AMERICAN WHITEWATER

Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director
3537 NE 87th St.
Seattle, WA 98115
okeefe@americanwhitewater.org

Electronic Filing, December 6th, 2012

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

Re: Comments on Study Plans and Scoping Document 2 (SD2) for the Black Canyon Hydroelectric Project (FERC P-14110)

Dear Secretary Bose:

Enclosed for filing in the above referenced proceedings are COMMENTS ON STUDY PLANS AND SCOPING DOCUMENT 2, submitted in response to the Commission's September 7th, 2012 issuance of Scoping Document 2 (SD2) for the Black Canyon Hydroelectric Project.

Copies of this filing have been served on all parties of record to these proceedings. Thank you for your assistance. Please call me at (425) 417-9012 if you have any questions or need additional information.

Sincerely,

Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Black Canyon Hydro LLC	)	Project No. 14110-000
	)	Black Canyon
	)	Hydroelectric Project
	)	
	)	Comments of
	)	American Whitewater

AMERICAN WHITEWATER COMMENT ON THE STUDY PLANS AND SCOPING DOCUMENT 2 FOR THE BLACK CANYON HYDROELECTRIC PROJECT, FERC PROJECT NUMBER 14110-000

(Submitted December 6, 2012)

I. Introduction

American Whitewater hereby files comments on the Proposed Study Plans developed by Black Canyon Hydro LLC (hereafter "Applicant") for a new license for the Black Canyon Hydroelectric Project (hereafter "Project"), FERC Project No. 14110, located on the North Fork Snoqualmie River in King County, Washington. We, along with several of our individual members, have been actively engaged in this proceeding since the applicant filed a preliminary permit for this site on March 11th, 2011. While the applicant has expressed a general interest in engaging in a collaborative effort towards study plan development, no meeting summaries have been provided and the initial communications protocol that was developed was extremely vague. As noted previously, there are a number of legal and policy barriers that will make this project extremely difficult—if not impossible—to license.[1] As detailed in our previous filing, development of this Project would violate federal, state, and local comprehensive plans governing the management of this river, all of which have identified the importance of maintaining the North Fork Snoqualmie in its free-flowing condition. Put simply, the proposed site is inappropriate for hydropower development.

II. STATEMENT OF INTEREST

American Whitewater is a national organization with a membership of approximately 5,500 individual whitewater boating enthusiasts and more than 100 affiliate clubs, representing thousands of whitewater paddlers across the nation. American Whitewater was founded in 1954 and is one of the nation's oldest river conservation organizations. We are dedicated to safety, education, and the conservation of America's whitewater rivers, and our mission is to conserve America's whitewater resources and to enhance opportunities to safely enjoy them.

[1] Comments of American Whitewater on Pre-Application Document (PAD) and Scoping Document 1 (SD1) for the Black Canyon Hydroelectric Project. FERC eLibrary Accession 20120724-5120.

American Whitewater has been actively involved in this licensing proceeding and has a documented interest in recreational opportunities on the North Fork Snoqualmie that dates back more than two decades. In addition we have a strong interest in resource protection, including fishery resources and riparian habitat. Recognizing the special and unique attributes of this spectacular river, our members were actively engaged in efforts to protect it for its conservation value through various federal, state, and local plans. Our individual members who live in the region and value the river for the recreational opportunities and its natural resources have also filed numerous comments in opposition to construction of this Project.

Comments

A) Process Comments

American Whitewater, with our partners in the Hydropower Reform Coalition, participated in the National Review Group to draft a new licensing process that FERC then drafted into their Integrated Licensing Process ("ILP") rulemaking. The FERC's ILP is a natural progression of the Alternative Licensing Process ("ALP") established in 1997. The ALP relied heavily on collaboration; now the ILP is premised on the collaborative aspects of the ALP while eliminating redundancy in the NEPA schedule. The result is an accelerated licensing timeline. To achieve success in this process, which requires parties to meet tight regulatory deadlines, collaboration must take place from the outset. The ILP moves quickly; earning assurances and agreements early in the process is essential to success. Based on our experience with actively participating in more than a dozen ILP processes around the country, we have serious concerns that the Applicant is not taking the necessary steps to launch a successful ILP process. While some initial progress has been made, development of even a basic communications protocol has taken considerable time, no follow up meetings have been scheduled, and no staff or consultants with demonstrated experience in developing studies of recreation have been identified. If we are to have any chance of meeting the timeline set by the ILP, the Applicant needs to initiate a more aggressive effort towards planning, communication, and coordination with stakeholders.

B) Recreation Resources

It is unclear from the Applicant's study plan whether angler use will be evaluated. This should be clarified and we believe this activity should be explicitly evaluated as part of this study. In our informal conversations with users of this reach we have received anecdotal reports of a unique fishery resource that is not otherwise available in the region.

In the section of the study plan covering existing information, the Applicant describes the permit system for public access administered by Hancock Forest Management. The description is not completely accurate—currently there are no limits for permits available to walk-in users, including hikers, mountain bikers and paddlers. In addition, the study should include an analysis of the changes in the permit system that have occurred over the past ten years and impacts to visitor use. Prior to 2012 there was no charge for non-motorized recreational users (i.e. those who walked in). Based on visitor feedback, Hancock has changed their policies for 2013 as

follows: "The price for non-motorized access permits will be reduced in 2013. The new rates are $45 for an annual individual permit (down from $75), $80 for an annual family permit (down from $150), $8 for a day-use individual permit and $15 for a day-use family permit (down from $16)."[2] These changes to the permit system have had significant implications for visitor use in the proposed Project area and any discussion of visitor usage should put the results in the context of continually changing policies on public access.

The study also erroneously states that property in the Project area is "owned by private parties who control access." In fact, Washington State DNR manages a significant amount of public land in the Project area, including the bed and banks of the river, which is managed for low-impact public recreation as part of the Mt. Si Natural Resources Conservation Area. The Public Use Plan for the Mt. Si NRCA describes the Primitive Zone, which includes the land along the river and a portion of the river itself, as an area characterized by "extremely steep slopes, cliff faces, rocky outcrops, waterbodies, unusually high elevation Sitka spruce, fragile headwaters, unique or fragile vegetation, areas recovering from past use, and wildlife habitat requiring protection."[3] While these areas area managed for low public use, they do provide unique and highly valued opportunities for solitude and exploration for hikers and boaters.

C) Whitewater Study

In addition to considering new access points in the vicinity of the powerhouse, the Study Area should be extended to include the current take-out for the Ernie's Gorge run which is in the King County Three Forks Natural Area. All locations described in the Study Area should be clearly mapped and identified. Current access points need to be identified along with their current status: public, private but accessible by permit, or private with no provisions for public access. The map should clearly identify public land, major private landowners, and other private land.

The North Fork Snoqualmie is a navigable waterway. In Washington State, navigable waters include such waters capable of navigation for general commercial purposes with commercial purposes include floating shingle bolts (i.e. a bundle of wooden shingles).[4] In any case, the Commission has required accommodations for whitewater recreation on challenging Class V rivers with no commercial use including the Chelan Gorge (FERC P-637).

We concur with the use of USGS gage 12142000 as the basis for hydrologic analysis and evaluation of recreational flows. This is the reference point used by the whitewater paddling community. As we have stated previously, it is important that the 15-minute data be used for hydrologic analysis.

We propose a two-step process for the whitewater study that includes Phase I and Phase II as

[2] https://hancockrecreationnw.com/node/213, Accesssed December 6th, 2012.
[3] At Page 16, Mt. Si NRCA Public Use Plan, Washington Department of Natural Resources. 1997.
[4] Kemp v. Putnam, 288 P.2d 837, 839 (Wash. 1955) and Monroe Mill Co. v. Menzel, 77 P. 813, 815 (Wash. 1904).

described in more detail below.

Phase I: Conduct an initial analysis of the discharge data for the North Fork Snoqualmie River. Estimates of whitewater flow preferences (referred to as preliminary flow preference curves) should be obtained through a combination of regional guidebooks and websites, and interviews with a focus group composed of whitewater paddlers who use the reach. The Applicant has developed some of this initial information, which is included as Table 1 in the study proposal. The preliminary flow preference curves will be used to develop an initial quantitative estimate of the frequency of whitewater boating days annually and the timing of those whitewater opportunities under pre and post Project condition. The Phase I analysis should summarize the discharge analysis and frequency of whitewater opportunities pre and post Project.

Phase II: The Phase II study will be necessary to develop and define a flow preference curve. This study approach requires identification of the minimum acceptable and optimum flows for whitewater recreation. The range of flows for study will be based on discharge data analysis in Phase I, which includes information obtained from user groups during interviews. In Phase II, participants will respond to a series of survey questions, which will be tabulated and analyzed to objectively develop user group flow preferences.

In contrast to rivers where an existing project permits a controlled flow study, data will need to be collected opportunistically on the North Fork Snoqualmie through an internet-based survey instrument. With this approach, the user group completes an internet survey after each boating experience evaluating that flow. There are several key advantages to the internet based approach: 1) the study relies on existing instream flows, 2) no need exists for on-site staff to administer a survey instrument, 3) the pool of participants increases relative to the size of a controlled flow study, which is limited by transportation and coordination logistics, and 4) repeat participants are able to respond to a range of flows. Disadvantages to this approach include: 1) lack of facilitation instructing participants on individual survey questions, 2) lack of facilitated focus group discussion, 3) lack of photo and video documentation of each flow, 4) lack of a quick succession of flows for comparison, and 5) no guarantee flows will bracket the range necessary to evaluate preference curve or occur at all. The internet-based study assumes that a range of flows will occur over an acceptable period of time within the estimated range of boatable flows (i.e. below minimum acceptable and above optimum). In the absence of this probability, an internet-based study is not appropriate. However, in our experience doing flow studies on rivers in this region, and based on our knowledge of the North Fork Snoqualmie, we believe the minimum date range necessary to bracket the required range of flows is October 1st to July 1st. For this reason, we believe that an internet-based study is appropriate provided the proposed study schedule is revised accordingly.

Phase II Report: The Applicant will be responsible for analysis and compiling a Phase II report. Following preliminary analysis of the data, we recommend that the Applicant convene a focus group of users familiar with the reach. The focus group is a standard element of controlled flow studies and can be especially helpful in interpreting data from an internet-based study. Participants can be drawn from those who responded to the internet survey. Following the

focus group meeting, the Applicant will be responsible for tabulating and analyzing data to develop flow preference curves.

Survey Recommendations

We have worked with utilities and their consultants to evaluate instream flow needs at projects across the country and have more recently adopted internet-based surveys as a tool that is particularly useful for rivers like the North Fork Snoqualmie where a controlled flow study is not possible.

An internet-based survey includes the following elements:

1) An overview page describing the survey.

2) Data on the paddler and the day of their run as follows: Date of run, name, put-in and take-out, number of times boating the run, flow (specify USGS gage), craft type, years of experience and level of experience, number of paddling days annually, gender, and age.

3) Rating of characteristics on a seven point scale: 1-totally unacceptable, 2-moderately unacceptable, 3-marginally unacceptable, 4-neutral, 5-marginally acceptable, 6-moderately acceptable, 7-totally acceptable. The characteristics should include boatability, availability of technical boating, availability of powerful hydraulics, overall whitewater challenge, safety, aesthetics, length of run, number of portages, and overall rating.

4) Follow up questions on the flow experienced as follows:

- In general, would you prefer a flow that was lower, higher or about the same as this flow?
- If you prefer a higher or lower flow, please indicate the volume in cubic feet per second that you would like to boat.
- Are you likely to return for future boating at the preferred flow you identified above?

5) Comparison of flows based on the range of flows of interest as identified in the Phase I report and using the same seven-point scale described in #3 above. This range likely includes 100 cfs to 1200 cfs. This question could be asked as follows: “For comparative purposes, please estimate the quality of the following North Fork Snoqualmie flows for your craft and skill level. In making your evaluations, consider all the flow dependent characteristics that contribute to a high quality trip (boatability, WW challenge, WW play, safety, aesthetics, and length of run). If you do not feel comfortable evaluating a flow you have not seen, leave that row blank.” This should be followed by additional specific questions as follows:

- From a recreational perspective, what is the minimum acceptable flow for this run? The minimum acceptable is the lowest flow you would return to boat, not the minimum flow necessary to navigate.
- For you, what is the optimum flow for this run?

- Many people are interested in a "standard" whitewater trip at medium flows. Think of this standard trip for your craft. What is the best or optimal flow for a "standard" trip?
- Some people are interested in taking trips at higher flows for increased whitewater challenge. Think of this "high challenge" trip in your craft. What is the best or optimal flow for a "high challenge" trip?
- What is the highest safe flow for your craft and skill level?
- If one flow for boating was released, what flow would you prefer?

D) Comments on Scoping Document 2

Section 4.2.5 identifies the need for an analysis of the Project on the changes to magnitude, frequency, duration, timing, and rate of change of flows in the proposed 2.6-mile-long bypassed reach and how those changes would impact whitewater boating. Given the flashy nature of this system and the way it responds to rain events, it is important that this analysis be conducted using the flow data collected at 15 minute intervals.

IV. Conclusion

American Whitewater strongly objects to the development of the Black Canyon Hydroelectric Project. We believe this project would have significant and widespread impacts on the recreational, aesthetic, habitat and ecological values of the North Fork Snoqualmie River and the surrounding area. In addition, there are a number of legal and policy barriers that will make this project extremely difficult—if not impossible—to license. The project would violate directives and policies governing the management of this river, which has been found suitable and recommended for designation under the Wild and Scenic Rivers Act and designated as a Protected Area by the Northwest Power and Conservation Council.

Despite our concerns, we commit to working in good faith in the development of study plans for this Project. We recognize that good comprehensive information is necessary for the Commission to make a public interest determination regarding this proposed Project. If the Applicant is serious about developing this Project, we believe a more serious commitment needs to be made to initiate a more aggressive effort towards planning, communication, and coordination with stakeholders.

Respectfully submitted,

Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director
American Whitewater

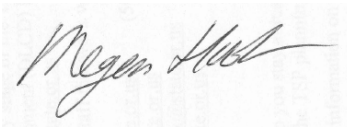
UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Black Canyon Hydro, LLC.	**Project No. 14110**

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of the Commission's Rules of Practice and Procedure, I hereby certify that I have this day caused the foregoing **Comments of American Whitewater on Study Plans and Scoping Document 2 (SD2) for the Black Canyon Hydroelectric Project (FERC P-14110)** to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 6th day of December 2012.



Megan Hooker
American Whitewater