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Ms. Victoria A. Whitney, Deputy Director
Division of Water Rights
California State Water Resources Control
1001 I Street, 14th Floor
Sacramento, CA 95814

RE: American Whitewater Comments Draft 401 FERC 2100

American Whitewater submitted comments to the previous draft 401-certification document that was issued June 23, 2009 (those comments are attached). American Whitewater was dismayed to find that not only were the recommendations that we made in our previous comments not adopted but also the only provision pertaining to whitewater recreation in the entire certification document was removed. In fact, the only reference to rafting or canoeing in the document is in the SWRCB acknowledgment that these are beneficial uses specified within the basin plan for the Feather River. We would appreciate having the State Water Resources Control Board explain why the *Feather River Whitewater Boating Opportunity Feasibility Study*, condition S. 22 from the previous draft certification document, was removed as a condition of certification. As we stated in our previous comments, it is our view that having the licensee prepare a report documenting how the needs of whitewater recreation are being met on the project will help to ensure that the public interest in this beneficial use is being addressed. This report will provide the licensee an opportunity to highlight how they are meeting the terms of the settlement agreement that pertain to whitewater recreation. As the only agency that has a specific mandate to protect noncontact water recreation, such as rafting, canoeing and kayaking, the State Water Resources Control Board must have some mechanism to know if these beneficial uses are being protected on this project.

The impacts to Whitewater recreation from the development of this project have been substantial. Over 60 miles of the Feather River now lay underneath Lake Oroville. The year-round high flows of the North Fork Feather River made this a unique river resource in California. While this new license provides for many potential improvements that could benefit spawning and rearing habitat for salmon, these same improvements could come at the detriment to contact and noncontact water recreation in the low flow channel. Measures that have the potential to impact river recreation include:

- S1. *Lower Feather River Habitat Improvement Plan*
- S2. *Gravel Supplementation and Improvement Program*

- S3. *Channel Improvement Program*
- S4. *Structural Habitat Supplementation and Improvement Program Plan*
- S5. *Fish Weir Program*
- S6. *Riparian and Floodplain Improvement Program*

It is our belief that the Settlement Agreement was developed with the intent of meeting the needs of a wide array of interests including, the city of Orville, the Feather River Parks and Recreation, and the array of users from Butte County and elsewhere that enjoy the lower Feather River. Members of the supplemental benefits fund committee have invested considerable time, effort, and expense in developing a strategic plan for recreational development along the low flow channel through the City of Orville. Unfortunately the settlement agreement is silent on the need to have coordination and cooperation between the licensee's implementation of the measures listed above and this strategic plan. American Whitewater, and the other members of the supplemental benefits fund committee should be listed among the consultees on any areas that have the potential to impact river recreation. Developing a comprehensive strategy that integrates all of these plans and includes recreation will ensure the best possible outcome on this project.

The *Feather River Whitewater Boating Opportunity Feasibility Study*, as required in the original Draft Certification, would be an opportunity to look for ways to improve river recreation while improving the ecological function of the river channel.

Thank you for your consideration,



Dave Steindorf
California Stewardship Director
American Whitewater