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received
8.23.10 AE

8/15/2010

Placer County Water Agency
Resource Development Department
Mr. Steve Jones, Director
Andy Fecko, FERC Project Manager
P.O. Box 6570
144 Ferguson Road
Auburn, CA 95604

RE: MFA FERC Project Dewatering Gray Eagle Bar

Dear Mr. Jones & Mr. Fecko,

We are approaching the fall outage maintenance period and the prospect of dewatering the Gray Eagle Bar area and side channel. Over the last three years we have written e-mailed and spoken to PCWA on a number of occasions expressing our concern over the dewatering of the above areas and the resulting stranding and predation of fish, as well as, the destruction of the macro & micro invertebrates.

In October 2008 Andy Fecko gave us assurance that PCWA would have people at the Gray Eagle Bar area to rescue any fish that were stranded. Unfortunately, Andy and the workers arrived several days after the stranding occurred. If you recall, there was an issue with you asking our caretaker for permission to bring your crew down to Gray Eagle Bar to rescue the fish that had been stranded for several days.

In July of 2009 we wrote to you again requesting that PCWA take steps to prevent the stranding and predation of fish and destruction of invertebrates. Unfortunately, PCWA lowered the flows to 75 CFS with the result being that fish were stranded and the invertebrates destroyed. Below is an e-mail I received from Glen Ikeda owner of Ikedas in Auburn concerning the Gray Eagle Bar area and side channel.

Tom,

My son and I went down to fish the middle fork of the American river, on the Horseshoe bar club property, yesterday, Sunday, October 18th at around 8:30 am. We noticed something very alarming. The side channel that always has water running through it was dry as a bone with only a couple of 2 foot pools. There were multiple pods of large trout stranded in these puddles with now where to go. I am sure many more were killed down the rest of the side channel. My 11 year old son also pointed out how much bug life that was dried up and dead on the rocks that the water had left. If this sort of water level management continues we will loose the robust life of the river that seems to be hanging on.

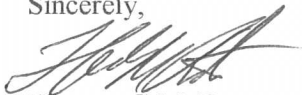
Concerned,

Glen and Brendyn Ikeda

Attached is a copy of a report that was completed by PCWA during the FERC relicensing project that describes the dewatering that occurs during the fall outage maintenance period. I was unable to find this report in the FERC project website. Please have someone check to insure that this report is posted to the FERC website along with this letter and its attachments. We have also included a brief we prepared showing before and after pics of the Gray Eagle Bar area during the fall outage maintenance period.

Once again we request that PCWA take whatever steps are necessary to prevent the stranding and predation of fish and destruction of the invertebrates during the fall outage for maintenance.

Sincerely,



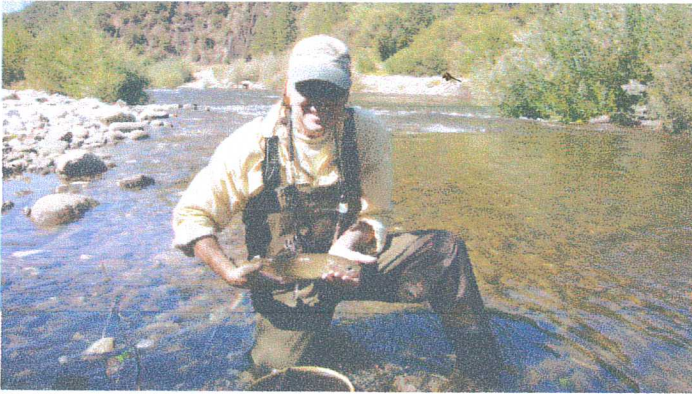
Thomas G.M. Bartos
President

CC:

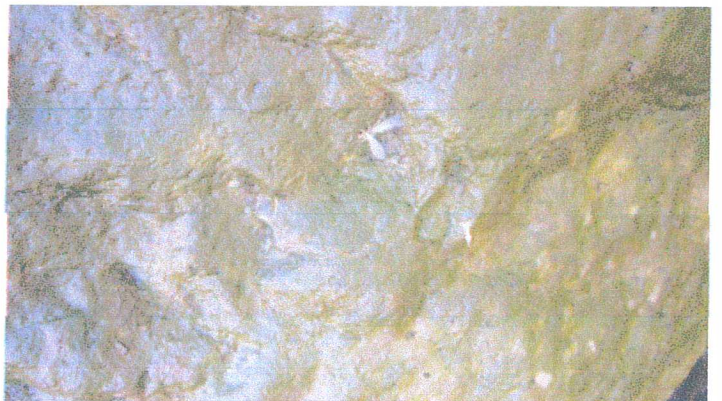
Robert Weygandt
Jennifer Montgomery
Sharon Stohrer DF&G
Bob Hughes DF&G
Marylisa Lynch DF&G
Jann Williams ENF
Dennis Smith USFS
Russ Kranz SWRCB
Julie Leimbach FWN



Area described in 7-9-09 Letter dewatered destroying October caddis

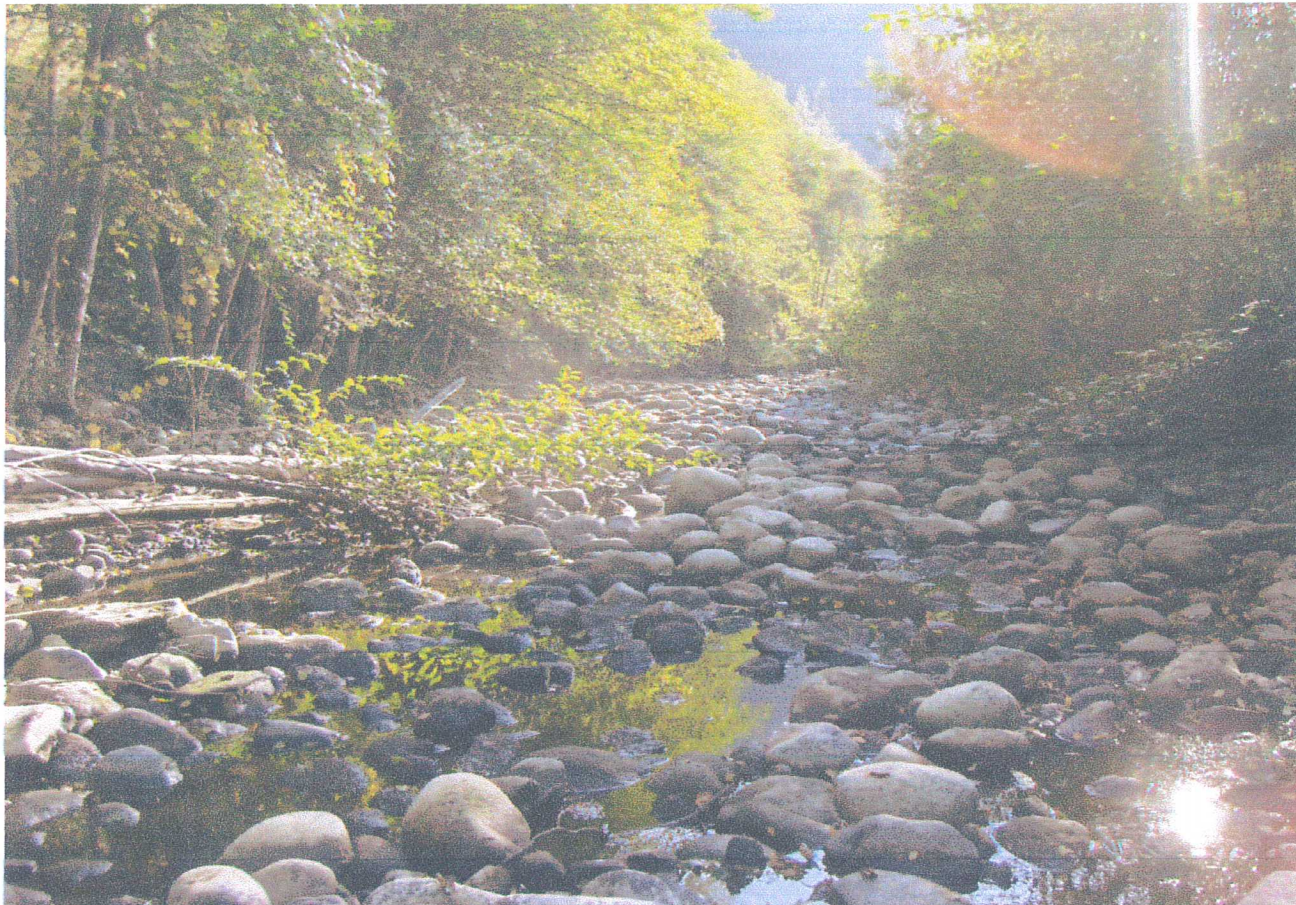


Gray Eagle Bar Side Channel with water and picture of same area dewatered during maintenance 10-08



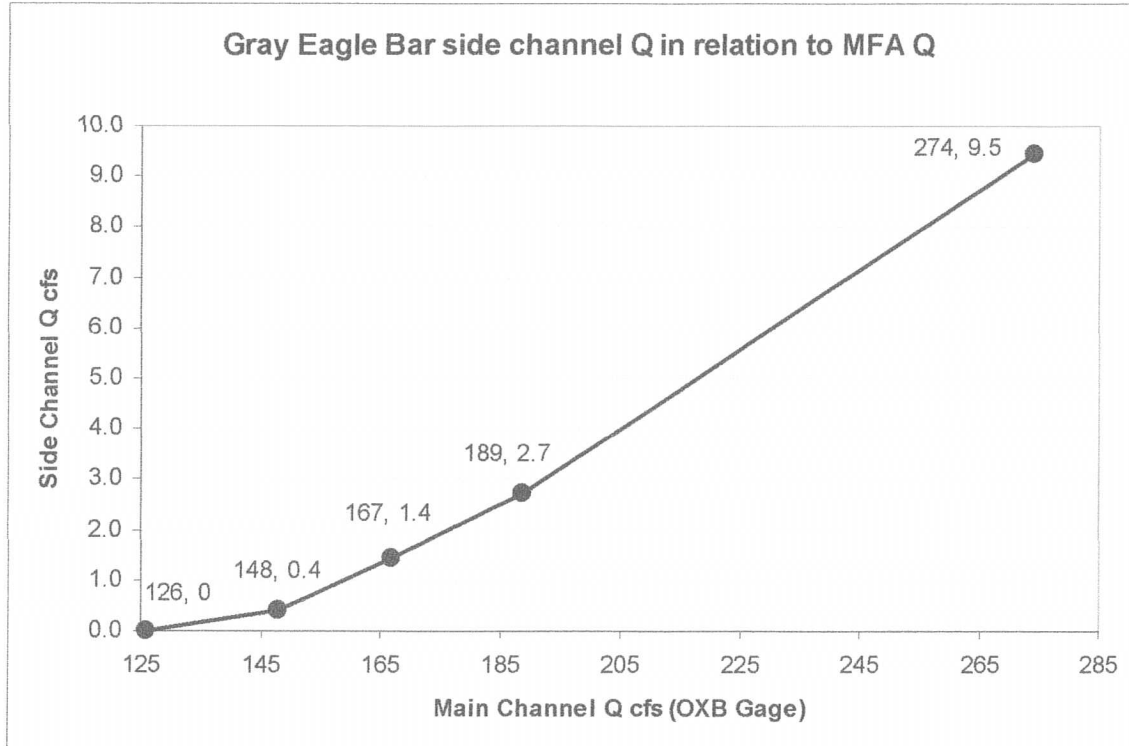
Picture of Macro Invertebrate destroyed during maintenance at Gray Eagle Bar 10-08

Pictures of Gray Eagle Bar Side Channel Dewatered during maintenance



GRAY EAGLE BAR SIDE CHANNEL OBSERVATIONS

Flow into the Gray Eagle Bar side channel was observed at five different discharges in the Middle Fork American River. The figure below relates the flow (cfs) measured at the Oxbow Gage (using the CDEC rating table) to the measured¹ discharge (cfs) at the top of side channel.



Date	Main (cfs)	Side (cfs)
11/13/2008	274	9.5
11/13/2008	189	2.7
11/14/2008	167	1.4
11/17/2008	148	0.4
11/21/2008 ¹	126	0

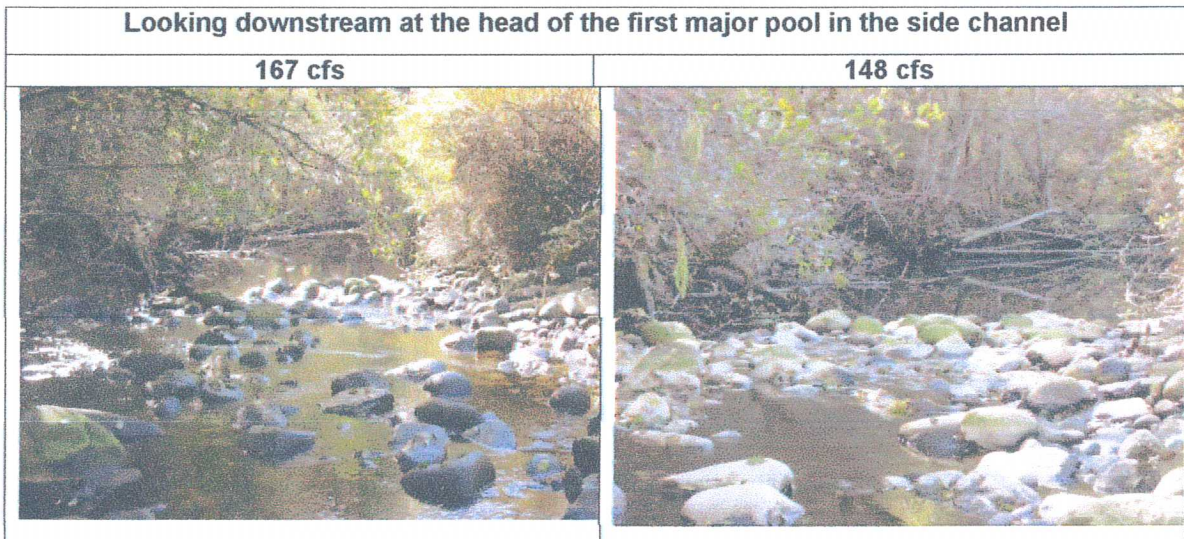
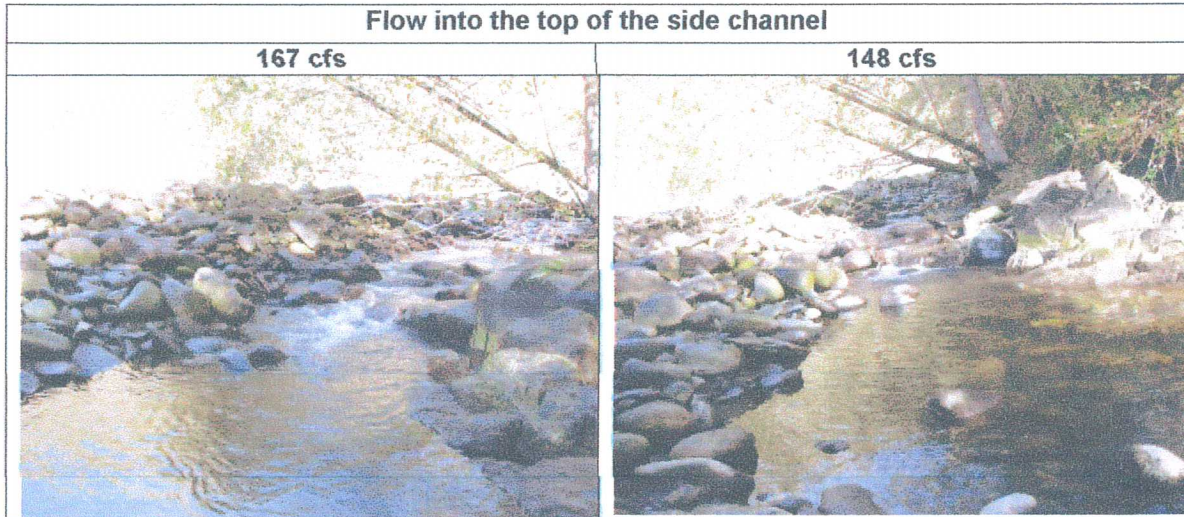
At a discharge of 148 cfs in the main channel some flow (0.4 cfs) remained in the side channel. However, two riffles, one in the midsection of the channel and one at the end of the channel, were dewatered. This resulted in disconnected pool habitat.

At a discharge of 126 cfs in the main channel no flow (or nearly no flow) existed in the side channel. The disconnected pools remained, however surface flow appeared to have ceased.

¹ At the lowest flow observed, discharge in the side channel was not measured. Field observation suggested flow into the side channel was essentially zero cfs.

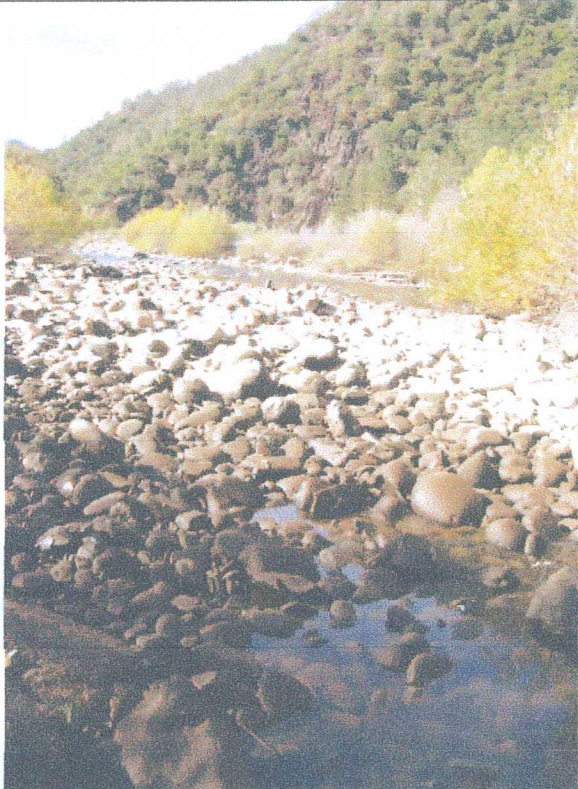
GRAY EAGLE BAR SIDE CHANNEL OBSERVATIONS (CONTINUED)

Below are photos of habitat conditions in the side channel at 167 cfs and 148 cfs (11/17/08 and 11/14/08, respectively) in the MFA main channel.



GRAY EAGLE BAR SIDE CHANNEL OBSERVATIONS (CONTINUED)

Long riffle habitat in the mid-section of the side channel	
167 cfs	148 cfs
	

Looking downstream at the last pool in the side channel disconnected from main channel	
167 cfs	148 cfs
<p>No photo</p>	

GRAY EAGLE BAR SIDE CHANNEL OBSERVATIONS (CONTINUED)

Hydraulic Control in Main Channel and Side Channel	
Main channel at 167 cfs	Side channel at 167 cfs
	

GBFS

From: Horseshoe Bar Fish & Game Preserve, Inc. [hbp@surewest.net]
Sent: Wednesday, October 08, 2008 12:52 PM
To: Mal Toy
Subject: MF Flows

Mal,

At the last FERC meeting I brought up my concern regarding the reduced flows that would dewater a channel on the Middle Fork below the tunnel. Andy and I had discussed my concern previously and I was assured that PCWA would have people there to rescue any fish that were stranded. The flows were brought down to 100 CFS yesterday for the repairs and the channel became dewatered as expected. Nobody from PCWA showed up and the fish that became trapped became food for the raccoons and other mammals. The insect life was also stressed because of the dewatering and the unusually warm day.

I had also discussed with Andy that we were going to have a philanthropic event yesterday for a non profit organization that does environmental projects for the local community. I asked that if it was possible to hold off or mitigate the raising of the flows for a couple of hours so that the people at the event could be allowed to finish and prevent anyone from getting trapped or endangered because of the water rising. While no promises were made, I felt an effort would be made to help us with the event if possible. I also spoke with the PCWA workers who were on the property and they indicated the flows would not be increased because they had more work to do.

Around 4:00 PM the water rose suddenly to 1100 CFS and immediately was reduced back down to the 100 CFS flow that dewatered the channel. Our caretaker who had also been advised that the flows would not be rising got into a serious problem because of the unexpected sudden rise. Several people also became trapped and or had significant concerns for their safety because they thought the water would not rise so suddenly and so high. It appeared that not only did the water rise; it rose at a rate that was above normal.

My reason for sending this e-mail is that after our last talk I felt we could work together to find mutually beneficial way to work together for the benefit of the community. Yesterday unexpected peaking seem to send a message that PCWA was not interested in working together and for the safety of the people that were there attending the event. The failure to keep the promise to attempt to save the fish that were trapped was also very disappointing.

Lastly, I have not responded to your request at our last meeting because I wanted to gain more input from various sources before making the request. As soon as I receive feedback from several of the people I have spoke with I will let you know what changes we would like to see occur.

Kindest regards,

Thomas G.M. Bartos
President & Founder
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03/03/2009

Placer County Water Agency
Resource Development Department
Mr. Mal Toy
Project Manager
P.O. Box 6570
144 Ferguson Road
Auburn, CA 95604

RE: Gray Eagle Channel Dewatering Event; Interim Aquatic Habitat Management Objectives of the Horseshoe Bar Fish and Game Preserve

Dear Mr. Toy,

The following narrative details the interim management objectives of the HBP:

Interim Gray Eagle Bar Flows

The HBP will seek to ensure that the Gray Eagle Bar channel receives sufficient water to function as critical aquatic and spawning habitat, which is vital to the continued health and natural regeneration of the wild trout.

- When the MFAR in stream flow (in the reach below Oxbow Dam) is released at a level below 200-175 cfs, it results in the dewatering of this important channel. This reduction of flows to below 200 CFS dewater a channel located on our property killing the fish and destroying a majority of the invertebrate and other aquatic life in the channel.
- In the case of the most recent dewatering incident (late November, 2008), not only did the in-stream flow reduction totally negate the existing spawning redds, but also resulted in the stranding of spawning wild trout. These stranded trout represented a viable spawning population, and quickly perished as a result of a lack of cover and escape, and eventual predation.
- The HBP requests that PCWA take whatever actions are necessary to insure that the Gray Eagle Bar channel continues to receive sufficient in-stream flow to prevent these wild and native fish from being stranded and allowed to die.

- The HBP has observed Rainbow trout spawning in this channel during the fall and early-winter months. These fish could be descendents of Coastal Steelhead species which were trapped in the North/Middle Fork when Folsom Dam was built in the 50's. Any loss of this critical spawning habitat would certainly have a dramatic and long lasting negative effect on the fishery, and specifically, on these native Rainbow trout.

Interim HBP Instream Flow Regime Objectives

- The HBP will seek an interim flow prescription that provides for in stream flows that are not lower than a rate of 300 cfs to 400 cfs.

Interim HBP Instream Flow Ramp Rate Objectives

Up-Ramp Flow Rate Targets:

- Target flow up-ramp rates that **generally would not exceed 130 cfs per hour** in the Oxbow Dam peaking reach.

Down-Ramp Rate:

- Target flow down-ramp rates that **generally would not exceed 200 cfs per hour for flows exceeding 1,000 cfs**, except for flow conditions beyond PCWA's control.
- Target flow down-ramp rates that **generally would not exceed 100 cfs per hour for flows less than 1,000 cfs**, except for flow conditions beyond PCWA's control.

Potential Adverse Effects of Current High Impact MFAR Flow Fluctuations:

- Reductions in available habitat
- Reduced access to side channels, upstream habitat, tributaries, and floodplain habitat
- Alteration of benthic macroinvertebrate (BMI) assemblage
- Forced movement or migration of fish
- Stranding of fish or dewatering their redds
- Altered quality of and access to rearing and spawning habitat
- Decreased habitat stability and therefore increased predation

Desired Stable Flow Periods

- The HBP will seek a constant flow during the weekly Tuesday through Friday period that would not be less than a 300 cfs to 400 cfs range throughout the year.

Thomas G.M. Bartos
President



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[Website: http://horseshoebarpreserve.com/](http://horseshoebarpreserve.com/)

07/09/2009

Placer County Water Agency
Resource Development Department
Mr. Mal Toy
Project Manager
P.O. Box 6570
144 Ferguson Road
Auburn, CA 95604

RE: Request for fish study

Dear Mr. Toy,

On May 21, 2009 I had an opportunity to fish with Bill Carnarrazo a noted guide and board member of the Upper American River Foundation. We happen to fishing below the Tunnel Chute in the wide expanse area above the side channel at Gray Eagle Bar that afternoon. Bill showed me the October caddis and how they moved around on the rocks. This large expanse covers approximately 10 acres and drains into the side channel. The sheer amounts of the October caddis was overwhelming and certainly presents a major source of food for the native rainbow trout.

Several weeks later I returned to the area with a member and tried to show him the October Caddis that had covered the rocks. To my surprise I could not find a single caddis. When I arrived home I went to the river flow website and saw that the peaking flows where the water peaks daily at over 1000 CFS and down to 200 CFS had began. The area above that had been covered with October Caddis had become dry which allowed the birds and other predators to pick clean the caddis. Also the small rainbow fry are also trapped and end up with the same faith. This obviously has an impact on the fishery.

With the determination that the Tunnel Chute is a fish barrier the fish study that was conducted above the Tunnel Chute provides information as to the fish above. The river below the Tunnel Chute is very different in that the river has many wide expanses such as the above that gets flooded and become dry daily. Also, as I explained to you in my correspondence over the last year, the dewatering of the Gray Eagle Bar side channel has a devastating effect on the fall spawning fish in that area. We are very concerned that during the maintenance period this year the fish in the side channel spawning will again be trapped and perish because it is dewatered.

Because there is a dramatic difference in the river topography above and below the fish barrier at the Tunnel Chute we request that a fish study be done to determine the effects of the peaking flows on the fishery. We would also request that PCWA give consideration to the dewatering of the Gray Eagle side channel when it does its maintenance this October, We understand that by the terms of the license you are permitted to reduce the flows to 75 CFS, however the destruction to the fishery and spawning fish could be mitigated by keeping the flows at the 300 CFS to 400 CFS range. Hopefully this should allow the fish and aquatic life in the area to survive.

Sincerely,

Thomas G.M. Bartos
President



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October 14, 2009

Placer County Water Agency
Power System
Mr. Steve Jones, Director
P.O. Box 6570
144 Ferguson Road
Auburn, CA 95604

Dear Mr. Jones,

I submit this correspondence as the President and Founder of the Horseshoe Bar Fish and Game Preserve (HBP), which is located on the Middle Fork of the American River, directly downstream from PCWA's Oxbow Dam facility.

As you may be aware, HBP is dedicated to improving the environment and fisheries throughout northern California and in particular, the Middle Fork of the American River (MFAR). We are actively involved with local schools, community non-profit corporations and, philanthropic organizations by contributing and using the property to promote activities that benefit the entire Placer County community. All HBP members are dedicated to the preservation of the wild trout within its boundaries and agree to stringent 'catch and release' requirements as well as the safe and efficient handling of the native trout.

This correspondence is in regards to the upcoming scheduled maintenance for your Oxbow Dam facility. Last November, Oxbow Dam flows were reduced to a level that resulted in the documented stranding of a large number of spawning brown trout within the Gray Eagle Bar section of MFAR. Gray Eagle Bar is located within the boundaries of HBP, and is an historic channel that is fully documented as an existing watercourse on the Middle Fork of the American River.

With respect to the aquatic habitat management objectives of the Horseshoe Bar Fish and Game Preserve, we strongly submit that the Gray Eagle Bar channel constitutes critical aquatic and spawning habitat, which is vital to the continued health and natural regeneration of the wild trout that occupy this stretch of the Middle Fork of the American River. As you know, without proper management of in-stream flow releases, water flow critical to wild trout and their related spawning/reproductive requirements will severely reduce the potential to recruit and sustain wild and native trout populations. In the case of the November, 2008 dewatering incident, not only did the in-stream flow reduction totally negate the existing spawning redds, but also resulted in the stranding of spawning wild trout. These stranded trout, which represented a viable spawning population, quickly perished as a result of a lack of cover and escape, and eventual predation. The killing of these wild trout as a result of in-stream flow restrictions is a practice that we must collectively work to prevent from ever occurring again in the future.

Each fall this segment of the American River experiences the significant spawning activity of wild Brown trout, and a strain of Rainbow trout, which historically have spawned in this channel during the late fall/early winter period. Any loss of this critical spawning habitat would certainly have a dramatic and long lasting negative effect on the fishery, and specifically, on these native Rainbow trout.

Please understand that I do appreciate and recognize your fiduciary responsibility to operate and maintain the MFAR infrastructure. However, I believe that it is also in the public good that allowances are made to protect our wild fish resources that also require the MFAR flows. I reference the following citation from the California Fish and Game Code as relevant to our request:

California Fish and Game Code Section 5937

The owner of any dam shall allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam. During the minimum flow of water in any river or stream, permission may be granted by the department to the owner of any dam to allow sufficient water to pass through a culvert, waste gate, or over or around the dam, to keep in good condition any fish that may be planted or exist below the dam, when, in the judgment of the department, it is impracticable or detrimental to the owner to pass the water through the fishway.

We are aware that the terms of the current FERC operating license allows PCWA to reduce the Oxbow Dam flows to 75 cfs. However, current and future adverse impacts to the MFAR fishery and spawning habitat below Oxbow Dam could be significantly mitigated if PCWA were to continue flows of 250 cfs during Oxbow maintenance operations. We believe that PCWA's current FERC license allows for this type of flow accommodation.

We therefore respectfully request that PCWA's Power Section take whatever actions are necessary to insure that the Gray Eagle Bar channel continues to receive sufficient in-stream flow to prevent these wild and native fish from being trapped and allowed to die. It is also imperative that there be sufficient water to allow these wild and native fish to naturally spawn and reproduce, as they have for many years.

As stakeholders in the MFAR watershed, we look forward to working with you on this issue of Oxbow Dam maintenance flows. Additionally, I will make myself available any time to discuss the details of the 2008 fish stranding incident with you or your representative, so we can work together to avoid this type of incident in the future.

Please feel free to contact me should you have any questions concerning this request or need for additional information, or would like to communicate with me further concerning this issue.

Sincerely,

Thomas G.M. Bartos
President & Founder

Cc; Ben Mavy, PCWA District 5 Board Member
R. Weygandt Supervisor Placer County
D. Breninger General Manager
J. Montgomery Supervisor Placer County
D. Koch DF&G
K. Thomas DF&G
M. Lynch DF&G
J. Leimbach FWN
C. Schulte, CSPA
Daniel A. Street, Esq.