AMERICAN WHITEWATER

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Northwest Power and Conservation Council
Submitted via electronic filing at:
http://www.nwcouncil.org/fw/program/2013amend/comment-form

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

American Whitewater appreciates having the opportunity to provide comment on the Northwest Power and Conservation Council's (NWPCC) process to amend the Fish and Wildlife Program. The program has brought significant benefits and protections to treasured rivers throughout the Pacific Northwest, 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, research and determinations regarding bull trout habitat[1] and expected changes to Pacific Northwest rivers and headwater streams due to a changing climate.

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954. With over 5,500 members and 100 locally-based affiliate clubs, we represent the conservation interests of tens of thousands of whitewater enthusiasts across the nation. American Whitewater's mission is to conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely. We are the primary advocate for the preservation and protection of whitewater rivers throughout the United States, connecting the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within our mission. A significant number of our members reside in the Pacific Northwest and recreate on rivers that are affected by the Council's decisions, and we have a direct interest in amendments to the program.

Protected Areas

In 1988, the Council established approximately 44,000 miles of rivers and streams as areas protected from future hydropower development, or "Protected Areas," in order to protect the most sensitive fish and wildlife habitat throughout the Pacific Northwest from

[1] Bull trout were once found in about 60 percent of the Columbia River Basin, but today, they occur in less than half of their historic range, with scattered populations in portions of Oregon, Washington, Nevada, Idaho and Montana. Found to be in peril by the U.S. Fish and Wildlife Service, bull trout were listed as a threatened species throughout their range in 1999. http://www.fws.gov/pacific/bulltrout/

the significant impacts of hydropower development.[2] The Council conducted extensive research into which areas should be designated as Protected, with an eye towards preserving those rivers and streams where hydropower development would have major negative impacts that could not be reversed,[3] and instead to direct developers to less sensitive areas.[4] Protected Areas were also established to save time, energy and resources due to the controversy involved in siting hydropower projects in these sensitive areas.

Protected Areas were also established outside of the Columbia River Basin. This was done to "help minimize the expense and controversy involved in [hydropower] development, help guide development toward environmentally benign projects, and protect critical fish and wildlife resources."[5] Additionally, the Council concluded that Protected Areas outside of the Columbia Basin helped to meet U.S.-Canada treaty commitments to rebuild salmon and steelhead stocks, and help avoid disproportionate harvest pressure on fish and wildlife in the Basin.[6]

The Protected Areas program continues to meet its goals, and is an important part of mitigating the impacts to and rebuilding the populations of fish and wildlife that have been damaged by hydroelectric development throughout Idaho, Montana, Oregon and Washington. The Federal Energy Regulatory Commission ("FERC"), which is 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[7] as a regional comprehensive plan.[8] As a result, to date FERC has followed the recommendation of the Council and has declined to issue a single hydropower license for a project located within a Protected Area.[9]

Further, the Washington Department of Fish and Wildlife regards the program as a success and as a viable model for similar programs.[10] Overall, Protected Areas have succeeded in directing potential hydropower developers to other areas that are less sensitive to the impacts, and continue to be consistent with providing an adequate, efficient, economical, and reliable power supply.

Additionally, Columbia River Treaty (CRT) working group recommendations parallel NWPCC goals by calling for streamflows to promote productive populations of native

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[2] Northwest Power and Conservation Council, "Protected Areas Amendments and Response to Comments," Document 88-22, p. i.
[3] *Id*. at p. 2.
[4] *Id.* at p. i.
[5] *Id.* at pp. 18-19.
[6] *Id.*
[7] The Council develops a plan every five years, and the 7th Power Plan is currently being prepared. http://www.nwcouncil.org/energy/powerplan/, last visited August 13, 2013.
[8] Section 10(a)(2)(A) of the Federal Power Act (FPA), 16 U.S.C. section 803 (a)(2)(A), requires the Federal Energy Regulatory Commission (Commission) to consider the extent to which a project is consistent with Federal or state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by the project.
[9] See for example Order Denying License in Shelley Project 80 FERC 61,342.
[10] Personal communication with William Tweit, WADFW, June 12, 2013.

fish and wildlife, maintaining energy efficiency and conservation, and a strategy for adapting the CRT to future changes in climate that are resilient, adaptable and flexible.[11] This is especially timely with the upcoming 2014 review of the CRT on the development and operations of dams in the upper Columbia River Basin for power and flood control.

The Protected Areas program is clearly a strong one that has great value today, and will be all the more important in the future. Protected Areas provide refuge for species impacted by increasingly toxic loads in the mainstem Columbia River, coming both from the existence and operation of the federal hydropower system itself and from external sources. Further, as we face a changing climate, these protected rivers and streams will provide much-needed habitat for fish and wildlife. Additionally, rivers throughout the region are likely to continue to experience increasing pressure for hydropower development due to a growing emphasis on low-carbon energy.

New hydropower proposals throughout the region have consistently been found to have unsatisfactory economic profiles,[12] and ultimately fail. Additionally, the need for new hydropower in the future is limited as sources of energy (primarily wind) are exceeding energy needs in the region. The Pacific Northwest is likely to continue producing more electricity than it needs in the spring and early summer, when demand for power usually is 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.[13] Further, forecasts show that conservation measures can account for 85% of the power needed to meet future energy demand in the Pacific Northwest.[14] If developed aggressively, this conservation, combined with the region's past successful development of energy efficiency, could constitute a resource comparable in size to the current Northwest federal hydroelectric system."[15]

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[11] Columbia River Treaty Review, Working Draft of a Regional Recommendation, Improving the Columbia River Treaty Post-2024, June 27, 2013, p. 3. Available at: http://www.crt2014-2024review.gov/Files/CRTR%20working%20draft%20recommendation,%20June%2027%202013.pdf

[12] For example, Enloe Dam on the Similkameen River (FERC No. P-12569; see Rocky Mountain Econometrics study "Review of the Economics of Restoring Hydropower at Enloe Dam on the Similkameen River", available at http://www.rmecon.com/Final%202%20Enloe%20Economics%20Study%201%2024%2012.pdf). In 2013, Preliminary permits for Idaho's Boundary Creek (Federal Energy Regulatory Commission [FERC] Project No. P-14285), Oregon's Two Girls Creek (P-14145), and Montana's East (P-13531) and West Rosebug (P-13532) Creeks and Madison River (P-13436) were surrendered. In Washington, permits for Ruth (P-13866), Swamp (P-13867), Martin (P-13865) and Hancock (P-13994) Creeks were surrendered. For these projects, the applicant stated that "costly development and anticipated energy production …were unfavorable to hydroelectric project development at this time." January 2, 2013 Request to Surrender Preliminary Permits. FERC Accession No. 20130102-5047.

[13] NWPCC 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.

[14] The Northwest Power and Conservation Council's 2010 Sixth Power Plan identifies energy efficiency as the most cost-effective and least risky resource and envisions that 85 percent of load growth over the next 20 years could be met cost effectively with energy efficiency. The plan also predicts that this efficiency will reduce the risk of future electricity shortages, reduce emissions from power plants to help meet regional carbon reduction goals and policies, and cost consumers less than relying solely on new power plants. http://www.nwcouncil.org/media/6284/SixthPowerPlan.pdf, Summary, page 1.

[15] http://www.nwcouncil.org/energy/powerplan/6/plan/

These factors, however, are not detracting hydropower developers from seeking to build new projects throughout the region, and in Protected Areas in particular.[16] Additionally, implementing energy efficiency practices takes political will, and alternative energy sources are still gaining ground as viable options. A strong Protected Areas program remains critically important as new energy sources take root and while hydropower developers continue to pursue projects in these areas. As we have already seen, attempts to site projects in Protected Areas generate a great deal of controversy and require an intense investment of time, energy and financial resources for all stakeholders.[17] It is not in the public interest for this to continue in areas that the Council has long determined to be special enough to require protection.

The need to protect these critical rivers and streams is strong, and there is no need for new hydropower beyond opportunities for efficiency improvements and upgrades at existing facilities. As a result, *we strongly encourage the Council to deny any recommendation that would weaken the program*. In addition, American Whitewater makes the following recommendations:

Protected Areas Recommendation #1: Prohibit exemptions in Protected Areas, as in the 2009 Fish and Wildlife Program.

Rationale: Protected Areas cover just 20% of the Northwest's river and stream mileage,[18] and were established after careful consideration and study by the Council. Hydropower does not have a place in these areas that are critical to fish and wildlife. Further, as industry pressure increases for new hydropower projects, allowing for exemptions will create the very ongoing, site-specific battles that Protected Areas were designed to put a stop to. As evidenced by current exemption proposals,[19] development in these areas is highly controversial, and the associated processes will prove to be costly both in terms of time and resources. It will also detract from steering new development to less sensitive locations. In this way, 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.

Protected Areas Recommendation #2: While we do not believe that exemptions in Protected Areas are necessary or in the public interest, we understand the Council may consider language to re-establish an exemption process for Protected Areas. If the Council takes this approach, we recommend a strong and vigorous exemption process. Specifically, we recommend that:

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[16] 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.
[17] *Id.*
[18] Northwest Power and Conservation Council, "Protected Areas Amendments and Response to Comments," Document 88-22, p. iii.
[19] 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.

- Exemptions to Protected Areas be prohibited where they will impact river reaches that are also on the National Park Service's Nationwide Rivers Inventory ("NRI").

- Exemptions to Protected Areas be prohibited in areas where critical habitat has been designated for species listed under the Endangered Species Act.

- Any exemption process should examine projects against the "exceptional benefit" standard used in previous F&W Programs.

- The exemption process should involve public participation procedures, including public notice and hearings.

- The Independent Scientific Advisory Board ("ISAB") and the Independent Economics Analysis Board ("IEAB") do an analysis of the impacts of the project for which an exemption is being sought. In addition to considering the input of states, tribes and the public, we recommend that the Council also consider the cost-benefit analysis of these independent boards to determine whether the benefits of the proposed hydropower project are truly "exceptional."

Rationale: Protected Areas were established to protect the most sensitive fish and wildlife habitat from the significant impacts of hydropower development, and any exemption to this should be held to the highest standard to ensure that the program continues to meet its goal. Rivers listed under the NRI "possess one or more 'outstandingly remarkable' natural or cultural values judged to be of more than local or regional significance. Under a 1979 Presidential Directive, and related Council on Environmental Quality procedures, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments."[20] Critical habitat is designated in areas that are found to have features essential to the conservation of species listed under the Endangered Species Act.[21]

New hydropower does not have a place on rivers that have values with regional or nationwide significance, nor does it belong in areas that are critical for the recovery of endangered species. For rivers not listed in the NRI or designated as critical habitat for ESA listed species, if the Council considers ISAB and IEAB assessments of a project, the decision about whether a project has "exceptional benefits" will be more likely to be made on the merits of the project and outside of the influence of political considerations.

Suggested Language:

"Petitions for exceptions to protected areas:

1) *Are prohibited when:*

[20] http://www.nps.gov/ncrc/programs/rtca/nri/index.html, last visited July 29, 2013.
[21] 16 U.S.C. § 1532(5)(A)

a. *The exemption is sought for a hydropower project located on, or that would have an impact to, river reaches that are listed in the Nationwide River Inventory.*

b. *The exemption is sought for a hydropower project located on, or that would have an impact to, a river reach that has been designated as critical habitat for species listed as threatened or endangered under the Endangered Species Act.*

2) *Where petitions for an exemption are allowed:*

a. *Any party may file a petition with the Council for an exception to a protected areas designation. Only projects with exceptional fish and wildlife benefits will be considered.*

b. *Before filing a petition with the Council, the petitioner must notify the appropriate state agency and tribes and consult with the agency and tribes regarding the petition for exception.*

c. *Petitions must contain the following:*

i. *The location of the affected river reach, including the reach number as listed in the Council's protected areas data base.*

ii. *A statement of the facts showing the anticipated benefits and the anticipated detriments of the project.*

iii. *An explanation of how the project will affect the Council's plan and program. Or. If outside the Columbia Basin, how the project will affect the plan or relevant state and tribal comprehensive plans, including impacts to fish, wildlife, hydrology, recreation, aesthetics, cultural and historical values.*

iv. *An explanation of how the petitioner has determined that the project will achieve exceptional fish and wildlife benefits.*

v. *A summary of consultations the petitioner has had with relevant fish and wildlife agencies and Indian tribes regarding the petition, and the responses of the agencies and tribes."*

d. *After a petition for a Protected Areas exemption is received:*

i. *The ISAB and the IEAB shall conduct an impacts and cost-benefit analysis of each proposed exemption and project, and the Council shall consider these reports as they determine whether the benefits of the proposed project are exceptional.*

ii. The Council will notify the public and interested stakeholders of the petition and provide an opportunity for public comment.

Protected Areas Recommendation #3: We recommend that the Council send a letter to hydropower developers within 30 days after a 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 that they are unlikely to receive a license from FERC or be able to sell or transmit their power to the BPA system.

Rationale: Protected Areas were established to reduce the lengthy battles over proposed development of dams in sensitive areas and reduce the costs associated with these contentious debates.[22] While the Protected Areas program has succeeded overall in this goal, lengthy and resource intensive processes continue to be carried out when a developer receives a preliminary permit from FERC for a project in a Protected Area. Currently, permittees are required to contact the Council, among a long list of tasks that they are required to undertake. Many developers are unaware of the implications of attempting to build in a Protected Area, and invest a great deal of resources into their projects before realizing that they are unlikely to receive a final permit from FERC and that they will be unable to connect to the BPA system. State agencies and the public likewise invest a great deal of resources in these proceedings. A proactive letter from the Council will further help to reduce controversy and save resources.

Protected Area Recommendation #4: We recommend that the Council assure that the Protected Areas Program include Bull Trout habitat, and expand the program accordingly if it does not.

Rationale: Once occurring in about 60% of the Columbia Basin, bull trout (*Salvelinus confluentus*) are now found in less than half of their historic range and in greatly reduced abundance.[23] These factors led to their listing as a threatened species under the Endangered Species Act in 1999[24] with designation of critical habitat in September 2010.[25] As a species that depends on relatively pristine stream and lake habitat found in areas of the Columbia Basin and Puget Sound that have been identified for new hydropower potential,[26] we believe it is vital to expand Protected Areas to include areas identified as critical habitat for bull trout.

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[22] Northwest Power and Conservation Council, "Protected Areas Amendments and Response to Comments," Document 88-22, p. 6.

[23] Quigley, T.M. and S.J. Arbelbide. 1997. Columbia River Watershed; Klamath River Watershed (Or. and Calif.); Great Basin; Environmental conditions; Biotic communities; Ecosystem management. U.S. Dept. of Agriculture, Forest Service, Pacific Northwest Research Station. Gen. Tech. Rep. PNW-GTR-405.

[24] US Fish and Wildlife Service (USFWS). 1999. Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Bull Trout in the Coterminous United States. Federal Register 64(210):58910–58933.

[25] US Fish and Wildlife Service (USFWS). 2010. Revised Designation of Critical Habitat for Bull Trout in the Conterminous United States. Federal Register 75(200):63897-64070.

[26] Hall, D.G., K.L. Verdin, and R.D. Lee. 2012. Assessment of Natural Stream Sites for Hydroelectric Dams in the Pacific Northwest Region. U.S. Department of Energy, Idaho National Laboratory. Project Report for Contract DE-AC07-05ID14517.

The primary threats to bull trout and their long-term prospects for recovery are impacts that are greatly exacerbated by hydropower development, including habitat degradation and fragmentation, blockage of migratory corridors, and impacts to water quality.[27] This includes some of the Northwest's most sensitive and important headwater rivers and stream habitats, where "[c]urrent predictions suggest that temperature increases alone will render 2 to 7 percent of headwater trout habitat in the Pacific Northwest unsuitable by 2030, 5 to 20 percent by 2060, and 8 to 33 percent by 2090." [28] In the Northwest, proposals for new small dams are often located above anadromous barriers and under the false assumption that small dams have a lower impact than traditional large, reservoir dams.[29]

We specifically recommend that the Council review the 18,795 miles of rivers and streams designated as critical habitat for bull trout. For those river reaches already identified by the Council as Protected Areas, we request that "resident fish" be specifically identified as a value where that is not already the case. For those river reaches that are not already Protected Areas, we request that the Council add them.

Protected Areas Recommendation #5: We recommend that the Council restore the Protected Areas status at the Bear River Narrows in Idaho.

In 1990, the Council granted an exemption from the Protected Areas designation for the Bear River Narrows Hydropower Project in Idaho (FERC #9215). The Council determined that the proposed project would substantially improve existing habitat by stabilizing fluctuating flows from Oneida Dam upstream and providing additional wetlands,[30] and as such, the Council granted an exemption from Protected Areas because it had exceptional benefits to fish.[31] Ultimately, the proposed project was not constructed because it was denied a water right by Director Higginson of the Idaho Department of Water Resources (IDWR) on 9/30/1992. Although FERC Project #9215 was never built, the status of this reach of river remains unprotected. As a result, hydropower developers have continued to pursue this site. In 2004, the Twin Lakes Canal Company filed an

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[27] *See* Rieman, B.E., D.C. Lee, R.F. Thurow. 2011. Distribution, Status, and Likely Future Trends of Bull Trout within the Columbia River and Klamath River Basins. Fisheries Management 17(4):1111-1125; Rieman B.E. and McIntyre, J.D. 1993. Demographic and habitat requirements for conservation of bull trout. General Technical Report INT-302. U.S. Forest Service, Intermountain Research Station, Ogden Utah; and Neraas, L.P. and P. Spruell. 2001. Fragmentation of riverine systems: the genetic effects of dams on bull trout (*Salvelinus confluentus*) in the Clark Fork River system. Molecular Ecology 10(5): 1153–1164.

[28] Bisson, Pete. 2008. Salmon and Trout in the Pacific Northwest and Climate Change. (June 16, 2008). U.S. Department of Agriculture, Forest Service, Climate Change Resource Center. http://www.fs.fed.us/ccrc/topics/aquatic-ecosystems/salmon-trout.shtml

[29] Kibler, K.M., Tulles, D.D.. 2013. Cumulative biophyiscal impact of small and large hydropower development, Nu River, China. Oregon State University. "Results reveal that biophysical impacts of small hydropower may exceed those of large hydropower, particularly with regard to habitat and hydrologic change." Page 2. "Small dams (< 50 MW) return greater impacts, per megawatt of power generated, with respect to the length of river channel affected, diversity of habitats affected, influence to lands designated as conservation and biodiversity priorities, and potential for modification of hydrologic regimes and water quality." Page 26 Conclusions.

[30] Protected Areas Summary and Response to Comments, Council Document 90-10, August 8, 1990, p. 5.

[31] *Id.*

application for a new hydropower project with the Federal Energy Regulatory Commission (FERC #12486).

Rationale: In sum, the need for flow stabilization below Oneida Dam no longer exists, the Bear River Narrows is the last remaining habitat in the river for Bonneville Cutthroat Trout, and any new hydropower at this location would roll back costly watershed improvements made through PacifiCorp's Bear River Hydroelectric Project Settlement Agreement.

In 2002, PacifiCorp and numerous federal, tribal, state, and non-governmental stakeholders signed a Settlement Agreement Resolving the Relicensing of the Bear River Hydroelectric Project (FERC No. 20).[32] These projects involved the Soda facilities, Grace/Cove facilities and Oneida facilities. The agreement contained substantive Protection, Mitigation and Enhancement measures that directed the parties to develop measures to improve habitat for Bonneville cutthroat trout ("BCT") and other aquatic species.[33] Importantly, the Settlement Agreement contained ramping provisions which require PacifiCorp to implement a maximum ramping rate of 3.0 inches every 15 minutes on the descending arm of the ramp at the Oneida reach.[34] This provision regulated flows at Oneida Dam, eliminating the "exceptional benefit" that a proposed hydropower project at the Bear River Narrows would provide to the area.

The Settlement Agreement also required monitoring the health of Bonneville cutthroat trout populations, and tagging and tracking efforts have shown that fluvial BCT use the Bear River Narrows a large portion of the time, and that the reach is the primary refugia for the species.[35] The Settlement Agreement was implemented in order to prevent the species from being listed as threatened under the Endangered Species Act, and a new hydropower project would cut off this vitally important habitat, likely leading to the species being listed.

"The parties [to the Settlement Agreement] agreed that restoration of river processes, water quality, and habitat conditions should be the first step in mitigating effects of the Bear River Project."[36] The Settlement Agreement included over $16 million for Bonneville Cutthroat Trout restoration.[37] This investment has encompassed numerous restoration measures, including the acquisition of land conservation easements, habitat and restoration actions and the removal of Cove Dam to restore fish passage.[38] If the exemption to this Protected Area continues into the future and a hydropower project is built, it will reverse millions of dollars of investments in the surrounding area.

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[32] Settlement Agreement Resolving the Relicensing of the Bear River Hydroelectric Projects, August 28, 2002.
[33] *Id.* at p. 14.
[34] *Id.* at p. 20.
[35] Idaho Department of Water Resources, Final Order Denying Application for Permit No. 13-7697, October 18, 2012, Finding of Fact # 79 at p. 33; see also, generally, pp. 31-32.
[36] 2002 Settlement Agreement explanatory statement, p. 17.
[37] *Id.* generally at Section 3.
[38] *Id.* generally at Section 3.1, pages 14 to 18.

This hole in the protected reach of the Bear River continues to invite hydropower development and threatens the survival of the Bonneville Cutthroat Trout. The Twin Lakes Canal Company continues to work on a FERC license application for the Bear River Narrows Project (FERC No. P-12486), despite the fact that the Director of IDWR issued a Final Order denying a water right for the proposed project on October 18th, 2012, due in part to its impacts on Bonneville Cutthroat Trout. If built, the proposed project would negatively affect habitat restored through the Settlement Agreement to the base of the upstream dam.

In light of the impacts to fish and the great investment in restoring the Bear River, and the fact that the reason for the exemption no longer exists, we believe that it is incumbent upon the Council to rescind the exemption and reinstate the Protected Areas designation at the Bear River Narrows.

Protected Areas Recommendation #6: We recommend that an exemption that is granted to the Protected Areas program be project specific rather than location specific. If a proposed project does not move forward for any reason, we recommend that the Protected Areas status automatically be reinstated.

Rationale: As is seen in the Bear River Narrows example in recommendation #5, proposed projects do not always succeed. Exemptions are based on project and river-specific parameters that may change over time and likely will vary from one license application to the next.

Protected Areas Recommendation #7: We recommend that the Council evaluate and amend the Protected Areas status for anadromous fish for the White Salmon River and its tributaries above the former site of Condit Dam in Washington.

Rationale: Currently, the White Salmon River is designated as a Protected Area for anadromous and resident fish and wildlife up to Buck Creek, just upstream of the former site of Condit Dam.[39] Upstream, the river is not protected under the Council's Fish and Wildlife Program, and tributaries Buck Creek and Rattlesnake Creek are designated for wildlife only. On October 26, 2011 Condit Dam was breached. Dam removal was completed by September 14, 2012, fully restoring anadromous salmon and steelhead to the areas of the White Salmon River upstream of river mile 3.3 including, but not limited to, the major tributaries of Buck Creek and Rattlesnake Creek.

Anadromous fish distribution is reflected in the map entitled "Potentially Accessible Anadromous Salmonid Habitat Above Condit Dam," published as figure 4.3-3 in the Condit Dam Removal Draft SEPA Supplemental Environmental Impact Statement (Washington Department of Ecology Publication #05-06-022). Specifically, on the mainstem of the White Salmon River the current upstream limit of all anadromous fish migration, with the possible exception of Pacific lamprey (*Lampetra tridentata*), is the 22' waterfall commonly known as Big Brother Falls at river mile 16.2. BZ Falls at river mile 12.4 near the confluence of Gilmer Creek is likely to be a barrier for all salmonids

[39] NWPCC Protected Areas Mapper, http://map.streamnet.org/website/protectedquery/viewer.htm, last visited September 16, 2013.

except for steelhead trout (*Onchorynchus mykiss*). On Buck Creek the current upstream limit of all anadromous fish migration is mile 3.8 and on Rattlesnake Creek it is river mile 10.6. Mill Creek, Spring Creek, and Indian Creek are now all accessible to anadromous fish.

Protected Areas Recommendation #8: In addition to the White Salmon River, we recommend that the Council evaluate and amend the Protected Areas status on rivers and streams where anadromous fish runs have been restored due to restoration projects and barrier removals (dams, culverts, etc…).

Rationale: Dam removals throughout the region are opening up hundreds of miles of new habitat for anadromous fish through decommissioned hydropower projects and programs such as NOAA Open Rivers Initiative. These river restoration projects represent a significant investment of time, energy and monetary resources, and it is critical that these newly restored reaches be protected from future degradation. Some of the major projects include the removal of the Elwha Dam from the Elwha River and Hemlock Dam from Trout Creek in Washington; and the Elk Creek, Gold Hill, Gold Ray, and Savage Rapids Dams on the Rogue River and the Little Sandy Dam on the Little Sandy River and in Oregon. The Council should conduct a comprehensive inventory of barrier removals in the region that have been completed to reconnect anadromous fish habitat and update Protected Areas accordingly.

Protected Areas Recommendation #9: We recommend that the language in the Fish and Wildlife Program directly acknowledge the importance of Protected Areas in the face of toxic loads in the mainstem Columbia River and climate change.

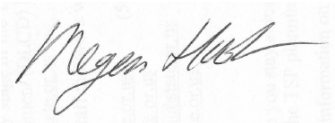
Rationale: The necessity of Protected Areas goes well beyond that of mitigating the impacts of hydropower. They also provide refuge for fish and wildlife as the climate changes and for those species impacted by toxins in the mainstem Columbia.

Protected Areas Recommendation #10: We recommend that the Council continue to promote efforts to complete technical upgrades to the Protected Areas database and consolidating the list of Protected Areas. Doing so will make it more user friendly and accessible to the public.

Conclusion

Thank you for considering American Whitewater's comments on Protected Areas and Fish and Wildlife Program amendments. We look forward to seeing the draft updated Fish and Wildlife Program.

Sincerely,



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