

Alpine Lakes Protection Society • American Rivers • American Whitewater • Cascadia Wildlands • Columbia River Bioregional Educational Project • Columbia Riverkeeper • Columbiana • Conservation Northwest • Friends of the Green River • Friends of the White Salmon River • Gifford Pinchot Task Force • Hells Canyon Preservation Council • Hydropower Reform Coalition • Idaho Rivers United • Idaho Whitewater Association • Institute for Fisheries Resources • Klamath-Siskiyou Wildlands Center • The Lands Council • The Mountaineers • Native Fish Society • North Cascades Conservation Council • Olympic Forest Coalition • Oregon Natural Desert Association • Oregon Wild • Pacific Coast Federation of Fishermen's Associations • Pacific Rivers Council • Save Our Wild Salmon • Sierra Club • Spokane Riverkeeper • Steamboaters • Umpqua Valley Audubon Society • Umpqua Watersheds • Washington Wild • WaterWatch of Oregon • Wild Steelhead Coalition • Wild Washington Rivers

July 25, 2014

Electronic Filing: <http://www.nwcouncil.org/fw/program/2014-03/comment-form/>

Re: Comments on Draft Amendments to the Northwest Power and Conservation Council's Columbia River Basin Fish and Wildlife Program, including amendments to its Protected Areas Program.

Dear Council Members Bradbury, Anders, Booth, Karier, Lorenzen, Rockefeller, Smith and Yost:

The Conservation and Fishery Groups listed above appreciate the opportunity to comment on the Northwest Power and Conservation Council's (Council) Draft Amended Fish and Wildlife Program, and we write to once again support the Protected Areas Program (Program) and urge the Council to reconsider its amendment to restate an exception process within Protected Areas. This multi-organizational letter is submitted to demonstrate broad support for this important Program from those deeply involved with river, fishery, wildlife, recreation and other resource issues across the Pacific Northwest region. This letter is intended to provide an overview of our organizations' major concerns and requests with respect to Protected Areas, and additional comments touching on Protected Areas and other aspects of the Fish and Wildlife Program will be supplemented through comments from individual organizations.

On September 17, 2013, Conservation and Fishery groups submitted recommendations to the Council on proposed amendments to this Program, and on November 20, 2013 additional comments were submitted on the input received by some 68 organizations, agencies and tribes, and more than 400 individuals. Conservation and Fishery Group recommendations mirrored the overwhelming support by agencies, tribes and individuals¹ for strengthening this important Protected Areas Program.

In all previous and current comments to the Council, Conservation and Fishery Groups requested that the Council:

- Strengthen current river protection needs, data, and science (including additional funding for upgrades);
- Address new Endangered Species Act listings (e.g. bull trout critical habitat);
- Include river and stream reaches that have been opened over the past decade by dam and barrier removals;
- Anticipate and address expected changes to Pacific Northwest rivers and headwater streams due to climate change;

¹ The Council received several hundred recommendations for amendments to the protected areas section of the program. The vast majority of them came from individuals supporting the existing protections and opposing reinstating the process for exemptions that was dropped from the program in 2000. <http://www.nwcouncil.org/media/6894063/6-protected-areas-committee-version.pdf>

- Issue notification letters to developers who have received permits associated with potential development in a Protected Area (e.g. Federal Energy Regulatory Commission - FERC - permits);
- Recognize the importance of Protected Areas in minimizing toxic loads in the mainstem Columbia River;
- Address important Pacific flyway waterbodies that have been subject to pumped storage proposals.

We appreciate that the Draft Amendments continue to recognize the Protected Areas Program as a key strategy for protecting rivers and meeting fishery and other goals; that an amendment process has been reinstated for Protected Areas, and; that the Council will continue to establish Protected Areas outside of the Columbia River Basin. However, we were frustrated to see that the Council did not address the above recommendations. These recommendations would greatly strengthen the existing Program, and we request that the Council provide a rationale on why they were not considered, and encourage the Council to support these recommendations as it prepares final amendments.

Exceptions within Protected Areas

Conservation and Fishery Groups have urged the Council to keep exceptions out of the Protected Areas Program, as exceptions would allow hydropower development on rivers and streams where the Council has already determined that “such development would have major negative impacts that could not be reversed.”² However, even with an overwhelming majority of comments echoing this request, including those from the U.S. Fish and Wildlife Service, National Park Service, Snoqualmie Tribe, numerous conservation organizations and the general public, the Council has re-instated an exception process in the current proposed amendments. This would allow exceptions for those projects with “exceptional benefits to fish and wildlife.” Under any scenario, allowing new hydropower projects in Protected Areas will be detrimental, not beneficial, to fish and wildlife. The best way to truly benefit fish and wildlife is to protect the last remaining freely-flowing river reaches. If exceptions are to remain in the program, conservation and Fishery Groups believe that the term “exceptional benefits” must be more fully constrained to protect ecosystem values.

The Protected Areas Program is a unique³ and important part of rebuilding fish and wildlife populations that have been damaged by hydroelectric development throughout Idaho, Montana, Oregon and Washington, and today this Program is more important than ever as new hydropower projects are being proposed within Protected Areas (North Fork Snoqualmie and South Fork Skykomish in Washington, Bear River, Idaho). Hydropower projects have no place in these special and sensitive areas. In addition, a recent Department of Energy report entitled *New Stream-reach Development: A Comprehensive Assessment of Hydropower Energy Development in the United States*⁴ has determined that the Pacific Northwest has the highest potential for new hydropower production, with 3,793 potential reaches identified and found suitable for development.⁵ The Council has acknowledged that this report may not be either economic or realistic,⁶ and plans to complete its own assessment and scoping study by November 2014. As noted on the Council’s website, this study “needs to be realistic, particularly with regard to Protected Areas and cost effectiveness.”

² <http://www.nwcouncil.org/fw/protectedareas/home/>

³ The Federal Energy Regulatory Commission (FERC), charged with issuing hydropower permits and licenses to utilities and private developers, has recognized the Council’s 2010 Sixth Northwest Conservation and Electric Power Plan as a comprehensive regional plan and has to date followed recommendations of the Council and declined to issue a single hydropower license for a project located within a Protected Area.

⁴ http://nhaap.ornl.gov/sites/default/files/ORNL_NSD_FY14_Report.pdf

⁵ This report includes many rivers and streams currently within Protected Areas, such as the Wenatchee (WA), Clackamas and Deschutes (OR), and Payette (ID).

⁶ <http://www.nwcouncil.org/news/blog/hydro-potential/>

We ask that the Council re-examine its decision regarding exceptions, and to withdraw its earlier decision allowing exceptions in the Draft Amended Program. In the event that the Council decides it is in the public interest to keep an exception process in the Protected Areas program, the Conservation and Fishery Groups request that the Council explain its rationale behind this decision, particularly in light of the fact that the overwhelming majority of responses received during the comment and recommendation round were in support of keeping the Protected Areas program free of exceptions. At the minimum, Conservation and Fishery Groups suggest that the Council should place a hold on all exceptions in Protected Areas until it can update its last hydropower assessment (1998 4th Power Plan), determine how the DOE report might lead to additional and potentially numerous requests for exceptions, and comprehend the full range of impacts and threats new projects would have on rivers and streams in Protected Areas. Conservation and Fishery Groups also request that a participation process and time line be created that will allow for public comment, suggestion, and involvement in the Council's Scoping Study.

Thank you for considering our comments on Protected Areas and Draft Amendments to the Fish and Wildlife Program. We look forward to ongoing opportunities to participate in review or discussion of this program.

Sincerely,

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