

California Sportfishing Protection Alliance

"An Advocate for Fisheries, Habitat and Water Quality"

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Ms. Alice Carlton
Forest Supervisor, Plumas National Forest
P.O. Box 11500
Quincy, CA 95971

Dear Ms. Carlton:

On behalf of the California Sportfishing Protection Alliance (CSPA), I am writing in response to a mass e-mail that was sent out in June, 2007 by American Whitewater (AW), asking AW supporters to write letters to the Plumas National Forest regarding whitewater boating on the Cresta reach of the North Fork Feather River (NF Feather). This e-mail, which was also posted on June 18, 2007 on www.boof.com, is attached to this letter as Appendix A.

Background

In the first half of 2007, CSPA initiated discussions with AW which resulted in a negotiated interim agreement for whitewater boating on the Rock Creek reach of the NF Feather (immediately upstream of the Cresta reach). This agreement will result in whitewater opportunities on the Rock Creek reach beyond those that angler interests had agreed to in the past. Compromises were made by many parties, including CSPA and two other angler groups we consulted, and also by AW, PG&E and several Resource Agencies including the Forest Service.

Part of CSPA's strategy in pursuing a negotiated agreement was to turn down the volume and get the past the acrimony that had led the Rock Creek – Cresta Ecological Resources Committee (ERC) to a point of near paralysis. From our viewpoint, the scientists needed to provide a more focused approach to examining the effects that boating flows have on aquatic insects. We did not feel that clarity had been achieved regarding these effects. We did feel that shouting louder didn't bring us closer to clarity. We hope the scientists looking into this will get us closer with better study design.

At the same time, CSPA recognized that the very low numbers of foothill yellow-legged frogs (FYLF) found in 2006 on the Cresta reach made the likelihood of whitewater boating on that reach in 2007, and very possibly beyond, very small. This to us made it even more pressing to reach an agreement on Rock Creek. First, because we recognize the importance to the boating community of summer releases on the NF Feather. Second,

because we think it is important to let the scientists working on frog issues on the Cresta reach do what they need to do in order to carry out their work according to scientific exigencies, not political ones.

We are therefore disappointed that AW has decided to initiate a public campaign concerning whitewater boating on the Cresta reach at this time.

AW knows that it would be easy for CSPA and/or other angler groups to rally anglers to a popularity contest where we asked anglers to inform the Forest Service about the importance to anglers of the NF Feather River. We could complain about the scientists who were not conclusive in their findings regarding macroinvertebrates, state that the frog scientists could stop because their case was made, and generally beat the drum of no exceptions to mimicking the shape of the natural hydrograph, ever. In other words, we could go back to subsuming science to a rather poorly informed politics. Not only have we chosen not to take this path, we have distanced ourselves from those who have.

American Whitewater's solicitation of letters to Plumas National Forest

We agree with AW that it is likely that some of the Resource Agency representatives involved with the Rock Creek – Cresta Project do not fully appreciate the importance of summer boating releases on the NF Feather to the whitewater community. Some of the Agency folk on occasion have struck CSPA as not understanding that summer releases on the NF Feather River are a very special case: there simply aren't regular mid-summer whitewater opportunities available almost anywhere else in the Sierras, except below reservoirs where power pulses take place every day and place all the powerhouse outflow back into a river, such as on the Chili Bar reach on the South Fork American. However, we would suggest that part of the lack of Agency clarity derives from a lack of clarity on the part of AW: AW hasn't unequivocally informed the Agencies that it will not seek on other Sierra rivers summer boating releases similar to those on the NF Feather.

We recognize the significant role that the boating community has played in river restoration across the country and in the NF Feather watershed in particular. We agree with AW that it is important to build constituencies of people connected to rivers, and recognize that many historic constituencies have disappeared. We also need more people working more effectively with each other on behalf of rivers.

However, the question before us and the frog scientists working for and with the Forest Service, and with people from other Agencies, is whether in this particular case the recreational releases are making life tougher for our yellow-legged amphibian friends. In 2006, 4 FYLF egg masses were found on the Cresta reach, and only one or perhaps two of them were thought to have successfully produced tadpoles. By comparison, over 80 FYLF egg masses were found on the Poe reach, immediately downstream of Cresta. The extremely low number of egg masses on Cresta increases the significance of every impact to FYLF reproduction.

AW states in its call for letters: “We also feel that recreational opportunities like the Feather releases are at the heart of river restoration.” We don’t think it would be appropriate to say this to the degree that these pulsed releases harmed aquatic resources and especially FYLF. We also think it is misleading to equate the recreational interest in supporting this letter-writing effort with support for the river (“The Feather River needs your support, so please write a letter today”).

Frogs and frog studies on the NF Feather today

As we believe in regards to macroinvertebrates on the Rock Creek reach, we believe that the scientists working on amphibians on the Cresta reach need time to complete their investigations according to the needs of scientific inquiry. Some of the scientists are working on a FYLF habitat model for use in this and other license proceedings, other tools are being discussed, and a comparative long-term examination of FYLF on the Cresta and Poe reaches continues into its sixth year. Given that the numbers of frogs observed in 2007 indicate very depressed numbers similar to 2006, we cannot reasonably give boating flows the benefit of the doubt and continue them, while investigation is ongoing, like we did on Rock Creek. Further on in the process, many options still appear to be on the table, including reducing the magnitude of boating flows, an option that, in our opinion, AW mistakenly suggests was foreclosed by the Resource Agencies.

The Agency scientists and their Technical Advisory Group are not, as AW seems to suggest in its request for letters, ignoring other impacts, and especially project impacts, to the Cresta FYLF population. In response to the loss of over 40 egg masses on the Poe reach due to a rapid drop in flow in mid-June, 2006, PG&E has begun several protracted projects to improve its ability to control the drum gates and other technically correctable causes of flow fluctuation below Cresta and Rock Creek reservoirs (fluctuations on these reaches cascade down to the Poe reach). The Forest Service in particular has made it clear that PG&E will be held to the same standard as AW regarding impacts to FYLF. The intimation that AW is being unfairly singled out certainly can’t be validated until the extent of the effort required of PG&E by the Agencies is known.

AW states: “Release flows are equal to the natural flows. Base flows are the unnatural flows.” The problem with this description is that, while the first sentence contains a sense of quantification (“are equal to”), the second sentence is qualitative. If base flows are the unnatural flows, and release flows are equal to natural flows, the suggestion is that release flows are natural. But whether flows are natural, or acceptably similar to natural, or not, is not just an issue of magnitude: it is also a matter of duration and timing. Simply put, if the flow stays above 700 cfs all summer, it’s different than if the flow goes from 325 to 900 and down again in less than 24 hours in the middle of the summer, when during the rest of the summer the flow is also 325 or thereabouts. These fluctuations at this time of year may have much more significance for FYLF survival than flow fluctuations of 10,000 cfs in 15 minutes in a rainy or high runoff time of year.

This goes back to a turning point in AW’s political evolution that bears discussion. The previous California director of AW made a policy decision around 2000 that AW would

not ask for boating flows outside the range of the natural unimpaired hydrograph. This was an attempt to allow for boating opportunities in a few larger watersheds while recognizing the principle of basing streamflows in bypass reaches on the natural hydrograph. Politically, this was a commendable gesture and should be recognized as such. It was controversial within AW and in the greater boating community, and required some courage to put into place as policy.

However, scientifically, it left out timing and magnitude: where the flow was before, during, and after a boating flow. Occurrences on both the Poe and Cresta reaches brought into the spotlight in 2006 a number of new aspects related to the effects of flow fluctuations on FYLF. The presence or absence of rises and drops in flow during critical FYLF life stages, from egg laying through metamorphosis, is apparently more important than the magnitude alone of summer base flow. Of much greater import to the frogs than the magnitude of base flows pre-project are summer flow fluctuations over the last twenty-four hours.

Two views of science

AW suggests that there is a refusal on the part of the Technical Advisory Group to undertake studies suggested by AW, and that this signifies a bias on the part of the scientists. Actually, what is taking place here is an argument about the nature of science itself.

AW's study asked for examination of the effects of boating flows on tadpoles based on direct observation. The reason that the Technical Advisory Group disagreed with AW's proposal for direct observation of onsite instream effects of boating flows on tadpoles was that it is physically too difficult to assure complete reliability of a survey effort under such conditions. If tadpoles scatter, are suddenly in deep water, or are subject to even small increases in turbidity, they are hard to see. Similarly, AW states that there is "no evidence from displacement studies done during recreation releases that any displacement of tadpoles has occurred." The question again is whether survey methods allow a statistically valid comparison. Note that the Technical Advisory Group does not suggest that direct observation is necessarily an invalid study method; rather, the issue is whether sufficient accuracy in such observation can be achieved.

What AW claims is "over reaching" by the amphibian biologists is the BACI (before-after-control-impact) method used to track the trend of frog populations over time. In short, this method has been used to compare the trends in the frog populations of the Poe and Cresta reaches over a period of (up till now) five years on Cresta and six years on Poe. The study assumes a three year breeding cycle, and thus looks at the number of frog egg masses in any given year to analyze the effects of flow management three years previously. The study compares population trends on Poe and Cresta during three years when there were no boating releases on Cresta, and three years (the third year of measurement being 2007) when there were boating releases on Cresta. After the boating flows were introduced, egg mass numbers on Cresta trended downwards, while populations on Poe trended sharply upwards. The BACI method, and many other

scientific methods, look at developments in an overall ecosystem and then seek to design studies to isolate the causes of these developments. This conflicts with the view of science promoted by AW that depends on directly observed direct effects.

AW implies that if direct observation cannot detect directly observable effects of boating releases on tadpoles, the study results will always be suspect. Each of AW's study proposals and responses to the Technical Advisory Group scientists goes to the need for, or the absence of, directly observable effects. But frog numbers on Cresta have been declining. We don't need to watch the frogs die in order to be concerned, or even to draw conclusions about their future. The BACI method is widely accepted scientific practice, and the research being done on FYLF on the NF Feather River is being carried out by some of the premier frog scientists in the state. We need to give those scientists the time they need to understand the situation to adequately inform intelligent management decisions by the ERC and the Forest Service.

AW suggests, in response to egg mass data collected over the last five years, that there may be other causes of the decline of frogs in the Cresta reach, including the decline of frogs in general. However, this would not explain the rising numbers of frogs on Poe.

AW has previously questioned the results of the frog surveys on Cresta in 2006, suggesting that there may not have been consistency of effort with the survey on Poe. Several sites on Cresta could not be surveyed early in the 2006 breeding season because the licensee's consultant decided for safety reasons not to survey some of the historically better populated breeding sites. These questions raised by AW related to sufficient accuracy in observation. But questions raised by AW regarding 2006 survey methods informed survey methods in 2007, and egg mass numbers in 2007 still showed little improvement on Cresta when compared to 2006. Again, we agree with AW that it is important to employ consistent study methods. But we don't see anything to suggest that 2006 was a methodologically induced anomaly.

Conclusion

CSPA looks forward to working with AW, the Forest Service, and other stakeholders on improving management, the condition of aquatic resources, and recreation on the NF Feather River. CSPA will continue to review study results and descriptions, and will continue to promote the use of expert input and review to ensure that study methods are sound and that study results are meaningful.

AW was correct to point out in 2006 that project operations desiccated (de-watered) over 40 FYLF egg masses on the Poe reach in 2006. We share AW's opinion, also the opinion of many others, that such project effects are unacceptable, and will work to see that PG&E is held to account for the effects of its hydroelectric projects on FYLF, with the same rigor as is everyone else, including whitewater boaters.

CSPA believes that it is completely appropriate for the boating community to promote, as is suggested by AW, a non flow-dependent boating opportunity, or "play feature," below

Cresta Powerhouse. Such a feature would have no adverse aquatic impacts that we can think of. PG&E has been excessively risk-averse in deflecting discussion of such an option, which could form part of an overall resolution to boating issues on the NF Feather. CSPA will continue to support such a discussion, and encourages other ERC members and the Forest Service to do so as well.

AW, in concluding its call for letters, suggests that letter writers send a copy of their letters to Senator Feinstein, who “has an understanding of the multiple uses of Forest Service lands and the need to balance the needs of recreation, local communities, and resource protection.” This promotion of “balance” seeks to pin a very generalized tail onto a very specific donkey. Balancing the needs of aquatic resources with the needs of recreation and local communities does not mean allowing an amphibian species to be extirpated from a stream reach. It is not balanced to fail to take reasonable measures to prevent such an extirpation from coming to pass.

We see neither the point nor the benefit in an escalation of advocacy at this time. A frank discussion by AW and perhaps CSPA with selected Resource Agency personnel would have accomplished more in clarifying AW’s interest than a letter-writing campaign by people who are not familiar with the management issues on the NF Feather.

The Technical Advisory Group has agreed to meet certain deadlines asked for by AW, in order to avoid indecision masked by endless study. But until the scientists charged with understanding the effects of all management decisions on FYLF in the Cresta reach have reached a point where they can begin to draw conclusions, it is not productive to pressure the Forest Service for an accelerated reconsideration of renewed summer whitewater boating on Cresta.

Respectfully submitted

Chris Shutes
FERC Projects Director
California Sportfishing Protection Alliance

Appendix A
Mass E-mail sent by American Whitewater soliciting letters to Plumas National Forest

You are receiving this note because you are an AW member in California or Nevada. We have worked hard to provide recreational boating opportunities on the North Fork Feather River and we need your help if we want to see these opportunities again. We are asking you to write the Forest Service. If you have friends from outside the region who enjoy the river, please pass this note on to them. The Cresta Releases on the North Fork Feather River have been canceled again for 2007. The concern continues to be possible impact to foothill yellow legged frogs. While we share the concerns regarding protection of this sensitive species, we also want the Forest Service and other agencies to know how important this resource is to the paddling community. We continue to be concerned that the amphibian biologists are making over reaching conclusions that recreational releases are A) having an impact, and B) are the only possible source of impact to the frogs on the Feather. We have asked the biologists to conduct specific studies during releases to determine if these flows are in fact having an impact. They have been unwilling to do these studies. We have also said that we would be willing to accept lower flow levels with less potential impact, and they have also been unwilling to do this. They have also been unwilling to set a standard of protection for frogs that must be met by all beneficial uses of the North Fork Feather River including power production. Whitewater paddling is the only use that is being eliminated in order to protect frogs. We believe that this is in part because the agencies, particularly the Forest Service, do not know how important this resource is to the paddling community. We also feel that recreational opportunities like the Feather releases are at the heart of river restoration. These releases over the past five years have brought more people in contact with the Feather River than the river had seen in the previous fifty years. In the first half of the 20th century the Feather was a highly valued recreational resource supporting several businesses and a vibrant local economy, and bringing thousands of people to the river. Once the hydropower projects were constructed all this went away and the river lost its advocates. Only by building constituencies connected to rivers can we protect frogs, fish and flows on rivers like the Feather. The Feather River needs your support, so please write a letter today.

Write A Letter

Facts

1. The North Fork Feather River would have provided paddling all summer if PG&E were not taking water out of the river. This makes the North Fork Feather River unique in California.
2. The North Fork Feather is the only summer boating opportunity that has been restored in California.
3. Release flows are equal to the natural flows. Base flows are the unnatural flows.
4. PG&E's dams, the highway, the railroad, and other recreational activities impact North Fork Feather.
5. The Forest Service and the Federal Power Act require a balancing of resource needs and protection.
6. In 2006 PG&E's operations destroyed more frog egg masses on the Poe reach than have ever been found on the Cresta reach.
7. PG&E's project operations have repeatedly caused flow

fluctuations in excess of 10,000 cfs in 15 minutes. 8. Studies of tadpoles on the Cresta Reach have consistently shown no reduction in numbers of tadpoles after recreational releases.

Points to make

1. Introduce yourself and note your connection to the river (e.g. a local resident, an individual who makes long road trips, business owner who depends on the recreation economy, or a professional kayaker).
2. Why summer releases on the North Fork Feather are an important paddling resource? Scenery, Whitewater opportunity, summer season, etc.
3. How many releases have you attended?
4. All impacts from other uses, hydropower etc, need to be evaluated.
5. What is the direct evidence that whitewater releases have caused harm to any aquatic species on the Feather?
6. We have no evidence from displacement studies done during recreation releases that any displacement of tadpoles has occurred.
7. Other rivers without whitewater releases have shown the same decline. Why is the Forrest Service so certain that whitewater releases are the main impact to Frogs?
8. What is the Forest Service plan to reduce the known impacts to Foothill Yellow Legged Frogs from project flow fluctuations, lack of tributary access and other impacts from the Highway and Railroad?
9. Does the Forest Service have a plan to restore the whitewater recreation that has been lost on the Cresta Reach, release flows at a lower level, possibly a play feature below the Cresta Powerhouse, moving the opportunity to another reach? (close your letter by asking for a response to the questions you raise)

Mail your letter to: Alice Carlton, Forest Supervisor
Plumas National Forest PO Box 11500 Quincy, CA 95971 If you are inspired to send a copy of your letter to Senator Feinstein her address is provided below. Senator Feinstein is chair of the Senate Appropriations Subcommittee on Interior and Related Agencies (the committee that makes Forest Service funding decisions). As evidenced by her role with the Quincy Library Group, we know the Senator has an understanding of the multiple uses of Forest Service lands and the need to balance the needs of recreation, local communities, and resource protection. Senator Diane Feinstein One Post Street, Suite 2450 San Francisco, CA 94104 Email a copy of your letter to:
dave@amwhitewater.org Dave Steindorf, California Stewardship Director, American Whitewater If you have any questions on this action alert, please direct them to Tom O'Keefe okeefe@amwhitewater.org.
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