

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

IN RE

SOUTHERN CALIFORNIA EDISON
KERN RIVER NO. 3 HYDROPROJECT

DOCKET NO. P-2290-122

KERN RIVER BOATERS' COMMENTS IN RESPONSE
TO MARCH 2024 KR3 REC-1 ADDENDUM

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Kern River Boaters submits these comments in response to Edison's March 29, 2024 addendum to its REC-1 interim report. (FERC Accession No. 20240329-5136.)

Edison: *"Level 3 Single Flow Survey Results"* (Cover.)

KRB: As it did with its Structured Interview Questionnaire in the initial ISR (see KRB ISR [ONE](#)¹ and [TWO](#)² at KRB REC-1.1), Edison once again submits study "results" that do not include preliminary estimates of optimal and minimally acceptable flow preferences. Regarding the 2023 single flow study (SFS), we had "the largest number of responses ever" according to Edison's consultant at the ISR meeting with almost half at the lower flows Edison has unilaterally targeted for "reopening" (200-800 cfs). Edison's repeated reluctance to report preliminary flow preference results is contrary to Whittaker's goal of early and transparent sharing of study data. This instance reinforces the case to grant KRB's requests to: (1) require Edison to conduct a controlled flow study in which flow preferences can most accurately and reliably be determined for Southern California's most important stretch of river (KRB ISR [ONE](#) and [TWO](#) at KRB REC-1.7); (2) prohibit Edison from "reopening" the closed 2023 SFS for data collection at flows of its choosing without an evidence-based justification (See KRB ISR [ONE](#) and [TWO](#) at KRB REC-1.8.); and (3) require that Edison

¹ https://elibrary.ferc.gov/eLibrary/docinfo?accession_num=20231211-5183

² https://elibrary.ferc.gov/eLibrary/docinfo?accession_num=20240401-5656

share raw survey data in searchable spreadsheet format as a matter of course on its KR3 relicensing website. (See KRB ISR [ONE](#) and [TWO](#) at KRB REC-1.1.)

Edison: “2024 Level 3 Intensive Study implementation: – Provide enhanced flow opportunities targeting knowledge gaps” (Addendum at 6.)

KRB: Edison’s “enhanced flow opportunities” is not a Level 3 study. We have discussed how Edison’s purported “Level 3” study methodologies fail to satisfy Whittaker in that they are open to the public rather than a representative panel. (KRB ISR [ONE](#) and [TWO](#) at KRB REC-1.6.) Since that discussion, Edison has conducted part of an “enhanced flow” study. In that study, Edison invited boaters as follows: “Please complete an evaluation form for each enhanced flow. Complete an evaluation form *even If you inspect a river segment but decide not to boat.*”



Jillian Roach

SCE Kern River No. 3: Enhanced Flow Opportunities on the North Fork Kern River-Update 2

Cc: David Moore

Inbox - iCloud April 11, 2024 at 8:33 AM



Details

On behalf of Southern California Edison

This email is an update for boaters participating in the whitewater boating enhanced flow opportunities on the North Fork Kern River (NFKR) as part of the relicensing process for the Kern River No. 3 Hydropower Project.

SCE is providing the planned enhanced flow opportunities through control of flows into the water conveyance system, with the first targeted opportunity starting **today, Thursday April 11th** and continuing through Sunday, April 14th with a different flow each day. Current forecasts are predicting warmer temperatures this week, which may increase flows higher than some of the original targets.

Thursday’s flow below Fairview Dam in the NFKR bypass reach at 7 AM was 455 cfs. SCE is diverting the maximum allowed into the water conveyance system for this enhanced flow in the bypass. The flow in the bypass may fluctuate with changes in inflow to Fairview Dam during the day.

A few reminders to participants:

- Morning check in (9-10 AM):
 - Study participants are encouraged, but not required, to check-in for each enhanced flow opportunity at Riverside Park between 9 and 10 AM. Participants can confirm the watercraft and river segment(s) they plan to evaluate that day.
 - Evaluation Form: Please complete an evaluation form for each enhanced flow. **Complete an evaluation form even If you inspect a river segment but decide not to boat.**

As Whittaker states with regard to the Level 2 limited reconnaissance methodology, “On-land boating assessments . . . are unlikely to provide precise assessments of flow ranges.” (Whittaker at 14.) Yet a precise assessment of flow preferences is what Edison purports it wants out of this study. (Addendum at 5.) By including on-land feasibility assessments in the “enhanced flow opportunities” study, Edison has mixed data types: boaters who paddled a flow can provide a quality of assessment for the inference of flow preferences that boaters who didn’t paddle that flow cannot. Yet Edison has aggregated both types of data into a single study. The inclusion of “inspection” data in this study further supports our request to strike the characterization of any of its study methodologies as “Level 3” — not only do none of Edison’s studies employ a representative panel; now

Edison is mixing the contemporaneous assessments of those who have paddled the flow at issue with the visual assessments of those who have not paddled that flow. (KRB ISR [ONE](#) and [TWO](#) at KRB REC-1.6.) This instance also supports our request to require Edison to conduct a controlled flow study in which flow preferences can most accurately and reliably be determined for Southern California’s most important stretch of river. (KRB ISR [ONE](#) and [TWO](#) at KRB REC-1.7.)

Edison’s implementation of the “enhanced flow opportunities” portion of its study also suggests its bias against the survey results to date. In the survey tool for the study, Question 10 invites the respondent boater to fill out an evaluation for each river segment (1) if they boated it or (2) *if they chose not to boat it because of “unsuitable flow conditions.”*

* 10. For this enhanced flow opportunity, did you boat a whitewater segment between Fairview Dam and the KR3 powerhouse (also known as the "bypass")? (Select **YES** if you boated a segment in the bypass for this enhanced flow or intended to boat but chose not to boat due to unsuitable flow conditions for your watercraft or skill level)

Yes

No

Regarding people who “inspected” the river but chose not to boat it, this question only permitted them to fill out a survey if they chose not to boat due to unsuitable — too low — flows. The question did *not* allow persons to fill out a survey if they found flows perfectly acceptable but chose not to boat because (1) they had time constraints (*e.g.*, a prior commitment or family matter or just ran out of time) or (2) had physical constraints (*e.g.*, were already tired from boating other segments). These people, who again found flows perfectly acceptable, could not answer “yes” to question 10 for that question in plain words indicated a response that flow conditions were “*unsuitable*.”³

³ The fact that Edison asks a nonsensical question in its survey does not inspire confidence in its handling of the data obtained:

It speaks volumes that, regarding people who inspected but did not boat the river segments, Edison would only invite responses from those who did not like the flows and offered no pathway for others who thought the flows were fine to register their opinions. It also undermines any rational inference from the biased “inspected/did not paddle” data collected. This instance offers further support for our requests to (1) require Edison to conduct a controlled flow study in which flow preferences can most accurately and reliably be determined for Southern California’s most important stretch of river (KRB ISR [ONE](#) and [TWO](#) at KRB REC-1.7) and (2) require that Edison share raw survey data in searchable spreadsheet format as a matter of course on its KR3 relicensing website. (See KRB ISR [ONE](#) and [TWO](#) at KRB REC-1.1.)

This instance of bias against lower-flow boating elevates the problematic nature of the degrees of freedom entailed by Edison’s study design for its consultant — degrees of freedom that are ripe for conscious or unconscious bias in data validation, aggregation, and reporting. For instance, Edison has implemented its survey tool in a manner that greatly expands its degrees of freedom on the most controversial issue in this proceeding — minimum acceptable flows — which is supposed to turn on the question of “whether half of boaters would return” to paddle a given flow. Rather than squarely asking boaters this question in its survey tool, Edison asks them instead in question 14 (reprinted below) whether they are “likely” to return to boat.



Keith Richards-Dinger

Inbox - iCloud April 12, 2024 at 8:28 PM

Re: flow study questionnaire

To: Liz Duxbury, Cc: brett harding duxbury

[Details](#)

I assume others have noticed that the answers to question 7 contradict the question?

"Is this the first time you have completed the enhanced flow evaluation form for the KR3 project?"

Yes, I have evaluated other enhanced flow opportunities in 2024
No, I have not evaluated any enhanced flow opportunities in 2024"

* 7. Is this the first time you have completed the **enhanced flow evaluation form** for the KR3 project?

Yes, I have evaluated other enhanced flow opportunities in 2024

No, I have not evaluated any enhanced flow opportunities in 2024

* 14. Are you likely to return to boat the river segment(s) at the enhanced flow you are currently evaluating? (respond for each each river segment you are evaluating)

In a post-focus group discussion, Edison’s consultant confirmed that this question does not, in fact, answer for him the question of whether that boater would return to boat the segment in question — thus again increasing the scope of the consultant’s freedom of inferring the answer rather than nailing it down with a direct response of a boater’s contemporaneous experience. This militates in favor of directing Edison to share searchable raw study data in spreadsheet for as a matter of course. Personal identification information (save for zip code) may be redacted and replaced with a numerical personal identifier. (See KRB ISR [ONE](#) and [TWO](#) at KRB REC-1.1.)

Respectfully submitted from Kern River Boaters,

//s// ED

Elizabeth Duxbury, President

//s// JLP

José Luis Pino, Vice President

//s// BD

Brett Duxbury, Secretary-Treasurer

DATED: April 29, 2024