

SALMON ADVISORY SUBPANEL REPORT ON CURRENT HABITAT ISSUES

Draft Letter on Klamath Dam Removal

The Salmon Advisory Subpanel (SAS) has reviewed and discussed the content of the draft letter from the Council to the Bureau of Reclamation regarding the Environmental Impact Statement/Environmental Impact Review (EIS/EIR) being developed to support the Interior Secretary's decision to make a determination as to whether, in his judgment, removal of four privately owned dams on the Klamath River: 1) will advance restoration of salmonid fisheries in the Klamath Basin; and (2) is in the public interest, which includes but is not limited to consideration of potential effects on local communities and tribes. The Klamath Hydropower Settlement Agreement (KHSA) requires the Secretary to make this determination by March 31, 2012.

Accordingly, the SAS makes the following comments to the draft letter including:

1. In order to implement both the Klamath Basin Restoration Agreement (KBRA) and KHSA, Federal legislation is required. The draft letter should reflect this requirement.
2. The letter should speak to positive benefits of dam removal or fish passage which are the two most likely outcomes of either the National Environmental Policy Act/California Environmental Quality Act (NEPA/CEQA) or Federal Energy Regulatory Commission (FERC) process.
3. There is significant controversy associated with effects of implementation of the KBRA which are not included in the draft letter including: lack of quantifiable restoration goals, lack of analysis of all Klamath origin fish stocks (e.g., steelhead, Pacific lamprey, green sturgeon), an imbalance in the priority water allocation from fishery protection to stability of irrigation water for the Klamath irrigation project, and most importantly the Federal government's waiver of its responsibilities to protect all Klamath basin tribes' fishery and water rights.

Regarding the latter, the SAS recommends that given high level of public opinions (controversy) regarding the two agreements, the Council include a short statement in support of the positive benefits of dam removal or fish passage and note the requirement that Federal legislation will be required in order for the Secretary of Interior to make a determination for dam removal in March 2012. In order to be objective about the NEPA/CEQA process, we urge the Council to avoid controversial statements about the KBRA such as the balancing of water demands amongst fish and water users. Finally, the Council has until November 21 to provide its comments to the Secretary.

Columbia Basin Stakeholder Forum

The SAS offers the following comments regarding the proposed draft letter:

1. Convening a stakeholder group of the type suggested is not a quick process, nor will the collaborative process “to develop a salmon restoration blueprint” happen rapidly. Those with experience involving such groups recognize that it takes time to overcome animosities, prejudices and become familiar enough with different points of view so that dialogue can take place. The period for judicial review is two years, and it is questionable as to whether the “blueprint” envisaged could be accomplished in so brief a period of time in a process with so many potential participants on an issue of this complexity.
2. The letter makes no mention of recovery plans, such as the Lower Columbia Fish Recovery Plan, the Oregon Salmon Recovery Plan, and others, which did have stakeholder input and have been in place for a period of years, in some cases. National Marine Fisheries Service is currently in the process of “rolling up” these plans into one, but implementation of the Lower Columbia River plan has continued for nearly a decade. The draft letter does not account for these efforts, nor set forth a scenario of including that work in the proposed “collaborative process.”
3. We cannot determine whether tribal input was sought in drafting this letter. As “sovereign parties,” their opinion needs to be solicited.

PFMC
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