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Portland, OR 97232



November 15, 2005

Mr. Derek Sandison
Washington State Department of Ecology
Central Regional Office
15 W Yakima Ave., Suite 200
Yakima, WA 98902-3452

Dear Mr. Sandison,

PacifiCorp has reviewed the Washington State Department of Ecology's (Ecology) State Environmental Policy Act (SEPA) Draft Supplemental Environmental Impact Statement (DSEIS) addressing PacifiCorp's proposal to remove the Condit Hydroelectric Project. While PacifiCorp believes that Ecology has done a thorough job of reviewing and analyzing the impacts of the Condit decommissioning proposal, the attached comments warrant your attention.

Please don't hesitate to call me with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Gail M. Miller".

Gail M. Miller
Project Manager

CO/anp
Attachment

Cc: File
Jeff Lovinger – Lovinger Norling Kaufmann LLP
Michael Campbell – Stoel Rives



A. GENERAL COMMENTS

A10-1

The summary has been revised to reflect the specific comments.

DSEIS (pgs. 1-7 to 1-10): Summary of Significant Unavoidable Adverse Impacts.

As reflected in PacifiCorp’s specific comments, the summary of Significant Unavoidable Adverse Impacts in section 1.6.3 is somewhat uneven. Some portions of the summary accurately reflect the analysis contained in the DSEIS, place appropriate qualifications on the likelihood and magnitude of the potential adverse effects, and identify relevant mitigation measures or compensating beneficial effects. On the other hand, other portions of the summary are inconsistent with the analysis in the remainder of the text (e.g., the discussion of the likely pH effects of concrete), do not provide a sense of the relative probability or magnitude of asserted significant unavoidable adverse impacts (e.g., the discussion of chum salmon, which are very uncommon in the White Salmon River), or do not identify relevant mitigation measures or compensating beneficial effects (e.g., the discussion of wetland losses).

PacifiCorp is particularly concerned that a summary of significant unavoidable adverse impacts that is in large part simply a list of potential adverse effects will not adequately serve SEPA’s purpose of enabling agencies and the public to evaluate the costs and benefits of the proposed action. Although the benefits of the proposed project are described in a separate section of the summary, the compartmentalized discussion of costs and benefits makes it difficult for the reader to evaluate whether the proposed action should be undertaken.

Finally, PacifiCorp believes that several of the effects identified as “significant unavoidable adverse impacts” are either not significant or, if significant, that the summary implicitly overstates their relative significance. In particular, the specific comments below and the analysis contained in the DSEIS show that potential concentrations of blasting compounds in the water and concrete-caused changes in pH are extremely unlikely to result in a significant adverse impact. Furthermore, because chum salmon are present in the White Salmon River only in low numbers and California floaters may not be present at all downstream of the project, the full paragraphs devoted to each of these species in the summary exaggerates the relative significance of these potential effects.

PacifiCorp requests that Ecology revise the summary of significant unavoidable adverse impacts to address these concerns.

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B. SPECIFIC COMMENTS

1. FACT SHEET

DSEIS (pg. ii): Permits, Certifications, and Licenses, and Other Required Actions or Approvals.

The Federal Power Act (FPA) preempts state and local law that might otherwise require PacifiCorp to obtain state or local permits or approvals. As noted in the DSEIS, PacifiCorp has petitioned the Federal Energy Regulatory Commission (FERC) for a declaratory order confirming the preemptive effect of the FPA. The DSEIS accurately concludes that FPA preemption may eliminate the need for county permits; however, the DSEIS fails to recognize that FPA preemption also eliminates the need for state permits such as the Hydraulic Project Approval. The DSEIS should be revised to make it clear that Hydraulic Project Approval and other state and local permits or authorizations would only be required if FERC or a court of competent jurisdiction ultimately held that the FPA does not preempt such state or local permits.

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The FSEIS includes the HPA among permits that may be preempted.

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Acknowledged. The change has been made in the FSEIS.

A10-4

Acknowledged. The changes have been made in the FSEIS.

DSEIS (pg. 1-7): Section 1.6.3, Significant Unavoidable Adverse Impacts: Water Resources.

Under the section describing “significant unavoidable adverse impacts,” the DSEIS states, “Other short-term temporary changes in water quality include changes in pH.” This statement conflicts with the evaluation of pH impacts on page 4.2-7, which concludes “...any spike in pH is likely to be diluted to less than lethal levels in less than a minute and be near normal in 15 minutes or less.” In light of this conclusion, the project’s effects on pH will not be significant and shouldn’t be included with the significant unavoidable adverse impacts discussed on page 1-7.

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DSEIS (pgs. 1-7 and 4.2-12): Sections 1.6.3 and 4.2.4, Water Resources and Significant Unavoidable Adverse Impacts.

These sections evaluate short-term temporary changes in water quality from changes in pH and impacts from explosives. These changes are not “significant unavoidable adverse impacts” based on the analysis provided in section 4.2.2 (p. 4.2-7). Section 4.2.2 states that pH levels will “be diluted to less than lethal levels in less than a minute and be near normal in 15 minutes or less” and that any impact would be “very localized and short term”. Moreover, PacifiCorp submits that even this overstates potential pH effects. No harm, much less lethal harm, is likely to be caused by concrete-induced increases in pH. Any increase in pH would be a momentary occurrence within a 10,000 cfs discharge that is anticipated to last 6 hours. The considerable mixing resulting from this high flow would similarly dilute any explosive materials. The DSEIS should be revised to make clear that no significant adverse effect from elevated pH or explosive materials is anticipated.

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A10-4

DSEIS (pgs. 1-8): Aquatic Resources, 1st paragraph

The DSEIS statement that “[a]ll fish and aquatic macroinvertebrates within the White Salmon River channel downstream of the dam will likely be killed by the load of suspended solids that will occur during dam breaching” is an overstatement. Many of the fish, in particular, may survive by moving downstream to the Columbia River. Therefore, it would be more accurate to state that “fish and aquatic macroinvertebrates within the White Salmon channel downstream of the dam will likely be killed or displaced by the load of suspended solids that will occur during dam breaching.”

Ecology should qualify the statement that the sediment plume in Bonneville Pool would “likely” cause a take of listed ESA species and would “therefore” be considered a significant unavoidable impact on ESA-listed fish. Although the plume might well cause a “take” in a narrow legal sense, this does not provide a meaningful description of the likely effects on listed fish, which are likely to be minor and temporary. (See also pg. 4.3-27 of the DSEIS.)

DSEIS (pgs. 1-8, 2nd paragraph, 4.3-18 and C-17):

The statements regarding chum salmon exaggerate the significance of the project on chum. According to Ehlke and Keller (2003) as cited in the DSEIS, only two chum were observed in the White Salmon River (WSR) in 2002. There is no evidence of, and no reason to believe, that any substantial run of chum currently exists in the WSR. At worst, any chum that might stray into the WSR might be displaced or, if they indeed did spawn, their redd(s) would be smothered. With the numbers of chum so small and the effects on those chum minimal and not likely to adversely affect the chum population, effects on future chum generations is an overstatement. The DSEIS should be revised to better reflect the actual significance of the project to chum populations.

DSEIS (pg. 1-8): Aquatic Resources, 5th paragraph, last sentence

Last sentence should read: “A short-term unavoidable adverse impact...of fish in the proximity of in-water blasting activities...are present”.

DSEIS (pg. 1-9): Wetland Resources.

After the text describing unavoidable adverse wetland impacts, add “... but these impacts are expected to be mitigated by the establishment of riverine wetlands of higher functional value within 5 years of the action.” This addition is consistent with the analysis in Section 4.4.3 of the DSEIS.

DSEIS (pgs. 1-12 and 4.1-7): Table 1-1 Dam Breaching and Removal and Dam Breaching and Removal, Drain Tunnel.

These pages of the DSEIS state that Appendix 4 of PacifiCorp’s Project Description proposes to install a trash rack on the upstream side of the tunnel to prevent plugging the inlet. Appendix 4 does not include a proposal to install a trash rack, which PacifiCorp has determined would be neither feasible nor effective. Section 3.2.2 of the DSEIS correctly describes PacifiCorp’s plan for managing woody debris at the tunnel inlet by the use of explosives. PacifiCorp requests that WDOE revise pages 1-12 and 4.1-7 of the DSEIS to reflect the plan as described in Section 3.2.2.

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The possibility of some fish being displaced rather than killed outright has been included in the FSEIS. The “take” of ESA-listed fish has been clarified in the FSEIS in Chapter 1 and Chapter 4.3.

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The anticipated effects on chum salmon have been clarified using conclusions of the NMFS Biological Opinion.

A10-7

The word has been inserted.

A10-8

Text about mitigation has been inserted.

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Corrections have been made.

DSEIS (pgs. 1-13 and 4.1-7): Upstream Sediment Management, last bullet under Mitigation

Depending on Mill Creek flows after the dam is breached, remaining reservoir sediments may or may not block fish passage to and from Mill Creek from the White Salmon River. PacifiCorp proposes to cut a channel through the Mill Creek delta sediments if and only if Mill Creek flows do not erode a channel through which fish can pass by May 1 of the year following the breaching of the dam.

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A10-10

Clarification has been made in the FSEIS.

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The statement has been modified in the FSEIS.

A10-12

Clarification has been made in the FSEIS.

A10-13

The statements have been corrected in the FSEIS.

A10-14

The additional option has been included in the FSEIS.

DSEIS (pgs. 1-13 and 4.1-7): Sediment Transport, 2nd bullet under Mitigation

The DSEIS states that dislodging unstable sediment and woody debris would "ensur[e] that river velocities are maintained" downstream of the former reservoir. PacifiCorp is not aware of any basis for this statement. Dislodging sediment and woody debris should have little or no effect on river velocities.

A10-11

DSEIS (pg. 1-13): Sediment Transport, 3rd bullet under Mitigation

The DSEIS states that the "dam would be breached when the Bonneville pool level is low to facilitate sediment moving past the in-lieu site." PacifiCorp's proposal to breach the dam in October is intended to minimize potential harm to seasonal fish runs; the breach is not timed to coincide with low Bonneville Pool levels. Although a lower Bonneville Pool would facilitate the movement of sediment through the in-lieu site, particularly if the pool were to remain low for a substantial period of time after the dam is breached, PacifiCorp has no control over the level of Bonneville Pool, and delaying the breaching of the dam to another time of year when the pool is lower might have adverse effects that would offset any benefit provided by a lower pool.

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DSEIS (pgs. 1-13, 1-14, 4.1-5, and 4.1-8): Table 1-1 Downstream Sediment Management and Post Removal Management, Downstream Sediment Management.

These pages state that PacifiCorp's Canyon and Woody Debris Management Plan includes a proposal to survey the WSR below the dam and to dislodge any woody debris that may hinder the downstream transport of sediment and natural formation of riverbanks. The Canyon and Woody Debris Management Plan's objectives and performance criteria state that woody debris within the reservoir area that is inhibiting bank stabilization would be identified and dislodged. It does not call for removal of woody debris downstream of the dam for the purposes of facilitating sediment transport and bank formation. This would be counter to the USFWS biological opinion that woody debris in the channel would benefit fish and macroinvertebrates (see DSEIS section 3.3.2). The plan, however, does call for removal of woody debris downstream of the dam if the debris creates physical fish barriers. Accordingly, PacifiCorp requests that WDOE revise these pages to reflect that PacifiCorp proposes to remove woody debris downstream of the dam only if the debris blocks fish passage.

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DSEIS (pgs. 1-15, 1-17, 4.2-10, 4.3-16, 4.3-25 and 4.7-3): Drain Tunnel.

These sections state that water used for drilling the tunnel would be collected and removed from the site. If water is used for drilling, PacifiCorp proposes to collect and remove the water from the site, but it is likely that an air drilling system will be used for

A10-14

the tunnel drilling. Therefore, PacifiCorp anticipates that collection of drilling water will not be necessary.

DSEIS (pg. 1-16): Post-Removal Management, 2nd bullet

Once upland areas disturbed by construction have been restored and the performance criteria in the Revegetation and Bank Stabilization Plans have been met, instream turbidity spikes will be due solely to natural floodplain formation caused by increasingly larger and infrequent floods. PacifiCorp has proposed to conduct turbidity monitoring at the location described in section 3.0 of the *Project Description* from approximately a month before the dam is breached until the performance criteria are met. In addition, PacifiCorp has proposed to conduct turbidity monitoring in the Bonneville Pool for four weeks after the dam is breached and to conduct turbidity monitoring at three locations in the White Salmon River for a period of 10 years after the dam is breached.

DSEIS (pg. 1-17): Sediment Transport, 1st bullet under Mitigation.

The statement that the “dam will be breached in late autumn to take advantage of the rainy season” should be revised as follows: “The dam will be breached in October to minimize the risk of harm to seasonal fish runs. This timing, immediately following late autumn and the winter rainy season, will also minimize the risk to fish and other beneficial uses because recreational use of the river will be low and the higher instream flows associated with the rainy season will aid in the transport of sediment from the reservoir and will more rapidly dilute that sediment as it travels downstream into the Columbia River.”

DSEIS (pgs. 1-17 and 4.1-7): Sediment Transport, 2nd bullet under Mitigation.

Dislodging unstable sediment will cause the sediment to move downstream immediately, not over a period of three to five years, as stated in this bullet. Moreover, unstable sediment, even if not artificially dislodged, is by its nature likely to move downstream without assistance in less than three to five years.

DSEIS (pg. 3-1): 4th sentence

The statement, “Removing the dam would provide access to as much as 18 miles of river and tributary habitat for anadromous steelhead and salmon,” should be revised to be consistent with the statements elsewhere in the DSEIS, e.g., on pages 1-6 to 1-7, that, “[p]otentially, 33 miles of new steelhead habitat and 14 miles of new salmon habitat may be accessed.”

DSEIS (pg. 4.1-3): River Channel Formation, 3rd paragraph, first sentence

The statement, “Although it would likely take longer than three to five years to move gravel and cobbles downstream, ...,” should be revised as follows: “Although it may take longer than three to five years to move gravel and cobbles downstream” The length of time depends on the river flows that occur after the dam is breached, and these flows cannot be predicted in advance.

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Continued

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The additional clarifications have been added in the FSEIS.

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The clarifications have been added to the FSEIS.

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The wording in the FSEIS has been modified to reflect the comment.

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A10-18

The statement has been changed in Chapter 3 of the FSEIS to be consistent.

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The word change has been made in the FSEIS.

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DSEIS (pg. 4.1-5): Upstream Sediment Management, 2nd paragraph

“Efforts to stabilize unstable reservoir sediment embankments would cause additional sediment to be released into the river.” This statement could be misleading. Although these actions might affect precisely *when* sediment would enter the river, they would not cause more sediment to enter the river than would occur without the actions. Any sediment released by these actions would be included in the range of sediment erosion presented.

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A10-20

The wording in the FSEIS has been changed to be clear.

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The wording in the FSEIS has been corrected.

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The suggested change has been made in the FSEIS.

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Because winter-run steelhead may return between January and May, there could be more fish vulnerable than if only summer-run steelhead could be there.

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DSEIS (pg. 4.1-6): 1st paragraph, last sentence

“Deposition of sediment in the Bonneville pool will be similar to that at the mouth of the Klickitat River.” This statement may or may not be true. In the absence of information about the relative sediment loads of the White Salmon and Klickitat Rivers, it is only speculation to say that the rivers’ deposition of sediment in Bonneville Pool will be similar.

DSEIS (pg. 4.3-14): Bull Trout, 3rd sentence

The statement that the White Salmon River is “currently used by bull trout from other sub-basins” should be revised to state that the river is “currently thought to be used by bull trout from other sub-basins.”

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Correction has been made in the FSEIS.

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Comment acknowledged. Additional clarification has been added to the FSEIS.

DSEIS (pg. 4.3-21): Dam and Appurtenance Removal, 2nd paragraph

The Settlement Agreement requires that the cofferdam be removed by May 1. This should ensure that few, if any, steelhead are harmed by blasting to remove the cofferdam.

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A10-26 Change 2006 to 2008.

DSEIS (pg. 4.3-23): Downstream Sediment Management, 3rd paragraph

There is a typographical error in the second line. “e” should be replaced with “be”.

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Corrections have been made in the FSEIS.

DSEIS (pg. 4.4-9): Wetland, Mitigation Measures.

The reservoir wetlands that would be lost by the removal of the project must be evaluated in the context of the entire project, not in isolation. Because the proposed removal of Condit Dam itself will have positive environmental effects, these effects should also be considered mitigation for the loss of the wetlands.

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The section has been updated to reflect the 2008 dam removal and additional information.

DSEIS (pg. 4.6-5): Estimated Future Traffic Volumes, 1st paragraph

Three references to dam removal beginning in 2006 should be changed to 2008.

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A10-28

Concrete recycling has been evaluated in the FSEIS.

DSEIS (pg. 4.6-6): Estimated Future Level of Service.

The reference to 2006 should be changed to 2008.

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The FSEIS wording has been changed to delete the reference to additional BMPs not otherwise identified.

DSEIS (pg. 4.6-7): Trip Generation, 3rd paragraph

The statement regarding burial of concrete should also include the option of recycling.

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DSEIS (pg. 4.7-4): Section 4.7.3: Air Quality Mitigation Measures, third bullet

The DSEIS states that some of the air quality “measures outlined in the mitigation plans are included below: ... Implement additional BMPs to reduce fugitive dust and avoid exposing the public to short-duration nuisance dust.” PacifiCorp’s Dust Control Plan

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includes sufficient measures to control fugitive dust. The DSEIS does not identify any additional measures that would be necessary, and PacifiCorp does not understand the reference to “additional BMPs” to refer to measures other than those included in the Dust Control Plan.

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Continued

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A note has been added to the FSEIS section to mention the possibility of FERC preemption.

DSEIS (pg 4.8-1): Section 4.8: Noise.

The section of the DSEIS analyzing noise impacts relies extensively on state and local noise standards and regulations. However, as with land use and critical areas regulations (see DSEIS Section 4.9), state and local standards regarding noise are applicable only if the Federal Power Act does not preempt state and local law. Section 4.7 of the DSEIS should begin with a statement regarding preemption similar to the statement contained in the second paragraph of Section 4.9 of the DSEIS (p. 4.9-1).

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A10-31

The correction has been made in the FSEIS.

DSEIS (pg. 4.9-1):

“PacifiCorp” should be changed to “PacifiCorp”.

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