose:

The hydropower Project has complete control of the river flows of the Middle Fork American River which runs the length of the Auburn State Recreation Area (ASRA). This recreation area is at the tipping point of devolving into a crime ridden fire trap. The Bureau of Reclamation (BOR) holds these 42000 acres in public trust and as such must step up and meet not only its' own obligation for dedicated minimum funding, but also assure, through its hydrolicense conditioning authority, the hydropower Project licensee, PCWA and Placer County (PCWA), meets its' obligations for mitigating Project impacts and provide the full share of annual operation and maintenance costs associated with the Middle Fork River Project.

Presently, Bureau of Reclamation funding is so low the Recreation Area is being dealt with as though it is an abandoned warehouse; gates are up, areas closed and security consists of periodic drivebys. Rangers have been laid off *and less attention might be paid to parts of the recreation area that could be more dangerous to Parks staff.* (Auburn Journal 10/14/2010) This abandoned warehouse management style doesn't work when you consider the area receives almost 1 million visitors a year. PCWA had not provided any funding over the course of the first 50 year license for costs associated with increased recreation due to the river flows.

The Bureau must provide annual minimum funding of 2.2 million dollars to State Parks to meet basic health, safety and fire protection of ASRA. The majority of the funds must be dedicated to added law enforcement/Ranger staff of between 8 and 12 Rangers, and fuels management costs. Without law enforcement and fire prevention in place, the high number of river recreation based visitors will only add to the drain on local fire and County law enforcement agencies. Thus, the Bureau has a dual role, meet its' obligation for basic land management and assure that hydropower Project licensee provides mitigation for Project impacts and its' fair share of annual operation and management costs for ASRA. These two revenue streams added together will keep the Park going with the help of local communities and volunteers.

Of the 1 million visitors a year, most participated in trail use and swimming/sunbathing. PCWA's contribution to the proposed river related Operation and Maintenance budget for flow related recreation use does not include the costs State Parks incurs that are associated with swimming/waterplay. It was suggested that the Project's higher and colder flows made swimming less desirable compared to the unimpaired condition. However, the very high number of visitors that come to the area to swim, belie that notion. Swimming is a component

of river recreation that clearly falls into the non-power values to be considered under a new hydropower license. Swimming has been reviewed in other FERC deliberations. Flows during the summer in the unimpaired condition would be barely a trickle, less than 75 cfs. There might be several swimming holes but as the summer progresses this type of 'swimming' actually decreases because the water quality declines. The flows, associated with Project operations clearly draw many more visitors for swimming/waterplay than boaters during the summer. While the high project flows, rapids and cold temperatures are not conducive to lake type swimming, the flows do provide more area throughout the length of the river for people to cool off.

Patrol and maintenance costs associated with the large number of visitors that come to this river in the summer/fall for the purpose of swimming/cooling off must be added to the annual, proportionate share of O&M costs paid to State Parks. This is particularly necessary in the locations accessible by vehicle and/or where there is a beach area such as Cherokee Bar, Drivers Flat, Mammoth Bar, and the Confluence and China Bar.

Of the approximately one million yearly visitors to the Recreation Area, trail use by hikers, joggers/runners, equestrians and mountain bikers is the most participated in activity. Whitewater boating, both commercial and private, on the Tunnel chute and Mammoth Bar runs from 1995 through 2009 totals 270,710 people or approximately 20,000 whitewater boaters per year. Trail use in ASRA, by comparison is, conservatively, ten to fifteen times that amount.

Project flows in the peaking reach completely impact and cut off trail connectivity throughout ASRA on a daily basis. This Middle Fork Watershed Trail system is unique due to the fact it is a historical 1800's trail that is intact today for over 100miles. A multitude of connector trails serve as access to it, in and around the Auburn Recreation Area. Reasonably safe crossing opportunities for hikers, bikers and equestrian recreationists are available during minimum flows or low baseline flows and when the Project is shut down for maintenance outages.

The Stream Based Recreation Study Plan originally called for field review to assess crossing conditions at various flows. However, based on information developed during the Trail focus group session, PCWA proposed developing a stage/discharge relationship for each stream crossing in lieu of actual field review. The rationale proposed by PCWA was as follows: **"The focus group indicated that river crossing is not possible at flows above 350cfs. Therefore, conducting flow studies at flows above 350 cfs would not yield meaningful information. More importantly, conducting studies at flows above 350cfs would impose unacceptable risk to the study participants and horses."** PCWA handout, July 1, 2008 Update on the REC 4-Stream Based Opportunities Technical Study Plan Focus Group Sessions and Refined Flow Study Approaches Surprisingly, the resulting REC4 Report stated flows much higher than 350cfs were deemed crossable. This unilateral change occurred without any further discussion with the Recreation Technical Working Group or the Trail Focus Group. The net effect of this arbitrary change serves to conveniently reduce the appearance of Project impacts on the trail system. No doubt the higher flow is crossable by some individuals, some individuals are also willing to swim and take more chances in order to cross the river, however, this study was

intended to review trail crossing opportunities for the average hiker, biker and equestrian in a recreational setting. Given the licensee's own statements above and the input of people with 30 years of experience on these trails and in this river, the high flow is unsafe for the average trail recreationist on this river. Hikers and bikers particularly need lower flows to get across the river, obviously, without resorting to swimming. Mountain bikers, several participated in the focus group, are a new trail enthusiast since the first Project license was issued, the crossing analysis must take into account all trail users, the high flows don't work for people who must lift a bike and maintain stability in the river. This high flow should not be used in the Project analysis. (See Part 2 of my DLA comments dated November 6, 2010 for individual crossing info)

The following two pages relate to Tables 8.9-6a and b. "Average Number of hours per Day that River Crossing was possible in the peaking reach for the existing impaired condition and the Proposed Action.

My analysis of the impacts to crossing opportunities are contained on those pages. The minimum flows under the Proposed Project are significantly higher than the Existing, No Action condition. Proposed Action results in a decrease in crossing potential during the prime recreation season, Summer and Fall months for the safer crossing flows which are less than 350cfs.

Thank you,

A handwritten signature in blue ink, appearing to read 'Patricia Gibbs', with a long horizontal line extending to the right.

Patricia Gibbs

Data from Tables 8.9-6a, b	Moderate Crossable Flow Unimpaired	Moderate Crossable Flow Impaired "No Action"	Current minimum flow 75cfs all water years	Moderate Crossable Flow Proposed	Summer Proposed Minimum Flows	Moderate Crossable Flow Unimpaired	Moderate Crossable Flow Impaired "No Action"	Moderate Crossable Flow Proposed	Fall Proposed Minimum Flows	Total Summer for all water years unimpaired	Total Summer for all water years impaired	Total Summer for all water years Proposed	Total Fall for all water years unimpaired	Total Fall for all water years impaired	Total Fall for all water years Proposed
	Summer	Summer		Summer		Fall	Fall	Fall							
1995, 1997, 1998, 2006		368 days		368 days			303 Days	303 Days	Sept 1-14						
Wet Water Years									250cfs Sept 15-30	7.6	0.6	0	26.7	12.3	16.7
Fords Bar	275cfs	3.4	0.3	0.0	June	9	4.9	5.3	200cfs	11	6.1	1.9	33.4	15.9	21.1
Ruck a Chucky	125cfs	0	0	0.0	July	2	0.7	1	150cfs	21.3	13.8	5.2	42.7	20.7	30.2
Poverty Bar	225cfs	2.5	0.2	0.0	August	7.8	3.6	5.4	100cfs	30.9	10.5	11.3	42.2	30.3	24.8
Mammoth Bar	175cfs	1.6	0.1	0.0	300 cfs	6.3	2.6	3.9	200cfs	39.5	33	20.8	45	45.3	33.2
Coffer Dam	175cfs	0.1	0	0.0		1.6	0.5	1.1	200cfs						
	7.6	0.6		0.0		26.7	12.3	16.7		110.3	64	39.2	190	124.5	126
1993, 1999, 2000, 2005		368 days		368 days			364 days	364 days	Sept 1-14	Summer/Fall Unimpaired Total 110.3 + 190= 300.3					
Above Normal Water Years									200cfs						
Fords Bar	275cfs	4.7	1.6	1.3	June	10.4	5.6	5.9	Sept 15-30						
Ruck a Chucky	125cfs	0	0.9	0.0	250 cfs	2.8	1.9	1.9	150cfs	Summer/Fall Impaired Total 64+ 124.5 = 188.5					
Poverty Bar	225cfs	3.8	1.5	0.6	July	9.3	4.1	6.5	100cfs	Summer/Fall Proposed Total 39.2 + 126= 165.2					
Mammoth Bar	175cfs	2.4	1.4	0.0	250 cfs	8	3.5	4.9	150cfs	When Fall outages are excluded from these figures the decrease in trail crossing will be greater					
Coffer Dam	175cfs	0.1	0.7	0.0	August	2.9	0.8	1.9	200cfs	A 12% Decrease in trail crossing under Proposed action, moderate flow, high season of use.					
					250cfs				150cfs						
	11	6.1		1.9		33.4	15.9	21.1							
1989, 2002, 2003, 2004		368 days		368 days			364 days	364 days	Sept 1-14						
Below Normal Water Years									160cfs						
Fords Bar	275cfs	7.4	3.6	2.1	June	10.1	5.8	6.7	Sept 15-30	Note: Impaired and Proposed Fall 'averages' include the Fall maintenance outage. This occurs in October from 2 to 4 weeks. It does not constitute normal operations. These outages should be shown as a separate figure. Since each outage day represents 12hours, distributing this annual but unique event across the whole season and misrepresents 'average daily' crossing potential for the season. The wet year minimum flows for Fall, under the Proposed Action range from 200 cfs to 250cfs. Moderate crossing flows at 4 of the 5 locations are below 225cfs. Yet the data presented indicates crossing potential for anywhere from 1 to 5.4 average hours per day for these crossing locations. Given the minimum flows are higher than the crossing flows, this does not make sense. This occurs elsewhere in the Above Normal years as well.					
Ruck a Chucky	125cfs	0.1	1.2	0.0	200cfs	7.5	2.4	4	120cfs	Please provide a separate figure for crossing opportunities associated with the outages for all the fall seasons. Please explain which days were not counted in Fall for both the Wet Water Years and Dry Water years. It seems the results would be shifted one way or the other depending on if the missing days were outage or non outage days. I have requested the Licensee clarify the methodology. Spreadsheet PGibbs 12-26-10					
Poverty Bar	225cfs	6.6	4.4	3.1	July	9.7	5.6	7.5	100cfs						
Mammoth Bar	175cfs	5.3	4.2	0.0	200cfs	9.1	4.8	7.4	120cfs						
Coffer Dam	175cfs	1.9	0.4	0.0	August	6.3	2.1	4.6	200cfs						
					200cfs				120cfs						
	21.3	13.8		5.2		42.7	20.7	30.2							
1990, 1991, 2001, 2007		368 days		368 days			299 Days	299 Days	Sept 1-14						
Dry Water Years									120cfs						
Fords Bar	275cfs	8.9	3	2.5	June	10.5	6.6	6	Sept 15-30						
Ruck a Chucky	125cfs	1.8	1.3	0.0	150cfs	8.9	5.6	2.3	90cfs						
Poverty Bar	225cfs	8.2	2.8	4.4	July	9.6	6.7	6.6	100cfs						
Mammoth Bar	175cfs	7.1	2.5	4.4	150cfs	7.6	6.5	5.8	90cfs						
Coffer Dam	175cfs	4.9	0.9	0.0	August	5.6	4.9	4.1	150cfs						
					150cfs				90cfs						
	30.9	10.5		11.3		42.2	30.3	24.8							
1988, 1992, 1994		276 days		276 Days			273 Days	273 Days	Sept 1-14						
Critical Dry Water Years									75cfs						
Fords Bar	275cfs	10.4	5.9	3.4	June	10.2	9.3	7	Sept 15-30						
Ruck a Chucky	125cfs	3.4	5.7	1.5	100cfs	9.4	7.5	4.7	75cfs						
Poverty Bar	225cfs	9.8	7.9	5.8	July	9.7	10.1	7.6	100cfs						
Mammoth Bar	175cfs	8.9	8.1	7.2	100cfs	9.1	10.1	7.9	75cfs						
Coffer Dam	175cfs	7	5.4	2.9	August	6.6	8.3	6	100cfs						
					100cfs				75cfs						
	39.5	33		20.8		45	45.3	33.2							

Data from Tables 8.9-6a, b		Moderate Crossable Flow Umimpaired	Moderate Crossable Flow Impaired "No Action"	Current minimum flow 75cfs all water years	Moderate Crossable Flow Proposed	Winter Proposed Minimum Flows												
		Winter	Winter			Winter												
1995, 1997, 1998, 2006																		
Wet Water Years																		
Fords Bar	275cfs	0.2	0		1.4	Dec												
Ruck a Chucky	125cfs	0.2	0		0	Jan												
Poverty Bar	225cfs	0	0		1	Feb												
Mammoth Bar	175cfs	0	0		0.1	200cfs												
Coffer Dam	175cfs	0	0		0													
Total		0.4	0		2.5													
1993, 1999, 2000, 2005																		
Above Normal Water Years																		
Fords Bar	275cfs	2	3.7		3	Dec												
Ruck a Chucky	125cfs	0.9	0		0.2	Jan												
Poverty Bar	225cfs	1.3	2.7		2.8	Feb												
Mammoth Bar	175cfs	0.6	1.5		1.9	150cfs												
Coffer Dam	175cfs	0.1	0		0.2													
		4.9	7.9		8.1													
1989, 2002, 2003, 2004																		
Below Normal Water Years																		
Fords Bar	275cfs	1	2		3	Dec												
Ruck a Chucky	125cfs	0.8	0.8		0	Jan												
Poverty Bar	225cfs	0.8	1.8		2	Feb												
Mammoth Bar	175cfs	0.4	1.6		0.3	120cfs												
Coffer Dam	175cfs	0	0		0													
Total		3	6.2		5.3													
1990, 1991, 2001, 2007																		
Dry Water Years			270 Days		270 days													
Fords Bar	275cfs	5.3	7.5		8.2	Dec												
Ruck a Chucky	125cfs	2.3	6		2.5	Jan												
Poverty Bar	225cfs	3.6	7.1		8	Feb												
Mammoth Bar	175cfs	2.2	6.5		5.1	90cfs												
Coffer Dam	175cfs	1.6	2.6		1.9													
Total		15	29.7		25.7													
1988, 1992, 1994																		
Critical Dry Water Years																		
Fords Bar	275cfs	6.4	3		7.9	Dec												
Ruck a Chucky	125cfs	2.2	0.3		0.3	Jan												
Poverty Bar	225cfs	5.1	2.8		7	Feb												
Mammoth Bar	175cfs	3.1	1.8		5.2	75cfs												
Coffer Dam	175cfs	1.4	0.3		0.2													
Total		18.2	8.2		20.6													

Please explain the surprisingly large increase in total crossing hours between Winter, "No Action" water years, BN (6.2) to Dry (29.7) and the Critical Dry drop to (8.2). This trend also occurs for the Proposed Action. Please explain how all the crossing hours on Table 8.9 -6b were developed for the Proposed Action.

Dry water years were based on four years. There was great variation in terms of total cfs per winter season for each year. Example, Winter, 1990 (Dec 1989 Jan Feb 1990) totalled 35,081 cfs, Winter, 1991 (Dec 1990 Jan Feb 1991) totalled 10,602 cfs, Winter 2001(Dec 2000 Jan Feb 2001) totalled 48,525 and Winter 2007 (Dec 2006, Jan Feb 2007) totalled 75,212 cfs please explain why only three winter seasons were tabulated and which year or months were not counted and why. (These totals from the excell spreadsheet provided by PCWA)

Please explain why some crossing hours exist for those crossings in which the moderate crossing flows are less than the minimum flow.