

(Letterhead)

Date

Ms. Magalie R. Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E.  
Washington, D.C. 20426

Re: PacifiCorp Klamath River Hydroelectric Project P-2082

Dear Ms. Salas:

The Pacific Fisheries Management Council is concerned that the Final License Application (FLA) for the above-mentioned hydroelectric project does not address anadromous fish passage, nor does it adequately address the impacts of the Klamath hydroelectric facilities upon the fisheries resources of the Klamath River downstream of the project, an area that has been identified as Essential Fish Habitat by the Pacific Fisheries management Council.

The Council, through the Magnuson-Stevens Fishery Conservation and Management Act of 1976 and subsequent amendments, is charged by Congress to advise the U.S. Secretary of Commerce in the management of Pacific West Coast anadromous and marine fish stocks and provide recommendations that minimize the impacts of federal actions on the essential fish habitat (EFH) of Council-managed species. The Council currently makes harvest management recommendations for Klamath River fall chinook salmon and has identified Klamath River spring chinook as a key stock for which management objectives may be developed in the future. The Council identified and described EFH for chinook and coho salmon in 1999 under Amendment 14 to the Pacific Coast Salmon Fishery Management Plan. In the Klamath Basin, EFH has been designated for the mainstem Klamath River and its tributaries from its mouth to Iron Gate Dam and upstream to Lewiston Dam on the Trinity River, and includes the water quantity and quality conditions necessary for successful adult migration and holding, spawning, egg-to-fry survival, fry rearing, smolt migration, and estuarine rearing of juvenile coho and chinook salmon.

The fisheries resources of the Klamath River have undergone a major decline during the past century from numerous land and water management activities. The degradation of fisheries habitat and resultant decline in abundance of Klamath Basin fisheries resources has led to the listing of coho salmon under the Federal and California Endangered Species Acts, as well as the curtailment of fisheries along the Pacific Coast from the Columbia River to south of San Francisco to protect Klamath Basin origin Chinook. Among the factors which have contributed to the decline of the anadromous fisheries resources of the Klamath River, is the construction and continued operation of PacifiCorp=s Klamath River Hydroelectric Project<sup>1</sup>.

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<sup>1</sup> *Klamath River Basin Fisheries Task Force Long-Range Plan*. NRC 2003. *Endangered and Threatened Fishes of the Klamath River Basin; Causes of the Decline and Strategies for Recovery* NRC Press, October 2003.

The Klamath River Hydroelectric Project was constructed beginning in 1918, with no anadromous fish passage facilities, even though primary spring chinook spawning and rearing grounds existed above the dams, as well as considerable habitat for other anadromous fish populations. We note that the current Final License Application (FLA) for PacifiCorp=s Klamath River Hydroelectric Project contains no provisions for anadromous fish passage, which causes us great concern. The PFMC believes that anadromous fish passage should be included within the final license agreement, and that dam removal and/or project decommissioning should be examined in detail in an EIS. This is in accordance with the recommendations of the National Research Council=s recent report<sup>2</sup> regarding the Klamath Basin, which recommended serious and detailed studies on the removal of Iron Gate Dam.

The PFMC is extremely concerned that PacifiCorp appears to have determined that fish re-introduction to the upper basin is not feasible at this time based on computer model runs which PacifiCorp has acknowledged are not complete, and only include habitat within the Hydroelectric Project area itself<sup>3</sup>. The PFMC believes that it is up to the appropriate State and Federal Agencies to determine the effectiveness of reintroduction of anadromous fish to the upper Klamath Basin, and it is PacifiCorp=s obligation to provide passage to facilitate the re-introduction if required by conditioning agencies under their respective authorities. PacifiCorp appears to have taken on the task of determining the overall effectiveness of fish passage, and that causes the PFMC great concern.

The PFMC is concerned that PacifiCorp has never mitigated for the loss of fall Chinook or other anadromous species from the Klamath River above its Copco facilities<sup>4</sup>. Elimination of these stocks with no mitigation has reduced the abundance of populations, and continues to hinder restoration of those populations, that we are responsible for managing. Because of this, the PFMC believes that PacifiCorp needs to begin analyses that seriously, and in detail, look at the relative costs and benefits of a variety of fish passage options, including full volitional up and downstream passage, and dam removal at some or all facilities.

Hatchery operations are also a concern for the PFMC, as hatchery production is a significant contributor to harvestable stocks from the Klamath River. We note that PacifiCorp has proposed to increase the proportion of marking of juvenile fall-run Chinook salmon from its current level to 25%. We believe that this is a significant and overdue step in the right direction that will assist the PFMC in its duty to manage the harvest of Klamath River fisheries. We commend PacifiCorp for making this proposed change in hatchery operations.

However, other aspects of hatchery management as proposed under PacifiCorp=s FLA cause us great concern. For example, spring Chinook salmon, which used to inhabit the Klamath River below Copco before the construction of Iron Gate Dam in 1961, have disappeared from this portion of the river, yet no mitigation, hatchery or otherwise is proposed. Likewise, mitigation for steelhead has also been a failure. Steelhead returns to Iron Gate Hatchery, have dwindled since the program began in the early 1960=s. Because PacifiCorp has determined that hatchery mitigation for steelhead is not Afeasible@ (in their judgment), fish passage must be vigorously pursued as a mitigation option. Unfortunately, the FLA makes it clear that PacifiCorp does not intend to analyze or pursue fish passage any further.

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<sup>2</sup> NRC 2003. *Endangered and Threatened Fishes of the Klamath River Basin; Causes of the Decline and Strategies for Recovery* NRC Press, October 2003. .

<sup>3</sup> Apparently, no consideration was given in the model runs presented in the FLA as to the large amounts of habitat that would be available above Upper Klamath Lake.

<sup>4</sup> Iron Gate Hatchery=s stated mitigation purpose is for lost habitat between Iron Gate Dam and the Copco complex.

Finally, the PFMC is concerned with the lack of in-depth analysis of Klamath River Hydroelectric Project impacts to salmon below Iron Gate Dam. Despite its voluminous size, it is difficult to find any place in the FLA where historic, current, or future impacts to anadromous fish stocks including EFH are included. PacifiCorp has performed certain analyses regarding water quality, geomorphology, fish disease, and other studies that extend downstream, but has not related these to historic, current, or future impacts to anadromous fish. For example, water quality analyses performed by PacifiCorp indicate that water temperatures during the migration and spawning period for fall Chinook salmon are approximately 9EF higher on average than pre-project conditions. Yet, the implications of this significant impact to adult salmon survival, egg viability, and run timing are not addressed. This oversight must be corrected by PacifiCorp so that reasonable protection, mitigation and enhancement measures (PM&E's) can be devised. Similar analyses for other impacts to anadromous fisheries stocks in other resource areas, such as geomorphology, are also lacking.

The PFMC notes, that although the Hydroelectric Project affects EFH, and hatchery operations have a profound effect on wild stocks under the PFMC=s management, no direct discussion of these effects can be found in the FLA.

The PFMC notes that there is substantial information missing from the FLA to ascertain impacts to anadromous fisheries, and that PacifiCorp has not provided enough information to devise reasonable PM&E's. The PFMC urges FERC, in the absence of information necessary to determine the impacts of the Klamath River Hydroelectric Project, to take a conservative stance toward impacts to Klamath Basin fisheries resources. In other words, if PacifiCorp has refused to develop information called for by management agencies, FERC should err on the side of the resource.

The PFMC urges the FERC to consider the importance of the Klamath Basin fisheries resource to coastal communities along the Pacific Coast as well as the Klamath River, and to ensure that the health of these resources is addressed in any future licenses for the Klamath River Basin.

Sincerely,

(PFMC)