

Alpine Lakes Protection Society • American Rivers • American Whitewater • Cascadia Wild • Center for Environmental Law and Policy • Columbia River Bioregional Educational Project • Columbia Riverkeeper • Columbiana • Conservation Northwest • Friends of the White Salmon River • Gifford Pinchot Task Force • Hydropower Reform Coalition • Idaho Rivers United • 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 Rivers Council • Save Our Wild Salmon • Sierra Club • Spokane Riverkeeper • Washington Wild • WaterWatch of Oregon • Wild Steelhead Coalition • Wild Washington Rivers

September 17, 2013

Electronic Filing: www.nwcouncil.org/fw/program/2013amend/comment-form

Re: Comments on Northwest Power and Conservation Council's process to amend the Fish and Wildlife Program, including the Protected Areas Program

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

Alpine Lakes Protection Society, American Rivers, American Whitewater, Cascadia Wild, Center for Environmental Law and Policy, Columbia River Bioregional Educational Project, Columbia Riverkeeper, Columbiana, Conservation Northwest, Friends of the White Salmon River, Gifford Pinchot Task Force, Hydropower Reform Coalition, Idaho Rivers United, 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 Rivers Council, Save Our Wild Salmon, Sierra Club, Spokane Riverkeeper, Washington Wild, WaterWatch of Oregon, Wild Steelhead Coalition, and Wild Washington Rivers, (the Conservation Groups) appreciate the opportunity to comment on the Northwest Power and Conservation Council's (NWPPCC) process to amend the Fish and Wildlife Program, and we write in particular to support the Protected Areas Program. We urge the Council to strengthen the Program by addressing current river protection needs, data, and science. This includes new Endangered Species Act listings and expected changes to Pacific Northwest rivers and headwater streams due to a changing climate.

The Protected Areas program is an important part of rebuilding fish and wildlife populations that have been damaged by hydroelectric development throughout Idaho, Montana, Oregon and Washington. To date, the Federal Energy Regulatory Commission (FERC), charged with issuing hydropower permits and licenses to utilities and private developers, has followed the recommendation of the Council and has declined to issue a single hydropower license for a project located within a Protected Area. However, this has not stopped hydropower developers from seeking to build new projects throughout the region, and in Protected Areas in particular.¹ A strong Protected Areas program remains critically important as hydropower developers continue to pursue projects in these areas.

Additionally, a 2012 analysis by the Council has determined that the need for new hydropower in the future is limited as sources of energy (primarily wind) often exceed regional energy needs.² The Pacific Northwest is likely to continue producing more electricity than it needs in the spring and early summer,

¹ See Snohomish PUD No. 1, Sunset Fish Passage and Energy Project on the Skykomish River, FERC No. P-14295; Black Canyon Hydroelectric Project on the North Fork Snoqualmie River, FERC No. P-14110; and Twin Lakes Canal Company, Bear River Narrows Hydroelectric Project, FERC No. P-12486.

² NWPPCC Press Release, March 7, 2012, "Analysis Shows Region Likely to Continue Producing Surplus Energy in the Spring and Early Summer" Available at: http://www.nwcouncil.org/news/press-releases/2012-03-07_analysis_shows_surplus_energy/, last visited August 6th, 2013.

when demand for power usually is relatively low and the supply of existing hydropower and wind power can be high because of seasonal storms and the annual snowmelt runoff in the region's rivers. Further, forecasts show that conservation measures can account for 85% of the power needed to meet future energy demand in the Pacific Northwest.³ It is not in the public interest to build new and unneeded hydropower dams in areas that the Council has long determined to be special enough to require protection. As a result, *we strongly encourage the Council to deny any recommendation that would weaken the program.* In addition, Conservation Groups make the following recommendations:

1. Prohibit exemptions in Protected Areas, as in the 2009 Fish and Wildlife Program. Protected Areas cover just 20% of the Northwest's river and stream mileage. Denying any attempt at an exemption from a Protected Area meets the Council's responsibilities to maximize policy and program benefits and minimize process costs.
2. The Council should send a letter to hydropower developers within 30 days after any preliminary permit is issued for a project proposed to be located in a Protected Area. The letter will notify the permittee that their project is located in a Protected Area, outline what Protected Areas are and what the implications are from FERC and Bonneville Power Administration (BPA). Currently, permittees are required to contact the Council when they receive a FERC permit for a project within a Protected Area. Unfortunately, many developers are unaware of the implications, and invest a great deal of resources before realizing that they are unlikely to receive a final license from FERC and will not be able to connect to the BPA system.
3. In order to ensure that Protected Areas protect all fish and wildlife, we recommend that the Council assure that Protected Areas include bull trout habitat, and that the designation be expanded to include this habitat if it currently does not. Listed under the Endangered Species Act as threatened in 1999, bull trout are now found in less than half of their historic range and in greatly reduced numbers. As a species that depends on relatively pristine stream and lake habitat, it is vital to expand Protected Areas to include area identified as critical habitat for bull trout. Moreover, because bull trout also use the Columbia River mainstem, they have been harmed by the development of the hydropower system and mitigating for that impact through the fish and wildlife program is appropriate.

Finally, Conservation Groups support technical upgrades to the Protected Areas database system and consolidating the list of Protected Areas, so long as the substantive elements and structure remain intact. Doing so will make it more user friendly and accessible to the public. We support additional funding for these needed upgrades.

Thank you for considering our comments on Protected Areas and the Fish and Wildlife Program amendments.

Sincerely,

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³ The Northwest Power and Conservation Council's 2010 Sixth Power Plan.
<http://www.nwcouncil.org/media/6284/SixthPowerPlan.pdf>, Summary, page 1.

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