

138 FERC ¶ 62,142
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

United Water Conservation District

Project No. 2153-032

ORDER MODIFYING AND APPROVING WHITEWATER
BOATING ACCESS PLAN

(February 21, 2012)

1. On November 15, 2011, United Water Conservation District (United or licensee) filed its proposed whitewater boating access plan (plan) pursuant to article 410 of the license for the Santa Felicia Project, FERC No. 2153.¹ The project is located on Piru Creek, a tributary of the Santa Clara River, in Ventura County, California. The project occupies 174.5 acres of federal lands administered by the U.S. Department of Agriculture, U.S. Forest Service (USFS).
2. Per article 409, the licensee is required to implement an interim whitewater boating access program, downstream of the Santa Felicia dam by providing restricted, escorted access, via shuttle, to a designated put-in site on Piru Creek within one year of license issuance, or by September 12, 2009.
3. Article 410 requires that within three years of license issuance, the licensee shall file with the Commission for approval, a plan for providing whitewater boating portage around the Santa Felicia dam and providing permanent whitewater boating access downstream of the dam at a location near the Piru Canyon bridge crossing. The plan shall: 1) consider measures, such as installation of fencing, gates, and signage, to control public access to protect facilities for appropriate safety and security purposes; 2) include measures for providing parking at the selected downstream access site for 20 vehicles, installing a spring-closing gate, and constructing a graded foot-trail from the parking area to the creek; and 3) include a schedule for implementing and completing development and construction of the sites within two years of plan approval by the Commission. Further, article 410 requires that the plan be developed in consultation with the USFS, California Department of Natural Resources (CDNR), American Whitewater (AW), and Sierra Club (SC). The licensee shall file the plan with these consulted parties for a

¹ 124 FERC ¶ 62, 193 (2008).

minimum 30 day review and comment period. The plan filed with the Commission shall include copies of the consulted parties' comments and the licensee's response to those comments.

LICENSEE'S PROPOSAL

4. The licensee's filing includes: 1) a description of the project area; 2) descriptions of project storage and fall water conservation release schedules and rates; 3) details and historical results for an interim whitewater boating access plan (2009-2011) per article 409; 4) documentation of consultation with consulting parties; 5) photographs and text for access area signage; and 6) a permanent whitewater boating access plan. The licensee's plan addresses each of the provisions required within article 410. The plan's features include: whitewater access points, licensee escorted access, portage around the dam, public notification of release schedules, signage and security, parking provisions, and documentation of consulting party reporting and comments.

5. The licensee states that following determination of its fall water conservation release schedule, per article 408 release notification requirements, it provides AW, and the local daily newspaper with the anticipated release schedule and then posts the material on its website. AW posts the release information on its website as well. The information is provided to interested whitewater boaters using an email list serve. If changes are made to the anticipated release schedule, interest groups and the general public are notified via newspaper and licensee website postings.

6. The licensee notes that although required by article 410 to provide permanent access downstream of the dam, in a location near the upstream Piru Canyon bridge crossing, it proposes to continue to utilize, as an alternate permanent access point, the site identified within the interim plan. This alternate access point (put-in site) is located at the U.S. Geological Survey gauge no. 11109800, on the west side of Piru Creek, below the dam. The required Piru Canyon bridge crossing property is not owned by United. Its use, and subsequent improvement, would require easements, permits, and result in potentially significant costs to United. United's plan states that these costs cannot be justified due to a lack of boater interest as reflected by user data compiled between 2009 and 2011. Interim plan records reflect that 21 total users accessed the Piru Creek whitewater run (class I and II rapids) during that three-year period. Further, United includes a September 22, 2011 newspaper article and whitewater participant descriptions that suggest recreational whitewater use may likely decline further in upcoming years due to the difficulty with existing dense vegetation that users experience within the first four mile length of the creek.

7. Per its interim access plan, United proposes to continue to operate licensee escorted access on weekends during the fall water conservation release which typically begins in mid September and ends in early November. Escorted access is provided between 9:00 a.m. and 3:00 p.m. each week-end day of the annual fall releases and

during any period when flow releases exceed 200 cubic feet per second (cfs). The release schedule, dates, and flow rates, vary annually. Typical maximum flow is between 200 cfs and 400 cfs. Due to the low number of boaters and sporadic use of the escorted access to Piru Creek, United requires boaters to make reservations at least 24 hours in advance. Boaters would be provided with fenced parking at the staging area located at the entrance to the Santa Felicia dam entrance road (same location as provided in the interim plan). Boaters would then be met by a United employee and shuttled with their boat by vehicle to the put-in site (current alternate site). The put-in site consists of a leveled shaded area with trash cans and signage. Boater access to the creek at this location is relatively flat and considered easy. At both the upper parking lot and Piru Creek put-in location, United displays warning and instructional signage detailing potential hazards and boater advisories concerning risks, trespass on private property, licensee liability, and user take-out transportation responsibilities.

8. The plan notes that boaters may access Lake Piru (above the dam) at three reservoir put-in sites located within the Lake Piru recreation area: 1) from the bottom of Middle Piru Creek, 2) at the Juan Fernandez lunch ramp at the north end of the lake, and 3) at the Lake Piru Marina. The plan states that should demand for access increase, and the number of whitewater boaters accessing the put-in sites below the Santa Felicia dam reach 120 persons (individual boaters counted only once per day) annually for two consecutive years, United would work with the County of Ventura and Rancho Temescal (private property) to construct improvements to provide permanent whitewater boating access at a location near the Piru Canyon bridge crossing, downstream of the Santa Felicia dam, as identified within article 410. Per article 410, the put-in site would include a parking lot to accommodate 20 vehicles, a graded foot-trail leading down to Piru Creek, trash cans and signage. These improvements would be completed within two-years of the determination that there is sufficient interest in whitewater access to Piru Creek.

9. The licensee proposes that, beginning in 2012, it prepare an annual Santa Felicia whitewater boater access report which tracks and documents the number of boaters it escorts to the put-in site on Piru Creek downstream from the dam and the number of boaters requesting portage over the dam. The report will also include the dates and time frame of the fall water conservation release, the number of days escorted access was available, flow rates, and any comments or feedback received by boaters. The annual report will be filed with the Commission, USFS, CDNR, AW, and the SC and will be posted on the licensee's website.

AGENCY CONSULTATION

10. United consulted with appropriate federal and state resource agencies (consulted parties) and provided documentation of that consultation with its filing. The USFS, CDPR, AW, and SC were provided with a copy of the draft plan and given 45 days to review the plan and offer written comments. No consulted party comments were

received. United also posted its draft plan on its website inviting public comments. No public comments were received.

DISCUSSION

11. The licensee's interim whitewater boating access plan, initiated in 2009 (per article 409) until a permanent plan could be developed, appears to have been effective in providing controlled access to Piru Creek for whitewater enthusiasts below the Santa Felicia dam. The licensee's dam portage and boater escort procedures and facilities, while effective, have been only lightly utilized by the whitewater boating community during the 2009-2011 reporting period. United's whitewater boating access plan reflects a continuation of those measures and services provided within the licensee's interim program.

12. In light of historical whitewater boater activity data compiled by the licensee within the past three years, article 410's requirement that the licensee provide permanent whitewater boating access downstream of the Santa Felicia dam at a location near the Piru Canyon bridge crossing is not warranted at this time. We concur with the licensee's proposal to provide the permanent whitewater access facilities identified under article 410, should future monitoring indicate demand for access increase, and the number of whitewater boaters accessing the put-in sites below the Santa Felicia dam reach 120 annually for two consecutive years. In the event of this boater increase, the licensee should file with the Commission, for approval, a plan for providing whitewater boating portage around the Santa Felicia dam and providing permanent whitewater boating access downstream of the dam at a location near the Piru Canyon bridge crossing as identified within article 410.

13. The licensee's plan describes its proposal to prepare an annual report, submitted to the Commission, documenting its monitoring of complete whitewater activities associated with the Santa Felicia project. The licensee should file the report with the USFS, CDPR, AW, and SC for a minimum 30 day review and comment period. Monitoring reports filed with the Commission should include copies of the consulted parties' comments and the licensee's response to those comments. The licensee should file the annual report with the Commission by January 15 following the year in which the monitoring occurred. The Commission should reserve the authority to require changes to the approved plan based on the results of the annual reports.

14. The licensee's whitewater boating access plan would effectively manage whitewater boating activity originating below the Santa Felicia dam. Measures to provide Piru Lake access, dam portage, and boater escort to approved put-in locations are augmented with appropriate parking, signage and other site related amenities. The proposed whitewater boater access plan should be approved, as modified above.

The Director orders:

(A) United Water Conservation District's proposed whitewater boating access plan, filed on November 15, 2011 for the Santa Felicia Project, as modified by paragraphs (B) and (C), is approved.

(B) By January 15 each year, beginning in 2013, the licensee shall file with the Commission the whitewater boating access monitoring report identified in the approved plan for the previous calendar year. The licensee shall file the report with the U.S. Forest Service, California Department of Parks and Recreation, American Whitewater, and Sierra Club for a minimum 30 day review and comment period. Monitoring reports filed with the Commission shall include copies of the consulted parties comments and the licensee's response to those comments. The Commission reserves the right to require changes to the approved plan based on the results of the annual reports.

(C) Should future monitoring indicate demand for access increase, and the number of whitewater boaters accessing the put-in sites below the Santa Felicia dam reach 120 annually for two consecutive years, the licensee shall file, for Commission approval, a plan for providing whitewater boating portage around the Santa Felicia dam and providing permanent whitewater boating access downstream of the dam at a location near the Piru Canyon bridge crossing. The proposed plan shall be filed by April 15 of the year following the second consecutive year in which the number of annual whitewater boaters accessing the put-in sites below Santa Felicia dam reached 120 persons, and include the items required in article 410 and be prepared in consultation with the parties identified in the article.

(D) This order constitutes final agency action. Any party may file a request for rehearing of this order within 30 days from the date of issuance, as provided in sections 313(a) of the FPA, 16 U.S.C. § 8251 (2006), and the Commission's regulations at 18 C.F.R. § 385.713 (2011). The filing of a request for rehearing does not operate as a stay of the effective date of this order, or of any other date specified in this order. The licensee's failure to file a request for rehearing shall constitute acceptance of this order.

Robert J. Fletcher
Chief, Land Resources Branch
Division of Hydropower
Administration and Compliance

Document Content(s)

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