

# CHRC

California Hydropower Reform Coalition



**HYDROPOWER  
REFORM  
COALITION**

*Hurting water, wildlife,  
and people back in rivers.*

November 12, 2004

Chief, National Marine Fisheries Service  
Protected Resources Division  
525 NE Oregon Street, Suite 500  
Portland, Oregon 97232-2737

RE: Proposed Listing Determinations, Docket #040525161-4161-01

Dear Mr. Griffin,

Our Coalitions, representing over 50 member organizations along Pacific coast watersheds, respectfully submit comments regarding NOAA Fisheries' proposals for Endangered Species Act listing determinations and the Hatchery Listing Policy for West Coast Salmon and Steelhead (Policy).

The Hydropower Reform Coalition and California Hydropower Reform Coalition (hereafter, Coalitions) work exclusively on hydropower dams that are regulated by the Federal Energy Regulatory Commission (FERC). Our organizations' unifying goal is river restoration through moderating or eliminating impacts caused by hydropower dams. Hydropower dams alter natural flow regimes, disrupt ecological processes, diminish water quality, and degrade and destroy habitat. For fish populations, this has meant the loss of upstream and downstream migration corridors, and inadequate spawning grounds, flows, habitat, and water quality.

The decline of wild fish in the West has been precipitated by the development of hydropower dams. In the initial stages of development when salmon populations were robust, the loss of habitat blocked by dams was addressed by supplementing runs with hatchery-produced fish. But that mitigation effort failed, and wild salmon continued to decline. Today, wild runs of chinook and coho salmon, once widespread throughout the Pacific Northwest and northern California, are extinct in more than half their historical range. Many remaining runs are listed under the Endangered Species Act. The lesson is clear: native, wild salmon and steelhead need healthy habitat – there is no substitute.

As NOAA well knows, environmental mitigation and enhancements achieved through the hydropower licensing process are unique and important pieces of the strategy to protect and restore endangered and threatened fish in the Pacific drainage. Habitat gains through various types of measures – fish passage, improved sediment transport and flow regimes, or reconstructions of riparian corridors – are real and can be sweeping.

Several conservation laws converge within the licensing process to protect and enhance resources affected by a hydropower project and to mitigate for the damages inflicted on those resources. Relevant to this policy, the licensing process affords NOAA the opportunity to submit mandatory conditions for fishways under Section 18 of the Federal Power Act; to submit recommendations for fish protections under the Section 10(j) of the Federal Power Act; and to consult on the proposed alternatives in the licensing action

under Section 7 of the Endangered Species Act.<sup>1</sup> Although the licensing process is administered by FERC and the license ultimately issued by FERC, state and federal resource agencies have the vested obligation to improve the health of impacted fish and fish migration through these legal avenues.

Approximately 110 dams in the Pacific Northwest and California will undergo licensing in the next decade. State and federal agencies have the opportunity to take a fresh look at the health and range of listed species and are empowered to act in the best interest of the species. This “look” happens only once every 30 to 50 years, which is why our Coalitions are deeply concerned about the immediate and broader effects that this Policy will have on the type and quality of mitigation that results from the licensing process.

The Policy diminishes a key tool in achieving restoration victories – the drive to rediscover and rehabilitate habitat for threatened and endangered species. Instead, the Policy promotes hatcheries as adequate mitigation,<sup>2</sup> and fails to prioritize the importance of conserving natural populations in their habitat.<sup>3</sup> In our Coalitions’ view, this new emphasis is unacceptable and compromises future mitigation achieved through the licensing process for hundreds of dams in the West. The Policy is not just about whether certain fish are listed; it is about how NOAA prioritizes restoration measures for listed fish.

In Oregon, a July 2004 settlement was reached to pass fish above the Pelton and Round Butte dams, potentially opening 226 miles of river to Deschutes River fish for the first time since 1968. In the past five years, four direct tributaries to the Columbia will benefit from licensing outcomes, and specifically, collaborative settlements: dams on the White Salmon River, Sandy River, Little Sandy River, and the Hood River are all slated for removal, opening up over 50 miles of presently unavailable habitat to migrating fish, along with renewed natural flows and no further mortality at the dams. In California, the removal of three dams on the Mokelumne River as part of a new license reconnected resident fish populations with 30 miles of habitat. A recent settlement agreement on the South Fork American River will provide instream flow requirements in 12 tributaries for the first time since 1925.

These relicensing successes are not anecdotal. A handful of projects presently implementing and developing new license terms have enormous potential to restore wild fish populations through fish passage or dam removal. To name a few: on the Klamath River, fish passage above and below PacifiCorp’s five-dam project would provide access to over 300 miles of habitat for steelhead, and coho and chinook salmon in the upper basin. The Hells Canyon Complex on the Snake River is the upper terminus for now-endangered salmon migration that historically ranged through Snake River tributaries in Idaho, Wyoming, Nevada, and Oregon. The Cowlitz River project has the potential to reconnect fish with 200 river miles that are presently closed off by impassable dams.

Without explicit and strong recognition of the value of genuinely wild fish, and an emphasis on providing the habitat these species need for recovery, crucial measures to restore wild fish may not be prescribed at these and other key hydropower facilities for the life of new licenses, locking in fish barriers and intolerable conditions for 30 to 50 years. In essence, the Policy leaves the door open for utilities to skirt around fish passage and habitat conservation by substituting hatcheries, thereby eliminating the habitat improvements that could have been achieved through licensing.

The hatchery policy changes the landscape for how we plan to sustain and then restore populations of salmon and steelhead in the West. By downgrading the role of wild fish in recovery plans, this policy ratchets down the significance of wild-ness in healthy fish populations. The end goal of recovery plans

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<sup>1</sup> 16 U.S.C. § 811, 16 U.S.C. § 803(j), 16 U.S.C. § 1536

<sup>2</sup> 69 F.R. 31358, *Proposed Policy*, Point 5

<sup>3</sup> 69 F.R. 31358, *Proposed Policy*, Point 3

should be to recover the *wild* species – and not to reproduce artificially what can still be done in the wild. Our Coalitions fear this Policy will filter down into smaller river-specific decisions that, in the case of FERC licenses, will last for generations. By the next opportunity to readjust the restoration course, wild salmon may no longer be an option.

Sincerely,

Rebecca Sherman  
Northwest Coordinator  
Hydropower Reform Coalition  
Portland, OR  
971/244-0836  
[northwest@hydroreform.org](mailto:northwest@hydroreform.org)

Laura Norlander  
Director  
California Hydropower Reform Coalition  
Berkeley, CA  
510/644/2900, x.119  
[lnorlander@calhrc.org](mailto:lnorlander@calhrc.org)