

**UNITED STATES OF AMERICA**  
**BEFORE THE**  
**FEDERAL ENERGY REGULATORY COMMISSION**

**KERN & TULE HYDRO LLC**                    )  
  )     PROJECT NO. P-178  
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<b>KERN RIVER BOATERS’ COMMENTS IN OPPOSITION TO PROPOSED NEW COMPLIANCE GAUGE</b>
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On September 13, 2021, licensee Kern & Tule Hydro (“KTH”) proposed to replace the current gauge in the bypassed reach of the Kern Canyon Hydroproject (“KCP”) with a new empirical weir gauge.<sup>1</sup>

Kern River Boaters (“KRB”) files these comments in opposition to the proposal, which would both decrease recreational opportunities in the bypassed reach and increase the risks to recreators.

KCP dewateres about a mile-and-a-half of the Kern River just outside of Bakersfield, California. Whitewater boaters call that section of river “The Mouth,” as the section ends at the mouth of Kern Canyon next to state highway 178.

The Mouth is a difficult and dangerous section of whitewater due to its gradient and many large boulder formations and is rated Class 4 at lower

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<sup>1</sup> FERC eLibrary No. 20210913-5094 [“Proposal”].

flows and Class 5 at higher flows. This run is fully depicted at flows of 190-260 cfs in this video: [vimeo.com/teamsocal/mouth](https://vimeo.com/teamsocal/mouth).



*Jeff Matheson running “Even I Can Boof” on “The Mouth” in KCP*

KTH proposes to replace the present gauge with one that measures only up to 75 cfs; flows above 75 cfs would not be described; they would be known only as being “more than” 75 cfs.<sup>2</sup>

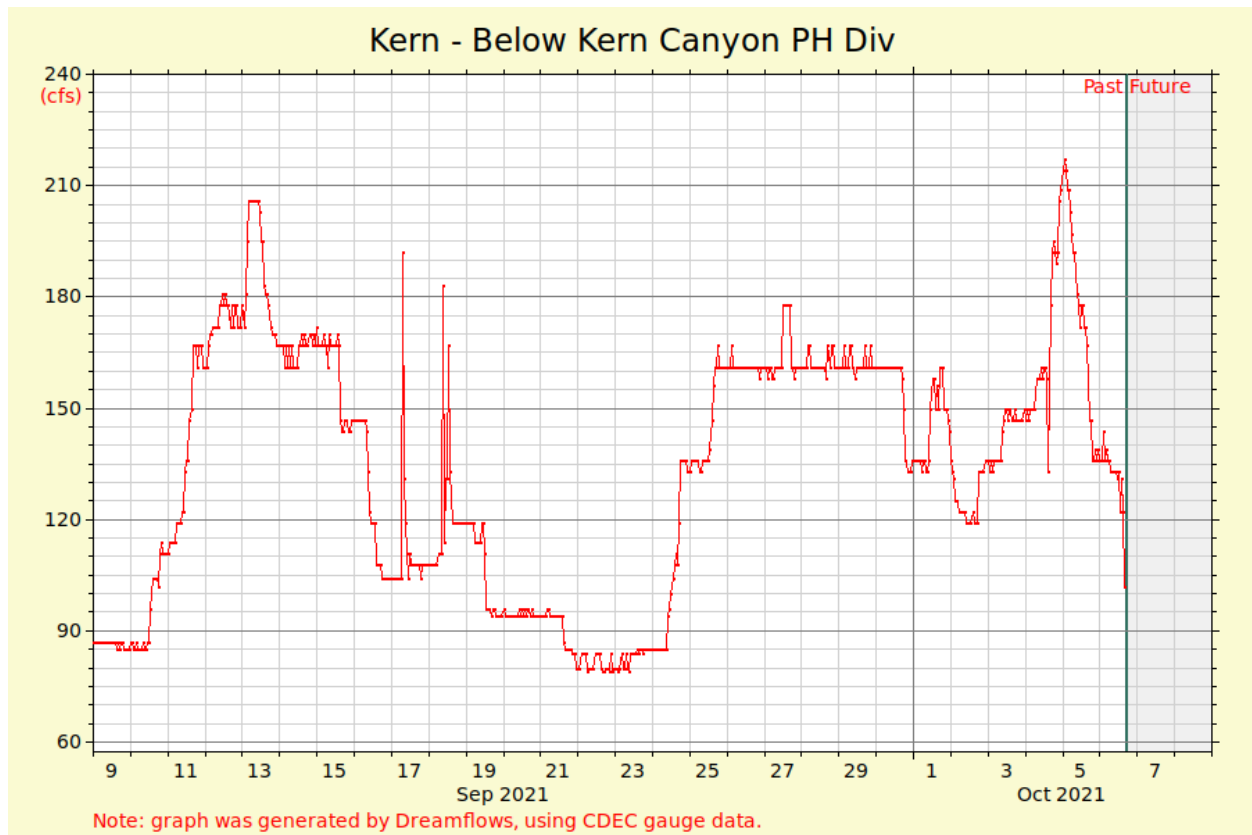
The present gauge, by contrast, reports instantaneous flow levels up to 4,911 cfs<sup>3</sup> — seven feet of height at the gauge site. Here’s data from the last 30 days<sup>4</sup>:

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<sup>2</sup> Proposal at p. 2.

<sup>3</sup> <https://www.dreamflows.com/rates/gauge.667.php>

<sup>4</sup> <https://www.dreamflows.com/graphs/mon.667.php>



*Dreamflows’ depiction of instantaneous flow information at KCP*

Under KTH’s proposal, the information in the variations depicted in the graph above would be lost to the public, for they all occur at 78 cfs or more — beyond the scope of the proposed new gauge. Since it would result in the loss of that information, the proposed gauge would stifle whitewater recreation in the dewatered reach and endanger those who endeavor to boat there.

Presently, boaters can check the existing gauge and see what the flow is in the dewatered reach and decide whether that level is to their preference and/or ability before travelling to the reach and running the rapids. If the new gauge replaces the existing gauge, boaters will lose this ability. It is true that the main source of water in the dewatered reach is the

release from Isabella Reservoir, which is publicized by the Army Corps. However, one simply cannot calculate the difference between that release and the KCP maximum diversion and arrive at the flow in the dewatered reach. The Isabella release fluctuates over time, and it takes time for changes at the release point miles above to make it down to the KCP intake. The amount of time for the water to make that journey changes, too, with the amount of water released. It also changes depending on how much of the release is captured by the Kern River No. 1 Hydroproject (“KR1”) upstream: water captured by that hydroproject’s conveyance travels faster than water left to meander in the riverbed. Furthermore, hydroproject operators do not capture the full amount of water their systems can handle 24/7/365. Whether due to damage, broken equipment, maintenance, water quality, or other contingencies, hydro operators sometimes divert only a fraction of the water they can capture, or none at all. Finally, there are many tributaries to the Kern River in the miles between the Isabella Reservoir and KCP and these can contribute in varying amounts to the amount of water entering KCP. In sum, understanding the flow in the bypassed reach of KCP is not simply a matter of subtracting the diversion from the reservoir release. That is why boaters have come to rely on the existing gauge at KCP to determine when “The Mouth” (the bypassed reach) is “open” for recreation (runnable) in a whitewater kayak or raft.

The existing gauge also protects boaters from going into the bypassed reach at water levels that are above their skill level. The attached email from Dennis Rushing of Bakersfield California (“Attachment A”) — one of the boaters who helped popularize this stretch of river over the last ten

years — shows how 50 cfs can be the difference between rapids in the dewatered reach being manageable or dangerous. Not knowing the flow in the dewatered reach will lead to some boaters mistakenly running The Mouth — *i.e.*, putting on with an inaccurate estimate of the flow when the actual flow is meaningfully higher from a risk perspective. That is unnecessarily dangerous when those boaters would have declined to run this section had they been afforded information from the existing gauge.



*Liz Duxbury running “Facemask” on “The Mouth” in KCP*

On the one hand, KCP stifles opportunities for whitewater recreation in its bypassed reach. Most of the year, KCP operates at fish flow, which is too low to for whitewater boating. On the other hand, there is no recreational release schedule for KCP or other benefits afforded whitewater recreation to mitigate the loss. The existing gauge is the only benefit KCP offers whitewater boaters. Boaters have come to rely on that gauge to tell

them when boating opportunities are available and whether those opportunities are safe for them personally. Kern River Boaters asks that the Commission not take away this benefit that boaters in the bypassed reach have come to rely upon. Accordingly, we request that the Commission not authorize any new gauge that does not report instantaneous instream flows from zero to some several thousand cfs.

DATED: October 07, 2021

Respectfully submitted,

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**ATTACHMENT A: Email from Dennis Rushing to Brett Duxbury**

DR

dennis rushing

October 3, 2021 at 9:53 PM

Mouth Gauge

To: brett harding duxbury

Hi, I am Dennis Rushing. I kayak the section below the power plant more than anyone. We definitely need the gauge to reflect the total flow of the river. Our safety is at stake and we need to know when to make the drive there to boat. Some of the boaters drive from Orange County. I have been running it every two or three weeks recently. I run it from 140 C.F.S. to 450 C.F.S. It is a creek at those flows. Evan Moore, Johnny Chase and their friends will run it at 5,000 C.F.S. While the rapid we call Facemask is too hard for me at 400, I will run it from 150 to 350. A change of only 50 C.F.S. makes it too hard and too difficult for us to run. This section can be very dangerous if a boater runs it without knowing the exact flow. There are spots that will pin you as well as places that will develop huge holes.

Eric Kroh, Keith Dinger and Nic will drive from Orange County to run this. Brett Duxbury, Lizz Duxbury, Geno Hacker, Javi Ruiz, Brian Batdorf, Evan Moore and Johnny Chase all come from Kern River Valley to run it. Kyle Rushing, Jared Morgan, Jeff Mathson and Myself are in Bakersfield.