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Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
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**Lassen and Plumas National Forest Comments
on Final Environmental Impact Statement
Upper North Fork Feather River Project
FERC No. 2105**

Madam Secretary,

American Whitewater appreciates the opportunity to comment on the final environmental impact statement (final EIS) for the North Fork Feather River Project (FERC No. 2105) and respectfully submits the following comments for consideration in the Federal Energy Regulatory Commission's order on Project No. 2105-089. As a member of the 2105 Licensing Group (2105LG) which is composed of numerous federal, State, and local government agencies, non-governmental organizations, Tribes, and members of the public, American Whitewater has been working collaboratively and diligently since October, 2002 to resolve as many issues as possible with regard to the FERC relicensing of FERC No. 2105. On April 22, 2004, the 2105LG stakeholders identified below signed a settlement agreement that resolved issues related to lake level, streamflow, and recreation. The 2105LG submitted the April 2004 Settlement Agreement to FERC and requested that FERC use the provisions of the agreement as an alternative to be considered in the NEPA analysis process. Stakeholders who signed the April 2004 Settlement Agreement are: Pacific Gas and Electric Company; US Dept. of Agriculture Forest Service, California Dept. of Fish and Game, Plumas County, American Whitewater, Chico Paddleheads, Shasta Paddlers, Mountain Meadows Conservancy, and California Sportfishing Protection Alliance.

American Whitewater and the 2105LG continue to work collaboratively, seeking solutions to the remaining unresolved issues identified in the April 2004 Settlement Agreement, focusing primarily on water temperature issues. In September 2005 during the State CEQA scoping process, the 2105LG submitted the April 2004 Settlement Agreement to the SWRCB and encouraged an evaluation of it as an alternative supported by the above-mentioned signatories. American Whitewater continues to support the 2004 Settlement Agreement as submitted and appreciates the opportunity to comment specifically on Section 10(j) recommendations and Section 18 fishway prescriptions filed by NOAA Fisheries Service after draft EIS issuance and the analyses by FERC staff

relative to potential measures for providing colder water to the Upper North Fork Feather River during the summer. American Whitewater offers the following comments on the FEIS we feel deserve due consideration in the Commission's order.

Response to Staff action regarding funding of River Ranger (Summary xxi and Section 5.1.4.3, pages 5-38 and 5-39):

Experience gained during implementation of the recreational boating provisions of the new Rock Creek-Cresta (FERC No. 1962) project license has demonstrated there is a need for a structured boating management program as well as a mechanism to inform river users of changes brought about by the new license. While public awareness is growing, no mechanism was included in the Rock Creek-Cresta Settlement Agreement to provide a public service contact to answer questions, hear concerns and inform river users of changes in the river flow schedule.

During the Upper North Fork settlement process, the Rock Creek-Cresta experiences prompted discussion of how best to inform river users of changes in the flow schedule and manage recreational boating use of the river. Unlike the Rock Creek and Cresta reaches, Upper North Fork Feather recreational uses are well established and centered primarily around, camping, angling and water contact recreation. After discussion, it was concluded that a river ranger would provide a physical presence to assist the Licensee in monitoring whitewater boating use, evaluate carrying capacity thresholds, help identify user conflicts should they arise, provide public safety information, general maintenance at put-ins and take-outs and other mutually agreed on duties. The river ranger would administer Outfitter Guide permits when the Forest Service begins an outfitter guide program to provide boating opportunities to the general public. The river ranger would also assist in the management of campgrounds and dispersed campsites distributed along the North Fork. The position would most likely work within the recreation functional area of the Mt Hough Ranger District and be partially funded by National Forest System funds. The incumbent would be given law enforcement training commensurate with that given to other recreation specialists but law enforcement would not be a significant component of the duties of the river ranger. American Whitewater respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 38 should be included in the new project license.

Response to Staff's Alternative (Section 2.2.2 and Summary)

Alternative Number 4, page 2-12: *Develop a monitoring program to document water quality trends in Lake Almanor under a new license and project operations.*

Response: American Whitewater believes that the water quality monitoring program proposed in Appendix A, Section 5, of the Settlement Agreement (SA) is appropriate to document water quality trends and to protect Lake Almanor as an important hydrogeneration, scenic, recreational, and economic resource. With the continued rapid increased residential construction in the Lake Almanor Basin and the increased

recreational improvements proposed in the new license, the frequency and duration of water quality and bacteriological sampling proposed in Settlement Agreement was intended to insure Lake Almanor be protected from degradation from all sources, not just Project operations. American Whitewater believes that the level of water quality monitoring proposed in the SA is appropriate and preferable to that proposed by Staff.

Alternative Number 5, page 2-12: *Develop a bacteriological monitoring program for the first 3 years after license issuance, using a methodology appropriate to determine compliance with state water quality standards.*

Response: American Whitewater believes that the water quality monitoring program proposed in Appendix A, Section 5, of the SA is appropriate to determine compliance with state water quality standards. To demonstrate the level of protection provided for beneficial uses of Project waters and to identify any trends in water quality conditions in items 4 and 5 listed above, the signatories to the SA recommended that water quality monitoring be conducted in Lake Almanor every five years beginning in year three of the new license for the term of the license and that bacteriological monitoring be conducted annually for the first five years after license issuance and every other year for the remaining term of the license. American Whitewater believes that the level of water quality monitoring proposed in the SA is appropriate and preferable to that proposed by Staff.

Alternative Number 7, page 2-12: *Develop a plan to monitor DO concentrations in Lake Almanor and Butt Valley reservoir.*

Response: American Whitewater believes that the water quality monitoring program proposed in Appendix A, Section 3, Paragraph 3(A) of the SA provides for the development of a DO monitoring plan. Members of the Water Management Group (PG&E, SWRCB, CVRWQCB, Plumas County, FS, CDF&G, F&WS) and other parties who request involvement will develop a DO monitoring plan within a period of three years from issuance of the license to address DO concentrations in Lake Almanor and Butt Valley reservoir.

Alternative Number 8, page 2-13: *Revise the draft SMP and implement the revised plan.*

Response: American Whitewater believes that due to the complexity of the SMP and the uncertainty regarding the date of issuance of the new project license necessitated by the water quality certification process that there be a final opportunity to comment on the plan content. Previous discussion regarding the SMP centered upon the desire of the Licensee to revise and implement the plan shortly after issuance of the license. It is desirable to review the proposed changes prior to implementation to be certain that intent is not inadvertently altered during final revision.

Alternative Number 10, page 2-13: *Provide a pulse flow of 700 cfs in the Seneca reach and in the Belden reach in March of water years classified as dry.*

Response: American Whitewater believes that the pulse flow schedule proposed in Appendix A, Section 1, Paragraph 3(A) of the SA (675 cfs in January of Wet and Normal water years, 1,000 cfs in February and March of Normal water years, and 1,200 cfs in February and March of Wet water years for a period of 12 hours, plus ramping time) is a more prudent pulse flow plan than the alternative proposed by Staff. Due to limited gravel deposits in these reaches and the episodic nature of its entering the stream channels, concern was expressed by various members of the 2105 Collaborative that a too aggressive pulse flow schedule might have a negative impact on the spawning gravels, and the ultimate reproductive success of substrate dependant aquatic organisms. The SA also requires a gravel monitoring plan, which states that if “the resource agencies determine that the Pulse Flows appear to have a detrimental impact on the availability and distribution of spawning-sized gravel, or it appears that a Pulse Flow of a different magnitude or duration would be beneficial, the Pulse Flow schedule shall be altered to better achieve the desired results.” (See Appendix A, Section 1, Paragraph 3(B)). Although the plan proposed by the SA is slightly more conservative than that proposed by Staff it does allow for a more aggressive, i.e., greater magnitude pulse flows if monitoring warrants it. Because of its adaptive nature, American Whitewater believes that the SA Pulse Flow plan is the better option. American Whitewater respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 25 should not be altered.

Alternative Number 11, page 2-13: *Develop an aquatic resources monitoring plan for the Seneca and Belden reaches. Periodically monitor fish populations (in a manner consistent with data presented in pre-filing study reports) and benthic macroinvertebrates in the Seneca and Belden reaches, as recommended in the SA. Initiate monitoring during years 4 and 5 of the new license. After this 2-year monitoring period, the frequency of surveys could be reduced to every fifth year to evaluate long-term responses to measure implemented in the new license and any subsequent modifications that are made.*

Response: American Whitewater believes that the fishery and benthic macroinvertebrate monitoring condition described above is excessive and believes that the plan stipulated in the SA (see Appendix A, Section 1, sub-section 9) is sufficient and appropriate for the types of beneficial improvements expected under Staff’s preference for the SA proposed minimum flow schedule. This belief is based on the combination of the incremental benefits in aquatic habitat and resulting fish population changes that the new flow schedule will produce, and the highly variable annual fish population changes that have been documented in the by pass reaches during relicensing studies.

Based on the PHABSIM study (Vol. 7, Appendix E3.1-10 of the UNFFR License Application (PG&E 2002)), the new proposed instream flow releases (maximum proposed flow release of 125 cfs in a normal water year type) in the Seneca Reach are predicted to result in an increase in maximum WUA for adult rainbow trout from 39% to 77%, a 38% increase over the current releases but with a predicted decrease in juvenile maximum WUA habitat from 99% to 92%, a decrease of 7%. A similar effect is also expected for the Belden Reach; adult rainbow trout maximum WUA is predicted to increase from 61% to 77% (maximum proposed flow release of 225 cfs in a normal water year type), a 13% increase over the current releases but with a decrease in juvenile maximum WUA habitat from 96% to 86%, a decrease of 10%.

Based on the generally modest incremental increase in adult rainbow trout maximum WUA, the concomitant decrease in juvenile maximum WUA at some flow/water year type scenarios, and highly variable population estimates that would be expected, American Whitewater believes that it might take up to three or four rainbow trout life cycles rather than Staff's estimation of 4-5 years before real, sustainable population changes could be identified from which to draw any conclusions on which to make meaningful resource decisions. This was also the conclusion of the 2105 Collaborative, which did not propose any sampling for 10-12 years after license issuance.

It should be noted that Appendix A, Section 1, sub-section 9 of the Settlement Agreement specified separate sampling periods for amphibians and fish and macroinvertebrate populations. As previously described, it was believed that fish populations would not fully respond to the new flow schedule for three or four rainbow trout life cycles. Provisions were made in the SA to adjust the specified bypass flow within certain defined limits if deemed necessary based on the fish and macroinvertebrate monitoring results. See the third paragraph of Appendix A, Section 1, sub-section 9 of the SA for a description of Minimum Streamflow review and adjustment procedure. American Whitewater respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 26 should not be altered.

Alternative Number 12, page 2-13: *Implement one mid-term geomorphological evaluation in project reaches to assess the response of channel processes to the recommended flow schedule.*

Response: American Whitewater does not believe that this specific condition to develop a "mid-term geomorphological evaluation" is warranted. American Whitewater believes that the changes in the bypass reaches that may result from the proposed base flows and pulse flow schedules will not approach a geomorphic scale because of the control on river discharge exerted by Canyon dam. Any "mid-term geomorphological evaluation" would likely demonstrate that the Upper North Fork Feather is frozen in time due to control of channel structure and form altering discharges. The mid-term evaluation, while beneficial as documentation of condition at that time, might not provide useful insight into management of the river beyond what is currently known. Although proposed base flow releases for each reach are greater than existing flow releases, they and the proposed

pulse flows are much less than the historic uncontrolled spring time flows which could exceed 5,000 cfs, or more, several times each year and were definitely of channel forming proportion. As reported in Section E3.1.11.2 of Volume 2 of the UNFFR License Application (PG&E 2002), 1,600 to 3,000 cfs is the approximated minimum discharge needed to mobilize the median bed material from representative sites in both the Belden and Seneca reaches. Also, based on the presence of well established mature vegetation, as well as younger willow, alders, and blackberries, at several of the geomorphology study transect sites that were able to survive the 1997 floods of 2,160 cfs in the Seneca Reach and 3,500 cfs in the Belden Reach, it was concluded that it would take flows of greater magnitudes to alter the mature vegetation on mid-channel bars. The magnitude of flows proposed by both the FWS and SA, combined with the narrow, somewhat incised channel morphology of the Belden and Seneca reaches, are not capable of the kinds of changes envisioned by Staff.

A more appropriate level of effort is outlined in the Gravel Monitoring Plan set forth in the SA, Appendix A., Section 1, paragraph 3. This plan calls for the development and implementation of a Gravel Monitoring Plan in consultation with the FS, CDFG, FWS, SWRCB, and other Parties that has been approved by the FS, and filed with the Commission. The emphasis of this program is to monitor the movement of spawning-sized gravel and recruitment of similar-sized material into each of the reaches. Based on the size of material that the pulse flows will be able to mobilize (gravel to small cobble), American Whitewater believes that the monitoring plan described in the SA is more appropriate for the types of effects that these flows will achieve.

Alternative Number 13, page 2-13: *As part of the proposed coarse sediment management plan, develop specific contingency actions for the enhancement of substrate distribution and abundance in bypass reaches.*

Response: American Whitewater believes that a more appropriate level of effort is outlined in the Gravel Monitoring Plan described in the SA, Appendix A, Section 1, subsection 3. This plan calls for the development and implementation of a Gravel Monitoring Plan in consultation with the FS, CDFG, FWS, SWRCB, and other Parties that has been approved by the FS, and filed with the Commission. The emphasis of this program is to monitor the movement of spawning-sized gravel and recruitment of similar-sized material into each of the reaches. Based on the size of material that both the minimum instream release and pulse flows will be able to mobilize (gravel to small cobble), American Whitewater believes that there will not be significant negative changes to the bypass reaches substrate and that the monitoring plan described in the Settlement Agreement is more appropriate for the types of effects that these flows will achieve.

Forest Service also believes that due to the natural sporadic input of gravels from hillslope processes, limited access points in the bypass reaches (especially in the Seneca reach) for gravel placement, and ability to document any loss or reduction of spawning gravels due to high flows until after that years spawning period has either already started or has even already been completed, that no contingency plan could be instituted until the

following year. Consequently, because of this enforced time delay, there is limited value to a contingency plan to affect that years spawning success. The Settlement Agreement proposed monitoring plan is adaptive in nature, and would allow for changes in the following winter period pulse flow number and level to accommodate for this type of situation. American Whitewater respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 25 should not be altered.

Alternative number 14, page 2-13: Delay implementation of recreational flow releases for a period of 6 years to allow the riverine aquatic biota to respond to a new minimum and pulse flow schedule.

Response: The Department of the Interior 10(j) recommendation to delay recreation flows is inconsistent with current data on the aquatic environment and other recreational uses on the Belden Reach. Representatives of the Fish and Wildlife Service (FWS) made this recommendation to the settlement group and it was rejected for the following reasons.

1. The development of the Technical Review Group (TRG) and the three-year test period outlined in the SA provide ample time for the FWS and any other interested parties to analyze existing information on Recreation Pulse Flows and make recommendations on studies and the implementation schedule. The SA was specifically designed to meet the needs of the FWS and any other party that had concerns regarding the implementation of the recreational test flow schedule. Given that most of the parties in the Rock Creek/ Cresta Ecological Resources Committee (ERC) are also part of the SA there will be a seamless transfer of information from the ERC to the TRG.
2. Current information from the Rock Creek/ Cresta studies refutes most of the concerns stated in the FEIS. Stranding and displacement studies have not shown any significant impacts to fish, macroinvertebrates or amphibians over three years of study.). Large boulders and a heterogeneous bed substrate create an abundance of velocity shelters and low shear stress microhabitats where trout fry can seek protection from the proposed recreation flows. It is also important to note that the numbers of stranded organisms referenced on page 3-127 of the FEIS are extremely low given the total number of organisms present (Salamunovich, 2005 The statement on page 3-128 of the FEIS regarding impacts to the benthic community on the Rock Creek reach is based on preliminary data from the consultants after one year of study that had not been peer reviewed. Subsequent studies using a control reach on the East Branch Feather River have found a corresponding trend suggesting that seasonal factors are the primary drivers for modest declines and not the pulse flows themselves (Chan, 2005). This is a classic example where correlation does not equate to causation. In addition, a peer review expert has since stated that this pattern is not atypical for Sierra River reaches (Hauer 2005). Fish population studies for the first three years on Rock Creek and Cresta continue to show marked improvement in the numbers and size of fish on these reaches.

3. Impacts to amphibians, specifically Foothill Yellow Legged Frogs (FYLF), will be difficult to analyze due to the fact that thus far no FYLF have been found in the Belden reach and habitat in this reach has been determined to be poorly suited to this species.
4. The Belden reach is a put-and-take stocked fishery. The stocking of 5,000 pounds of adult rainbow trout will have a significant effect on the aquatic community of the Belden Reach. Juvenile fish and amphibians both have the ability to be negatively affected to a far greater extent by stocking 5,000 pounds of hatchery fish than by recreation pulse flows. Trying to determine any impacts to fish, amphibians or invertebrates from recreation flows while not taking into consideration the impact of fish stocking is inconsistent. .
5. The concerns over recreational pulse flows fail to recognize the fact that from the time the Caribou powerhouses were built in 1921 and 1958 for Caribou No. 1 and No. 2, respectively, until the Belden Powerhouse went on line in 1969, the Belden reach fluctuated 1,500-2,000 cfs on a daily basis. During this same period the Belden Reach was known to have a robust trout fishery (Penland, 1989)¹. It seems unlikely that a modest flow change of 500 cfs once per month will cause substantial impacts to the aquatic community.²
6. FERC staff note that delaying the implementation of recreational test flows would have no adverse effect on the existing aquatic community. Delaying implementation however would have an adverse effect on recreational use of this reach. In the appendix to this document we have included a number of comments from paddlers who would be affected by this delay. The current need for this whitewater resource, as evidenced by the popularity of the Rock Creek and Cresta recreation flows, is due to the shortage of summer class III whitewater in the region. Evidence that this delay would have a positive impact on the aquatic community is inconsistent with data on the record. There are no data to support the statement that “the biotic community would have the opportunity to adapt to the revised instream flow schedule” and that the proposed recreational releases would disrupt this process. In fact it is unclear what adapting to the new flow regime really means. As described in the SA, the new flow schedule and associated releases are part of an integrated plan for a new flow regime that should be evaluated as a complete plan and restores critical elements of the flow regime that will have an overall net positive benefit on biotic communities and recreational users.

We agree with FERC staff comments on other licenses where staff has proposed that flows for whitewater recreation, new instream flow requirements, and studies of impacts to aquatic biota must all occur together³

¹ Included in Appendix.

² In an EA published November 18th, 2005 for P-2630 (20051118-3029), a project where similar concerns over impacts of recreational flows were expressed, FERC staff concluded that there would be “little, if any, adverse effects on aquatic resources” with the implementation of appropriate ramping rates.

³ See EA for P-2630

We believe our answers to issues raised in the FERC staff analysis should minimize concern over potential impacts from recreational pulse flows. AW made many of these same points during the settlement process and the SA represents the outcome of extensive review of the issues and a proposal that is intended to enhance both the aquatic resources and recreational opportunities on this reach. In the interest of compromise AW agreed to the three-year test flow period and the TRG review process. AW also agreed to the elimination of June recreation pulse flows in order to increase flows in dry and critically dry water years. We felt strongly then, as we do now, that increasing these flows was critical to protection of the aquatic environment. While it would be difficult for parties not present during settlement negotiations to understand all of the concessions and balancing that took place, our SA represents the best approach to improving aquatic resources and enhancing recreational opportunities, and includes an appropriate mechanism for adaptive management should modification be required. For these reasons American Whitewater respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 28 should not be altered.

Alternative Number 15, page 2-13: *Develop a woody debris management plan.*

Response: Due to the inaccessible nature of much of the Seneca reach, the opportunities to transport and place large woody debris (LWD) into the streambed, banks or floodplain are limited. LWD could be placed in the Upper North Fork below Canyon dam prior to a pulse flow event. Distribution of the debris would be dependent on the timing and magnitude of the pulse flow event and the number of pieces deposited prior to the event. If placed at Seneca, it is likely that the debris would be deposited on one or more of the private parcels downstream of Seneca. The benefits of distribution would be difficult to assess.

At Belden Dam, Licensee removes about 4-5 truckloads of LWD annually. Woody material less than 4-inches in diameter can pass through the trash racks at the dam, and is therefore not removed. The woody debris collected on the trashracks, mostly alder, is collected and burned. It was concluded in the LWD study conducted as part of the relicensing effort (Vol. 2 of the UNFFR License Application (PG&E 2002), section E3.1.11.4 Large Woody Debris Function and Recruitment) that this removal of woody material represented only a small local loss of LWD from the Belden Reach. Considering the very limited geomorphic function LWD has in the NFFR, this loss of LWD was not expected to alter the channel geomorphic conditions, as described below.

Much of the Belden and Seneca reaches are characterized by the presence of large boulders. It was observed in Vol. 2 of the UNFFR License Application (PG&E 2002), section E3.1.11.4 Large Woody Debris Function and Recruitment that most LWD fell or came to rest on top of the boulders, perching the wood above the low-flow channel. It was only infrequently observed that LWD was caught between boulders, near the channel bed, thus limiting the opportunity for interaction between LWD and the streambed during high flows, contributed to LWD instability, and thereby reduced the potential for LWD to

influence channel morphology. Throughout the bypass reaches, large substrate and local geology control pool formation more so than LWD. This result is not surprising. One of the few studies investigating the geomorphic role of LWD in six headwater streams of the central Sierra Nevada, northwest of Lake Tahoe, documented that over half of the LWD in the channels was classified as having no geomorphic function (e.g., pool formation, steps, or dammed flow) (Berg et al 1998). Given the relatively small size of the woody debris in the Belden and Seneca reaches (length and diameter), the fast decomposition rate of alders (the primary species found in the study), and the large bed elements in most of the bypass reaches, it is very unlikely that additional recruitment from toe-of-slope areas under higher peak flows would result in a greater influence on channel geomorphology.

The Belden Reach is also a popular recreation area with three Forest Service campgrounds and one private campground located along the reach. In addition to being a popular fishing area, many people also swim, raft, and inner-tube in this reach. The American Whitewater is concerned about public safety and that placement of large numbers of LWD into the river may also create an increased risk to river recreationists. The Caribou road crosses the Upper North Fork at Queen Lilly Campground. The bridge, constructed of wood, is not designed to readily pass large floating material. Should large woody debris placed upstream of the bridge become mobile there is a risk that the debris might become lodged in the bridge members.

Based on the reasons stated above, American Whitewater does not see the need to develop a woody debris management plan and does not favor placing any additional LWD into any of the bypass reaches other than what occurs under natural and pulse flow events. The American Whitewater also notes that the 2105 Collaborative specifically considered the Project's potential impact on LWD and the ability of increased minimum stream flows and pulse flows to manage for future LWD introduction into the various bypass reaches, and decided not to introduce any additional LWD into any of the bypass reaches.

Alternative Number 16, page 2-13: *Develop an adaptive management plan that addresses the results of all monitoring and special studies conducted on water temperature, water quality, flow, macroinvertebrates, gravel, woody debris, fisheries, amphibian populations and habitat, and vegetation.*

Response: American Whitewater does not believe that there is a need for a specific comprehensive "Adaptive Management Condition" as described above. The Settlement Agreement, in Appendix A, Section 1, describes four plans for monitoring of streamflow and potential changes in habitat and species abundances and/or composition, as follows: 1) stream sediments as part of pulse flow monitoring in Appendix A, Section 1, sub-section 3B; 2) streamflow measurement in Appendix A, Section 1, sub-section 5; 3) assessing habitat quality in lower Butt Creek in Appendix A, Section 1, sub-section 8 and providing pulse flows, as necessary per Appendix A, Section 1, sub-section 4; and 4) monitoring fish populations and macroinvertebrate community in the Belden and Seneca

reaches in Appendix A, Section 1, sub-section 9. If determined to be necessary, provision to alter minimum streamflows (Appendix A, Section 1, sub-section 9), pulse flow timing and magnitude (Appendix A, Section 1, sub-section 3B), adopt pulse flows in lower Butt Creek (Appendix A, Section 1, sub-section 4), and revise ramping rates (Appendix A, Section 1, sub-section 6B) have been built into the SA. The FWS, FS, CDFG, and SWRCB are explicitly listed as agencies to be consulted with for all of the items listed above, with the exception of streamflow measurement, which shall be conducted under the requirements of FERC and under the supervision of the United States Geological Survey. Consequently, there is already a built-in link between the appropriate agencies for the identified resource management areas in any decision making process.

Alternative Number 18, page 2-13: *Develop a plan for the protection of threatened, endangered, proposed for listing, and sensitive species.*

American Whitewater supports development of a plan for the protection of threatened, endangered, proposed for listing, and sensitive species. The plan would incorporate elements of Forest Service 4(e) conditions 44 and 45 regarding special status species.

Alternative Number 21, page 2-13: *Develop and interagency bald eagle management plan within 1 year of license issuance.*

Response: American Whitewater in recognition of jurisdictional issues regarding Licensee lands within and outside the project boundary modified Condition No. 47-Bald Eagle Management Plan accordingly. We do appreciate the cooperation of the Licensee and believe that the two-year schedule as proposed by the Forest Service remains appropriate.

Staff comment page xxii, bullet 2: *Recreation flow implementation plan: PG&E proposes and the FS specifies implementing the recreation flow implementation plan, including test flows and monitoring, in the Belden reach, in year 1 of the license; we recommend delaying implementation of the plan until year 6. We recommend this modification because it provides an opportunity for the biotic community to adapt to the revised instream flow schedule without being disrupted by recreational release flows, which would improve the likelihood of enhancing macroinvertebrate and fish populations.*

Staff comment page xxii, bullet 3: *Scheduled recreation flow releases: PG&E proposes and the FS specifies releasing recreation flows in the Belden reach beginning in year 4 of the license, following implementation of the recreation flow implementation plan; we recommend delaying the recreation flow releases in the Belden reach until year 9, also following the implementation of the recreation flow implementation plan.*

Response: American Whitewater believes that it is not necessary to delay implementation of recreational flow releases until year 9 after issuance of the new project license. See the discussion regarding item 14 above. American Whitewater believes that the Upper North Fork Settlement Agreement represents the best approach to improving aquatic resources and enhancing recreational opportunities. The Agreement also includes an appropriate mechanism for adaptive management should modification be required. For these reasons we respectfully request that the FERC reconsider delaying the implementation of the recreational flow schedule and implement the flow schedule as outlined in the Settlement Agreement. American Whitewater respectfully disagrees with FERC Staff and believes that Forest Service 4(e) Condition No. 28 should not be altered.

Staff comment page xxii, bullet 4: *Lake Almanor water quality monitoring: PG&E proposes monitoring once every 5 years beginning in year 3 from license issuance; we recommend monitoring only in years 1 to 3.*

Response: American Whitewater believes that the water quality monitoring program proposed in Appendix A, Section 5, of the SA is appropriate and necessary to determine compliance with state water quality standards. To demonstrate the level of protection provided for beneficial uses of Project waters and to identify any trends in water quality conditions, the signatories to the Settlement Agreement recommended that water quality monitoring be conducted in Lake Almanor every five years beginning in year three of the new license for the term of the license. American Whitewater believes that the level of water quality monitoring proposed in the SA is appropriate and preferable to that proposed by Staff.

Staff comment page xxii, bullet 5: *Bioaccumulation (methylmercury and PCBs) monitoring in catchable-sized fish: PG&E proposes monitoring once every 5 years beginning in year 1 from license issuance; we recommend monitoring only in years 5, 10, and 15. PG&E also proposes monitoring for bioaccumulation of silver; we do not recommend monitoring for bioaccumulation of silver because previous sampling indicates that silver body burdens are low, silver does not typically biomagnify, and we are not aware of an established action or screening level that represents the risk to human health.*

Response: American Whitewater believes that the level of fish tissue monitoring proposed in the SA is appropriate and preferable to that proposed by Staff. First, with the exception of smallmouth bass sampling in 2003, all other fish tissue sampling was conducted in 2001 and 2002; consequently, Staff's recommended sampling would not result in the first license required sampling be conducted for up to 10 years after the last fish tissue sampling had been conducted. American Whitewater believes that by scheduling the first sampling effort in the first year after license issuance and at five year intervals thereafter allows for a better evaluation of the status of the bioaccumulation of both methylmercury and PCBs in fish in Project waters over the entire license period, and not just during the first half. And second, while we recognize that silver does not

typically biomagnify and the results from the 2002 and 2003 sampling effort were quite low, The Licensee also believes that since the Licensee conducts a cloud seeding program in the NFFR watershed that it is the responsibility of the Licensee to monitor for silver under the proposed schedule in the SA.

Staff comment page xxiii, bullet 1: *Bacteriological monitoring: PG&E proposes monitoring in years 1 to 5 from license issuance, then every other year; we recommend monitoring only in years 1 to 3.*

Response: American Whitewater believes that the bacterial monitoring program proposed in Appendix A, Section 5, of the SA is appropriate and necessary to determine compliance with state water quality standards. To demonstrate the level of protection provided for beneficial uses of Project waters and to identify any trends in bacterial conditions, the signatories to the Settlement Agreement recommended that bacteriological monitoring be conducted annually for the first five years after license issuance and every other year for the remaining term of the license. American Whitewater believes that the level of bacterial monitoring proposed in the SA is appropriate and preferable to that proposed by Staff.

Respectfully submitted this 19th day of December, 2005 by:

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Appendix

Individuals Comments Submitted by American Whitewater

December 13, 2005

To Whom It May Concern:

As member founding member of the Chico Paddleheads I am concerned about FERC's recommended delays in the establishment of whitewater flows on the North Fork of the Feather River, Belden Reach. This is an ideal section of class III+ whitewater that will appeal to intermediate level boaters such as myself. The Paddleheads have been anxiously awaiting the releases that we negotiated with the other stakeholders in the settlement process. It is our understanding that this process incorporated the concerns of a wide array of stakeholders including the Licensee, government and regulatory agencies, as well as other NGO's.

I have enjoyed kayaking on a broad range of rivers during the past 20 years but am now in search of more moderate rivers. The Belden reach offers just such an opportunity. It is close to home & work and is a class III (intermediate) section. I am 46 years old and the thought of waiting six years in order to experience this resource is a daunting thought. I would like to think that I will be paddling into my fifties but FERC's recommendation carries a particularly high price for many of the older members of the Chico Paddleheads, several of which are in their sixties. In fact FERC staff may be surprised to learn that the average age of our club members is over forty. This recommendation to delay the negotiated flow schedule carries an undue burden on the very organization has worked so hard to make this recreational resource a possibility. It is for these reasons that I respectfully ask FERC to implement the flow schedule as outlined in the settlement agreement.

Best Regards.

Bruce Hicks

Instructor
Agriculture & Environmental Studies Department
Butte Glenn Community College
Oroville, CA
(530) 895-2514

To Whom It May Concern:

I am an avid whitewater enthusiast who has been kayaking for over 5 years on the several beautiful rivers in California. The addition of access to the Upper North Fork of the Feather would be an incredible opportunity to explore and enjoy more of the natural beauty and excitement that the State has to offer.

I also believe that this will bring valuable tourism and income to the local communities along the Feather River having a positive overall economic impact.

During various parts of the year there is limited access to boating flows in northern California, especially during the summer months. Given the busy months on rivers such as the American South Fork, releases on the North Fork of the Feather would allow recreational kayakers to enjoy rivers that are not commercially rafted and congested.

Thank you for considering this proposal and I urge you to approve these releases.

Colin Smith
1325 Indiana Street, Unit 303
San Francisco, CA 94107

To Whom It May Concern:

My name is Chad Wilson. I'm a first year kayaker from Reno, NV. My friends and I made it over to the Feather River releases 3 times this year. Next year I hope to make all the weekends. It is a great place to visit. Additional releases would help promote the entire area. There is no reason for delaying the opening of the new stretch. Interest is high right now, and adding other sections of the river would help get even more people into the recreational activities in the area. A long class 3 section would be perfect for overall interest and use. Please don't delay; the opportunity should be available to everyone right now.

Thanks,

Chad Wilson
6850 Sharlands Ave. #1051
Reno, NV 89523

To Whom It May Concern:

My name is Rusty Sage and I am Graduate from Chico State and Avid Paddler.

I have been kayaking for 15 years, 7 of which I have been a competitive in whitewater. During that time I have seen an incredible growth in the sport of whitewater paddling.

Having releases on the Belden reach will be a great improvement on the current paddling opportunities in Northern California. It will be great being able to paddle, have fun and a bit of stress relief during the summer, especially on such a scenic reach of river that rarely flows. In fact, other than those who participated in the 2000 flow study, I do not know of any other paddlers that have ever been on this reach. I believe that the reason is that Canyon Dam that creates Lake Almanor never spills because the spillway elevation is above the elevation of the Town of Chester. So with out releases, this whitewater opportunity will not exist. This is a huge impact to the whitewater community. It is also hard for me to believe that these releases could have an impact on the "aquatic biota", particularly the fishery that is stocked throughout the summer. I support the recreational need of anglers to catch and keep fish but then to impact the needs of the paddling public in the interest of the "natural environment" seems horribly inconsistent. I urge FERC to reconsider the recommendation to delay the negotiated whitewater release schedule.

Rusty Sage
Kennedy Jenks Consultants
Engineers & Scientists
5190 Neil Road, suite 210
Reno, Nevada 89502

**Walt Schafer, Ph.D.
5357 NimsheW Run
Chico, CA 95928**

To Whom It May Concern:

I write to express deep concern about the proposed delay in the creation of whitewater recreation flows on the Belden Reach of the North Fork of the Feather River. As a member of Chico Paddleheads, I have kayaked most of the class III rivers in northern California over the past 15 years. This section has great appeal to me and other boaters of similar abilities. As an older kayaker (age 66), the prospect of this river opportunity not being available for several years is most disappointing. This is especially true, given the settlement already negotiated through balancing the interests of several stakeholder group, an agreement achieved largely through the efforts of members of the Chico Paddleheads—the very group now due to be denied a valuable recreation opportunity.

I respectfully request that FERC implement the flow schedule as specified in the settlement agreement. I appreciate your consideration of this request.

Sincerely,

Walt Schafer, Ph.D.
Professor Emeritus of Sociology
California State University, Chico
and
Past President, 2004-2005
Chico Rotary Club

Penland, Bill 1989. Deep canyon, heavy gold: a collection of true stories about everyday life in the Feather River Canyon and surrounding areas.

WATER IN THE NORTH FORK

The North Fork of the Feather River was a fisherman's paradise. Up river from Junction Bar was a big chunk of bedrock sticking out of the south bank. There was a cable crossing there and



Northfork Feather River, Plumas County, California

a deep pool in the river. Anyone could climb up on that bedrock and count 20 to 30 catchable size trout in that pool. I know from experience--that it was that way at Caribou Power House #1. In those days, it was important to know how to swim when you fished the North Fork. When Caribou #1 was on the line, the river was running full, bank to bank, and about 5 feet deep. When Caribou #1 was shut down, the river was low like it is now. When the river was low, the fishing could be very good and it was easy to get caught in the center of the stream, on a rock, with the water coming up. I have seen it raise 5 feet in 90 seconds or less. I've had to swim a few times too. From Twin Bridges at Queen Lilly Campground to the highway, the road is on the South side of the river--the rest of the way its on the Northside. If you swam to the wrong side, it could be a long walk back to camp. Trophy-size fish were there for the taking.

The road from the Highway to Caribou #1 was a railroad when Caribou #1 was built. We have a picture of the concrete piers across the East Branch at Junction Bar when it was a railroad bridge with ties and rail still on it. Where the PG&E houses are at Caribou, and before WW2, an Old Shay engine sat on the right as you drive in. I think it was sold for scrap metal during the War. The railroad to Caribou contacted the W.P.R.R. just down river from Junction Bar. If the fishing was as good in the Northfork from Junction Bar to Caribou #1, today as it was before WW2, I am sure there would be "standing room only" on the 7 miles of the Northfork.

CERTIFICATE OF SERVICE

I hereby certify that I have this 19th day of December 2005, served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Carla R. Miner

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