

**PACIFIC FISHERY MANAGEMENT COUNCIL**

2130 SW Fifth Avenue, Suite 224  
Portland, Oregon 97201

*CHAIRMAN*  
*Jim Lone*

*EXECUTIVE DIRECTOR*  
*Donald O. Mclsaac*

Telephone: (503) 326-6352  
Fax: (503) 326-6831  
[www.pcouncil.org](http://www.pcouncil.org)

DATE

Mr. Todd Olson, Project Manager  
PacifiCorp  
825 NE Multnomah, Suite 1500  
Portland, OR 97232

Subject: Federal Energy Regulatory Commission (FERC) Relicensing of the Klamath Hydroelectric Project (PP2082)

Dear Mr. Olson:

This letter presents concerns of the Pacific Fishery Management Council (Council) regarding the relicensing of the Klamath Hydroelectric Project (Project) and the First Stage Consultation Document (FSCD) that PacifiCorp has prepared to initiate this effort.

The Project has dramatically diminished the range, quantity, and quality of habitat for Klamath Basin anadromous fish stocks. The Project has had direct influence on the condition of anadromous fish stocks in the Klamath Basin, both by extirpating anadromous fish from the basin above Iron Gate Dam, and by affecting the habitat of the mainstem Klamath River below Link River Dam. The decline of Klamath River Basin fisheries resources is of serious concern to the Council, since ocean fisheries along the Pacific Coast from Cape Falcon to Monterey Bay have been constrained by the need to reduce harvest impacts to Klamath River fall chinook. The Project has had a significant affect on Klamath Basin fisheries and subsequently on the economies of tribal and non-tribal fishing communities within the Klamath Basin and along several hundred miles of the Pacific Coast.

The Council was created by the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) of 1976 with the primary role of developing, monitoring, and revising management plans for fisheries conducted within federal waters off Washington, Oregon and California. Subsequent congressional amendments in 1986, 1990, and in 1996 added emphasis to the Council's role in fishery habitat protection. Amendments in 1996 directed the National Marine Fisheries Service, as well as the regional fishery management councils, to make recommendations regarding federal or state agency activities that may affect the "Essential Fish Habitat" (EFH) of a fishery under its authority. The Act's amendments also mandate that threats to EFH be identified, and that conservation and enhancement measures be prescribed that minimize those adverse impacts. The proposed relicensing of the Project by the Federal Energy and Regulatory Commission (FERC) is a federal action that has an affect on EFH and will require EFH consultation.

The Council believes that the scope of the FSCD is too limited and that the potential effects of the Project are understated. The Council has the following specific concerns.

### **Water Quality**

The document asserts (page 5-28) that, "The only relevant issue of water quality related to fisheries that the Project can control is the amount of water released in the bypass reaches of J.C. Boyle and Copco Dam." Therefore, no studies have been proposed to assess the effects of the Project upon water quality downstream of Iron Gate Dam. The Council is very concerned about the poor water quality of the Klamath River and the related fish kills that have occurred downstream of Iron Gate Dam during recent years. The mainstem Klamath River is listed as an impaired waterway under Section 303(d) of the Clean Water Act in both Oregon and California. We believe water quality problems are severe throughout the length of the river and are aggravated by Project facilities and operations. As part of the relicensing effort, PacifiCorp should conduct thorough investigations to determine the effects of the Project upon water quality in the Klamath River, with the goal of developing a strategy for operating the Project that does not further degrade Klamath River water quality.

### **FERC Minimums**

The FSCD does not propose studies that will determine adequate minimum flows below Iron Gate Dam. It is the consensus of scientists familiar with the Klamath River that the existing FERC minimum flows have been a major factor in the decline of anadromous fish runs. Recent studies have confirmed the inadequacy of the existing FERC minimum flows. The Council recommends that PacifiCorp conduct flow studies that build on existing information to identify FERC flows that are essential for protecting Council-managed fish species.

### **Fish Passage**

The FSCD does not propose investigations to assess the feasibility of providing access for salmonids to their historic range in the Klamath River. Instead, the FSCD defers identification of the necessary studies to a Fish Passage Advisory Team. However, the effectiveness of this team will be hampered without critical studies to support their efforts. The failure of the FSCD to specifically identify information needs and associated studies is a serious deficiency of the document. Therefore, we urge PacifiCorp to identify and conduct studies to assess a broad range of alternatives for the successful upstream and downstream passage of anadromous salmonids, up to and including decommissioning of dams within the Project. We believe that a component of this fish passage analysis should include an assessment of the anadromous salmonid habitat available above Iron Gate Dam as well as an accounting of the many projects being conducted or proposed to restore aquatic and riparian habitat in the Upper Klamath Basin.

### **Mitigation**

In the relicensing process, PacifiCorp must evaluate whether it is meeting its obligation to mitigate for the loss of fishery resources resulting from Project operations. It is important to consider that Iron Gate Hatchery (IGH) presently only mitigates for habitat that was lost between Iron Gate Dam and Copco 2 Dam, and only for fall chinook, steelhead, and coho. IGH does not mitigate for the habitat lost above Copco Dam, including tributaries such as the Williamson and Sprague rivers, which once supported healthy populations of spring-run chinook and steelhead. We believe it is imperative that PacifiCorp fully evaluate IGH mitigation production goals within the context of providing fish passage to the upper basin. Marking and monitoring of hatchery populations is a fundamental component of hatchery operations, and must be adequate to assess the performance of hatchery operations and their effects on endangered species. Studies should be developed to assess past hatchery performance in meeting mitigation goals for all species and the effects of hatchery stocks on natural populations.

In summary, the Council requests PacifiCorp to conduct studies that will adequately assess the effects of the Project on anadromous salmonids in the Klamath River as well as to assess a range of alternatives that will assist in the restoration of anadromous salmonids to the entire Klamath River Basin.

Please notify us of additional opportunities to comment as the relicensing process progresses.

Sincerely,

**DRAFT**

Jim Lone  
Chair

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  - Robert Hight, Director, California Department of Fish and Game
  - Don Koch, California Department of Fish and Game
  - Lindsay A. Ball, Acting Director, Oregon Department of Fish and Wildlife
  - Jeff Koenings, Director, Washington Department of Fish and Wildlife
  - Rod Sando, Director, Idaho Department of Fish and Game
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