



Pacific Fishery Management Council

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December 8, 2006

The Honorable Magalie Salas
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

RE: Docket Number P-2082 (Pacific Fishery Management Council's Comments on the Draft Environmental Impact Statement, and Essential Fish Habitat [EFH] Recommendations for the Klamath Hydropower Project).

Dear Secretary Salas:

The Pacific Fishery Management Council (Council) submits these comments regarding the Draft Environmental Impact Statement (DEIS) for Hydropower License for the Klamath Hydroelectric Project (P-2082). Under §305(b)(3)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the Council is obligated to comment on activities that are likely to substantially affect essential fish habitat (EFH) for salmon. The Council has identified EFH for fall Chinook and coho within the Klamath River below Iron Gate Dam.

First, we reiterate our comments sent in a letter dated April 24, 2006 (enclosed). In that letter, the Council submitted its recommendation that the Federal Energy Regulatory Commission (FERC) order the removal of the lowermost four dams on the Klamath River (Iron Gate, Copco 1 and 2, and JC Boyle Dams). FERC replied to the Council's letter on May 12, 2006, noting that "We will consider your April 24, 2006, EFH comments under section 10(a) of the Federal Power Act as we prepare our Draft Environmental Impact Statement (DEIS)... We will look forward to your comments and any EFH recommendations after you've reviewed our DEIS and EFH Assessment." We note with disappointment that the DEIS contains no alternative for the removal of all four lower Klamath dams.

In that the current DEIS does not include an option for removal of the four lowermost dams on the Klamath River, we believe it is inadequate in addressing the full range of reasonable alternatives as required by 40 CFR 1502.14. Further, FERC's proposed final action is unclear. Although FERC is mandated to follow prescriptions submitted to it by the Secretaries of Commerce and the Interior under Section 18 of the Federal Power Act, it has failed to include the preliminary prescriptions for fishways in its "Staff Alternative." Similarly, FERC has failed to include many of the preliminary 4(e) conditions in its "Staff Alternative." These conditions were based upon facts that were affirmed by an Administrative Law Judge in September 2006. FERC needs to clearly lay out a preferred alternative that includes these terms and conditions which, when finalized, will be mandatory.

The Council also believes that FERC's EFH analysis is inadequate. On page 5-88, FERC addresses EFH issues as they relate to the Klamath River Hydroelectric Project. This analysis reiterates the measures that PacifiCorp and FERC propose in the DEIS, and then, comparing with today's extremely impaired baseline, states that the proposed action will "not adversely affect EFH" (page 5-89). We strongly disagree with this conclusion, and with the selection of today's impaired conditions as a baseline. In fact, we note that in May 2005 U.S. District Judge James A. Redden remanded a National Oceanic and Atmospheric Administration (NOAA) Biological Opinion on Columbia Basin hydropower operations because, in part, NOAA had included dams as part of the baseline conditions in that system.

As the near-shutdown of ocean salmon fisheries demonstrated this year, the low abundance of Klamath fall Chinook abundance can be the constraint that closes otherwise healthy fisheries. The economic consequences that result from the degradation of EFH caused by the Klamath Hydroelectric Project can be quite large. Future actions to improve salmon EFH in the Klamath River are needed to avoid the situation whereby fishery-dependent communities along the coasts of California and Oregon and in the Klamath River bear the associated unfortunate consequences of lack of action.

In summary, the Council requests that FERC add a four dam removal scenario to its analysis and that the full extent of the effects of all alternatives on pristine EFH be disclosed. In addition, we believe FERC must modify its "Staff Alternative" in any further EIS efforts to reflect the mandatory conditions placed upon the new license by the Departments of the Interior and Commerce. Lastly, based upon the content of our April 24, 2006 letter and the recommendations of numerous individuals, agencies, and other organizations, we strongly recommend FERC select the four dam removal option as the preferred alternative.

Thank you for the opportunity to comment.

Sincerely,



Don Hansen, Chairman
Pacific Fishery Management Council

JDG:sks

Enc: April 24, 2006 letter from PFMC to FERC

c: Council Members
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FERC Required Service List Distribution
Salmon Advisory Subpanel
Salmon Technical Team

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