

Foot hills Angler Coalition  
Comments on Placer  
County Water Agency's  
Draft License Application  
For the Middle Fork  
American River  
Hydroelectric Project No.  
2079



Healthy Watershed, Healthy  
Fishery, Healthy Fish



**Via Electronic Submittal**

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

December 26, 2010

**RE: COMMENTS ON PLACER COUNTY WATER AGENCY'S  
DRAFT LICENSE APPLICATION FOR THE MIDDLE FORK AMERICAN HYDROELECTRIC PROJECT #2079**

Dear Secretary Bose:

We are writing, pursuant to 18 CFR 5.18(e), in response to Placer County Water Agency's Draft License Application (DLA) for the Middle Fork American River Project, FERC No. 2079. The Foothills Angler Coalition ("FAC") submits this letter in response to Placer County Water Agency's September 27, 2010 submission of its Draft License Application for project # 2079. FAC is a member of the Middle Fork American River ("MFA") Working Group; as a member of that group, we have been ably represented by the Foothills Water Network ("FWN"), which has submitted its comments by separate letter. As specified below, FAC fully supports and has adopted the comments filed by FWN.

Before setting out our separate comments on certain issues, the following prefatory remarks are essential:

1. FAC is a duly organized and existing California non-profit corporation.
  2. FAC's Mission Statement reads as follows: "Mission Statement: The Foothills Anglers Coalition is a fisheries and aquatic habitat conservation organization dedicated to the protection and restoration of Sierra Nevada trout, steelhead, and salmon resources, along with their habitat and the Sierra Nevada foothill watersheds that sustain those resources, as well as the enhancement of the sport of fishing. We support an ecosystem-based approach to watershed management, and the protection and preservation of all native species, including wildlife and plant populations.  
Vision Statement: Foothills Anglers Coalition will collaboratively work towards ensuring a healthy aquatic ecosystem, so that robust populations of native and anadromous fish species, as well as other animal and plant populations can once again thrive in the Sierra Nevada Foothill watersheds.  
Core Principles and Values: Foothills Anglers Coalition promotes a science-based approach to fulfill our Mission & Vision Statements."
  3. FAC is fully supportive of all of the FWN comments, having signed them, and joins in and adopts those comments as a member of the MFA Working Group.
  4. It has always been the understanding and policy of the MFA Working Group that individual members have the option to submit separate comments on any specific issue, while joining in the FWN comments. This comment letter has been submitted pursuant to that policy.
  5. The views and opinions of FAC, as expressed in this document, may not necessarily reflect the views and opinions of any individual or organization listed in FAC's interest statement as supporting individual or organization.
1. **General comments.** As set forth above, FAC concurs with, joins in, and adopts FWN's comments on the DLA. We do, however, have a few additional comments of a general nature.
- 1.1 **Issues with the process.**
- a. **The DLA is not a "consensus" document.** Because insufficient time was allotted for discussions and negotiations regarding the peaking reach, consensus was not reached on the content of the DLA. Consensus may well have been reached, at least for most of the issues, had more meetings and time been allotted.

- b. **Angling interest input minimized.** Throughout the process, the angling interest was treated in a manner significantly different than other interests. At the outset of the proceedings, an “angler focus group” meeting was held, from which erroneous, superficial information was drawn. Requests were made repeatedly for additional meetings, but until late in the process those requests were summarily denied. A second meeting was held in March of 2010, near the time when the negotiations were to begin. The angling interest was well represented at that meeting. The information that was generated from that meeting unfortunately did not find its way into the DLA. As “**Attachment A**” we have attached the summary of that meeting as prepared by Entrix, so that it is clear that it is part of the record, together with letters associated with requests for additional focus group meetings. The disparate treatment of the angling interest group by PCWA, and paucity of meetings with the angling interest group should be contrasted with the deferential treatment accorded, and the numerous meetings that were held with other interest groups, such as the whitewater boating interests. By way of example, in the Final REC-4 Technical Study Report, Exhibit E, there are approximately 806 pages devoted to whitewater interests, while there are only 93 pages devoted to the angling interest. This is not to say that it is inappropriate to devote that many pages to whitewater studies; rather, that may certainly be warranted. Nevertheless, there are issues associated with angling that are of equal import, but were not studied at all—which, of course, accounts for the seemingly inexplicable difference in study efforts.
- c. **Studies relating to angling interest.** There are none. In the FWN comments there are requests for studies on angler safety and flow-related issues pertaining to angling. These studies should have been done in the same manner as they were for the boating interests, and the trail crossing interests. Another issue was created by PCWA’s repeated refusal to conduct fish-related and BMI related studies on the Horseshoe Bar Preserve property below the tunnel chute fish barrier despite repeated requests to do so. Leaving a significant portion of the peaking reach renders PCWA’s conclusions regarding fish and BMIs in the rest of the peaking reach faulty and incomplete. FAC requests that PCWA conduct reasonable studies within the preserve area in the same manner as it did elsewhere on the river, in order to collect more accurate data upon which to base its conclusions.

1.2 **O. Mykiss.** The record is replete with evidence that O. Mykiss are present in the main stem of the river. PCWA refused to consider this in conducting their studies on the peaking reach. FAC requests that PCWA conduct the necessary studies to determine the nature and extent of, and the habits of the O. Mykiss that inhabit the main stem.

2. **Water sales.** Historically, PCWA has engaged in water transfers and sales. This clearly has an effect on reservoir storage levels, and that effect trickles down in a manner as to affect other issues in the peaking reach, such as the effect on fish and BMI habitat and numbers, of prolonged high flows required to ensure delivery of the water. FAC requests that PCWA conduct the reasonable studies to determine the effect of water sales on fish and BMI habitat and numbers, and on other issues such as water availability for increases in minimum flows and similar issues, and specifically the adverse effects on the angling interest. For example, in 2009, water sales caused unseasonably high flows below Oxbow Reservoir that made angling not only extremely difficult for a significant period of time, but created a dangerous condition for anglers trying to access the river.

3. **Specific comments.**

3.1 **Metric for measuring claimed enhancements.** By its own admission, PCWA has not utilized the 75 cfs minimum flow in the peaking reach as its operating standard. Rather, as shown clearly by the operating history presented by PCWA, it has historically operated the system at around 200 cfs as the minimum flow. Yet, in claiming “enhancements” PCWC refers to the minimum flow of 75 cfs required by the existing license. In effect, there is little if any enhancement if the existing license condition is used as the metric for measuring claimed enhancements. In fact, in some respects there would be reductions in benefit to the riverine ecosystem when compared to the existing condition. FAC requests that PCWA provide a discussion of its rationale for using the existing license condition as opposed to the existing operating condition, or at least do a comparative analysis using both metrics.

3.2 **Available alternative to address adverse impacts associated with peaking.** In doing its flow analysis, PCWA did not take into account available information relating to a settlement that occurred relative to the Yuba River, on peaking issues. The reason for bringing this to FERC’s attention via a comment, is that there is no

dispute that peaking is harmful to the river and its ecosystem. While clearly minimum flows are of vast importance, the difference between the high and low peaks is also critical. This issue was addressed in the Yuba River settlement and should have been considered by PCWA before producing the DLA.

3.3 **PCWA failed to follow and implement the science that Entrix produced for the peaking reach, relating to the effects of peaking on available habitat for trout spawning, young-of-the-year rearing, and benthic macroinvertebrate refugia.**

- a. PCWA's studies demonstrate two very significant scientific facts: (i) peaking drastically affects trout spawning habitat, young of the year rearing habitat, and BMI production and refugia habitat; (ii) there is virtually no spawning within the main channel of the Middle Fork below Oxbow dam because of the peaking of the system. These two facts are related, but bear specific separate mention.
- b. The trout spawning habitat studies showed that 94% of the effective trout spawning habitat is destroyed by peaking flows at the RM 4.8 study site under current license conditions, and that at the RM 14.1 study site peaking flows destroy 81% of the spawning habitat. The DLA proposal would continue to destroy 88% of the spawning habitat at RM 4.8 and 75% of the spawning habitat at RM 14.1. To suggest that by virtue of this small reduction in adverse impact the DLA would provide "enhancement" to spawning habitat is equivalent to saying that it is ok to destroy 88% of the spawning habitat because previously only 94% was destroyed by PCWA. The numbers specified in this paragraph are drawn from Appendix AQ1, Figures O-18 and 19, of the DLA. Those figures from the DLA are specifically incorporated into this document by reference as "**Attachment B.**"

This, of course, is the reason that there is no spawning in the main stem of the river. Such spawning as does occur happens in the few tributaries that exist below Oxbow dam. PCWA's sole mitigation for this impact is to propose that gravels be introduced to re-establish spawning habitat. There are a number of problems with this: (i) PCWA proposes to introduce gravels above the tunnel chute. However, any gravel introduced in that area will simple wash into the tunnel, which is 50 feet in depth, and/or into the "lake" area beyond the tunnel, which area is over 70 feet deep. It will remain there until a storm of at least 100 year magnitude occurs to move the gravel out and downstream. FAC requests that PCWA conduct a study to determine feasible areas for gravel introduction below the tunnel chute and lake. Horseshoe Bar Preserve will provide access to PCWA for the purpose of these studies, and for stockpiling of gravels there if PCWA determines, based on the studies, that introduction below the tunnel and lake is a feasible area. (ii) Still, peaking will inevitably and immediately wash introduced gravels (even below the tunnel and lake) to the sides of the river as is currently the situation, so gravel introduction may not even be a workable solution. FAC requests that in its geomorphology analyses, PCWA consider this question and produce the necessary science to support a conclusion that gravel introduction will in fact mitigate for loss of spawning habitat caused by peaking. Finally, if spawning gravels are introduced in suitable locations as a mitigation measure, then that should be done regularly to encourage spawning in the side channel at Grey Eagle Bar and other areas.

- c. The studies show that there are virtually no small fish in the mainstem river, and virtually no young of the year. This is because peaking disturbs their refugia, strands them, and makes them available for easy predation by bigger fish and other terrestrial predators. FAC requests that PCWA produce the necessary science to determine reasonable and feasible mitigation measures designed to provide suitable habitat for small fish.
- d. The studies for the RM 4.8 study site show that BMI habitat is reduced to 20% at 75 cfs. A similar loss of habitat occurred at the RM 14.1 study site. The DLA proposes a minimum flow of 125 cfs which will reduce the habitat to 34%. Under the current operating policy PCWA minimum flows have been approximately 200 cfs which results in a reduction of habitat to approximately 50%. As a consequence, the DLA is actually asking to reduce the BMI habitat by 16% from its current operating policy. Therefore, the DLA request to increase the destruction of habitat is in fact not an enhancement and should be disallowed. BMI numbers clearly affect the number (few, as shown by the fish population studies) and size (all larger—larger fish eat small fish) of fish in the system. There are too few BMIs to support good populations of small fish. FAC members provided clear anecdotal information to PCWA during the study process that demonstrated that BMIs that did hatch were stranded and preyed upon so that their

numbers were reduced nearly to zero. PCWA did not take this evidence into account. Letters expressing the issue to PCWA are attached to these comments as "**Attachment C**," so that it is clear that they are part of the record. FAC requests that PCWA produce the necessary science to determine reasonable and feasible mitigation measures designed to provide suitable habitat for BMIs. The information specified in this paragraph was drawn from Appendix AQ1, Figures O-15 and 24, of the DLA. Those figures from the DLA are specifically incorporated into this document as "**Attachment D**."

3.4. **Reintroduction of Salmonids into the Upper American River: NIMFS filing with FERC.**

This issue was covered in the Foothills Water Network comment document. FAC wishes to add only one point that was not mentioned because the event had not occurred at the time of filing of those comments: NIMFS has now filed its Biological Opinion and Conference Opinion and Draft Recovery Plan for Central Valley Listed Salmonids in the record of these proceedings.

3.5. **Adaptive management issues.**

It is essential that whatever flow regimes are identified under the new license, PCWA must be held responsible to evaluate the instream flow impacts on BMI habitat and production. Should licensed flow regimes indicate decreases or adverse trends in BMI populations, then further studies should be conducted in developing and adapting regimes that are more conducive to BMI populations and overall aquatic ecosystem health.

3.6. **Retention and modification of fishery management provisions in existing license amendment language.**

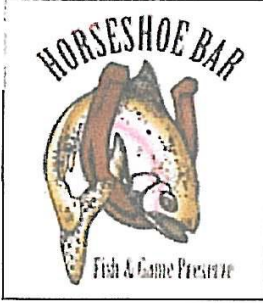
Although not identified in the DLA, FWN recommends that portions of the existing FERC No. 2079 License Amendment Language be retained and modified in the new License for fishery management purposes. This new language is referenced to the current 1981 License Amendment; FERC Project No. 2079; ORDER AMENDING LICENSE (MAJOR); (Issued March 18, 1981); Page 5: (E) Article 37: Footnote; 2/ New License language would be modified to read as follows: "Oxbow Powerplant releases: The scheduled flow releases may be modified for beneficial aquatic and fishery management purposes upon consensus among the Licensee, the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the California Department of Fish and Game. Should consensus be unobtainable, parties will employ appropriate mediation and/or arbitration processes to reach a determination."

# **ATTACHMENT A**

(Documents relating to angler focus group meetings)

**Excerpt from a May, 2008 letter from William Carnazzo to PCWA  
(See DLA, vol. 3, Exhibit E, SD-B, Rec-4 final TSR, Appendix J)**

“Due to time constraints relating to my guide business, I have been unable to actively participate in the relicensing process, and could not attend the one angler focus group meeting allowed by PCWA. When I called PCWA to ask if there was further opportunity for angler focus group meetings, I was peremptorily told that it had been decided by PCWA and its consultants that one meeting was enough. I was dismayed by this cavalier attitude, which appears to have carried over into this flawed (at least as to the angling portions) study.”



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2/19/10

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

RE: FERC Project # 2079 Middle Fork of the American River Project

Dear Mr Toy,

Horseshoe Bar Fish & Game Preserve (HBP) is a private organization that was created to expand the recreational activity on the Middle Fork of the American River (MFA). HBP is a stakeholder in MFA FERC project # 2079. HBP hosts a variety of events for philanthropic and nonprofit organizations, such as Wounded Warriors, Casting for Recovery (breast cancer survivors) numerous Nonprofit Fly Fishing clubs, scouting, as well as, fund raisers and events for local schools and other nonprofit organizations in Northern CA. In addition, HBP brings guests from all walks of life (in both public and private sector) to use and enjoy the property/river which extends five miles on both sides of the river. HBP has been attending the FERC meetings on a regular basis and has participated in various studies. The reason for writing this letter and submitting the attached survey is to put forth an accurate picture of the angling and recreational activity that occurs on the MFA Peaking Reach project.

Since the creation of HBP the recreational activity and angling on the upper MFA peaking reach has doubled each year. During the calendar year of 2009 angling activity at HBP exceeded 1200 visits and is expected to nearly double during the 2010 calendar year. Recreational activities, such as camping, hiking, observing nature, bird watching, recreational mineral exploration, historical and cultural field trips, that have occurred at HBP *have not* been recorded in any of the project Recreational Studies. The members of the public that participated in all of these activities come from a wide range of cultural, ethnic, geographical and economic

backgrounds. Their ages range from kindergarten school children to senior citizens. Their uses and activities *should be* included in the Recreational Study.

HBP is also actively involved in the restoration of fish habitat and population throughout the MFA and other FERC projects in Northern California. HBP is currently pursuing the restoration and recreation of over a mile and a half stretch of river, known as Horseshoe Bar. During the 1880's the Tunnel Chute was created that diverted the river in order to dewater the mile and a half of the MFA River known as Horseshoe Bar. HBP efforts to restore a flow around Horseshoe Bar to create a native and wild fish spawning area will not only benefit the members and guests, it will also benefit many miles above and below the property and could eventually become an important and key asset to the restoration of anadromous fish.

The PCWA Recreational Study relied on the input from relatively few anglers to establish its findings. Had the 1200 plus anglers who fish the upper reach of the MFA been allowed to have their input considered, the results would have been significantly different.

Our desire is to work with other recreational groups to develop a flow regime that best serves all vested parties. From an angling perspective we believe that flows of 400 CFS to 600 CFS will provide a safe and successful angling experience. Of course, the scientific studies developed to maintain a healthy fishery must take precedent over all of the interests.







HBP would be happy to supply documented accounts and letters confirming the activity and accuracy of this letter and survey. Please ensure that this letter and all of its attachments are entered as part of the official records of these proceedings.

Sincerely,



Thomas G.M. Bartos  
President

CC: Kimberly D. Bose, Secretary Federal Energy Regulatory Commission  
Placer County Supervisors  
PCWA Board of Directors  
Department Fish & Game  
US Department of Forestry  
Stakeholders FERC Project # 2079

1. Bob Schardt  bs@sokwest.net
2. Nick Strelchuk  STRELCH@AOL.COM
3. HANS GEYER  HANSGEYER@HOTMAIL.COM
4. FRANK RINEIRA  SERRAGUISE@SBCGLOBAL.NET
5. JOE BYRNE  JOE@BYRNECOMPANIES.COM
6. Bill Carnazzo  bcarnazzo@ftcnet.net  
(COVER)



(Excerpt from 3-10 angler focus group meeting notes provided to meeting participants; **none** of the meeting notes were included within the DLA). Documents from this meeting are found at DLA, vol. 3, Exhibit E, SD-B, Rec-4 final TSR, Appendix J.

**Middle Fork American River - Oxbow to Ruck-a-Chucky**

<b>Fishing Location and Access Points</b>	
Road or trail used to access fishing location	Refer to previous meeting comments
Public or private access	Both
Support facilities available at this fishing location	Paved parking, restrooms at Indian Bar, chemical toilets at Tunnel Chute, Horseshoe Bar Preserve, extraction equipment at Tunnel Chute
Adequacy of support facilities	Adequate
Typical season of use	Year round

<b>Fishing Characterization and Quality</b>	
Typical fishing gear used at this location	All gear types - Horseshoe Bar Preserve fly fishing only, catch and release
Typical method used to fish this location (bank, wading, boat)	Bank, wading, flow tubes behind tunnel, and boats
Target species	Trout (rainbow and brown)
Average size of fish typically caught at this location	5% are below 12 inches, 65% are 12-14 inches, 25% are 16-18 inches. The average is approximately 12-16 inches.
Approximate number of fish typically caught per day	Approx. 5-6 on average (anywhere from 2-15)

<b>Fishing Experience</b>	
<b>Rate your satisfaction with the following factors as they relate to this location:</b>	
Number of fish caught	Good or better than average
Variety of fishing areas	Wide variety when the flows are low, definitely depends on flows (depth, velocity, etc.) and variety/access. For example, at 1,000 cfs - can't fish it and it is more difficult to access. Fishing areas can be hindered during high flows. And anglers can be crowded during low flows when the flow subsides.
Variety of fish species	Good variety
Size of fish	Good
Road access to fishing location	Good
Trail access to fishing location	Good
Overall fishing experience	Depends upon flows; can be very good or can be very bad (fishing is better during low flows people are compacted in smaller areas but during low flows people are more spread out then better).

<b>Flow Related Effects on Fishability</b>	
<b>How does flow affect:</b>	
Availability of usable instream fishing area	See above (fishing is depressed during ramping periods and for some hours)
Variety of useable instream fishing areas	See above
Ability to fish from streambank	800-1,000 cfs most factors decrease and fishing becomes dangerous
Ability to walk shoreline/bank	
Ability to stand/wade in stream	
Ability to cross the stream	400 cfs is about max for crossing

<b>Flow Estimates</b>	
Minimum flow at which you would fish at this location (in cfs)	300 cfs
Maximum flow at which you would fish at this location (in cfs)	600 cfs for all types of anglers, fishable flows may increase in magnitude and experienced/athletic (1,000 cfs max)

<b>Other Information</b>	
Safety concerns	See above, also fast ramping with no warning and no consistency - g the other side of the stream for hours
Conflicts with other users	None
Comparable regional fishing streams	NA

<b>Sources of Other Pertinent Information</b>	
Sources of other pertinent information (e.g. guide books, anglers, web sites):	Horseshoe Bar website, CDEC site, other anglers

**2008-2009 Freshwater Sportfishing Regulations**  
 American River, North Fork, Middle Fork, South Fork and their tributaries w/in the Sierra District (Placer, Eldorado, Amador, and Alpine cos.)

<b>Open Season</b>	<b>Bag Limit</b>
Last Saturday in April through November 15	5 per day 10 in possession
November 16 through the Friday preceding the last Saturday in April. Only artificial lures with barbless hooks may be used.	0

# **ATTACHMENT B**

**(Appendix AQ-1, Figures O-18 and O-19, incorporated herein by this reference)**

# ATTACHMENT C

(Documents and pictures showing notice given to PCWA of dewatering and stranding in the peaking reach)



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E-mail: [hbp@surewest.net](mailto:hbp@surewest.net)  
Website: <http://horseshoebarpreserve.com/>

8/15/2010

Placer County Water Agency  
Resource Development Department  
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.

On 3-3-09 we wrote to Mal Toy expressing our concerns and asking for an interim flow arrangement to prevent the destruction of wild native spawning trout and the macro and micro invertebrates.

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 18<sup>th</sup> 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 maintenacnce 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:

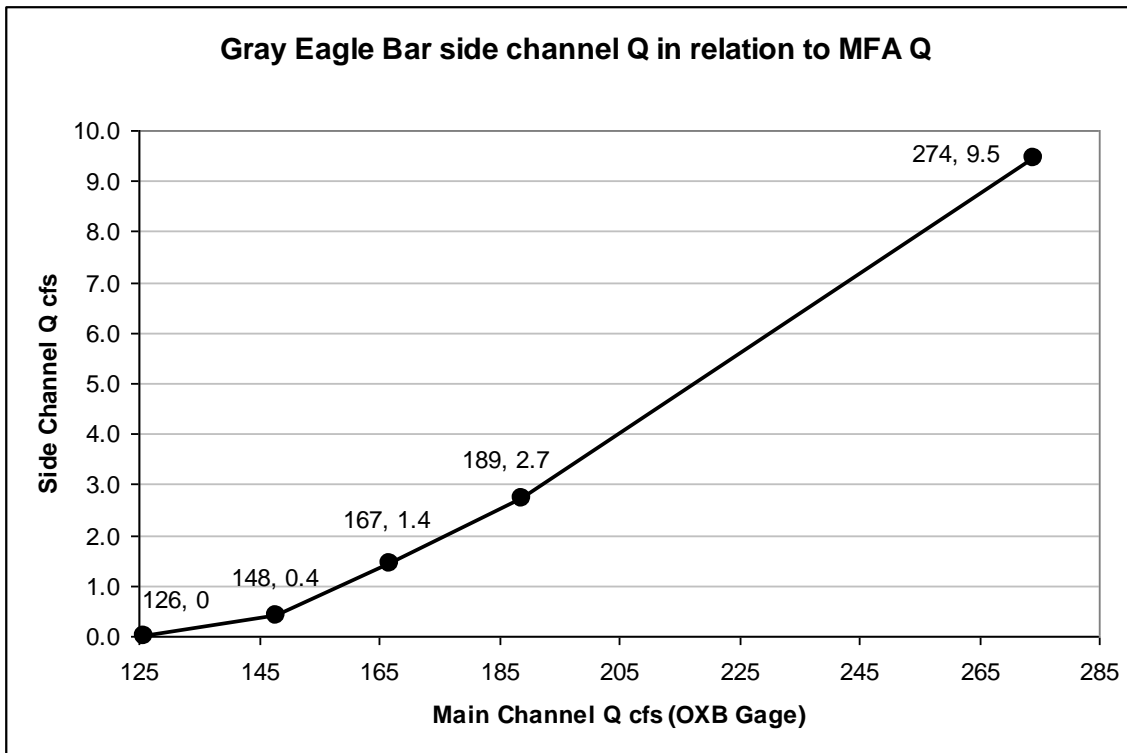
Robert Weygandt  
Jennifer Montgomery  
Sharon Stohrer DF&G  
Bob Hughes DF&G  
Marylisa Lynch DF&G  
Jann Williams ENF  
Dennis Smith USFS  
Russ Kranz SWRCB  
Julie Leimbach FWN

#### **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 measured<sup>1</sup> discharge (cfs) at the top of side channel.

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<sup>1</sup> 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.



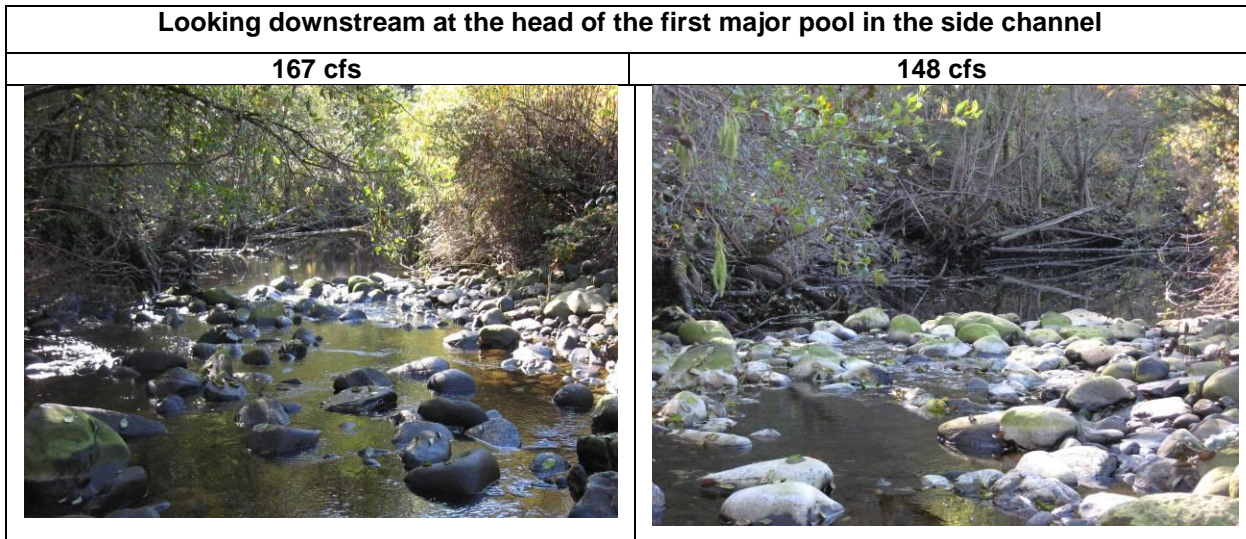
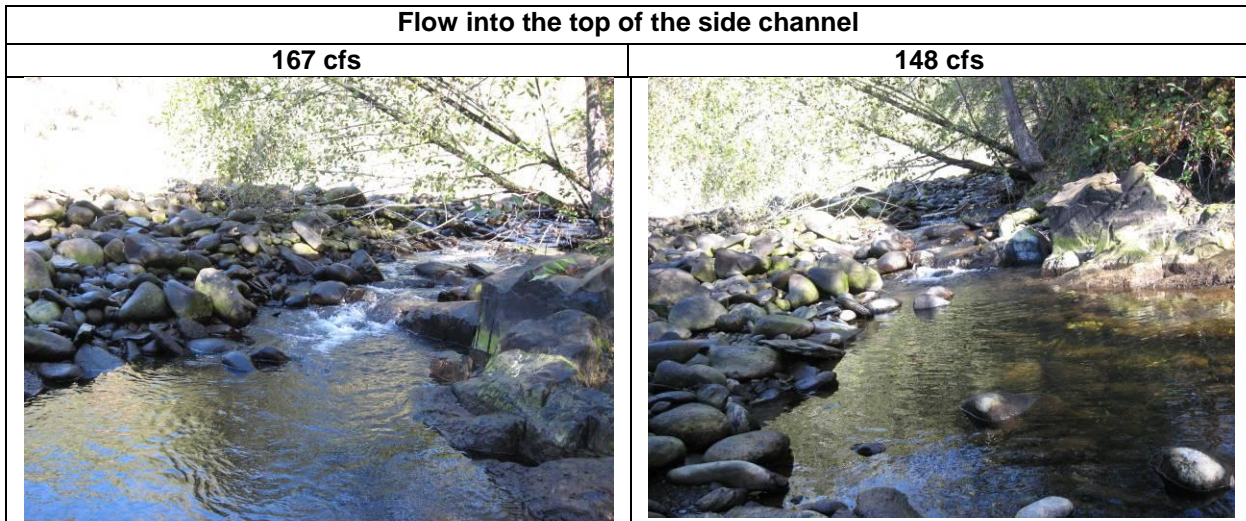
Main Channel cfs vs Side Channel cfs		
Date	Main (cfs)	Side (cfs)
11/13/2008	274	9.5
11/13/2008	189	2.7
11/14/2008	167	1.4
11/17/2008	148	0.4
11/21/2008 <sup>1</sup>	126	0

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.

**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)**

<b>Long riffle habitat in the mid-section of the side channel</b>	
<b>167 cfs</b>	<b>148 cfs</b>
	

**Looking downstream at the last pool in the side channel disconnected from main channel**

<b>167 cfs</b>	<b>148 cfs</b>
No photo	

**GRAY EAGLE BAR SIDE CHANNEL OBSERVATIONS (CONTINUED)**

<b>Hydraulic Control in Main Channel and Side Channel</b>	
<b>Main channel at 167 cfs</b>	<b>Side channel at 167 cfs</b>





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11/25/2008

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

RE: Gray Eagle Channel

Dear Mr. Toy,

As I stated in my e-mail today it is our and Walt Stevens, the owner of the property, belief that the channel at Gray Eagle Bar is a genuine lawful channel on the Middle Fork of the American River. I have communicated

with Walt Stevens today and he has indicated that this channel has been in documented existence for over 75 years. Mr. Stevens has aerial photos of this channel dating back to 1948. He also has maps that predate these photos that show the side channel as a legitimate channel. Mr Steven also indicated that there was a bridge at one time at the Gray Eagle Bar to allow access vehicles to cross over the Middle Fork and Gray Eagle Bar area.

We believe this channel is vital to the continued health of the native trout that are in the Middle Fork of the American River. Each fall the native Brown and a strain of Rainbow trout spawn in this channel. We believe the Rainbow trout that spawn in this channel during the fall are dependences of the Steelhead that were trapped up stream when Folsom Dam was built in the 50's. To lose this spawning ground would certainly have a dramatic negative effect on the fishery and these native fish.

We therefore ask that PCWA take whatever actions are necessary to insure that this channel continues to receive enough water to prevent the fish from being trapped and allowed to die. It is also imperative that there be sufficient water to allow the fish to spawn as they have for many years.

Sincerely,

Thomas G.M. Bartos  
President & Founder



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Website: <http://horseshoebarpreserve.com/>

07/09/2009

Placer County Water Agency  
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Mr. Mal Toy  
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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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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 dewateres 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

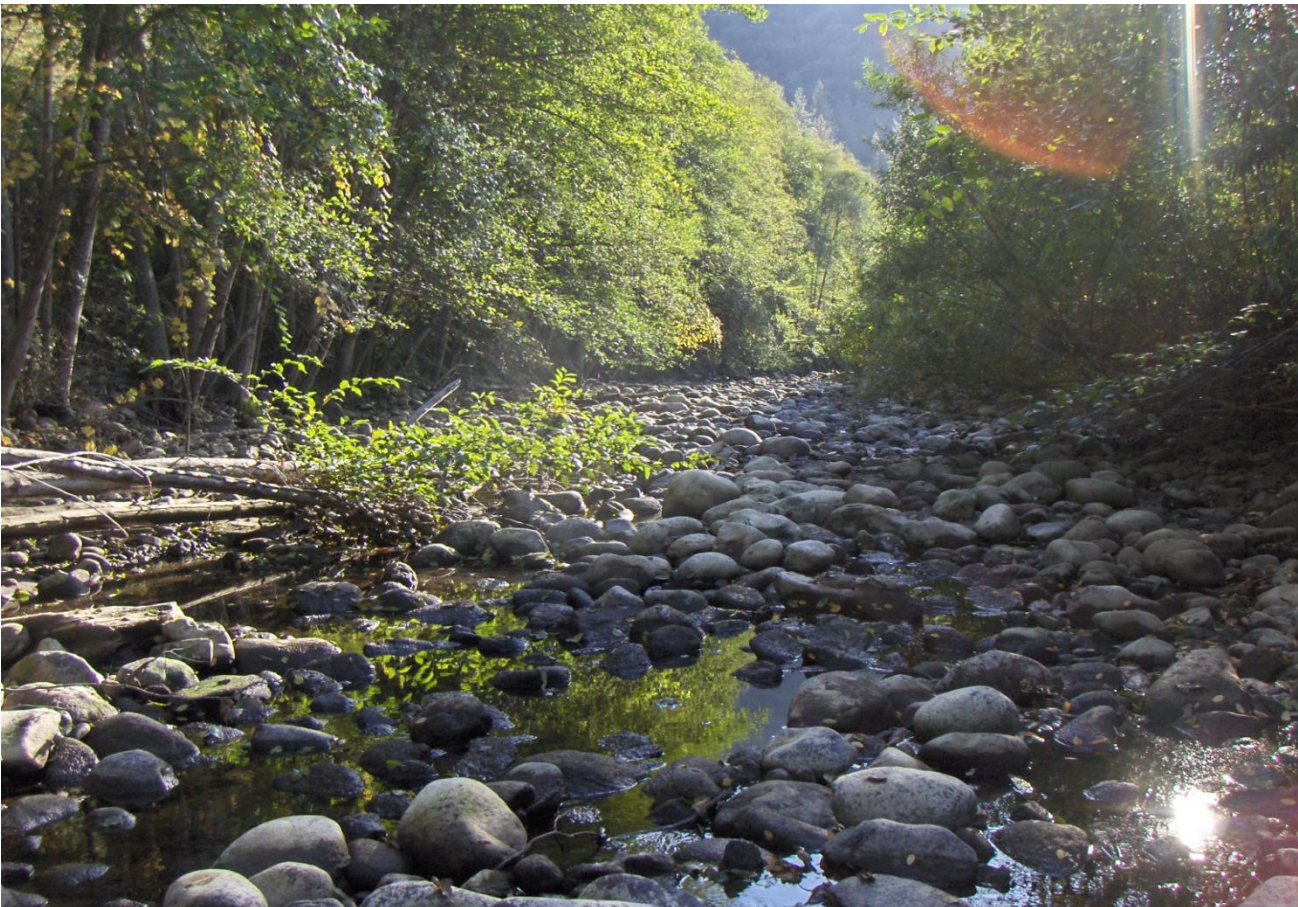
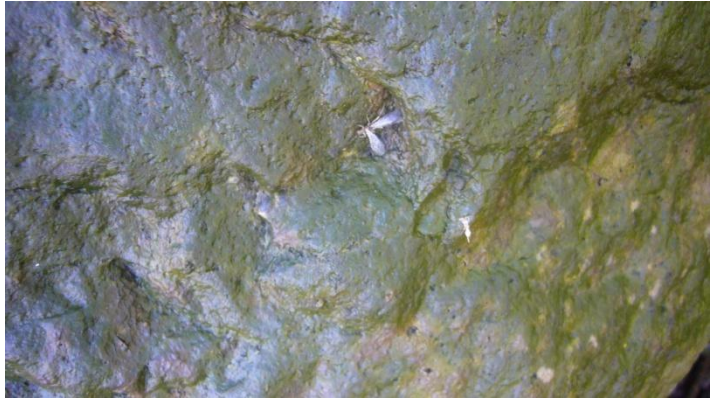
**Desired Stable Flow Periods**

- 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

**Series of photographs depicting dewatering of the MFA at Grey Eagle Bar**







# **ATTACHMENT D**

**(Appendix AQ-1, Figures O-15 and O-24, incorporated herein by this reference)**