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August 20, 2015

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

RE: COMMENTS on Streamflow and Reservoir Level Information Plan, Upper American River Project, FERC No. 2101

Dear Secretary Bose,

American Whitewater and the undersigned river advocacy and recreation/trade association organizations and private boaters (NGOs) are writing to comment on the recent submittal by the Sacramento Municipal Utility District (SMUD) of its Streamflow and Reservoir Level Plan for the Upper American River Project (UARP). As members of the Upper American River Project Consultation Group, we disagree with SMUD's characterization that the actions requested in the U.S. Forest Service's (USFS) June 24, 2015 conditional letter of approval for the Streamflow and Reservoir Level Information Plan exceed the scope of the USFS 4(e) Condition 51 Project No. 2101. We support the conditions placed on SMUD by the Forest Service, and recommend that the Commission adopt them.

In its submittal SMUD States:

The Plan was submitted to the Consultation Group on December 18, 2014 for review and comment, and to the SWRCB and USFS on February 6, 2015 for review and approval. The SWRCB approved the Plan (attached letter dated February 19, 2015), stating it meets the requirements of the Licenses' water quality certification conditions. The USFS letter states the Plan is "considered approved" as long as certain actions are undertaken (attached letter dated June 24, 2015). The Licensees believe these actions exceed the scope of Project No. 2101 USFS Condition 51, which is essentially identical to the water quality certification conditions. In particular, the USFS letter states: (1) SMUD will provide the streamflow and reservoir information to the California Data Exchange Center (CDEC) or a successor, (2) Rubicon River above Rubicon Reservoir will be added

to the list of streamflow information once real-time data is available, and (3) SMUD will "report" boat ramp elevation information at five locations.

The Licensees have not amended the Plan to reflect the additional USFS informational requests stated in their June 24, 2015 letter for the following reasons. First, Project 2101 requires specific information be "published via website." To satisfy this requirement the Licensees have developed a website (see link at the bottom of this letter); however, requiring publication on a separate, additional website exceeds the scope of Project 2101, Condition 51. Moreover, there is no guarantee that CDEC or a successor will either exist or publish said data, and it is the Licensees' opinion this mandate is neither practical nor fair. Second, there is no gage above Rubicon Reservoir, Project No. 2101 does not require there to be, and Project No. 2101 Condition 51 specifies which stream reaches are subject to the website publication requirement (and this reach is not on the list). Third, Project No. 2101 Condition 51 does not require the listing of boat ramp information.

USFS 4(e) Condition 51 states:

The licensee shall, within 1 year of license issuance, in consultation and coordination with FS, SWRCB, and the Consultation Group provided under Section 4.12.1 of the Relicensing Settlement Agreement, submit a plan to FERC for providing, at a minimum, the following:

- a. Real-time (15-minute increments and refresh rates or at the capacity of the reporting technology) lake stage height and storage information for each of the following reservoirs: Rubicon Reservoir, Loon Lake Reservoir, Ice House Reservoir, Union Valley Reservoir, Gerle Creek Reservoir, Brush Creek Reservoir, and Junction Reservoir.*
- b. Installation of up to two simple staff gages for use by the public on each of the following stream reaches: South Fork Silver Creek below Ice House Reservoir Dam, and South Fork American River below Slab Creek Reservoir Dam.*
- c. Real-time (15-minute increments at refresh rates or at the capacity of the reporting technology) streamflow and reservoir level information that is available to the public year-round via toll-free telephone number or other appropriate technology approved by FS.*
- d. Streamflow information, in cfs, on a website, for the following Project related stream reaches:*

*Rubicon River Below Rubicon Reservoir Dam
Little Rubicon River Below Buck Island Reservoir Dam
Gerle Creek Below Loon Lake Reservoir Dam
Gerle Creek Below Gerle Creek Reservoir Dam
South Fork Rubicon River Below Robbs Peak Reservoir Dam*

*South Fork Silver Creek Below Ice House Reservoir Dam
Silver Creek Below Junction Reservoir Dam
Silver Creek Below Camino Reservoir Dam
Brush Creek Below Brush Creek Reservoir Dam
SFAR Below Slab Creek Reservoir Dam*

The plan shall be approved by FS and SWRCB prior to filing with FERC. Following approval, the minimum streamflow and recreational streamflow schedules from Condition Nos. 27 and 50, as well as current water year type designation, shall also be published via website.

We believe the actions outlined in the USFS conditional letter of approval actually satisfy the elements of Condition 51 for the following reasons:

USFS Action (1): SMUD will provide the streamflow and reservoir information to California Data Exchange Center (CDEC) or a successor.

The NGOs have no dispute with the specific information identified for the SMUD website, though we do note that the website was put together without prior “consultation or coordination” with the Consultation Group. We do not expect SMUD to re-do its website. Rather, we view CDEC as “other appropriate technology” approved and chosen by USFS to provide real-time information.

CDEC is currently used to meet streamflow and reservoir level information license conditions for other hydropower projects in California. For instance, Pacific Gas and Electric Company (PG&E) provides data to CDEC for the Mokelumne River Project(FERC No. 137), the Rock Creek Cresta Project (FERC No. 1962) and the Pit 3, 4 & 5 Project (FERC No. 233).

In their respective comments to SMUD during the 60-day commenting period for the Draft Streamflow and Reservoir Information Plan, both USFS and California Department of Fish and Wildlife (CDFW) identified CDEC as their preference for streamflow information reporting. Further, the Consultation Group supported the use of CDEC during the UARP License Implementation Meetings, where the redline of the plan was discussed on April 23 and May 28, 2015.

USFS Action (2): Rubicon River above Rubicon Reservoir will be added to the list of streamflow information once real-time data is available.

In accordance with Condition 51, which delineates the real-time “streamflow and reservoir level information that is available,” USFS requested information for Rubicon River above the Rubicon Reservoir to help inform the public of alternative recreation opportunities within the vicinity of the project. SMUD indicated that while real-time information is currently not available, at some point in the future a management gage will be installed on this reach, at which time real-time information would be procurable. Neither the Forest Service nor NGOs requests installation of this gauge outside of SMUD’s planned timeframe.

USFS Action (3) SMUD will “report” boat ramp elevation information at five locations.

Condition 51 states that the licensee shall provide “at a minimum” real-time lake stage height/storage information, two simple staff gauges, real-time streamflow/reservoir level information and streamflow information on a website. Thus, we believe USFS has the discretion to determine other informational needs that will assist in their goals of minimizing resource impacts from recreation visitors and improving the visitor’s experience. Boat ramp elevation is relevant to these USFS goals.

Overall, it is our position that these actions provide significant public benefits and are required to meet the license condition. Thus, we are in support of the USFS’s conditional letter of approval for the Streamflow and Reservoir Level Public Information Plan, in order to ensure that this information will be provided throughout the next 50-years of the current license.

Sincerely,



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American River Recreation Association



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